

From: Simon Baker [REDACTED]
Sent: Thursday, 7 August 2003 12:57 PM
To: Committee, FCA (REPS)
Subject: Submission to Child Custody Arrangements Inquiry

Submission from:

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

House of Representatives Standing Committee on Family and Community Affairs	
Submission No:	710
Date Received:	7-8-03
Secretary:	[REDACTED]

Re: SUBMISSION INQUIRY INTO CHILD CUSTODY ARRANGEMENTS IN THE EVENT OF FAMILY SEPARATION

My submission is based on a draft by Rob Thomas.

I support Joint Custody for a child or children of separated parents: they should spend equal time living with each parent.

Over the last 3 decades it has been a matter of course that in the event of a family break up the children stay with the mother and the father is told he is no longer required or needed by the children he has fathered, as a father and that all he is is, as the CSA term him, a "Payer".

The benefits of SHARED PARENTING are many, the main ones being:

- 1) Increases the rights of the child by providing them with an opportunity to have an equal relationship with both their mother and father through good contact with each parent.
- 2) Passes back to parents, the decision making power as to their children's needs under an expectation that fairness and equality will form the cornerstone of those decisions. Both the father and mother should understand that each is to be regarded as equally important in their children's lives.
- 3) Agree that parents and children need to be protected from violence committed by the mother, father or other person. To suggest that shared parenting will result in greater abuse of children of separated parents by the children's biological father flies in the face of findings that show mothers, mother's boyfriends, stepfathers, other relatives, including siblings were responsible for most abuse against children. In fact figures taken from the NSW Child Death Review team study show that women in that State are 4 times more likely to murder their children than the biological father.
- 4) By removing a child from a parents life is likely to take away the incentive by the parent to work and maybe even to live. By restoring their children to them, where they can share in both the joys and sadness encountered during their child's growth they can see the benefits of their labour, and this will provide far greater encouragement for them to earn a reasonable living - becoming self reliant will in turn restore much of the self respect they have lost through the process of being denied contact with their children. The expectation should be removed that the State will automatically take over the role of defacto spouse and defacto stepparent in order to support a parent who has made a unilateral decision to leave a marriage/relationship, without having a valid reason for the separation. Counselling to see if the relationship can be saved should be first on the list of recommendations, before deciding to grant welfare payments. Single supporting mothers already receive assistance to re-enter the


workforce via the JET scheme run by Centrelink. The scheme offers and encourages single mothers in training and access to further education including university. No such scheme is available for separated fathers. Sharing the care of the children with the father will allow the single mother to seek work for herself.

5. The concept of shared and equal parenting does not include the suggestion that children should "attend two schools/doctors etc". The concept does rely on parents putting their children's interests first, which may mean refusing a move to another city to accept a promotion or a move to another state to take up a new relationship. Parents do not have to live in the same suburb, but reasonable proximity, (driving distance) to the child's school, friends and activities. Parents do not even need to get on together as there is no need for them to see each other at all. A "contact" book goes with the children and parents are able to write in the book any information they feel the other parent needs to know. It is important to recognise the choice should remain with the parents as to how they arrange the care of their children. As long as their decisions are made on the understanding that each parent is regarded as being equally important in their children's lives. One parent, even if they work away from home or long hours should not be relegated to a position of less importance.

6. There is already recognition in the Child Support Agency and Family Tax Benefits that where the care of children of separated parents reaches a certain percentage (about 30%) of residency with the non-custodial parent there is an adjustment in payments to the custodial parent to reflect this change in care. Monetary support for the parent providing additional care can be decided on the basis of percentage care adjustments. The overriding principle should be that children see both parents without restraint or sense that one parent owns or controls them.

7. Separation should not be regarded as a vehicle to move a parent from a child's life. The present system gives one parent, usually the mother overall control and complete control of the children and if they chose to use this power capriciously, vindictively or unfairly (and many do). There is little the non-custodial parent can do other than seek redress through the expensive court system which is usually biased against them (particularly Family court which has a notorious bias against father). It is important for the well being of the children to be considered and the best way to achieve this is to adopt the shared parenting model - as both parents offer so much to a child and the child deserves input from both parents.

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