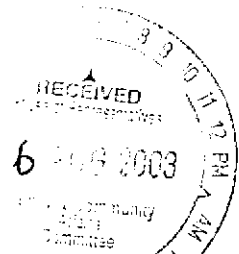


House of Representatives Standing Committee
on Family and Community Affairs

Submission No: 312

Date Received: 8-8-03

Secretary:



SUBMISSION

FOR THE STANDING COMMITTEE ON FAMILY LAW AND COMMUNITY AFFAIRS
RESPECT OF CHILD CUSTODY ARRANGEMENTS IN THE EVENT OF FAMILY
SEPARATION.

The terms of reference are in brief (1) should there be a presumption of shared parenting? (2) when would it be appropriate for a court to make contact orders for the benefit of third parties eg g'parents? and (3) is the child support formula fair?

Taking each in turn.

(1) Presumption of Shared parenting

I agree wholeheartedly with the notion of shared parenting as a starting point to work from. I am not saying that in all cases shared care is desirable or appropriate. However, it is the best starting point because in my view the initial equality will help reduce the scarring that results from divorce and this in turn benefits children.

The father's continued meaningful input into the new family structure is vital after separation. Many fathers become quite isolated after separation and it is important for fathers' interests to be taken into account for the ongoing benefit of the children. It is trite to say that a father loves his children just as much as a mother and fathers should be given the opportunity to make arrangements for their care after separation. Further, it must not be forgotten that children love their parents equally.

This issue to me is more about an equal starting point for parents to arrange the care of their children rather than an end result. It is not about forcing shared care in every instance for there will be many where it will not be appropriate. The critics of shared parenting focus too much on the end result.

An often unspoken issue is that shared parenting will result in mothers receiving reduced child support payments and probably a less favourable property settlement on 75(2) factors. Herein lies a significant hurdle for it to be accepted by mothers.

Putting the financial issues to one side, if both parents genuinely want shared parenting to work and their circumstances make it appropriate, then I believe that it is the best outcome for the children in the circumstances of a separation. If a rebuttable presumption results in an increased number of shared care arrangements, then this will be a good thing for our children.

(2) Orders for 3rd parties

In my experience, 3rd parties usually only intervene because they feel that children's interests are not being served by the contact arrangements already in place between the parents.

In most cases children will benefit from contact with both sets of grandparents. A shift to a presumption of shared parenting will in many cases cater for the needs of 3rd parties.

However, in cases where there is no/very little contact with one of the parents, then orders in favour of the parents of that non contact parent would be appropriate, subject to the proviso of the children's best interest being served.

(3) Child Support

There is no doubt children are expensive to raise. My submission does not go into the merits of the formula and I will leave that to others who have studied the point.

However, a presumption of shared parenting will solve many of the current contentious child support issues.

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