

House of Representatives Standing Committee on Family and Community Affairs	
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Secretary:	

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 Child Custody Arrangements Inquiry
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Committee Secretary,

I would be grateful if you could consider the following views in the context of the Inquiry into Child Custody Arrangements.

Whilst the "Out of the Maze - Pathways to the future for families experiencing separation" Report accurately represents the views of fathers, it does not provide any recommendations to address the inequity in our current Family Law System. It has recommended establishing a process to help couples resolve issues and differences through a new service delivery system. Some couples simply cannot resolve disputes. This is why they choose to end their relationship in the first place. This does not address the significant issue that there is severe discrimination against fathers under the current system.

Little research is required to learn that there is a prevalence of mothers abusing the child support system for financial gain, and using access and financial means to cause distress for fathers. A number of community-based organisations have documented these facts.

Fathers have to mount a painful and expensive legal battle to have "access" to their children. Mothers do not have to go through such a process. The concept of shared parenting is not practiced in the Family Law System, and fathers are denied the opportunity to take responsibility for parenting their children in the current system.

Actions of mothers in this regard have abused the Family Law System to benefit their lifestyle, at the expense of the stable parenting of their children.

This has had the effect of:

- Distancing fathers from their children. It is very difficult for a father to maintain a relationship with, and take responsibility for their children when

they are not allowed to participate equally. The children, as a result, suffer significantly.

- Making the prospect of continuing full-time employment for fathers as an unattractive option. This is due to the Child Support Agency's rules being unrealistic and inflexible. There is a clear indication of high level of confusion between "spousal maintenance" and "child support", under the current system. How a father can be expected to pay \$600 a fortnight to "...maintain the standard of living that a child would normally enjoy if the two parents were together..." seems extraordinary.

Our family law system, when it has made rulings, has simply removed fathers from the upbringing of a child.

Statistical evidence shows extreme trends of the mother gaining major custody of children.

Bowlby's Attachment Theory published in 1969 appears to be the basis for these orders. I would suggest that modern thinking has changed in this regard, however we still have a system based on a 34 year old academic premise.

Standard court orders make the assumption that the father cannot take responsibility for a child as well as a mother, hence the standard orders enforced are simply "contact" every second weekend and half the school holidays.

As a result, there is now a generation of children who rarely have a stable father role in their parenting process. There is no evidence in any research, to my knowledge, to suggest that this is in the best interests of the children concerned. Yet the spirit of the Family Law Act is to ensure that actions are taken "in the best interests of the children". This seems a contradiction in terms and purpose.

Women are not disadvantaged by bearing children in the workforce, as we have one of the most sophisticated welfare systems in the world supporting our child care system, allowing mothers to return to work in a short period of time. We also have legislation which provides for paid maternity leave when required.

I would be grateful if the Standing Committee on Family and Community Affairs could take these facts into consideration in their work on the Child Custody Arrangements Inquiry.

Thank you for your time, and the opportunity to make a submission.



Steve Ulrich
7 August 2003