

Submission No. 891

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Secretary:

**SUBMISSION for the
INQUIRY INTO CHILD CUSTODY ARRANGEMENTS
IN THE EVENT OF FAMILY SEPARATION**

I write in support of the Report of the Family Law Pathways Advisory Group's finding that children spend equal time with each parent, with the proviso that BOTH parents satisfy Family and Youth Services (or similar organisation) that they are "able to parent the child(ren) adequately.

The divorced mother of four children and now the grandmother of a three year old grand-daughter, [REDACTED] whose parents are divorced, I believe I have considerable experience in this field. Further, I am a qualified teacher and counsellor, working in private practice particularly with families and children in my region.

When my children's father and I divorced, we had joint custody, but the children predominantly resided with me, after a court order 25 years ago.

At that time, the court order supported the prevalent idea that mothers best cared for children and did not encourage the father to be involved. Without the affirmation of the court that fathers are equally important to children we will continue to see children growing up without the ongoing and expressed love of a father, day to day in all the little things. Such children are frequently rudderless, without a role model for boys, or a secure male figure to encourage healthy development and attitudes for girls. My own view of the roles of the Father and the Mother can be summed up in a simple picture of a mother, first holding a baby, and then as the baby becomes a toddler, releasing him or her to excitedly take steps to father's outstretched arms. Eventually the child then runs with the father into many adventures.

I am not denying that mothers can happily have adventures with both their boy and girl children, or that fathers can be gentle and nurturing, but rather that both are needed and together provide complete and balanced development. I played sports and coached my children's teams, went on scout camps and farmed a small farm.

However, my children missed out on their father's regular input and have always known a lack deep within them. They are not disturbed because they were fortunate in receiving positive input from many people in different situations.

If the court REQUIRED equal time, mothers and fathers would have to make at least a minimal effort to communicate with their ex-partners, even if through mediators. They would be open to communication counselling and sorting out their individual problems by necessity. They could be taught to communicate positively concerning the other parent, or risk becoming "the bad parent", which risk could be spelt out in education about "separation and after".

I know of one example where during the marriage and after the split, the mother was often threatened with violence, the father finally threatening to kill her and then himself, in front of the two young children. The mother and children were terrified. This mother had to have protection in attending court, but still realised that with appropriate safeguards she wanted her children to know their father. She has encouraged them to stay with him as often as possible even though they continue to live the majority of the time with her. This has been a miracle actively lived out. The impossible has become possible and eight years later the boy and girl are well-adjusted. Mother and father can arrange change-overs without fear. The mother remarked recently to me: "They do things with him that are different from what they do with me".

The weight of the law is very important. My son's former wife, who determined when [REDACTED] was two months old that she did not want a husband, nor her daughter to have a father, accused him falsely and has continued to do so. I would not necessarily advocate precise half and half time at two months, but daily visiting or similar, so that by six months, equal time could be spent with each parent. Such a law would prevent arguments being raised and supporting evidence so aggressively sought and presented by both sides.

Currently:

Mother ←---LAW-----> Father

More satisfactory:

Mother ←-----LAW-----> Father

i.e. An equal pull / Equality.

It has been reported that the breakdown of society has paralleled the loss of fathers in families. Also that school teachers have more problems with children who do not have a father present. This is especially so for boys, whose behaviour by its loudness etc is more noticeable, but affects girls too. We do not yet know what effect this will have in following generations, where grandfathers and fathers could both be absent. The current law emphasizes a sense among many men that they are not needed. This leads to "absconding" behaviour, non-payment of child-support and even fewer male teachers in primary schools.

Equal time equates with equal importance and I believe both parents are equally important to both boys and girls at ALL ages.

As a grand-mother, and speaking for my grand-daughter's grandfather and four great-grand-parents, on my son's side, as well as four uncles and one aunt, and more distant relatives, complete control of access' being given into the hands of the mother is a disaster. In our case, the not wanting [REDACTED] to have a father is extended to all my son's relatives. I (and all the others) can only see [REDACTED] when my son has access, which being for four hours per week, means turmoil. The great grandparents have only seen [REDACTED] twice in three years, as have the four uncles.

I can remember loving my grand-mother, knowing security in her, being loved by other relatives and continuing close to them all.

Separation, from grand-parents and other relatives, for the child can only mean a sense of alienation and eventually anger and resentment to those who have stopped contact. I believe grandparents and other close relatives should be invited to participate in the decision making process, not relying on arrangements between the divorcing parties, but as a normal process when access arrangements are made. As a child I liked to have Grandma to myself and there was nowhere near the same importance and happiness as when my parents were there.

I have spoken to many grieving grandparents who have not seen some of their grandchildren for many years or see them once a year due to control by the mother, even when living in the same city.

Considering other factors:

Place of residence is of importance so that children can attend one school consistently. It should not be assumed that one parent has the sole right of decision. It may need mediation and/or a court decision.

The school may have to be centrally located, a city or inner suburban school, whether private or public. This is quite possible in smaller cities like Adelaide.

Children's interests should be considered, such as sport, in which one parent might be more involved, so that a balance between father taking to chess and mother to hockey should be arranged.

Siblings need to be considered, eg in a family with ages from 2 to 10 years.

There needs to be room for negotiation with perhaps time bartered or "swopped", so that for example weekend away with a team that Dad coaches can be accommodated. Those parents who have difficulty negotiating any of the above may need to participate in a government agency register so that outcomes can be fairly negotiated. There could then be "booking ahead" for particular school or club events and visits from relatives from other countries.