Forbes, Bev (REPS)

From: Neville-Ross, Donna (K. Hull, MP) on behalf of Hull, Kay (MP)
Sent: Thursday, 7 August 2003 9:07 AM
To: Forbes, Bev (REPS)
Subject: FW: I oppose a presumption of joint custody!

-----Original Message-----
From: Gates, Margo (T. Gambaro, MP)
Sent: Wednesday, 6 August 2003 7:18 PM
To: Hull, Kay (MP)
Subject: FW: I oppose a presumption of joint custody!

Dear Kay

You may be interested in the email I received from my constituent, Mrs Rachel Gillies concerning joint custody.

I have advised Mrs Gillies that I would pass her commments on to you.

Regards.

TERESA GAMBARO MP
Federal Member for Petrie
-----Original Message-----
From: Rachel Gillies [mailto[redacted]
Sent: Wednesday, 30 July 2003 11:18 AM
To: Gambaro, Teresa (MP)
Subject: I oppose a presumption of joint custody!

Dear Ms Gambaro,

As you know, the Howard government is currently considering the introduction of a rebuttable presumption of joint custody following family breakdown. A Committee of the House of Representatives is investigating the proposal, and will report to the Parliament in December. I'm writing to let you know that as a family lawyer I am strongly opposed to the introduce of this radical change.

Why isn't a presumption of joint custody a good idea?

Iagree that both mothers and fathers have a very important role to play in raising their children, whether in two-parent families or after family breakdown. When couples separate, there are a number of ways of ensuring that children are appropriately cared for; joint physical custody is one such way, and it has merit in some cases where both parents freely choose it, where there is an absence of conflict and where both parents are financially stable and live in the same general geographic location. However, a forced presumption of joint custody represents a radical change in policy that is not supported by evidence and which will in many cases not be in children's best interest.

I oppose a presumption of joint custody on the following grounds:
* it privileges the rights of adults over those of children;
* it denies children the right to unique consideration of their needs and wishes, which may change over time;
* it is not evidence-based, but rather is driven by narrow ideological and political interests;
* it will expose women and children to higher levels of conflict and violence;
* it will disadvantage parents who have sacrificed careers and education to be a stay-at-home or primary carer;

* it will provide some parents with opportunities to reduce their child support obligation, while not leading to more equitable sharing of core parenting work;
* it ignores the evidence that shared residence works for only some families; and
* it will increase litigation (old cases may be opened for re-consideration), and will prolong instability and uncertainty for both parents and children.

I am also concerned that this change is proposed in the context of continuing problems with the management of family law cases involving violence and child abuse and the increased poverty of sole parents arising from split Family Tax Benefits, reduced levels of child support and the introduction of a punishment-based 'mutual obligation' regime. I urge you to reject this proposal should it come to be debated in the Parliament.

Yours faithfully,
Rachel Gillies (Mrs)

Postal address, PO Box 1165, Stafford City, 4053, Qld.