

THE BATTLE FOR THE KIDS — FIELD MANUAL

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A practical survival kit for any parent caught in the family law, child-protection or restraining-order system. From the book *The Battle for the Kids* by Eric Purvis with Joe Walsh — a companion to *The Battle of Business*.

This is not legal or medical advice. It is one father's hard-won experience, shared to help. The law differs between states and changes over time — get your own advice from a qualified solicitor and your own GP. If you are in crisis: **Lifeline 13 11 14 • MensLine 1300 78 99 78 • Emergency 000.**

Alright. That was the story. This is the meat and potatoes.

In the first book I handed you strategies you could actually pick up and use. Same deal here. From this point on I stop being Joe telling you what happened and start being the bloke who's been through it, sitting across the table from you, telling you what to do about it. If you're in the thick of it right now, you can start here and go back to the story later.

*Two warnings before we start, and I mean them. First: **this is not legal advice, and it's not medical advice.** I'm a bloke who survived the system, not a lawyer or a doctor. Everything here is general — the law is different in every state and it changes, so get your own advice from a real solicitor and a real GP. What I can give you is the stuff nobody tells you: how to carry yourself, how to keep your record, and how to stay standing. Second: the worksheets in this section are yours to copy and use. You can download clean, fillable copies at **allkidslivesmatter.com.au**.*

Let's go.

MODULE 1 — BUILD YOUR BATTLE FILE

This is the one. If you do nothing else in this whole section, do this. The single most powerful thing I did in five years of war was keep a proper record — and the single most common thing I see other parents fail to do is exactly that.

Here's why it matters. In this fight, memory is worthless and feelings are worthless, because both can be twisted, denied, or “remembered differently” by the other side. The only thing that can't be re-told out from under you is **a document with a date on it**. My whole case turned on two emails with time stamps — one of mine, one of hers —

that proved a “fact” the system had accepted was rubbish. If I hadn’t kept them, I’d have lost.

What to keep — everything: - Every email, with the full header intact (the bit that shows the date, time, sender). Don’t screenshot — save the original. - Every text and message. Back them up off the phone; phones get lost, wiped, or “updated.” - Every letter, order, notice and form, from anyone official. - Medical records, school records, reports. - Photos, with the date kept (don’t crop the data off). - A running diary: what happened, when, who was there.

A word on recordings. People always ask. The law on recording a private conversation is different in every state and getting it wrong can be a crime — so **get legal advice before you record anything**. Never, ever get a child to record, film, or gather information for you. That one can end your case on its own.

How to organise it: - **One event, one entry.** Date it. Note what happened, and which document proves it. - Keep it in date order *and* keep a topic index (restraining orders, the finding, contact, money). - **Never alter an original.** Keep originals untouched; make a working copy to highlight and scribble on. - **Three copies.** One on your computer, one in the cloud, one on a drive you keep somewhere safe. Files get lost at the worst possible moment.

BATTLE TIP Start the file the day you sense trouble — not the day it explodes. The best evidence I ever had was created *before* I knew I’d need it, when I was just writing things down as they happened. Contemporaneous, they call it in court. It means “written at the time,” and it’s gold.

WORKSHEET 1 — Battle File Index & Incident Log

#	DATE	WHAT HAPPENED (FACTS ONLY)	WHO WAS THERE	DOCUMENT THAT PROVES IT	WHERE IT’S FILED
1					
2					
3					

Topic index (tick what you’ve got a section for): ☐ Restraining orders ☐ Child protection / findings ☐ Contact & parenting ☐ Money / property ☐ Medical & school ☐ Communication with the other parent ☐ Police

MODULE 2 — ANSWER ON PAPER

When an allegation lands on you, every instinct screams to ring someone up and shout the truth. Don't. You will never win this by being the loudest. You win it by being the most *documented*.

The method is simple and it's the same one I used to take apart the finding against me. You build a grid. One row per allegation. You write down exactly what they claimed — word for word, no paraphrasing that softens it. Then, next to it, the plain fact or document that answers it, and the date. That's it. No adjectives. No "she's a liar." Let the dated document be the anger. A calm grid that quietly destroys ten allegations in a row is a hundred times more powerful than a furious letter that destroys none.

