

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

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Dear Committee,

This letter is a brief submission to the Committee's Child Custody Arrangements Inquiry. I write this submission as a researcher in the area of social policy and the family, including long-term experience as a social worker, working professionally with families in the areas of custody arrangements. Because of the shortness of the submission time, I restrain my comments to question (a)(i).

*(a) given that the best interests of the child are the paramount consideration:*

*(i) what other factors should be taken into account in deciding the respective time each parent should spend with their children post separation, in particular whether there should be a presumption that children will spend equal time with each parent and, if so, in what circumstances such a presumption could be rebutted;*

Strong research evidence confirms the value to a child of ongoing parenting from both parents post separation. The child-benefits of parenting as a joint exercise between the separated parents and for the child to spend significant time with each parent on a regular basis as they grow through their childhood into adolescence is not contested. However, a conceptual jump from an aim of encouraging separated parents to work out equitable, child focused, parenting arrangements to a standard presumption of equal time parenting that requires rebuttal to vary is, in my professional view, exceedingly hasty, exceedingly premature, and potentially damaging to the welfare of the children of separated parents.

My major initial concern is the current lack of empirical evidence to support a presumption of equal parenting time, post-separation, as in the best interests of the child. To date, there is little, if any, rigorous Australian empirical research to suggest that this type of post-separation parenting is a workable option for a majority of parents or that the outcome of equal parenting time arrangements are consistently better for children than those where there is a primary carer. Are equal parenting time arrangements an unmitigated good for the children of separated parents? This question is not to suggest that they are not, but to highlight the lack of good data to support the affirmative case.

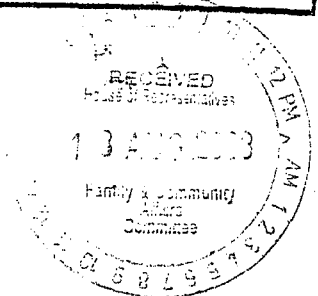
Indeed, there is little research on how joint parenting operates within the two-parent family (apart from family time use surveys) and no data that I have seen to suggest that equal time parenting is anything close to a reality in existing two-parent families. Given this lack of research and hard data I question the decision to proceed to a formal contemplation of such a radical change in social policy. While the concept of a presumption equal parenting time may have noble motives, before any major social

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policy change, broad-based, rigorous and generalisable research needs to be undertaken. Just some of the many questions that need to be comprehensively addressed include:

- What is the impact on and for children of current equal parenting time/post separation arrangements (EPT/PSA)?
  - What is a successful (EPT/PSA)?
  - How long do such arrangements need to last to be considered successful?
  - What is the impact do short term or unsuccessful EPT/PSA have on children?
- What is the longer-term current success rate of EPT/PSA?
- How long do current EPT/PSA tend to stay in place?
- What factors are important in EPT/PSA ceasing?
- What, if any, are the variables in common found in successful EPT/PSA?
- What are the major perceived benefits associated with such arrangements?
  - From the child's perspective
  - From the each parents' perspective
- What are the major perceived negatives associated with such arrangements?
  - From the child's perspective
  - From the each parents' perspective
- What percentage of EPT/PSA can truly be classified as really equal parenting? When not completely equal is there a trend in which parent is more responsible?
- Is the value/benefit of EPT/PSA equally valid throughout childhood, or are there child ages where they are particularly more beneficial or less beneficial?
- What does the research from other countries indicate about the positives or negatives of EP/PSA?

There are a multitude of other questions that should, and must, be addressed on this topic long before any actual policy change is contemplated. With the stakes as high as they are for the children of separated Australian families, the use of an untested ideal as the basis for such a dramatic overhaul of social policy appears reckless. Children of separated parents cannot comprise the raw data for a social experiment.

Yours faithfully

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7<sup>th</sup> August 2003