

Nydia's Place

Muswellbrook Women's and Children's Refuge Ltd.

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1057

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**SUBMISSION INTO JOINT RESIDENCE ARRANGEMENTS
 IN THE EVENT OF FAMILY SEPARATION**

**TO INQUIRY CONDUCTED BY THE COMMITTEE ON FAMILY AND
 COMMUNITY AFFAIRS.**



This submission is in response to the Parliamentary Inquiry into Joint Residence arrangements.

We represent a large area of rural women escaping Domestic Violence in the Upper Hunter area.

In reply to Terms of Reference (a) that the best interests of the child are the paramount consideration:

(b) whether the existing child support formula works fairly for both parents in relation to their care of, and contact with, their children.

Our service is placed within the town of Muswellbrook servicing women who are escaping Domestic Violence and need accommodation within our refuge, we also have many women clients within the region who attend our post Domestic Violence groups for support and counselling. Many of these women have taken the huge step of leaving their family home because of the violence perpetrated on them and their children by their partner. Therefore "the best interests of the child would NOT be paramount" in these situations with the proposed provisions of 50/50 residency.

This proposed provision will place women and children who are victims of violence at increased risk of further violence. The presumption will force some children to live with violent fathers and will force mothers to have to regularly negotiate with and be in the presence of violent ex-partners. Some of these women live with death threats daily. This is not a good situation for children having overnight and half weekly visits with violent perpetrators - THIS IS A CHILD PROTECTION ISSUE.

Current provisions of the Family Law Act already include mechanisms for shared residence being a child's right where it is in the child's best interests.

The above service offers court support to women in the Upper Hunter that wish to begin residency. Often these women have Apprehended Violence Orders taken out by the local Police for their protection. However, currently the provisions allow couples to still have a shared residency agreement, this is a solution to families who have complex needs &

patterns. Many families especially shift working fathers need this flexibility. A 50/50 arrangement would not be in the best interest of anybody, least of all the children. However, if it becomes the status quo then solicitors often opt for a 'standard' arrangement first. This removes the flexibility of a shared residency arrangement that suits many people now.

A 50/50 residence arrangement would make the day to day arrangements for children to plan their lives and attend regular sports and activities almost impossible. This is requiring them to live a life of a rotating shift, this has been proven to increase the health risk of adults, WHERE DOES THAT LEAVE CHILDREN.

There is a great possibility that litigation will increase as parents who do not want or previously had 50/50 residence may feel the need to go to court (possibly again). Given the lack of legal aid funding, many people will self-represent, increasing delays and stretching the resources of the local and Family Court and magistrates.



JENNY MC GRATH

FOR AND ON BEHALF OF
THE MUSWELBROOK WOMENS AND CHILDRENS REFUGE LTD