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Secretary: B. F. ...

Monday, 28 July 2003

Committee Secretary
Standing Committee on Family and Community Affairs
Child Custody Arrangements Enquiry
Department of the House of Representatives
Parliament House
Canberra ACT 2600
Australia

Dear Sir/Madam

I totally support the concept of rebuttable Shared Parenting as a starting point in Family Law and commend the Prime Minister Mr John Howard in raising the issue. Shared Parenting is what most children would request, when not under parental duress, if the courts were to ask them.

The Rebuttable Presumption of Equal Shared or Joint Parenting is about **Human Rights**. It is in essence about a child's right to know and love and be loved by both parents without fear of disapproval or reprisal by one parent.

Prime Care, the default position of the **current needlessly adversarial system**, gives one parent sole custody and reduces the other parent from the role of parent to that of visitor in a child's life – and even that at the often times precarious or capricious whim of the Primary Carer, this does nothing but create a breeding ground for the worse forms of child abuse including the mental and emotional cruelty of parental alienation.

Too frequently a **Primary Carer refuses contact** between a child and the other parent usually citing false or exaggerated reasons, in the process educating children that this type of malicious and deceptive conduct is acceptable behaviour.

Primary Carer's also far to frequently set behaviour pattern's in place of consistently pointing out the other parent's fault's and folly's, as they see them, whilst strenuously ignoring any of that parent's positive characteristic's. Denigrating and poisoning a child's mind and emotion's against a parent has the unfortunate consequence of **alienating children** from what would otherwise be a continuous emotionally and intellectually fruitful loving relationship with the denigrated parent.

Shared Parenting or Joint Custody as a starting point in Family Law would mean that **children will be assured of an ongoing relationship with both parents**, excluding extreme cases, following the cataclysm of Family breakdown.

This would be of the **greatest benefit to children** as they would not then be deprived, to the same extent children are under the current system, of the **emotional and financial stability** they had been brought up with and previously enjoyed.

With a **Shared Parenting** situation as the starting point parents would also be in a much better position to continue to **provide emotional and financial security for their children** rather than the current situation where children's emotional and financial futures are dashed against the rocky shores of an adversarial Family Law system.

Under the current system Family Law solicitor's are encouraged, principally by financial rewards, to treat their clients as hostile individual's with opposing interest's, rather than putting their energies and talent's into helping couples **work on** what is **best** for the post separation family.

In summing up I wish to remind members of this commission that seven years ago the Australian Federal Parliament sent a very clear message to the Family Law Court regarding a preference for the proposition of rebuttable shared parenting and that children should be cared for by both parent's. This message was and continues to be treated with contempt and soundly ignored by the court.

Sadly the main **dissenters** to this message were those who obtain the most benefit from feeding at the trough of the current adversarial divorce industry namely family law solicitors, barristers, social workers, psychologists, the Child Support Agency and the Family Law Court itself.

The principle challenge, members of this enquiry will face, will be in seeing through the arguments of the wealthy and well paid professional's with vested interests who have the most to gain in maintaining the status quo against the best interests of the ordinary men, women and children of Australia.

Regards

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