
Opinion

Family, Courts and Media Discourses: The Contested Spaces of Time, and the Politics of the Protection of Children

Pamela D. Schulz

University of South Australia, Adelaide, Australia

This article, which is built on media discourse analysis, provides an insight into how public opinion on the work of courts has developed into a discourse of disapproval. The discourse of time is often used to evaluate the work of courts and tends to meet with disapproval when related to sentencing and when the Family Court fails to deliver equal parental access to children. The Family Court is also the subject of discourses of fear within the media, with stories often focusing on child abuse and horror stories of neglect designed to attract and recruit an audience to media outlets. In addition, the discourses facing the Family Court are now firmly tied to time as a major aspect of decision-making. Because of this contested view, child protection may be reduced to a secondary perspective. This paper recommends a change to discourses surrounding courts by all parties in order to facilitate better understanding.

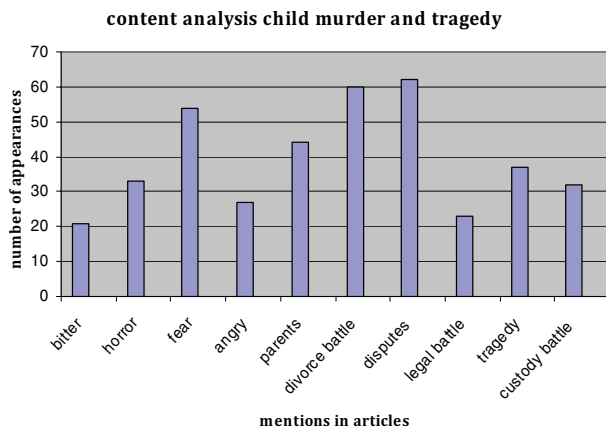
Contested spaces and the discourse of time

The whole media is a contested space for attention to a story or point of view. In modern political debate, commentary and contest about ideologies or issues of concern are daily fare. This article, written as an opinion piece, analyses how the concept of time is used as a particularly powerful tool in the media and in political discourse about the work of courts, particularly the work of the criminal and family courts, where the concept of *time* is widely used in reporting. While this debate is active in media in the realm of the criminal courts of Australia, the notion of time is just as powerful in mainstream stories and I believe it now affects decisions in all courts. There are numerous examples where the amount of time given to a

convicted offender is seen as inadequate in the eyes of the media or active media blog sites (for example, Wilkinson, 2011). These stories are often followed by letters to the editor or blog sites demanding ‘tougher sentences’ and political debate.

This article also considers the notion of *contested spaces* in the media and how they garner a negative view of courts and their operation. Previous research of media stories and their headlines in South Australia by the author (Schulz, 2010) demonstrates that the concept of using the discourse of time by the media affects public perception. Contested spaces are seen as a powerful tool by which to grab public attention for a particular story (for example, Lee, Combes, & Marsh, 2003). Such contested space is usually predicated on what makes news, which is often the notion of ‘fear discourse’. This concept is identified in the work of Altheide (2003) and Schulz (2010), who clearly show that scaring people sells media stories to the general public; the adage ‘if it bleeds, it leads’ seems true for most newsrooms (Serani, 2011). Fear has also been used successfully as a way of attracting political attention to child protection; with an aim of increasing government funding to assist in child protection programs in the USA and Victoria, Australia (National Rifle Association Headquarters, n.d.; Austin, 2010).

ADDRESS FOR CORRESPONDENCE: Dr Pamela D. Schulz, School of Communication and International Studies and Language, University of South Australia, St Bernards Road, Magill, South Australia 5072, Australia
Email: pamela.schulz@unisa.edu.sa

**FIGURE 1**

(Colour online) Media content analysis of typical child death caused by a parent, 2008–12

Media attention on sensational outcomes, with a focus on fear, sells stories

Courts, as Schulz (2010) found in her study, suffer the discourse of disapproval and the discourse of direction around sentencing. Within family disputes, however, political discourse is very quiet unless a simple formula is found that resounds in media interest. A simple content analysis of media stories related to the deaths of children caused by a parent have clear subtexts, as demonstrated by a short media analysis of stories related to this subject in the last few years. This media interest, as a contested space, must have an eight-second grab or a headline, which Teo (2000) calls a *semantic macrostructure*, so that the media can turn it into a catchy and powerful story that fits the traditional framing outlines where emotion figures prominently. The contested spaces charted in Figure 1 come from a selection of media stories about child deaths caused by a parent. They clearly outline battles in court and angry, bitter disputes hinting at problems with the court decisions.

