

Submission No: **849**

Date Received: **13-8-03**

Secretary:

Ms Bernadette O'Connor
5/39 Mutual Road,
Mortdale NSW 2223

Telephone: Home [REDACTED]
Mobile: [REDACTED]

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: 6277 4844

Tuesday 12 August 2003

11 SEP 2003

Dear Sir or Madam

I apologise for the lateness of this submission. If it cannot be included in your Inquiry documents I would be happy to attend the public hearing in Sydney to give evidence and present my submission. My daughter Abbie Williams, aged 17, would also be happy to attend to give evidence from a young person's perspective.

Regards,

Bernadette O'Connor

**RESPONSE TO
INQUIRY INTO CHILD RESIDENCY ARRANGEMENTS IN
THE EVENT OF FAMILY SEPARATION**

**SUBMISSION BY: Ms Bernadette O'Connor
5/39 Mutual Road
MORTDALE NSW 2223**

**Telephone: Home [REDACTED]
Mobile [REDACTED]**

e-mail: [REDACTED]

Tuesday 12 August 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

While I generally support the idea of shared parenting of children following family separation I do not believe in many cases shared residency is a practical solution. I do not believe it would work in my situation.

My family separated seven years ago and my ex-husband and I divorced five years ago. We had an agreement as to property settlement, maintenance and residence of the children approved by the Family Court. At the time of negotiating the agreement I was keen for my ex-husband to have contact with the children every second weekend from Friday evening until Monday morning and on one evening each week. My ex-husband was not willing to accede to this on the basis he needed to re-establish his financial position. At that time he agreed to have contact visits every second weekend from Saturday morning until Sunday evening, with arrangements for birthdays and holidays; and pay \$50 per week towards maintenance of each of our three children, then aged 10, 7 and 4 until they attained the age of 18 years.

In the past five years my ex-husband has changed his residence on five occasions. At no time has he chosen to live in a location close to where the children live or attend school. He has also chosen accommodation with two bedrooms even though our eldest child is a girl and the younger two boys. Two years ago he commenced living with a woman who does not like our children and fights with the boys for attention from their father. I do not consider this to be a comfortable home environment for our children however our boys chose to visit their father at his home.

Over the past seven years my ex-husband has continued to be verbally abusive towards me in the presence of the children and to ask the children questions about my personal life. Despite written and verbal requests for him to change his behaviour in front of the children I have reached the point where I do not communicate with him in any way.

During the past three years he has been collecting the children on Friday evening and returning them Sunday evening. If he cannot look after the children he will ring on a Friday evening and tell them he is not coming to collect them. When our boys played team sport he would invariably be late for the game or not turn up, hence our boys no longer participate in team sport. Our daughter plays basketball on a Friday evening and, at age 16, decided to no longer spend weekends with her father due to his lateness in getting her to sport, however, she still communicates with her father.

My ex-husband is invited to attend school functions or meetings but rarely makes an appearance. He chooses not to make himself known to the children's

teachers and is outwardly critical of the education they receive, especially at primary school where the teachers are mainly women.

My children have repeatedly asked their father to spend more time with them or visit them during the week but these requests are refused on the basis he is too busy and has to work. His parents also say to the children that their father is too busy to spend more time with them, as he has to work and does not earn much money. Over the years I have increased the hours I work and am presently employed casually working at least 30 hours per week with time off during school holidays, for which I am not paid.

Despite research showing children benefit from contact with their father I do not see how contact with a father when he can fit them in is beneficial. I see how disappointed and upset my children are when they return from visits with the father because they do not know when they will next see him. I see how disappointed our children are when their father tells them at the last minute that he will not be collecting them for a weekend contact visit because he is too busy. As a single working parent I have very little free time and rarely go out in the evening. I feel I have taken on the sole responsibility of caring for the children with no support from my ex-husband or his family.

As to financial support for the children I have shouldered most of the responsibility. After we separated I was working three days per week and spending a large proportion of my income in childcare. This continued when I moved to where we now live plus I took on a large mortgage. In an endeavour to improve my current situation and hours of work I resigned full-time employment and commenced casual employment. At the same time I lost a very lucrative superannuation scheme and now have little put aside for my future. The children are aged 17, 14 and 11, all still at school and the majority of my income is spent on their needs compared to the \$200-odd per week I receive from my ex-husband.

In the seven years since my family separated my ex-husband has done nothing to better his financial situation or extend the time he spends with the children. He does not put the needs of the children above his own. Contact visits with the children revolve around his needs and interests. He burdens the children with his problems – how busy he is, how poor he is, how he cannot afford things, the difficulties of his life.

Parenting is about making sacrifices but putting the needs of the children first. While I believe parents have a right to live happy and fulfilled lives I think the needs of the children are paramount. Parenting is about attending school functions, spending time in your car driving children and waiting to collect them or watching them participate in chosen activities, meeting their friends, knowing what is happening in their lives. Fortnightly contact visits is not being part of a child's life it is about having fun but not putting in the hard work.

In my experience if a father has had little involvement with children before separation he is unlikely to improve this involvement after separation. Instead contact visits and maintenance become a form of power and control. I have no way

of changing this pattern. Certainly I could go back to the Family Court, at huge expense, and seek to have the Orders as to residency and maintenance amended but if their father is not agreeable the Family Court is unlikely to change any Orders.

I am greatly concerned about the male role models in my children's lives. I do not see their father as a role model as he choses to spend as little time as possible with his children. Therefore I have chosen activities for my children where there are good male role models in the hope that these people will be a good example of how men involve themselves in teaching and caring for children.

I am also concerned about the financial arrangements in relation to shared residency. Many single mothers are part of the working poor, often in casual or low paid employment. How are the financial needs of children to be met if a financially well off father is not meeting his commitment to the needs of the children? Again I see this becoming a means for the father to assert power and control to the detriment of the children. If a father is financially well off I cannot understand why he choses not to look after the children he chose to have despite the break down of the marriage.

As a society I think we need to do more to encourage joint parenting of children but to try to do so after family separation is too late. Parents need to be involved physically, financially and emotionally in the care of their children from birth and build on that relationship as the children mature.

Yours sincerely

Bernadette O'Connor