



Suite No 1080 ~ 11 Rosebank Building ~ Bermudiana Road ~ Pembroke ~ Hamilton ~  
Zip ~ H M 08, ~ Bermuda.  
Phone 441-504-8060 or e-mail [childwatch.bermuda@yahoo.com](mailto:childwatch.bermuda@yahoo.com)

Revised:16<sup>th</sup> April 2022.

## **ChildWatch Recommendations Pertaining to Child Custody Reform**

- 1) **Implement the “Presumption of Shared Parenting” into law. So that parents can work together more in harmony for the sake of the children and their future. Will lessen conflict and abuse.**
- 2) **At birth all children should receive paternity testing, to alleviate identity crisis and paternity fraud.**
- 3) **Outlaw “Parental Alienation Syndrome”, to stop child abuse and traumas, from abusive family members, etc.**
- 4) **Outlaw and fine or imprison perpetrators of false accusations, committing perjury, and those that commit all forms of abuse, against any gender, after a full investigation.**
- 5) **Implement a “FAMILY CENTRE” just for divorcing/separating parents, with counselling for parents to obtain the best parenting plan for the future of their children, without court intervention at the outset.**

This Organization, strongly believes that it is **vital**, in our view, to **the future of Bermuda** to give **this new concept full consideration and deliberation**. Continuing along the path of a flawed system that has obviously failed, must give way to a **new innovative system that embraces and encourages all parties to work toward the best welfare of our children through counseling**.

### **WHAT THE FINDINGS SHOW US**

A. The findings from the surveys present a direct challenge to the current accepted view of domestic abuse and coercive control.

B. The findings demonstrate male victims experience persistent and severe patterns of coercive control similar to those experienced by female victims.

C. Even in areas that are often exclusively seen as affecting female victims such as economic abuse and sexual coercion, we see that over half of the male victims had their earnings controlled and one in five men was forced to penetrate as an ongoing pattern of abuse.

D. Coercive control for male victims is uniquely gendered in some aspects. In particular, men's relationship with their children is often exploited to coercively control men, both within the relationship and post-separation.

E. False allegations, or the threat of making these, to the police and social services as a pattern of abuse are experienced by almost two thirds of male victims in our survey.

F. Male victims' sense of choice and freedom was severely limited by coercive control. The distress of experiencing abuse had a physical impact and psychological affect that would be of clinical concern in eight out of ten men.

**Controlling Abuse Experiences - Male Victims of Legal & Administrative Abuse – Post-Separation- A few of Survey Findings:**

- **Breaking Court contact orders - 58 %.**
- **Use the Court to continue the abuse- 53 %.**
- **Use Police to continue the abuse- 48%.**
- **Use Children to continue the abuse- 63%.**
- **Use Finances to continue the abuse- 59%.**
- **Interferes with new relationship- 39%.**
- **Reporting you to the Police or Social Services for something you didn't do - 64%.**
- **Withholding contact with children unless demands For money are met- 51%.**

**Threats:**

- **Threat to harm- 66%.**
- **Threat to leave relationship - 71%.**

**Children:**

- **Make you feel bad about children 88%.**
- **Threaten to take children away from you- 84%.**
- **Argue in front of children- 85%.**
- **Strike, push, or kick you in front of children- 54%.**

(Male victims of Coercive Control Experiences and Impact, University Central Lancashire, England, Professor Nicola Grah-Kevan, Deborah Powney & Mankind Initiative)

ChildWatch membership has had similar experiences as shown above.

**Reasons for Implementations:**

**1. Presumption of Equal Shared Parenting:** We believe that the Child should be given **in law from birth, automatically and equal 50/50 rights in every sense of the word**, to both biological parents providing that they are fit, willing and able.

1.a Whilst it is recognized that under this recommendation **both parents and children would enjoy under the law equal shared involvement**, not all Mothers and Fathers would desire or indeed be able to physically care for that child on a 50/50 equal physical basis. However, provision to be made on a **sliding scale to enable parents to adjust the equal shared parenting concept**. For example, in some instances, a 60/40 -70/30 -or -80/20 arrangement, will serve the parties better.

1.b Under this equal shared parenting initiative, likewise a **sliding scale of financial support** would compensate in proportion to the physical involvement of time with each parent and child.

2. This Committee recommends in view of Bermuda’s characteristics and relatively small size that, a **unique child care system would benefit all concerned**, if our first recommendation of the “Presumption Equal Shared Parenting” was implemented. We could set a leading example to the world by initiating a qualified panel of counselors be introduced to a **“FAMILY CENTRE” to deal with all matters pertaining to child care and upbringing, (the enclosed algorithm depicts how a counseling panel would simplify and benefit child care issues)**.

3. We believe that all prospective Father should be given the right to obtain proof of paternity at birth. This would greatly protect the child’s family identity crisis (a major problem), and any knowledge of family health risks.

3.a In addition, for centuries, courts have followed a rule known as the “Presumption of Paternity”. This tenant of common law states that unless a man can prove that he is sterile, impotent, or was away from home at the time of conception, he is legally the father of any child born to his wife during their marriage.