The simple and brief content and discourse analysis of news shown in Figure 1 demonstrates the lexical choices made in stories related to parental murder of children, and clearly identifies the court and divorce battles as possible contributing influences. This snapshot of stories was studied over a period of three years (2008–2011) and any other stories related to courts and child death have been added to the archive for further discourse analysis. However, as this chart shows, the challenge for advocates of child protection within the legal framework of courts and the wider community is to reframe which discourses need to be simplified to exact attention for consideration by the community. This use of the fear discourse is an obvious choice, but is linked to scaring the population. Such issues, which need consideration and modification of the discourse used by child protection advocates, may take some time to resolve. The emphasis on fear and the pattern of community distress that is created, may be non-productive in the long term. Child

protection is not as attention-grabbing in the short term as poor parenting, child abuse or child neglect, which are often the end results of poor child protection. This creates fear and focuses attention – and thereby prevents the more important stories relating to child protection issues within families and communities from being reported or openly discussed and debated. When the end result of poor parenting is a tragedy, the media headlines ask (too late) ‘Why did this happen?’

In addition it should be noted that TV journalists are discouraged from reporting unusual or complicated family court decisions that may lie behind such tragic headlines. This is because Section 121 of the Act has the capacity to inflict punishment if the children or parents are identifiable. This is worthy of further discussion by legal experts and is beyond the scope of this paper.

Time: another discourse used to claim attention in contested space of media

Time for most people is related to money, and television programs that cultivate the notion of busy career mums, and time poor parenting issues are often a significant factor in discussion and debate. In fact, recent headlines in the *Advertiser* (18 September 2012) asks mothers how much time they should take off after having a child.

Professor Freda Briggs (personal communication) has indicated that until fathers were required to provide child (financial) support if separated, the focus on equal time in parenting was less prominent. Briggs explained that mothers are more likely to resist shared parenting/equal time if that situation results in the loss of income and fathers will seek shared parenting to avoid payment. She suggests that if we ‘remove the financial aspects from the equation then there would be a reduction in battles over equal parenting time and children would benefit’.

Time is a major issue for discussion in the media, and as such, whenever the courts fail to give what is seen as a long enough sentence to a criminal, the media considers it newsworthy. Often headlines denote that yet another killer ‘walks free’, when in fact it is a suspended sentence used in mitigation for reasons presented in court. Often the journalists indicate their disapproval of the court’s decision by citing the case, but not presenting it in its entirety. The media then usually goes on to establish a ‘discourse of disrespect’ for the judiciary and discourse of direction to influence their work. When criminal sentences are not reported in conjunction with family court matters, whenever a child’s death by a parent in a dispute over custody occurs, the same pattern emerges.

In addition, the Family Court suffers as a result of the community being relatively uninformed about its working as opposed to the criminal courts which are daily dramatic fare in the media

As is argued by several advocates who are actively involved in child protection debates (Briggs, 2011a; Gander, 2011), this is due to the fact that it is not openly reported

in the media, and may well be the reason that community disquiet relies on the power of interest groups to bring issues to media attention.

Courts and the discourse of time as a contested area of interest in the media and political debate

The discourse of time is most obvious in the discussion and endless debates about 'how much time' has been taken from a convicted offender as a sentence (Schulz & Cannon, 2010). It seems to cast judicial officers as modern 'time lords' made famous in the BBC TV *Doctor Who* series where the protagonist holds sway over time and space. The significance of time in the work of courts has extended beyond criminal law sentencing and into the personal domain. But nowhere is time more actively contested than in the notion of how much time a parent may spend with their child as the non-custodial parent.

Time has been the major topic in recent public media debate in Australia about the *Family Law Amendment (Shared Parental Responsibility) Act 2006* (hereafter referred to as the Act). For example, the *Weekend Australian Magazine* in 2010 suggested that the family law field has a time problem where equal time is a key note of feuding parties (Jackman, 2010): 'In mediation and counselling rooms they say *equal time* has become the new sticking point because angry parents now see it as their right . . .'

Jackman (2010) suggests that the change in family law legislation came about as the result of the active political lobbying by fathers' groups representing non-custodial parents who 'besieged politicians and backbenchers' to demand changes to formulae calculating child support payments and care arrangements. In addition, the Australian government's Attorney General's Department instituted an inquiry to ask 'the committee to investigate what factors [were important] in deciding the respective time each parent should spend with their children post separation' (Jackman, 2010, p. 20). Time is precious and we media consumers are constantly reminded of it.

Time as a metaphorical concept has been the subject of many theoretical, philosophical and linguistic analyses. It is featured in media on a constant basis as the juggling to find time to have a career and family, or finding enough time to pamper oneself or indeed the 'supersaturated world' (Gitlin, 2001) of social media where one is expected to be in touch, or online, 24 hours a day, seven days a week. Indeed, time is so significant to political protagonists that they often use it as a tool for gathering impetus about a number of issues, such as time allowed by organisations to employ juniors after school, which became an issue debated at the industrial relations level during the review of work choices in Australia. Some politicians even use the setting of daylight saving as a political tool. Similarly, as in the example above discussed and reported by Christine Jackman, time with family becomes politicised as a focus of community debate and is used

to garner votes in defined constituencies. In this instance, the angry non-custodial parents demanding 'equal time' were heard and rewarded for their constant and effective lobbying to the Prime Minister and his Cabinet. The argument for equal access time is an easy one to make, and appears to rest on common sense; it certainly does not involve the difficult challenges of arguing how to keep a child safe.

