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**Inquiry into Child Custody arrangements in the event of Family Separation.**

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The following submission is rather brief but outlines issues and recommendations relevant to the terms of reference.

In my experience of working with families following separation, the question was regularly posed "Why is there a presumption that it is in the best interests of any child/children, for them to spend more time with one parent or another?" Most families I have had contact with indicate that, following separation, there continues to be an assumption that the mother is responsible for the social and emotional wellbeing of children, while fathers are assumed responsible for the financial wellbeing of children.

I believe this is the point where the current inquiry should begin. Asking, what is it that contributes to these assumptions in our society and then, very importantly, how deeply and thoroughly do these assumptions replicate themselves in the functioning of government departments, private businesses, the legal system and most importantly within families themselves?

It is commendable that the federal government has made a commitment to exploring this issue. But it does need to be done with a broad consideration of all issues which can impact on families during the stresses of family separation.

I can see no problem with adopting a presumption that children spend equal time with both parents. In my view, this would simply create a different starting point for agreements about child custody. If we visualise this issue as a continuum with a presumption that children spend most time with their mother at one end and a presumption that children spend most time with their father at the other end. We then can place the current proposal at the mid-point of this continuum, which is surely a more reasonable starting point for any agreement regarding child custody.

However, the key to the success of implementing the proposed presumption of equal time with both parents, is the ability of both legal and government systems to recognise and take into account the individual circumstances of any particular family and it's members, including, where relevant, extended family. In my view it would be foolhardy to rigidly promote an idealised presumption that it is in the best interests of all children to have equal contact with both parents. I don't believe it is possible to list a set of circumstances which would automatically indicate a rebuttal of this presumption.

What is required is a system which can be flexible in its administration and can accommodate the needs of children, while acknowledging the importance of them having contact with both parents in a way which is sustainable for the parents and which does not put the children at risk of any form of harm and in fact promotes their ongoing development and health as individuals. For this to happen to its fullest potential, grandparents and other family members need to be considered in policy decisions.

I have encountered many fathers who have pioneered the ideal of 'shared care' as it is known. The majority of these families find that this arrangement is well suited to their circumstances. However, the fathers I know speak of the difficulty of struggling with the family court and child support systems as well as the issues they face in trying to arrange flexible employment options and equal access to maternal and child health services. On this last point we can clearly see that mothers (maternal) are assumed as being associated with child health, hence – Maternal and Child Health centre. This is as disempowering for women as it is for men and is but one example of the depth of current assumptions about parenting in Australia today. For a clear example of the experiences of a devoted father who has managed shared care of two children from ages 1 and 3 in less than ideal circumstances I urge you to seek out a submission by one [REDACTED]. I have his permission to include this reference to his story. You will find the issues which must be considered are clearly outlined by [REDACTED].

I end this submission as I began, the primary issue is about changing strong societal assumptions about who is best equipped to parent. I suggest that it has nothing to do with the gender of the parent, but more to do with their commitment to their children and the opportunities made available to parents by our society to choose a lifestyle which not only includes taking care of their children, but places their ability to do this as a highest priority with minimal barriers in place. I would argue that the current system fails to do this and it does need to be changed, so that we have a more equitable starting point from which individual agreements can be made.

Yours Sincerely

Greg Roberts