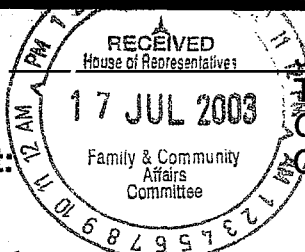


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Jane Kugelman [REDACTED]
Thursday, 17 July 2003 8:03 AM
Committee, FCA (REPS)
Child Custody submission

Submission No: 11
Date Received: 17-7-03
Secretary:

(a) (i) There should be no presumptions at all - you are dooming many people to inappropriate situations by doing this. There should be a focus on the core issues such as likely effect of placing the children with the parent who can supervise personally and who exhibits the best attitude towards the non-resident parent. Yes, perhaps men have been the losers in the past but is this because they are men or because they have not been involved or cannot be involved with the children to a higher degree. Things need to be considered not in terms of father/mother but in terms of which parent's work commitments effect their ability to care personally for the child. Which parent offers the most child-focussed attitude? Each party has new needs after a break-up and attempts to maintain the status quo are often far from suitable.

(ii) So long as the grand-parents are not poisoning the child's mind about the other parent, and they are good for the children, they should be involved but never at the expense of a parent. It is good to see that their role is being considered. Human beings survive beyond reproductive years for a reason. Other people are also potentially important and must be considered, but again, never at the expense of a parent. The role of community is important but you must be certain it's not being fabricated by the parent who stands to gain.

(b) During a marriage usually one partner can earn more money than the other (typically the man). This usually results in the mother not living in a location most suitable to her career development and earning ability. She also typically ends up with residence. Due to the push for shared care arrangements she typically is unable to move to pursue career options and enhance her earning ability. This needs to be considered. Suddenly she is supposed to support herself and continue to look after the children, while living in a location which is often unsuitable to her work prospects. Fathers making applications to the court typically lock her into a situation which makes her a very unhappy mother. This is not good for the children. If we are going to consider the cost of fathers' weekend contact then we must also consider the cost the mother incurs (or more rightly the lost earning capacity) in remaining in a location suitable to the father. Also if a step-parent comes on the scene and is then forced to live in an unsuitable location to their career development etc, what effect do you think this will have on second marriages? We live in the age of communication and travel is more affordable than ever - perhaps physical location is over-rated in terms of enabling contact. Too frequent contact can be more disruptive than helpful.

From personal experience, the best way to clean up the family court system is to inject funds into better mediation. Make some sort of provision for arbitration of some type. The family law courts are so busy right now because so many fathers are making unfounded applications as a way of harrassing their ex-spouses. Make applicants responsible for the other parties legal costs if you want to reduce the number of applicants. Put some decent counsellors in their or at least increase the number of counsellors so that the ones their remain fresh and focussed. My situation could've been resolved if someone did a decent job of mediation and helped us focus on the real issues. There was a definite sausage machine mentality. It would not have taken a great deal of effort for someone to actually do some communication facilitation and to help both parties identify the pertinent issues.

Family relationships should not be in court. The Family Court should be kept for extreme cases and not for all of these petty squabbles over tiny details. It should not be left open to be used as a tool of abuse by those with emotional baggage. You need to protect the children from the extended delays and uncertainty induced by one party making an unfounded application. Remember childhood does not go for very long and the chaos

created by family court proceedings can be more damaging than the loss of a parent. Parents have rights as well. Why should one parent be imprisoned by being forced to live somewhere unsuitable just so the kids can see their father every second weekend? Crazy! When did being a parent become a criminal offence?

Good luck with this - I look forward to your outcomes and please, please, please inject more funds into immediate attention to facilitate communication between the parties right at the start of the break-up. Perhaps some marriages can even be saved.

Jane Kugelman BSc PG Dip - Health Promotion Officer
3/38 Tramway Rd,
North Avoca NSW 2260