This major contest over time has sidelined the issue of child protection and well-being, and it appears to have changed the focus of attention for both courts and political legislature. The notion of family time has become a major focus of attention with aggressive campaigns being mounted by media savvy non-custodial fathers who are dissatisfied with current custodial arrangements.

The media are only too happy to show the contest and frame it, as Scheufele (1992) suggests, within an emotional perspective to attract, recruit and maintain viewers, readers and listeners, and to crystallise a story in such a way that it can be easily translated by journalists for their audiences. Emotion is used in framing a story so that people will feel sorry for the injured party, or the one deprived of his/her family. In addition, Hallahan (1999) identifies a range of framing effects that include choices and actions and what he suggests may be the 'construction of that reality'.

It is this concept which focuses on the notion of being time-poor and lacking quality of life, thus affecting children's health and well-being. In addition, the *fear factor* in parenting has also crept into the debate as a sure-fire winner in media theory and application. The often cited notion of 'helicopter parenting' (Johnson, 2012) is a regular media story that grabs attention.

Fear discourses and children

All of these subjects make fine mass media stories designed to attract readers and inflame what Altheide (2003) has termed 'fear discourse' as an effective way in which to show contested spaces. The fear factor relates to the way children are constantly seen as precious commodities and to some extent as 'designer add-ons' to modern living. The constant media attention on the health of babies and children, the focus on celebrity mothers and fathers, and the ever-present fear of the loss of a child all combine to bring about a concise narrative that stretches from the ideation of childhood innocence to constant reminders that children are at risk from a range of issues. Bullying, cyber-stalking, paedophile predation, poor parenting, obesity epidemics, lack of quality time, and parental violence are constant media companions in our 'risky' society. These areas of concern are often used by contesting and warring parties to highlight their desire to gain access to increased funding or other means of protecting these children. The fight to protect is now a battle for contested space in the media and fear is one foundation stone.

Shenhav (2005) has detailed what he calls 'concise narratives', which are 'temporal ranges' or time periods in political statements or speeches that 'shed light' on political

discourses. He claims that the narrative discourses that tell stories related to historical events in Israel are regularly used by politicians and the media. He established that the number of references made by individual ministers (i.e. both serving and ex-Knesset political figures) to the past, present or distant future highlights 'timelines' as being very significant. This is 'widened by the level of publicity of the forum' (Shenhav, 2005, p. 317) in political discussions. Time as a focal point in political speech-making seems to work and garners support for the speech-maker. Shenhav suggests that using time in discourse narratives to connect with the community evokes support more readily than just using plain facts. It is therefore an obvious extension to extend timelines and historical narratives to the terms 'families' and 'children' as part of persuasive political discourse. For example, the constant refrain of 'family as the basis of Australian society', the references to family values, and the need to help 'working families' all form part of the political landscape. Time spent with family then follows as part of the narrative, along with child care, child protection and child education.

Political discussions and media stories thus include timelines as a persuasive element concerning the value and importance of *shared parenting* and the narrative of family as the foundation of society.

Because the family has emerged as a major news item, it also works well politically, keeping the relevant politician at the forefront of popular opinion. Regular views and discussions by politicians about providing support for families, children or parents over significant timelines (often from birth via payments to child care rebates and schooling) are common narrative constructions which, according to Shenhav, act as a powerful tool to capture support and electoral clout.

Popular public opinion is that which is easily and powerfully expressed (Tanner, 2011) and serves emotional as well as political ends resulting in community support and or votes. The complexity of family disputes and the emotional pull of custodial battles are not so easily translated into simple historical narratives and sound bites, and this then maintains the conflation of tensions evident behind the scenes which are not easily reported. To that end, emotion and metaphor have taken their place to highlight and garner support for issues of concern related to the family.

Time as emotional discourse

Highly emotional political discussion takes place daily in our newspapers and uses time frames as a significant tool in evaluation to test the notion of our society and its ability to promote and consider the health and well-being of its participants. This is reflected in the work of Schokkenbroek (1999), who studied the structure and use of time in news stories by considering the 'evaluative aspect of stories as they affect temporal organisation of events in narrative'. Headlines as a key structure (see, for example, van Dijk 1998 cited in Hüllse, 2000) of semantic macrostructures (short

sentences or sound bites) lead readers into the narrative of the news story and direct the way in which the story is interpreted. Headlines are intended to give a short but succinct overview of the story to follow; in most cases, however, they are used to attract readers and so tend to rely on bizarre and sensational words that may bear little relevance to the story that follows.

It is interesting to note that these headline structures recapitulate events in the order in which they happen, as in this example of a story reported from the criminal court 'Killer Driver walks free from court', identified by Schulz (2010). This clearly outlines the encapsulated narrative: the man is a killer, he went to court, he was found guilty of killing by driving, but was allowed to walk free from the court (with a suspended sentence). It also suggests that life is valued lowly by the court.