The three rules of answering on paper: 1. **Facts, not feelings.** "On 13 June I emailed asking for the device back; it was returned on 21 June" beats "she's twisting everything" every single time. 2. **Answer the claim actually made** — not the one you wish they'd made, and not with a counter-attack. Counter-attacks make you look like the problem. 3. **If you can't disprove something, don't pretend you can.** Note it honestly and move to the ones you can. Your credibility is your best weapon — don't spend it.

BATTLE TIP Before you send anything, read it out loud and cut every word that's about *them* rather than about the *facts*. If a sentence would sound bad read aloud in a courtroom, it will be — because one day it might be.

WORKSHEET 2 — Allegation Rebuttal Grid

THE ALLEGATION (THEIR EXACT WORDS)	MY ANSWER (FACT ONLY)	THE PROOF	DATE IT'S BEATEN BY

MODULE 3 — KNOW YOUR BATTLEFIELDS

Nobody hands you a map when you walk in. So here's the plain-English one. You may end up fighting on several of these at once — that's the "cascade" from Chapter 13 — and the dangerous part is that **they leak into each other**.

- **The Family Court.** Decides parenting (where the kids live, who they see) and property. Its test for kids is "best interests." Remember the big one: it has **no**

investigators of its own. It works off the paper put in front of it. It is slow — often two years or more.

- **Restraining orders (FVROs/AVOs — the name changes by state).** A *civil* order, made fast, on the balance of probabilities, sometimes without you there. Not a criminal conviction — but breaching one *is* a crime, and the order **feeds straight into the family court’s view of you.** (And watch the trap: in some states, if you don’t formally object in time, an interim order becomes permanent by itself.)
- **Child protection (the state department).** Investigates risk to kids and can “substantiate” a finding — often, as you’ve read, on one side’s word, without hearing you. A finding here can be handed to the family court as if it were independent fact.
- **Child support (Services Australia).** A formula based on income and care nights. Runs on its own track, but money fights bleed into everything else.
- **The commercial cascade.** If you’re in business, the family fight can drag your companies, assets and even your creditors into it through freezing orders and caveats.

The thing to understand: **information flows between these, mostly in one direction, and mostly carrying the other side’s version.** A restraining order becomes evidence in the family court. A child protection finding becomes evidence in the family court. Your job is to make sure your dated, documented version travels with it.

BATTLE TIP Ask your lawyer one question early: “Which of these battlefields am I actually on, and how does each one feed the others?” Most self-represented parents lose ground simply because they didn’t know a thing said on one field would turn up as ammunition on another.

MODULE 4 — IF YOU’RE REPRESENTING YOURSELF

Nearly four in ten trials in this system have someone standing there without a lawyer. If that’s going to be you — by choice or because the fees ate the house — here’s how to not get flattened.

- **Deadlines are everything.** The system runs on dates. Miss one and you can lose without a hearing (see the restraining-order trap above). Put every date in a calendar with a loud reminder a week before.
- **Learn what an affidavit is.** It’s your evidence, in writing, sworn true. Write it in short numbered paragraphs. First-hand facts only — what *you* saw, heard, did. Attach your documents as annexures and refer to them by number. No speeches, no insults, no “she always...”. Facts, dated, in order.
- **In the room:** arrive early, dress like it matters, call the judge “Your Honour,” don’t interrupt, don’t roll your eyes, don’t argue with the other side — talk only to the bench. If you feel the red mist coming, ask for a short adjournment. Calm reads as credible.

- **Know who you're in front of.** A lot of the case management is done by *registrars*, not judges. Both matter. Treat everyone the same way: polite, prepared, brief.
- **Get free help where it exists.** A duty lawyer at court, Legal Aid, a community legal centre — even one session to check your affidavit is worth its weight. Ask the court staff what's available for self-represented parties; they can't give legal advice but they can point you to it.

BATTLE TIP Judges are human and they are drowning in paper. The self-represented parent who is calm, organised, and brief stands out like a beacon. Be the easy one to help.

