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SUBMISSION

FAMILY FIRST PARTY

TO THE
STANDING COMMITTEE ON
FAMILY AND COMMUNITY
AFFAIRS

CHILD CUSTODY ARRANGEMENT INQUIRY

7 AUGUST 2003

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Family First congratulates the federal government on its decision to conduct an inquiry into child custody arrangements in the event of family separation. This issue has been one of great concern to us as a party and it is pleasing to see the Federal Government is being proactive in this area.

In reference to the specific issues raised by the Inquiry, Family First comments as follows:

- (a) (i) *Given that the best interests of the child are the paramount consideration:***
What other factor should be taken into account in deciding the respective time each parent should spend with their child 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?.

Family First supports the proposition that in the event of a family breakdown involving a child, there should be a presumption of a 50/50 child custody arrangement.

Sufficient evidence is available today to support the argument, that it is more beneficial for a child if both parents share equally in the parenting of the child post-separation. The benefits for the children include less psychological problems in later years (Zill and Schoenborn, National Center for Health Studies, 1990), far greater academic achievement (*National Assoc. of Elementary School Principals Report*, cited by Hewlett in his 1989 study *When the Bough Breaks*), and a reduced likelihood that they will become victims of sexual abuse (*Child Sexual Abuse Victims and their treatment*, 1988 Gomes-Schwartz, Horowitz, and Cardarelli).

We enclose a copy of a document containing statistics relating to the problems suffered by children from a lack of two parent households.

Children benefit from socialisation by their fathers or permanent role models. The biological father is the best of the possible father role model variables (*The Principles of Equal Parenting*, Robert Whiston from the Coalition of Equal Parenting, 2001).

A 50/50 child custody arrangement would give both parents a clear understanding of their expected responsibility during any discussion prior to separation and it would place each parent on an equal footing at the commencement of any proceedings concerning child custody.

Such a presumption could alleviate circumstances of disempowerment. For instance, one parent may feel unable to represent themselves before the court because of their cultural or socio-economic background.

A 50/50 presumption would send a message to the community, that both parents are critically important to the parenting of a child.

Circumstances where the presumption could be rebutted include:-

- Where it is established that a parent is a threat to the physical, psychological or emotional well being of the child, in particular where

behaviour under one or more of these categories has led to a parent incurring a criminal conviction.

- Where one of the parents has entered into a relationship with another person and that new partner has a criminal record that falls under one or more of the above categories.

(a) (ii) *The circumstances where a court should order that children of separated parents have contact with other persons, including their grandparents*

Sole custody has the tendency to cut off all contact that the child may have had with his or her grandparents, aunts and uncles on one side of the family. Shared parenting allows the wider family to participate in the child's development. The child gains a sense of purpose, belonging, and inheritance. It is crucial, therefore, that the child be permitted contact with his or her wider family on both sides, unless it can be established that such contact would cause the child physical, emotional or mental harm.

(b) *Whether the existing child support formula works fairly for both parents in relation to their care of, and contact with, their children.*

The party's parliamentary leader, Andrew Evans MLC, in working as a church minister for over 40 years, has dealt with many family breakdown issues. A consistent theme has been the lack of framework to ensure financial and emotional accountability of both parents for the ongoing needs of the child post-separation.

The overriding concern for divorced fathers is their continuing contact with their children (*The Effect of Divorce on Fathers*, JW Jacobs AM, J Psychiatry 1235 – 41 (1982)). Sole Custody arrangements have caused a lot of distress amongst fathers in our community. The ratio of suiciding fathers as against mothers is up to 18:1 (Australian Institute of Suicide Research). Many fathers

are left in a desperate situation without access or minimal access to their children.

Family First believes that shared parenting would benefit the children, the parents and the extended family. Our Party would encourage support of any bill that incorporates the fundamental concept of shared parenting.

Thank you for providing our Party with an opportunity to make a submission.

A handwritten signature in black ink, appearing to read 'Andrew Evans', written in a cursive style.

Hon Andrew Evans MLC

Parliamentary Leader – Family First Party

Listed are problems our children suffer from lack of two parent households:

PSYCHOLOGICAL HEALTH PROBLEMS

1. GREAT PSYCHOLOGICAL PROBLEMS

- A. single parent children 3 to 4 times more likely to have emotional or behavioral problems

(Zill and Schoenborn, National Center for Health Statistics, 1990)

- B. 84% of teens hospitalized for psychiatric care come from single parent homes (1989 study, cited by Hewlett, When the Bough Breaks)

2. HIGHER SUICIDE RATE

- A. teens who attempt suicide similar to non-suicidal teens in age, income, race or religion, are more likely to have little or minimal contact with their father (Study of 752 families by New York Psychiatric Institute, cited by Hewlett)
- B. 75% of teens who commit suicide are from single parent homes (Elshtain, The Christian Century, 1993)

3. MORE ALCOHOL AND DRUG ABUSE

- A. 18% of children with strict and involved fathers used drugs
- B. 35% of children without fathers used drugs (1988 UCLA study, cited by Hewlett)
- C. Children in father-absent homes are 4.3 times more likely to smoke as children in father-present (Stanton, Oci, and Silva, 1994 survey of 1037 15-year-olds)

4. GREAT FREQUENCY OF SLEEP DISORDERS

- A. more trouble falling asleep, more nightmares, and night terrors (Psychiatrist Alfred Messer, cited by Hewlett)

5. PERSISTENT FEELINGS OF BETRAYAL, REJECTION, RAGE, GUILT, PAIN

- A. lasting for years with a renewed intensity at adolescence
- B. Two-thirds [of father-absent children] yearned for the absent parent, one-half of those with an intensity we found profoundly moving. (Wallerstein and Kelly, 1980, Surviving the Breakup)