This reflects the concept promoted by Schokkenbroek (1999) in which the underlying event and then the narrated event form the sequence of discourse structure. This allows for further news to be examined and rated on the evaluative notion of the temporal range set out for the reader and how this story may unfold in further extrapolations of it. For the Family Court, however, it appears to be different.

The narratives are silent except for an occasion in which a contested trial between parents may result in a family violence tragedy, sometimes characterised in a single headline such as: 'Divorced father kills children' (Morris, 2005). Then the narrative becomes the following temporal range: the parents have split up and are vying in the divorce proceedings for equal time (a 'tug of love' is often used as a headline), the parent who did not achieve his/her expectation becomes angered as a consequence of denied temporal access and this resulted in the tragedy. The problem lies in the confidentiality within the narrative which is only revealed after the problem became insoluble. This often results in newsworthy stories detailing tragic outcomes.

It then becomes another example of the failings of the court, especially of how it has yet again failed the community that it is meant to serve – another example of the *discourse of disapproval*. Such disapproval is commonplace in sentencing stories and spills over into the family arena, which is yet another area of court failure reported by the media hungry for sensational news. The judicial officers may be seen as the offending party for not seeing the potential outcome of a decision that failed to take into account what could happen to the child(ren). While political figures are quick to point out the failings of courts in terms of lenient sentencing (Schulz & Cannon, 2010) by using the 'tough on law and order' format, they are yet to clamp down on warring parents and are reluctant to bring in laws to prevent the disruption of children's lives and futures. It would seem that the problem is that a Family Court matter is a private matter and if child abuse is alleged, the protective parent (not the police, social worker or other professional) has to convince the court that the child is in danger.

It is easier for politicians to focus on *equal time*, *shared parenting* and the adage that a *child deserves both parents* when in fact some arrangements can be harmful (e.g. alternating the care of a breast-fed infant or exposing the child to the risk of abuse) (McInnes, 2011).

Time is the focus of the contested space and results in yet another opportunity for news metaphors to capture readers and viewers with headlines such as 'Angry father in murder suicide'. These become the touchstone for a live news cross on national TV, and become the focus of newspaper articles asking the question via commentary 'How could this happen?' (Fife-Yeomans, 2012). This has been brought into sharp focus in recent times by the issues raised over the taking of lives by disappointed and angered parents (many of whom were the fathers). Often they are the ones who refuse to accept the court's decision and kill their children to punish their mothers.

For example, a news item in which a man, Jason Lees, was reported for (and later convicted of) throwing his son into the river from the Story Bridge in Brisbane, hinted that there was a 'custody battle' for the child (Baskin, 2012). In another similar circumstance it was reported that the mother of Darcey Freeman was advised by her lawyer to agree to 'shared parenting' at mediation despite the father's alleged threats to kill the children and her own misgivings. Darcey aged four was thrown from the West Gate Bridge in Melbourne in the presence of her two brothers despite the fact that Mr Freeman had made a series of threats to kill the children (National Council for Children Post-Separation, 2011). It was the temporal issue of *equal time* with the children that became the battleground and the children became the pawns in a deadly game of chess.

Time as a major focus of news is an integral part of media practice which highlights the importance of this metaphor so that 'vivid language and its ambivalence invite us to search out what is dimly apprehended' (O'Shaughnessy, 2004, p. 309). Time as a contested space invites all sides to have their say and to extemporise over the issues on a regular basis both publicly and privately. Time is precious, and we have come to expect a safe and long life; where this has been cut short in the daily dramas of living that are played out in courts, this is easily focused around the loss of time. Often people are displayed post court cases arguing about the loss of time with a loved one and the court appearing to be non-responsive or realising this with the sentences delivered or the decisions handed down. Once again the courts appear to have failed. The courts also then become an easy target of disapproval both in the press and generally within public opinion formation.

The cult of celebrity, court cases and their impact on time discourses

The cult of celebrity ensures that the media highlights public figures when they have disputes. Their contests over equal time with the children and their custodial relationships are

no exception and can affect the notion that celebrity and community share a common experience (Black Celebrity Kids, 2011). In some instances the focus on custody battles highlights the notion of children as possessions to be divided equally at the closure of the relationship. This, according to Emeritus Professor Freda Briggs, is the problem. In a paper delivered to an Advocates for Survivors of Child Abuse (ASCA) Conference on Family and Child Protection issues she states:

Research shows that young children need to be bonded to one regular, reliable parent and yet we have seen breast fed babies being tossed from mother to father on a daily or weekly basis and when fathers work, they are likely to use day care centres or leave the children with their elderly paternal grandparents ... (Briggs, 2011b).

Later in the same paper Professor Briggs alluded to the matter where a judge had resigned from the Family Court in 2008 as he could no longer reconcile the relentless focus of shared parenting that is extant within the framework of the Court.

