



The Divorce Tango Pty Ltd

Sydney, NSW

T: [REDACTED]

E: [REDACTED]

W: www.thedivorcecentre.com.au

ABN 25 628 299 981

Helping families impacted by Separation and Divorce

Repeal will increase resistance to shared parenting



We are headed down a path which will see shared parenting shift from many separated parents who abide by the family law act to enable children to spend equal or significant time with each parent to a decline in children having the opportunity to continue to have meaningful relationships with both parents.

The family law bill amendment has been proposed to repeal s61DA of the Family Law Act (FLA) of '*equal shared parental responsibility*' and repeal of s65DAA, which requires the courts to consider, in certain circumstances, the possibility of the child spending equal time, or substantial and significant time with each parent which would be removed from the Family law Act if the bill is passed.

Many people don't think there will be a negative effect.... but think of it this way. There is a law that you must wear seat belts. So, if the law reform commission decides that most people wear seat belts and do the right thing and will continue to do so even if that law was repealed.... they would be highly mistaken. As time goes by, more people would become complacent about putting their seat belt on as they are not going to get fined and it isn't going to be expected of them to do so.

Well, the same thing will happen with separated parents not having to consider significant time with both parents resulting in more cases going to court to gain access to their children.

Many separated parents may have verbal agreements or an old parenting plan that is out of date but over time have moved to more time being shared with both parents. When there is an argument or a new partner comes on the scene, it can all blow up and the status quo goes out the window and the battle to reinstate time with the children ensues. This can result in family dispute resolution mediation to try to negotiate with the coparent who knows that the future law will not require them to consider equal or significant time with the children so no agreement is reached.

The gatekeeping has begun in a parent dictating if and when the children can see the other parent. The other parent attempts to go to court to seek equal or significant time with both parents for the children and supporting evidence, family report writers, hearings to decide what is in the best interests of the children begins at a hefty cost. With the family law act repealing equal shared responsibility and equal or significant time with both parents the judge will NOT have to consider giving equal shared responsibility or significant time with both parents.

Future families embarking on separation will not feel they have to have equal decision-making responsibility and will lead to the dominant party using coercive control to be the gate keeper in making all the decisions as well as deciding what the parenting schedule will be.

These laws are being repealed due to high conflict and domestic violence cases reaching court whereby the judge currently has to consider equal or significant time with both parents as it is currently in the family law acts S61DA & s65DAA. These cases are before the judge anyway so they can consider and make a judgement if it is in the best interests of the children.

So, why should these laws that currently enable many parents to reach their own agreements based on s61DA & S65DAA be removed when the very cases of high conflict or domestic violence are already before the judge. We seem to be impacting ALL separated parents by removing the guidelines that enable them to share the decision making and time spent with the children as they did prior to separation.

Parenting roles have changed significantly over the years with many parents being interchangeable with the care of the children as the household has become two income families. Children have strong bonds with both parents in this new age of shared parenting pre-separation but we seem to be stepping back in time with the family law amendment bill to repeal equal shared parental responsibility and equal or significant time with both parents. The best interests of the child are to have shared parenting as close to what they had pre-separation.

The family law act should promote and enable families to create two loving homes for their children by setting guidelines to achieve that.

Author – Cheryl Duffy, Divorce Coach, Family Dispute Resolution Practitioner & Parenting Coordinator

www.thedivorcecentre.com.au