

Submission No. 236

Secretary: [Redacted]

From: [Redacted]
Sent: Monday, 4 August 2003 1:43 PM
To: Committee, FCA (REPS)
Subject: Joint residency

Date Received: 4-8-03

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TO: House of Representatives Standing Committee on Family and Community Affairs.

I am writing to express my concerns at the proposed changes to the Family Law Act that would allow for Joint residency of separated parents of children.

I am the Domestic Violence Liaison Officer at Sutherland Police Station and am also a parent who has gone through Family Law regarding custody of my children.

The difficulties I see with such legislation is as follows:

* Many women who want to leave a violent domestic situation, will have less option to do so as a Joint residency would drastically reduce Child Support and therefore her financial ability to cope outside the relationship. This takes away power from women and may compel them to remain in the situation with their partner. In many violent situations women don't always have access to money, or their partner may withhold finances.

* Many women might be compelled to stay in the marriage for the sake of the children. In violent domestic issues, children are also very much affected or are victims, and a woman would be less inclined to escape the violence without the ability to protect her children during their father's custody period. Therefore her options to leave are drastically reduced.

* With Joint residency, it would be necessary for the couple to remain in at least close residential proximity for the sake of schools etc. If a woman is leaving a situation due to violence, her safety could be compromised. It might be the case that if the mother leaves, she might have to move in with relatives who may live a considerable distance, making Joint residency extremely difficult to achieve.

* With Apprehended Violence Orders, that may place a restriction on distance to the woman's premises, this would be harder to achieve if both wife and husband are living in close to distance to the other.

* For my own experience - my ex husband wanted Joint residency of our two youngest children. The whole process was extremely upsetting to the children, the older child was going through his HSC exams at the time and this undoubtedly affected his final marks. He was bitterly upset at his father's submission for Joint residency and there became a strained relationship between them. Both children wanted to remain with me but didn't want to upset their father at the same time. Their father did not take into consideration the children or their needs, but only his own needs which included a reduction in Child Support. My ex husband moved into the same suburb as me and set up a mirror version of my home for his submission. The children were then being pulled into two directions, my ex husband campaigning hard in a competitive way, trying to divide the children's loyalties. My ex husband lost in his application and the children remained with me, but not before causing significant cost in solicitors fees and emotional upheaval. The discipline and routine in my home differs to that of their father's.



Being a shift worker, he was intending that his new wife would be responsible for the day to day arrangements with the children while he was at work, and despite the fact I was living a few streets away and would be present each evening and weekend. This would have meant ONLY that the children were at his house being cared for by his wife, and that his contact with them would be minimal considering his shifts. I can only be thankful that my children were spared this trauma and both have managed a good relationship with their father since the matter was settled. However, money always remains an issue, and this is what I believe Joint residency is ultimately about.

* Joint residency might incline both parents for further argument due to discussion involving everyday information that would need to be passed onto the other parent at changeover. With such regular changeover, this may become a bigger issue. My experience as a DVLO, where I see changeover of children for access at the police station, is that many arguments will take place about decisions that were made by the responsible parent at the time regarding the children. We often receive many complaints regarding this, especially where children have not been returned on time (even though this is not a matter where police can take any action.)

* I believe that children do not do as well at school when they are in Joint residency arrangement. This may be due to a difficulty in maintaining a regular homework routine from parent to parent. There tends to be a 'competition' between parents about being the 'more liked' parent, the one who does not dish out the discipline regarding important issues of education such as study and homework.

Thank you for reading my concerns regarding this important issue.

Sincerely,


Domestic Violence Liaison Officer, 

---- 04/08/03 12:43 ---- Sent to -----
-> fca.reps@aph.gov.au

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