As a form of news, metaphors engage with the audience who then apply their own responses based on a range of sympathies and feelings (Matheson, 2005; Potter, 2005). These metaphors are often used by lobby groups to deliver their messages to the political executive in order to encourage changes in law and changes in outcomes of various laws. These metaphors often relate to the concept of battle or conflict. The fights brought about by men who demanded their contested space have won a significant victory in bringing about political responses to their demands and they achieved this by using media and metaphorical angles. Their main focus was time and an easy solution to a complex and difficult issue.

These angles are designed to attract, recruit and maintain support for their views. Some would identify their tactics to those of guerrilla fighters who don uniforms and fight the establishment order with which they do or do not agree. To some extent the 'Black Shirts' campaigns of the 1990s and early 2000s showed significant similarities to activists using military and martial approaches to win their battles. An excerpt from the ABC program *The World Today* outlines this metaphorical approach:

The 'Blackshirts' is organised along paramilitary-style lines, adopting tactics including telephoning women it says are having extra-marital affairs to interrogate them and sending letters to their neighbours outlining the alleged infidelity.

Members, garbed in black, have turned up at hearings in the Family Law Court. The group insists its activities are all in the name of protecting children and the family unit as a value in the Australian community. (Fonseca, 2002)

The notion of quality time has been highlighted by others (Breedveld, 1998; Southerton, 2003) as an important political as well as family matter and is the subject of debates surrounding the care of children, parental responsibilities

and guilt; the notion of an overwhelmed, over-informed society full of risk adds to this confusion (Beck, 1992). It is used widely to highlight and to ascertain levels of equal sharing and caring. Time is of the essence and becomes a much vaunted precious 'possession' – an abstract concept that is at risk itself of being 'stolen' by a number of institutions as a significant tool in promoting an idea or concept.

Time and society: a community focus

As we know from the mainstream media, heavy demands are placed on an individual through work and *their commitment to family* and community. It is this commitment that contesting and warring parties are using to vie for time in the Family Court. Time as a valued component of family life is a simple argument to make and hard to refute.

The work–life balance is also the subject of indepth research to find solutions to modern society's view of being harried, overworked and time poor (see, for example, the University of South Australia Centre for Work and Life Balance at <http://www.unisa.edu.au/hawkeinstitute/cwl/default.asp>). Time is also used as a form of evaluation of criminal justice to resonate with a society that reports being short of time, time poor, out of time and pressed for time as argued by researchers such as Hochschild (1997), who have found that 'quality time' is a major focus of attention. But this notion of time is also being successfully used by members of contesting groups to get their needs met. These groups often focus on the importance of time within society as a major component of argument and decision-making processes, as Bell (1995) has indicated in his work; life is fast, time is precious and must be carefully allotted to all parties.

Time pressures have now become the focus of political debates within communities as they seek to control how society should behave and react as part of their own 'risk society' input (Beck, 1992). In a society that is constantly reminded of the risks that are evident, particularly for children, then risk aversion is paramount. This risk aversion also includes time as a source of importance in evaluating child development and the prospects of poor outcomes for children who are deprived of both parents equally.

Such debates are sourced from many surveys conducted by magazines and political parties, all seeking to tap into the pulse of community and public opinion. This is then translated into stories highlighting the plight of 'supermums' and 'dads who don't help around the house', which all serve to add to the stress on the modern family. Collective experiences of people's daily lives repeated in newspapers and public discourses are relentlessly exploited to show the inadequacies of modern life and indeed the modern woman who has little time and must 'juggle the demands of family life'. Note that it is rarely the male parent who must meet such

demands on family life and deal with the guilt of leaving children in day care, etc.

Meanwhile the cult of celebrity continues (Bennett, Hall, & Holmes, 2008), which is a major vehicle for news across the available media spectra. Such programmes regularly show 'supermums' who are brilliant actors, award winners, athletes or TV personalities and who appear on TV or in gossip magazines as immaculately groomed and in control of their family life. Celebrities coo about their families and how much they love to spend 'quality time' with their children. Yet there is rarely mention of the nannies and domestic servants behind the scenes who help to smooth over the difficult daily tasks of family life. It is argued that this false sense of ease of life affects and informs public opinion about parenting.

This juxtaposition is used by the media to highlight the plight of modern suburbia and the need to have quality time with family. Recent political resignations have also used the quality time with family approach to explain early retreat from the rough and tumble of politics. So time matters greatly and is a hotly contested debate in politics, community and society.

Protecting the complex and contested space in the media

Meanwhile, the framing of media stories continues apace and focuses clearly on fear, celebrity, dramas of murder and mayhem, and time as a major commodity in family and societal life. The next most often used media link is the notion of protection of the person, the community and their children. The community is reminded to *protect* their skin from deadly rays, deadly fats, and the obesity epidemic.

In addition, there is the community who must protect their children and who are in fear of their own children being bullied, stalked and preyed upon. Paradoxically, these same stories remind parents to refrain from being helicopter parents and prevent their children learning about life by being over protective. This relates to Gitlin's (2001) notion of being *supersaturated* with information from media sources that overwhelm and confuse.

