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House of Representatives Standing Committee

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Committee Secretary  
Standing Committee on Family and Community Affairs  
Child Custody Arrangements Inquiry  
Department of the House of Representatives  
Parliament House  
Canberra ACT 2600



### **Submission to the Inquiry into Child Custody Arrangements in the event of family separation**

I write from experience of some 40 years in medical practice.

TOR (a);(1)

I strongly reject the notion that "one size fits all", and reject the presumption that children should spend equal time with each parent. I have recent experience of a child of five who spent a week with each parent for a time: his comment was "I don't have a home, I just visit"

Factors to take into account include:

- The age of the child: in general small children relate more closely to their mothers: this is the case across all cultures. Older children should be given maximum freedom to choose and to vary this choice from time to time
- The contribution each parent has made to the child's upbringing up to the date of the separation. The parent who has had more contact is likely to be the one to whom the child relates most easily and with whom s/he should spend more time, but not to the extent of excluding the other parent
- The "fitness" of the parent to fill that role. This may be adversely affected by a history of substance abuse or significant mental illness, or marked immaturity on the part of one or other parent. While equity demands that an unfit parent has some rights, the welfare of the child is paramount and access to a manifestly "unfit" parent should be of limited duration and if possible be supervised by a grandparent if one is available-preferably the parent of the "unfit" parent
- Where decisions have been made for a certain allocation of time between the parents, allowance must be made for the child's wishes to be considered and the arrangement should be sufficiently flexible to accommodate this. A child who is missing its mother or father should be allowed to stay with them for a time. Restriction of this freedom can lead to severe anxiety in the child who may be very reluctant to go back to the restricting parent. Children from an early age have a sense of fairness and want to please both parents when they

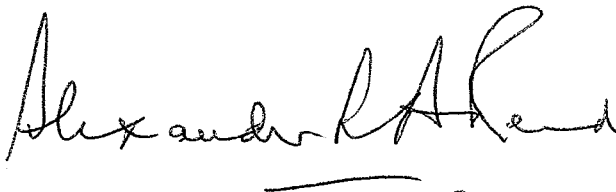
can, but their anxiety about going to the restrictive parent can turn to a sense of guilt leading to depression.

The child referred to above who "just visited" is much more content with an uneven split, living and sleeping at his mother's house for about 10 days a fortnight but spending some day or evening time with his father during those 10 days and returning to his own bed.

TOR (a); (2)

Access to grandparents and others can be critically important to a child and frequently provides a sense of continuity of love which has been shaken by the separation. Factors to consider include:

- The history of the person in question's involvement with the child to date. A grandparent who has been closely involved with a child must be allowed adequate access for both their sakes. A child should not be coerced into visiting a grandparent who is demanding their "rights" but has had little or no previous contact, nevertheless that grandparent should be allowed opportunities to get to know the child over time as circumstances may have changed
- The "fitness" of the grandparent to look after the child should be considered in the manner described above



Alexander LA Reid

I write as a Private Citizen and not as a representative of any organization