

House of Representatives		Standing Committee	
on Family and Community Affairs			
Submission No	457		
Date Received	11-8-03		
Secretary:		
August 8, 2003.			

**Committee Secretary
 Standing Committee on Family and Community Affairs
 Child Custody Arrangements Inquiry
 Department of the House of Representatives
 Parliament House
 Canberra ACT 2600
 Fax (02) 6277 4844**



Dear Sir/Madam

Re Submission to Child Custody Arrangements Inquiry

I enclose a Submission from Helen and Bruce McDonald for your Committee's consideration.

I telephoned your office last week to explain that we had just received the Terms of Reference and as we were unable to prepare the Submission until today it would therefore take until Monday to reach your office.

Thank you for your consideration.

Yours truly,



Bruce McDonald.

August 8, 2003.
8 Bluegum Court.
Bright Vic 3741.

Child Custody Arrangements Inquiry

Submission from Helen and Bruce McDonald

Responses to Terms of Reference

(a)(i) - "...Other factors...in deciding the respective time each parent should spend with their children..." and "...presumption that children will spend equal time..."

- History of the relationship between parents both prior to and after the birth of children eg did both parents want children, and were they prepared for the addition of children to their partnership? How did they react then and after their birth?
- History of relationship between each parent with their children prior to and after separation ie did they share responsibility and joy of parenthood, or were these aspects heavily skewed towards one of the partners? Have both parents developed a strong bond and relationship with the children? Which partner has been the primary caregiver?
- What are the respective capacities of the partners to provide quality care for the children? Are the respective parents both confident in being individually responsible for the children?
- Are the parents affected by behavioural or personality problems which could affect their respective abilities to provide care and guidance of the children? Are the parents sufficiently mature to understand their individual responsibilities to the children?
- Are both parents committed to accept their full responsibilities as parents or are either of them "casual or part-time" parents only? Do they consistently demonstrate their commitment to the children, or do they only meet their commitment when it suits them?
- Do both parents love their children or merely see their access as their right?

Obviously the presumption of equal time with each parent should depend on the circumstances of each case. It would seem that whilst that is the desirable outcome, that in the best interests of the children, factors such as those noted above should be taken into account to determine if that can be achieved or a another more suitable distribution of time between parents would be more appropriate. Other factors which may not support equal time are –

- An acrimonious or unworkable relationship between parents which has continued since the separation could ultimately be bad for the children if equal time was granted and the children were torn between the parents.
- One of the parents may acknowledge that it is in the best interests of the children for them to remain with the primary caregiver as they do not want equal care but a lesser responsibility and access.
- Since the separation, have the parents acted in the best interests of the children or have their own interests been more important? Have they accepted joint responsibility for the welfare of the children or has that become the responsibility of the primary caregiver?
- Do the parents still share the same values for their children or are they divided on important issues in the rearing of children? Division would be confusing and damaging to the children.

Term of Reference (a)(ii) – “...contact with other persons, including their grandparents”.

- Where the parents or the primary caregiver has a behavioural problem or incapacity requiring extended family support.
- Where the grandparents or other persons can act as independent facilitators between the parents.
- Where it may be beneficial for the grandparents to provide an extended family environment for care and support.

Term of Reference (b) – “...child support formula works fairly...care of, and contact with, their children”.

- Separated parents can only meet their fair share of supporting their children if they are employed and their earning capacity is at a sufficient level.

- Alternatively, the primary caregiver is required to continue or return to work to provide sufficient funds to support the children and meet costs of living. This may not be in the best interests of the children if it means that other persons are required to provide child care and the parent's care of the children is disrupted.
- Although we are not conversant with the Government's child support guidelines, it would seem appropriate that an "as of right" payment should be made despite the level of caregivers income from employment. This would offer encouragement to the caregiver to obtain additional income through part-time or casual employment so that the welfare of the children can be provided at a higher level rather than the minimum level.

Concluding Comments --

Our comments are based on direct experience of the separation of our daughter from her former partner a year ago and the subsequent ongoing family support we have given, and continue to give to our grandson and her.

Our daughter's former partner has never accepted his responsibilities as a father to his son, and in fact, his irrational behaviour both during their partnership and since separation has the potential to have a detrimental impact against his son.

Helen McDonald
Bruce McDonald

B P McDonald