However, these stories are not as informed as the experts who suggest the most effective ways to work within the courts to inform and to protect children from harm. But perhaps their advice goes unheeded due to the lack of metaphorical and media input that is designed to herald and maintain media information and attention. Media practices, as outlined in major communication theory, suggest that 'the complex made simple' is the route to engagement. In citing Habermas (2002), Johnston (2004) suggests it is about creating a consensus via manipulation of media by special interest groups or personalities. It would appear that lobbyists who have changed the legal concepts of family dissolution to a simple equation of the concept of *shared and equal time* framework have attained this by using metaphorical and powerful media tricks designed for media attention

and easy resolution. For example, some members of lobby groups supporting father's rights have climbed onto the roof of Buckingham Palace and abseiled down Sydney Harbour Bridge just to ask (via the media) for time with their children.

Protection of children on the other hand is not as easily defined. As Professor Freda Briggs has consistently advocated, keeping children safe goes beyond the notion of having two parents sharing equal time. Instead it needs a comprehensive approach to day-to-day life and alert parenting (Briggs, 2011b). According to Briggs, the family court needs careful and considered support and qualified information from specialists in child abuse and protection and child development matters, and not a simplistic equation about time. She argues that this will assist the courts in making powerful decisions in which the child becomes the paramount consideration.

The protection of children is fraught with theoretical principles that often do not sit easily within the confines of a legal situation where the power of proof beyond reasonable doubt prevails. The protection of children often only arises when the child has been harmed or reports abuse. Briggs has clearly outlined that children are most often at risk from those who know them within family or are trusted family friends. This is difficult to accept for many people despite the statistics that clearly show abuse within family situations but which are rarely reported in the media until a death or injury occurs (examples can be found at < <http://aifs.govspace.gov.au/2012/06/18/child-abuse-and-neglect-statistics/>).

The complexity of this argument is not easily demonstrated in newspapers or media where articles about the comparatively [very] rare 'stranger danger' abductions are often more prolific and garner headlines (Finkelhor, Hammer, & Sedlak, 2002). If there are some child abduction stories, they usually contain words such as 'horror', 'desperate parent of missing child', etc. It is sometimes not surprising to see child abduction presented as part of a *custodial battle* by a dissenting parent; which makes fine headlines but does not properly examine or extrapolate what needs to be done to keep children safe, as it is most likely a family member who is to blame (Gerace, 2012). It makes for difficult and traumatic media reporting.

The protection of children is often weighed down with emotional responses. When it is placed within the hard and objective area of the family court and its law, whose decisions appear to be made without the public scrutiny that is apparent in other courts in order to protect the privacy of minors and participants, it can be difficult to accept the outcomes or decisions. The law as applied has implicit within it the concept of *proof* and expects judicial officers to make decisions based on this proof.

From time to time children can be manipulated and are too frightened to tell their stories. In turn, some judicial officers may not be expert in child development or child protection matters and turn to proof as it stands within

the current legal framework. This framework may at times result in children being forced to live with potentially or actually abusive parents as identified in some media stories and child advocacy blog sites (Australian Institute of Family Studies, 2012).

This may at times lead to difficult and challenging outcomes which are often not reported due to the complexity of the case and the requirement for privacy, leaving the media to report on what is regularly available, which is often the time factor of equal parenting, with fathers projecting metaphorical battles for *their* children dressed appropriately for that battle, in order to gain media attention. Meanwhile, the other party in the dispute often has difficulty in getting any media attention until it is too late, perhaps with an horrific outcome such as a murder-suicide. The abduction of children is one result which speaks volumes, in which the warring party who does not agree with the court's finding will seek to deny *time with the child* by spiriting them out of the country.

If mothers seek to abduct their children to seek safe refuge from violent ex partners, they are rarely reported until they come into the media spotlight as women refusing to abide by a court order. Examples of this genre generated more than 100,000 stories on a basic search engine.

In the UK, a report by Lord Justice Thorpe suggested that due to the multicultural nature of modern British society: '65 per cent of children born in London in 2010 have one foreign parent' (Doughty, 2012). When these couples split, messy custody battles can take place involving different countries. Many of these countries will have signed The Hague Convention on the Rights of the Child. Given the current increase in multicultural groups in Australia fights over custody are becoming a more regular occurrence, which of course garners media and emotive responses. These battles suggest the taking of time with children away from the other parent and focus media attention on the parent seeking reunion with their estranged children in faraway lands (Whittaker, 2007). Often these stories are characterised emotively as 'tug of love' battles for equal custody, even in circumstances where parents have attempted to protect their children from harm by removing them. Examples of this genre are highlighted elsewhere in this article.

Some media stories highlight the fact that career-focused mothers are more likely to lose the custody fight; bitter disputes and warring couples become the standard headline when one or the other results in a celebrity or high profile parent (often female) losing the battle. These stories focus on the fact that the mothers did not spend enough time in parenting their child and focus on career or self-promotion. These stories are rare but have been noted (Nicholas, 2008). But when the outcome is tragic it is guaranteed to get a run. What continues to be ignored is the story of how to protect children within such court situations and elsewhere as it appears moot and unchallenged in media generally and only arises when children are harmed.