WORKSHEET 4 — Court-Date Prep Checklist

☐ Date, time, place and courtroom confirmed ☐ Which judge/registrar (if known) ☐ My documents filed and served on time ☐ Affidavit: numbered, facts only, annexures attached ☐ A clean bundle for me, one for the bench, one for the other side ☐ My three key points written on one card ☐ What I'm actually asking the court to do (my orders sought) ☐ Duty lawyer / support person arranged ☐ Arrive 30 minutes early

MODULE 5 — CORRECTING THE RECORD

Here's the trap from Chapter 12: a finding made against you doesn't fix itself, even after a court decides the opposite. You have to go and fix it. It's hard, it's slow, and you should get a solicitor onto it — but here's the lay of the land so you know it's *possible*.

- **First, get your file.** You have a right, through Freedom of Information (FOI), to ask a government agency for the records it holds about you. Do this early. You cannot fight a finding until you know what's actually in the file and what they relied on. The *absence* of a document — say, no record that they ever contacted you — can be your strongest evidence.
- **Then, the correction paths.** Depending on the agency and state, these can include: asking the agency for an internal review; a formal request to *amend* inaccurate personal records; a complaint to the agency's director; and, if that fails, a complaint to the state **Ombudsman** for maladministration.
- **Use your court wins.** If a court, with all the evidence, reached the opposite conclusion — say, placing a child with the parent the department called dangerous — that is powerful material for arguing the record is wrong. The most recent, most-tested decision should carry the day.
- **Be realistic, and be relentless.** Agencies rarely rush to admit error. Keep it factual, keep it in writing, keep copies of every step (straight into your Battle File).

This is exactly the kind of thing to hand a solicitor or a community legal centre. Don't go it alone if you can help it.

WORKSHEET 5 — FOI Request Skeleton

To: [Agency FOI Officer] Date: [date] Re: Freedom of Information request — personal records I request access to all documents the agency holds about me and my children, [names/DOBs], for the period [dates], including but not limited to: intake and case notes; the basis and evidence for any finding made about me; all records of any contact (or attempted contact) with me; internal communications between named workers about this matter; and any correspondence with [other party / their lawyer / other agencies]. My details for verification: [name, DOB, address]. Please advise any fee before proceeding.

(Check your state's FOI/RTI process for the correct form and any fee — links at allkidslivesmatter.com.au.)

MODULE 6 — PROTECT THE KIDS, NOT THE CASE

This is the hardest discipline in the book, and the most important, because you can win the case and still lose the kids if you get this wrong.

The rules that keep your children out of the war: - **Never use a child as a messenger, a spy, or a witness.** Don't send messages through them, don't quiz them about the other house, don't ask them to record or report. It hurts them, and it can wreck your case. - **Never badmouth the other parent to them.** Even when it's deserved. Even when it's true. A kid hears an attack on their mum or dad as an attack on half of *them*. - **Keep their door open.** Let them love both of you. The parent who makes it safe for a child to love the other parent is the parent a court — and a grown-up child, one day — trusts. - **Listen. Don't coach.** Remember Oliver. A child's "no" counts. If a child tells you something's wrong, don't lead them and don't feed them lines — just listen, write down what they say in their words, and get the right help.

Talking to the other parent — the BIFF rule. Almost all the damage gets done in the messages between you two. When you have to communicate, keep every message **BIFF: Brief, Informative, Friendly, Firm.** Brief — a few sentences. Informative — facts, not feelings. Friendly — a civil tone, even through gritted teeth. Firm — clear, no hooks for an argument. Keep it all to one channel (email or a co-parenting app), and write every message as if the judge will read it. Because one day they might.

BATTLE TIP Before you hit send on anything about the kids, ask: "Is this for the children, or is it for the case, or is it just for me to feel better?" If it's only the last one, don't send it. Put it in a document in your Battle File instead.

WORKSHEET 6 — Co-Parent Communication Rules (stick it on the fridge) ☐

Brief ☐ Informative (facts only) ☐ Friendly tone ☐ Firm and clear ☐ One channel only ☐
☐ No comments about the other parent's character ☐ Would I be comfortable if a judge read this? ☐ 24-hour rule on anything written in anger

MODULE 7 — STAY ALIVE, STAY STANDING

*This module is about suicide and getting through the worst of it. If you're in crisis right now, put the book down and ring **Lifeline 13 11 14** or **MensLine 1300 78 99 78**, or 000. Please.*

I told you in Chapter 14 how close I came. So I'm not lecturing you from a safe distance — I'm telling you what I wish someone had made me do.