Despite scientific advances and case law that supports the use of DNA test as evidence in exonerating the accused, the presumption of paternity remains in practice even today. Because of this Courts have allowed mothers to commit perjury, assigning paternity to former spouses or, in the case of those never married, former lovers.

While we don’t have local data, therefore, if we take prevalence of paternity fraud in the United States, as many as 28 to 30 percent of men tested for paternity learned that they are not the biologically related to the children they allegedly fathered, according to the American Association of Blood Banks.

-----page 85-85

Furthermore, the costs of such tests are to be borne by the determined biological parents. Any Child Support revenue paid to a mother resulting from false claims should result in criminal proceedings and a judicial order be granted for compensation to the accused.

It is **our clear understanding and experience** that the present court custody system **fails** on the following counts:

3.a The court system is adversarial by nature; it invites legal hostilities allowing lawyers to alienate parents instead of unifying for the welfare of the child. Efforts should be made to increase the competence of Judges or panel members and Court Case Workers who should deal exclusively with children /family issues. **Any Law should be worded to take away the wide latitude of Judges. This would prevent** discrimination and bias from being a factor.

3.b Judges should never be placed in a no-win situation where they are forced to condemn a child to a life without meaningful interaction from one of the two most important people in his/her life.

3.c For the most part Judges are untrained and unqualified in many areas of child custody issues. It is in our view impractical for a Judge to preside over a drug or a violent crime case in the morning, and in the afternoon decide the fate of a child.

**4. Our belief that a “FAMILY CENTRE” with a counseling panel would greatly improve the myriad of social ills is greatly supported by the general public.**

**5. We would envisage the presiding panel would be comprised of qualified males and females, experienced and especially trained counselors in gender sensitive, dispute resolution, counseling and child care issues.**

6. It maybe that, overseas personnel would be required in order to provide unbiased decisions; whilst the financial cost of the panel would be a consideration, in fact, the savings would be great as court costs would dwindle, the panel concept would considerably reduce the Court case back log. Children would be better cared for under the shared parenting plan thus saving some of the eight million dollars (\$8,000,000.00.) on child and Family services. Over Sixteen Million (\$16,000,000.00) on financial assistance and over fifteen million (\$15,000,000.00) on prisons. These figures are directly linked to the break up of the family unit. They do not include the millions of dollars in drug rehabilitation. However, the cost in humane suffering cannot be counted.

**7. The Panel concept would immediately remove the major proportion of parental conflict;** because in law, and unless a valid reason is introduced, no parent can obtain more than their equal share of parenting entitlement. (Under the present system most parents seek an order giving them more than an equal role).

8. The Role of the Panel would include facilitating a reasonable cooperative parenting plan. (all relevant child raising issues. i.e. Education, Health, Residency, Financial, Religion, Recreational, Vacations, and Holidays etc. to be encompassed, including a mechanism for difficulty; how to handle emergencies etc. This would be an overall set of guidelines to create a united parental approach. The parents, should be assisted--if necessary, by third party help--to achieve this goal, i.e. (Family counselors, etc). to accomplish The Cooperative Parenting Plan. The purpose would be achieving stability in the child’s life. Failure to agree on a plan would necessitate a Mediation panel making a decision having first taken input from all parties involved.

9. We recommend the implementation of an **independent neutral ombudsman**, who would deal with complaints and appeals made in connection with decisions made by the above panel.

10. **This committee recognizes the principles of the United Nations Convention on the Rights of the Child. We believe it to be imperative that all relevant articles pertaining to presumption of shared parenting be enshrined in law.** (We summarize for example article 3 states: “When ever an adult has anything to do with you, they should do what is best for you”. Article 9 says: “You should not be separated from your parents unless it’s for your own good”. Article 18 says: “Both of your parents should be involved in bringing you up and should do what is best for you”. Article 19 says: “No one should hurt you in any way. Adults should make sure that you are protected from abuse”.)

11. This Committee recommends that the Minister responsible should consider introducing regulations requiring that persons applying for a marriage license **be fully apprised of the ramifications and responsibilities.** Further, pre-marriage counseling should be encouraged. Parents, post separation or divorce should attend an educational program to help them understand the process necessary to work together on a parenting plan and the effects that separations will have on the lives of every individual.

12. This Committee recommends the issue of ancillary relief (assets) be dealt with **prior** to any divorce proceedings.

13. In consideration of a myriad of adolescence problems **this Committee recommends that Middle and High School Students should complete a course on marriage and child responsibilities.**

14 **No born Bermudian/Status child shall be removed from “their Country”, their parents and immediate Family as a result of the personal agenda of one parent, unless agreed by both parents or the Mediation Panel has over whelming proof that the child/ren would (a) suffer harm by remaining in Bermuda or (b) would categorically benefit by being removed from their homeland and the other parent.**

15. This Committee recommends that there, be put into place an **appeal process to overturn what is perceived as “Legal Kidnapping”** and to evaluate the situation revolving around children who have been removed from their Island Home by any parent who did not have an agreement with the other parent. Furthermore, the FAMILY CENTRE panel upon appeal to **be empowered to overturn such prior orders that were contrary to the rights of a child to enjoy both parents as recommended in the Shared Parenting Concept.**

