

Attention: **Committee Secretary**
Standing Committee on Family and Community Affairs Child Committee
Custody Arrangements Inquiry on Family and Community Affairs

Inquiry into Child Custody Arrangements

Submission No: **1324**

Date Received: **15-8-03**

Secretary: **Principal and have worked**

My name is Maryann Judge. I am a primary school Principal and have worked for the NSW Department of Education and Training for 28 years. I have a wide and varied experience in working with children and families in different schools with varying socioeconomic backgrounds. Family relationships impact on children's well being and learning. Over the last 10 years custody arrangements, child support and the effect on small children have become part of my daily work.

I was pleased to hear that this inquiry seeks to address the operation of contact and child support arrangements for separated families. I believe in the interest of our society the Government must ensure that, to the greatest extent possible, children have the benefit of the love and care of **both** their parents when a couple separate. This is vital to the development of a child if we are to strive for the growth and development of balanced, fair minded and contributing members of our society.

a) Given that the best interests of the child are the paramount consideration:

- **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; and**

It is my experience that in most instances the Family Law Court gives the custody of the children to the female parent. This provides the female parent with residential status and is seen by the court as the party in the marriage who has the 'right' to the children. This marginalizes the male parent. I believe that in today's society these judgements by the court are out of step with the realities of childcare. Courts must be ever mindful of the rights of the child to access to both parents. The equity of this process is to provide opportunity for the child to have time with both parents.

The custody arrangements are made based on the child's usual place of residence and the Court wishes to maintain the security for the child by leaving them in the family home. On the surface this could appear to be in the interest of

the child. However in my experience children need a balanced view of both parents. The present system gives the moral high ground and the 'power' to the residential parent. In this situation it is increasingly difficult for the non-residential parent to be involved in aspects of the child's life. There must be a balance of time for each parent so that the child can grow to know and understand both male and female influences in their lives.

It is well documented the concerns educators and other leaders in our society have for the development and achievement of 'boys'. Many female residential parents want schools to provide male teachers. This infers that a male teacher will provide a male model. A band aide solution. All children, especially small children, need to know and understand their father. My experience is that the residential parent has an inequitable amount of time with the children due to the arrangements made post separation. Children are flexible and perceptive. This inequity provides a child with a view that one parent is more valued than the other parent. The present system empowers one parent and disempowers the other parent in the vital role of caring and nurturing children.

The only factors that should be taken into account in deciding the respective time each parent should spend with their children post separation is what is in the best interest of the child. Often it is my experience the best interest of the child is not the criteria. It is more about the 'win loose' circumstances. The best interest of the children a minor factor in the equation.

There must be a presumption that children will spend equal time with both parents. To think otherwise is to deny the child the knowledge and understanding of those who can make them whole. Any formula, which does not consider equity in relation to time, spent with male and female parents, impacts on the psychological development of the child and could adversely affect social and emotional growth. Separation of couples divides and alienates once loving people. Present custody arrangements divide and alienate children from those who should be an integral part of their lives.

There must be a presumption that children will spend equal time with each parent and this should be the base line from which all custody arrangements are made.

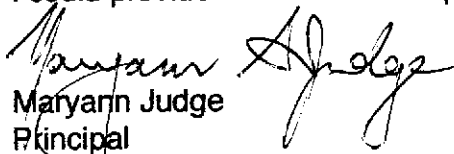
b) Whether the existing child support formula works fairly for both parents in relation to their care, of, and contact with, their children.

My experience with the child support formula is limited. However it sometimes seems that the financial assistance provided by the non-residential parent is not being used completely for the children's needs seeing how they are dressed. There seems to be no mechanism for accountability for the use of the funds provided by the non-residential parent.

I also know of many parents who are dissatisfied with the review office system. Although many reasonable non-residential parents do not seem to be getting an even handed approach, I know of other cases where residential parents experience hardship because the non-residential parent does not contribute at all. It seems that the child support agency is unwilling or unable to as pursue those non-residential parents to a satisfactory conclusion.

The child support formula must work fairly for both parents. In my experience this is not always the case. I know of many families who are dissatisfied with the present formula and child support agency. If children were to spend equal time with each parent then many of the inequities of the child support formula which seem to cause pain and hardship for many families would be nullified.

I am happy to provide more information if you wish to contact me. I have kept my submission short and have overloaded it with particular cases or circumstances. I could provide more detail if required.


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