Know the warning signs in yourself: you've started thinking the kids would be better off without you; you're giving things away or "sorting your affairs"; you're not sleeping or eating; you've stopped seeing anyone; you've started thinking about *how*. If that's you, that is not weakness and it is not the truth about your future — it's a symptom, and symptoms can be treated. Reach out **today**, not "when it gets bad," because this is the bad.

Make a plan while you're thinking clearly: - Write down your reasons to stay. Put your kids' names at the top. Read it on the bad nights. - List three people you can call at 2am, and tell them they're on the list. - If you've thought about a method, put distance between you and it — give it to a mate, get it out of the house. - Go to your GP and ask for a **Mental Health Treatment Plan**. It gets you subsidised sessions with a psychologist. It is one of the best things I know of and hardly any bloke uses it. - Guard the basics like they're part of the case, because they are: sleep, food, a walk, sunlight, one thing a day that isn't the fight.

And hold onto the one true thing: the feeling that it will always be this bad is a liar. My worst night was not my last night. Yours doesn't have to be either. Stay for the kids who need the man, not the memory.

WORKSHEET 7 — My Safety Plan > My reasons to stay (kids first):

_____ > **Three people I can call any time:** 1) _____ 2) _____ 3) _____ > **My warning signs (what it looks like when I'm slipping):** _____ > **What I'll do first when I notice them:** _____ > **Professionals in my corner (GP, psychologist):** _____ > **Crisis lines (put them in your phone now):**

Lifeline 13 11 14 · MensLine 1300 78 99 78 · Beyond Blue 1300 22 4636 · 13YARN 13 92 76 · 000

Weekly self-check (score each 1-5): sleep · eating · seeing people · dark thoughts (be honest) · one good thing this week. If two or more are sliding, call someone.

MODULE 8 — YOUR CORNER

No one wins this alone. I tried, and it nearly killed me. Here's the team to build.

- **A family lawyer you actually trust.** Interview them. Ask not just "will you fight for me" but "what would you do to *resolve* this?" — a lawyer who only ever escalates is expensive and often bad for the kids. Ask what other options exist (mediation, family dispute resolution) before a full war.

- **A GP and a psychologist.** Get the Mental Health Treatment Plan. Your head is the equipment you fight with — maintain it.
- **One steady mate.** Not a crowd. One person who'll answer the phone and not judge you.
- **If a business is caught up in it:** an accountant and, if it's serious, an insolvency-savvy adviser — early, not when it's too late.
- **The services that exist for exactly this** (put the ones you need in your phone):

Lifeline 13 11 14 — 24/7 crisis support **MensLine Australia** 1300 78 99 78 — for men, including family and relationship breakdown **1800RESPECT** 1800 737 732 — family and domestic violence (for anyone, any gender) **Kids Helpline** 1800 55 1800 — for your kids (ages 5-25) **Beyond Blue** 1300 22 4636 · **13YARN** 13 92 76 (First Nations) · **Emergency** 000 **Legal Aid** (your state) and your local **Community Legal Centre** — free legal help and duty lawyers **Men's Referral Service** 1300 766 491 · **Parents Beyond Breakup / Dads in Distress** 1300 853 437 · **Relationships Australia** 1300 364 277

WORKSHEET 8 — My Corner (fill it in and keep it in your wallet) > Lawyer:

_____ GP: _____ Psychologist: _____ > My one steady mate: _____
 Accountant/adviser: _____ > Crisis line I'll call first: _____

That's the kit. It won't make the fight fair — nothing will, until the system changes. But it's everything I learned the hard way, and it's the difference between going under and staying standing.

MODULE 9 — WORKING WITH A LAWYER (AND THE ICL)

Most of us can't afford a lawyer for the whole marathon, so the skill is getting maximum value from whatever slice you can afford — and being the client lawyers actually fight for.