16. This Committee recognizes that **false allegations of abuse and neglect, made against a parent** (by another parent, relation, case worker or witness) are costly in terms of human suffering (mental abuse) and the financial burden of investigations. **We therefore recommend that provisions be not only put into place, for criminal proceedings in the case of perjury, obstruction of justice and malicious mischief, but these offences be vigorously pursued by the Police. We strongly believe this action will quickly end this form of child abuse.**

17. This Committee recognizes that a **major problem** revolves around parents refusing to allow shared parenting involvement. To resolve what amounts to child abuse, **meaningful penalties**

should be imposed on the non-compliant party. At present, some parents do not fear Police or Court action and disobey court orders, because of a history of non-enforcement.

18. The Committee has found a lack of willingness, on the part of the Police Service, to intervene and uphold an Order giving Shared Parenting, when a Father is denied. However, when a Mother contacts the Police, more often than not, her allegations are accepted due to what we believe to be are because of her gender. **We recommend that Police receive more intensive training to deal with domestic disputes and be apprised of statistical data and information. Further, police need to have real powers to enforce orders.**

19. This Committee recognizes that parents' relationships with their children should not cease post-divorce or separation. Therefore, **we recommend that both parents be allowed educational access and to all extra curricular activities, all pertinent school reports and field trip forms, incident and disciplinary reports, medical records and other relevant information (including addresses, telephone number and email)** be made available **by law** to both parents unless the panel of counselors/mediators are given just cause to decide otherwise. (refer to USA Federal Law Family Education Rights and Privacy Act of 1974, section 99.4)

20. This Committee recommends that the Gender, Race, Religious Beliefs, or Country of Nationality of either parent have **no bearing on decisions in** regards to shared parenting.

21. This Committee recommends the words visitor, visitation, and access be replaced in all, child care issues by the words **shared parenting**. *"The Word Visitor with its connotation begs parents to renege on parental responsibility"*.

22. This Committee recognizes that there exists in Bermuda a **great deal of hostility** within the Fatherhood Community that is generated by a Court system that displays blatant bias and dire discrimination. This frustration is exasperated by a total dearth of male related help agencies, for example, male counselors are rare. **We recommend a Parents' Advocate be put in place, who would work towards addressing parental concerns.** We feel this would decrease the anxiety levels, and promote more responsible parenthood. This parent advocate would be the vehicle for educating men/fathers pertaining to Fatherhood. It is quite apparent that this service is desperately needed and would decrease the levels of anger brought on by lack of knowledge and inability to find a resolution.

23 This Committee endorses the view, that a child's opinion should be taken into account by the counselling panel, however, **we have reason to be concerned** that the parent who conceals or contrives a reason to alienate the other parent, via a falsely obtained "restraining order", will gain the necessary time to implant views into the child's mind contrary to the child's best welfare. The perpetrator having gained an advantage by instilling detrimental viewpoints into a child's mind.

The damage done goes unpunished. More troubling is the fact that the evil intent is rewarded. **The child interviews should be conducted by a non-partial independent qualified counselors of both genders.**

24. Further we recommend that “Parental Alienation” be illegal, **any parent found to be involved with parental alienation** or attempting to obtain a restraining order under false pretences to gain advantage, **be charged with child alienation abuse** and be required to receive mandatory rehabilitative counseling.

25. This Committee believes that it is imperative for the well-being of the child that, **provision be provided for interaction and involvement with grandparents, and immediate families.** A prevalent problem revolves around certain mothers alienating her child from the father, and in effect, his families, who may well, have a role to play in raising the child.

26. We further recommend that even in the event that one parent is deemed unsuitable to share parenting responsibilities, his or her **parents (Grandparents) should not be--without just cause-- be prevented from having interaction with their Grandchild(ren).**

27. This Committee has concerns pertaining to males and females who having become involved with a parent and taken on child care responsibilities. Over a period of time they may have spent numerous years raising a child that he or she may or may not have adopted. In the event of a family separation or divorce, this individual would effectively have no rights of involvement. Under the counselling/mediation panel system, permission could be given for the child to continue some involvement with that individual.

28. Government should adopt as apriority the goal of keeping both parents involved emotionally and financially in the lives of their children, reducing future rehabilitation costs.

29. This Committee has experienced many problems revolving around a father’s lack of willingness to pay child support to a mother who flaunts the fact that she is using the child support for her own purposes, then sends the child on visits to the Father dressed in old and tattered clothes, forcing the father into purchasing more clothes. **We strongly suggest that Government adopt a method by which a Father could provide support directly to the child’s needs, i.e. He could cover the child’s health insurance, clothing, school uniforms, groceries account, etc. This will give the father closer ties and more incentive and less resentment at supporting his child. The child would benefit in the knowledge that his or her father is being seen to show his love as evidence of his financial commitment. (Statistics show that when a Father spends more time with his child, he has a far better record of financial support. This concept of fathers spending support dollars whilst in the company of his child makes good sense).**