Summary: Time as a major focus for debate has simplified the matter for courts and community

Time issues, as this article shows, are a major contribution to the debate and have been used successfully by advocates for shared parenting by encouraging equal time and by being used as a benchmark in some custody cases. The outcome is often a shared parenting plan (despite some children being at risk from one parent), which seeks to ensure equal time with both parents for the child in the custody dispute. Meanwhile the debate from the political arena centres on the same argument that shared parenting must be considered as reasonable and sensible. The rights of fathers are then seen as being in the best interests of the child, regardless of the quality of the relationship.

However, as some child protection advocates have argued (McInnes, 2011), there is a problem with this simplistic approach and there needs to be a review of the outcomes for the children. From the courts' perspective, arguments put forward to show the benefits of equal time seem fair and reasoned and are difficult to rebuff by advocates of the contrary view.

It is recommended that child protection advocates consider the use of discourse analysis to identify and to resolve ways of presenting arguments that have been used to simplify a complex issue such as child protection. The failure of courts to protect children has been identified by some child protection advocates, including four reports suggesting recommendations for change to the Attorney General of Australia that have led to change in 2012 (Attorney-General's Department, n.d.). It is recommended that a robust discourse be implemented between courts and child protection and child development experts. This discourse may take the form of educative input in how communication theory and analysis of media manipulation and political acceptance of the simplified approach to *equal time* for divorcing parents or those seeking equal custody be re-examined in light of this media analysis.

References

- Altheide, D. (2003). Mass media crime and the discourse of fear. *Hedgehog Review*, 9, 9–25.
- Attorney-General's Department (n.d.). *Reports to the Attorney General*. Retrieved from <http://www.ag.gov.au/FamilyLawCouncil/Publications/ReportstotheAttorneyGeneral/Pages/default.aspx>
- Austin, P. (2010). Child-protection crisis. *The Age*, 21 October. Retrieved from <http://www.theage.com.au/victoria/childprotection-crisis-20101020-16u7p.html>
- Australian Institute of Family Studies (2012). *Child abuse and neglect statistics*. Retrieved from <http://aifs.govspace.gov.au/2012/06/18/child-abuse-and-neglect-statistics/>
- Baskin, B. (2012). Child thrown off Brisbane's Story Bridge in suspected murder-suicide. *The Courier Mail*, 20 February. Retrieved from [http://www.heraldsun.com.au/news/more-](http://www.heraldsun.com.au/news/more-news/man-and-child-dead-after-apparent-fall-from-a-brisbane-bridge-police-say/story-fn7'8me2-1226275589047)
- news/man-and-child-dead-after-apparent-fall-from-a-brisbane-bridge-police-say/story-fn7'8me2-1226275589047
- Beck, U. (1992). *Risk society: Towards a new modernity*. London: Sage.
- Bell, A. (1995). News time. *Time and Society*, 3(4), 305–328.
- Bennett, J., Hall, K., & Holmes, K. (2008). *Media Studies, AS and A2*. London: Pearson Education.
- Black Celebrity Kids (2011). *Halle Berry fights for custody of Nahla*. 31 January. Retrieved from <http://www.blackcelebkids.com/2011/01/halle-berry-fights-for-custody-of-nahla/>
- Breedveld, K. (1998). The double myth of flexibilisation: Trends in scattered hours and differences in time sovereignty. *Time and Society*, 7(1), 129–143.
- Briggs, F. (2011a). *Family Court and child protection issues*. Paper presented at the ASCA Conference. Retrieved from http://asca.org.au/associations/8549/files/ASCA_paper.pdf
- Briggs, F. (2011b). *Smart parenting for safer kids*. Melbourne: Jo Jo Publishing.
- Doughty, S. (2012). Hundreds of children involved in bitter custody battles are being abducted and taken abroad. *Mail Online*, 2 April. Retrieved from <http://www.dailymail.co.uk/news/article-2124289/Hundreds-children-involved-bitter-custody-battles-abducted-taken-abroad.html#ixzz1upHKZUIQ>
- Fife Yeomans, J. (2012). Why do parents kill their kids? *Daily Telegraph*, 23 February. Retrieved from <http://www.dailytelegraph.com.au/news/national/why-do-parents-kill-their-kids/story-e6freuzr-1226279552769>
- Finkelhor, D., Hammer, H., & Sedlak, A.J. (2002). *Non family abducted children: National estimates and characteristics*. US Department of Justice Report. Retrieved from http://www.missingkids.com/en_US/documents/nismart2_nonfamily.pdf
- Fonseca, M. (2002). Blackshirts accused of stalking 'morally corrupt' women. *ABC World Today* [transcript of broadcast], 25 July. Retrieved from <http://www.abc.net.au/worldtoday/stories/s625671.htm>
- Gander, C. (2011). Family law is failing kids. *The Drum Opinion*. Retrieved from <http://www.abc.net.au/unleashed/2732542.html>
- Gerace, A. (2012). Child abduction alert for Victoria. *774 ABC Radio*. Transcript from 23 April. Retrieved from <http://blogs.abc.net.au/victoria/2012/04/child-abduction-alert-for-victoria.html>
- Gitlin, T. (2001). *Media unlimited: How the torrent of images and sounds overwhelms our lives*. New York: Metropolitan Books.
- Habermas, J. (2002). *The structural transformation of the public sphere*. Cambridge: Polity Press.
- Hallahan, K. (1999). Seven models of framing: Implications for public relations. *Journal of Public Relations Research*, 11(3), 205–242.
- Hochschild, K. (1997). *The time bind: When home becomes work and work becomes home*. California: Henry Holt.