- **Be the organised one.** Turn up with a dated chronology and your Battle File indexed. Every hour a lawyer spends sorting your shoebox is an hour you paid for and got nothing from. Do the sorting yourself; buy their *judgment*, not their filing.
- **Use them for strategy, not stenography.** Even one paid session to check an affidavit, sanity-test your plan, or tell you what actually matters to *this* court is worth more than pages of them writing what you could write.
- **Ask the money questions out loud, early.** "What will this step cost? Is it worth it? What happens if I don't do it?" A good lawyer respects that. Watch for anyone who only ever escalates — a lawyer who never mentions settling is expensive and often bad for the kids.
- **Understand the ICL.** The Independent Children's Lawyer represents the *children's best interests*, not you and not your ex. They can feel like an opponent; they're not your lawyer and shouldn't be treated as one. Be unfailingly calm, factual and child-

focused with them, give them what helps the kids, and never vent at them — their report carries weight.

BATTLE TIP Before every paid session, email your lawyer three specific questions and the documents in advance. You'll get better advice in less time — and time is the meter that's running.

MODULE 10 — DOCUMENTING IN AN S121 WORLD (AND CO-PARENT COMMS)

Two things sink good parents who are otherwise doing everything right: what they post, and how they message.

- **Know the s121 line.** In Australia it's an offence to publish to the public an account of family law proceedings that identifies the parties or children. Translation: **do not put your case on social media.** Not the finding, not the orders, not a rant about your ex, not the kids' names. It can be a crime, and it will be used against you. Put it in your Battle File, not on Facebook.
- **Move all co-parent contact to one written channel.** A co-parenting app (like OurFamilyWizard) or a single email thread. It timestamps everything, it can't be doctored, and knowing a third party may one day read it keeps everyone civil.
- **Write every message BIFF: Brief, Informative, Friendly, Firm.** A few sentences. Facts, not feelings. Civil tone through gritted teeth. No hooks for a fight. Write each one as if the judge will read it aloud — because one day they might.
- **Never, ever use the kids as messengers, spies or recorders.** Don't send messages through them, don't quiz them about the other house, don't get them to record anything. It harms them and it can end your case.

BATTLE TIP Before you send anything to your ex or post anything anywhere, run it through one question: "Would I be comfortable with a judge reading this out in court?" If not, don't send it. Save it as a note-to-self in your file instead — the file is where anger goes to become evidence, not ammunition against you.

MODULE 11 — FOR THE PEOPLE AROUND SOMEONE IN THIS

This one's not for the parent in the fight. It's for you — the new partner, the mate, the sister, the parent watching someone you love go through it and feeling useless. You're not useless. You might be the most important thing they've got. Here's how to actually help.

- **Believe them, and say so.** The single most corrosive part of this for most people is not being believed — by the system, sometimes by their own family. "I believe you,

and I'm not going anywhere" is medicine. You don't have to understand family law to say it.

- **Ask "are you okay?" — and don't accept "yeah, flat out."** Ask twice. Ask again next week. The people who go under are the ones nobody kept asking. If something feels really wrong, ask straight out about it; you cannot put the idea in someone's head, and you might save a life. **Lifeline 13 11 14. MensLine 1300 78 99 78.**
- **Help with the boring stuff.** Offer to hold copies of the Battle File. Sit with them while they draft the calm version of an angry email. Mind the kids so they can go to court. Practical help lands harder than advice.
- **Don't feed the fire.** However much you love them, resist egging on the war or trashing the ex in front of the kids. The kids need the adults around them steady, and your job is to be one of the steady ones, not another combatant.
- **Protect yourself too, if you're a new partner.** Loving someone in this system means some of it splashes onto you. Keep your own boundaries, your own support, and — if you go into business or property together — your own version of the boring documents. You can be all-in on the person and still be sensible about the paperwork.

BATTLE TIP The most powerful sentence you can offer someone in this fight isn't advice. It's: "You're not going through this alone — I've got you, and I'm still here." Say it, then prove it by still being there next month. Presence beats brilliance every time.

You don't have to be fearless. Patton had it right: courage is just fear holding on a minute longer. Hold on a minute longer. Keep the paperwork. Stay for the kids.

— Eric

*Downloadable, fillable copies of every worksheet in this Field Manual are at **allkidslivesmatter.com.au**.*