6. LOWER SELF-ESTEEM

- A. especially true for girls (Dr. Robert Fay presentation at NCMC conference, 1992) (Davidson, Life Without Father: America's Greatest Social Catastrophe, Policy Review, 1990)
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COGNITIVE/ACADEMIC ABILITY

1. LOWER ACADEMIC ACHIEVEMENT

- A. 38% of elementary students from single parent homes were low achieving, while 23 % of both parent children were low achieving (Nat'l Assoc. of Elementary School Principals report, city by Hewlett)
 - B. 30% of children from father-present homes were high achieving, while only 17% of children from father-absent homes were high achieving.
2. LOWER MATH SCORES
 - A. (Yale University study by Carlsmith, cited by Hewlett) (Cortes and Fleming, 1968)
 3. GREATER FAILURE RATE
 - A. elementary students from fatherless homes or homes with mother and a stepfather have to repeat
 - B. (National Center for Health Statistics study of 47,000 households by Deborah grades at a rate 2-3 times higher than children with both biological parents Dawson, 1991)
 4. LOWER SAT SCORES
 - A. "dramatic" lower scores for students from father-absent homes (Columbia University and Bowling Green State University study of 295 from father-absent homes and 760 from father-present homes, cited by Hewlett)
 5. LOWER IQ AND ACHIEVEMENT
 - A. children who lost fathers before age 5 scored lower on Otis Quick Test and Stanford Achievement Test as junior-high and high-school students (Santrock, 1972) (Hetherington, Cox, and Cox study, 1978) (Cortes and Fleming, 1968)
 6. MORE LIKELY TO DROP OUT OF SCHOOL
 - A. children from fatherless homes twice as likely to drop out of school (US Department of Health and Human Services, Survey on Child Health, 1993)
 7. LESS LIKELY TO ATTEND COLLEGE
 - A. (Wallerstein, Family Law Quarterly, 1986)
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ANTISOCIAL BEHAVIOR

1. HIGHER RATES OF CRIMINAL BEHAVIOR
 - A. fatherless children are twice as likely to become criminally involved (Margaret Wynn, 1964) -72% of adolescent murderers, 60% of rapists, and 70% of long-term prisoners grew up in father-absent homes (US Department of Justice data, 1991)
 2. GREATER DELINQUENCY FOR BOYS
 - A. 87% of Wisconsin juvenile delinquents are a product of father-absent homes (Wisconsin Department of Health and Social Services, 1994)
 - B. 70% of juveniles in state reform institutions grew up in father-absent homes (US Department of Justice data, 1988)
 - C. young black men raised without a father are twice as likely to engage in criminal activities (Hill and O'Neill, 1993) (Matlock in Adolescence) (Siegman, 1966; Anderson, 1968; Kelly and Baer, 1969)
 3. GREATER DELINQUENCY FOR GIRLS
 - A. (Monahan, 1957; Toby, 1957)
 4. MORE VIOLENT MISBEHAVIOR IN SCHOOL
 - A. Children who exhibited violent misbehavior in school were 11 times as likely to live without their father than children who did not violently misbehave (Sheline, Skipper, Broadhead, Aamerican Journal of Public Health, 1994)
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CHILD ABUSE

1. GREATER CHANCE OF BEING PHYSICALLY ABUSED
 - A. preschoolers living without their biological father were 40 times more likely to be a victim of child abuse as compared to like-aged children living with their father (Wilson and Daly in Child Abuse and Neglect: Biosocial Dimensions, 1987)
 - B. premarital pregnancy, out-of-wedlock childbearing, and absent fathers are the most common predictors of child abuse (Smith, Hanson, and Noble, Child Abuse: Commission and Omission, 1980)
 2. GREATER CHANCE OF BEING SEXUALLY ABUSED
 - A. 69% of victims of child sexual abuse came from homes where the biological father was absent (Gomes-Schwartz, Horowitz, and Cardarelli, Child Sexual Abuse Victims and their Treatment, 1988)
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HETEROSEXUAL ADJUSTMENT FOR DAUGHTERS

1. MORE DIFFICULTY IN INTERACTING WITH MEN AND MALE PEERS
 - A. daughters of divorcees aggressive, forward with boys and men
 - B. daughters of widows shy and timid with boys and men (Hetherington, 1972)
 2. YOUNGER MARRIAGES
 - A. daughter of divorcees marry at younger age (Hetherington, 1972)
 3. MORE UNWED PREGNANCY
 - A. girls from fatherless homes 111% (over 2X) more likely to have unwed pregnancy (Warren Farrell presentation at NCMC conference, 1992; Hetherington, 1972)
 4. HIGHER DIVORCE RATES
 - A. girls from fatherless home 92% (nearly 2X) more likely to divorce (Warren Farrell presentation at NCMC conference, 1992; Hetherington, 1972)
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HETEROSEXUAL ADJUSTMENT FOR SONS

1. LESS MASCULINE, MORE DEPENDENT BEHAVIOR
 - A. (Santrock's study of 4- and 5-year old, father-absent boys) (Rogers and Long's study of 6- to 15-year-old boys where father employed away from home community, 1968) (Hetherington's study of 9- to 12-year-old, father-absent boys, 1966)
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GENERAL HEALTH

1. MORE LIKELY TO SUFFER ACCIDENTS AND INJURIES
 - A. fatherless children 20-30% more likely to experience accidents, injuries, and poisonings than did father-present children (Remez, Family Planning Perspectives, 1992)
 - B. compared to children living with father, fatherless children experience more accidental injury, asthma, frequent headaches, and speech defects (Dawson, Journal of Marriage and Family, 1991)