- Hüllse, R. (2000). Looking beneath the surface: Invisible othering in the German discourse about Turkey's possible EU accession. Paper presented at the Ionian Conference, Corfu, Greece.
- Jackman, C. (2010). Divided lives. *The Weekend Australian*, 27 November, pp. 18–21.
- Johnson, R. (2012). Helicopter parents should brace for impact. *The Telegraph*. Retrieved from <http://www.telegraph.co.uk/education/9319571/Helicopter-parents-should-brace-for-impact.html>
- Johnston, J. (2004). *Communicating courts: The changing interface with courts and the media*. Unpublished doctoral dissertation, Griffiths University, Queensland, Australia.
- Lee, L.F., Combes, J., & Marsh, A. (2003). *Common ground: Tasmania Fear of Crime Project, report stage 2*. Retrieved from http://www.crimeprevention.gov.au/Publications/Pages/Common_Ground_Tasmanian_Fear_of_Crime_Project_Stage_2_Report.aspx which clearly outlines contested space theory approaches
- Matheson, D. (2005). *Media discourses: Analysing media texts*. New York: Open University Press.
- McInnes, E. (2011). *Madness in Family Law: Competing discourses on mothers' mental health in the Australian Family Law System*. Paper presented at the 12th International Mental Health Conference Gold Coast, Queensland, Australia.
- Morris, B. (2005). *Deadly dads: Men who murder their children*. London: DVRC Quarterly.
- National Council for Children Post-Separation (NCCPS) (2011). Family Law amendments can prevent further child abuse. Media Statement, 27 February. Retrieved from http://www.nccps.org.au/docs/media_statement-27-02-2011.html
- National Rifle Association Headquarters, (n.d.). *What is the Eddie Eagle GunSafe® Program?* Retrieved from <http://www.nrahq.org/safety/eddie/>
- Nicholas, S. (2008). Why more and more women are losing custody battles over their children. *UK Daily Mail*. Retrieved from <http://www.dailymail.co.uk/femail/article-1024304/Why-more-women-losing-custody-battles-children.html>
- O' Shaughnessy, N.J. (2004). *Politics and propaganda: Weapons of mass seduction*. Manchester: Manchester University Press.
- Potter, J. (2005). *Representing reality*. Thousand Oaks, CA: Sage.
- Scheufele, D.A. (1999). Framing as a theory of media effects. *Journal of Communication*, Winter, 103.
- Schokkenbroek, C. (1999). News stories: Structure time and evaluation. *Time and Society*, 8(1), 59–98.
- Schulz, P.D. (2010). *Courts and judges on trial: Analysing and managing discourses of disapproval*. NY & London: Lit Verlag Berlin Munster.
- Schulz, P.D., & Cannon, A.J. (2010). Judicial time lords: Media direction vs judicial independence. *International Journal of Criminal Justice Sciences*, 5(1), 174–188.
- Serani, D. (2011). *If it bleeds, it leads: Understanding fear-based media*. Retrieved from <http://www.psychologytoday.com/blog/two-takes-depression/201106/if-it-bleeds-it-leads-understanding-fear-based-media/comments>
- Shenhav, S. (2005). Concise narratives: A structural analysis of political discourse. *Discourse Studies*, 7(3), 315–335.
- Southerton, D. (2003). Squeezing time? Allocating practices, co-ordinating networks and scheduling society? *Time & Society*, 12(1), 5–25.
- Tanner, L. (2011). *Sideshow: Dumbing down democracy*. Melbourne: Scribe Publications.
- Teo, P. (2000). Racism in the news: A critical discourse analysis of news reporting in two Australian newspapers. *Discourse and Society*, 11(1), 7–49.
- Whittaker, M. (2007). *Abducted for love: Stolen generation – Australia*. Retrieved from <http://www.missionand-justice.org/abducted-for-love-stolen-children-australia/>
- Wilkinson, G. (2011). Killer driver Lionel Saunders walks free from court. *Herald-Sun*, 11 June. Retrieved from <http://www.heraldsun.com.au/news/victoria/killer-driver-walks-free-from-court/story-fn7x8me2-1226073305587>

