

Inquiry into Child Custody Arrangements in the event of family separation

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

House of Representatives Standing Committee
on Family and Community Affairs

Submission No: **1637**

Date Received: **23-10-03**

Secretary:

Inquiry into Child Custody arrangements in the event of family separation

Terms of reference

- a) given that the best interest of the child are the paramount consideration:
 - (i) what other factors
 - (ii) grandparants

- b) whether the existing child support formula works fairly

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Started 15/8/2003



INQUIRY INTO CHILD CUSTODY ARRANGEMENTS IN THE EVENT OF FAMILY SEPARATION	1
INTRODUCTION	3
BRIEF HISTORY AND INVOLVEMENT WITH AGENCIES	3
GENERAL COMMENTS	4
CONTEXT – A RESPONSE TO OUT OF THE MAZE – PATHWAYS TO THE FUTURE FOR FAMILIES EXPERIENCING SEPARATION	4
TERMS OF REFERENCE	5
DEFINITIONS	5
1) BEST INTERESTS OF THE CHILD	5
2) TIME WITH EACH PARENT.....	6
3) PARENT.....	6
FACTORS FOR TIME SPENT -CHILD	6
PRE CONCEPTION	7
CONCEPTION	7
PRE BIRTH	8
BIRTH.....	8
RESPONSIBILITIES VERSUS RIGHTS	9
BREASTFEEDING	9
PRE SCHOOL	10
PRIMARY SCHOOL.....	11
HIGH SCHOOL	11
POST 16.....	11
POST 18 OR 21.....	12
OTHER FACTORS AFFECTING CHILDREN	12
FACTORS FOR TIME SPENT -PARENT	13
OTHER FACTORS	13
PRESUMPTION OF SHARED CARE	13
PRINCIPLES ARE	14
ASSUMPTIONS	14
CRIMES	14
CHILD SUPPORT FORMULA	15
WHAT'S WRONG WITH CURRENT SYSTEM?	15
HOW WOULD A NEW SYSTEM WORK?	16
MEASURES OF SUCCESS	16
SHORT TERM IMPACTS	17
LONGER TERM IMPACTS	17
A SUMMARY VIEW	18

Introduction

I have recently been made aware of this inquiry and feel passionate about contributing to the debate in this area. I have something to contribute on all the subject areas and have personal experience and thoughts which may help. I am currently in the middle of Child Support activities and this (to some extent) explains my tardiness in preparing a written submission.

Please accept my submission and make sure my concerns are put forward to the relevant forums.

I have other concerns about this area and I would like the chance to contribute at a later time. If the committee would like any more involvement or information from me I am happy to contribute further.

Most recently – the press reports of statements by the head of the Family court and also the head of FACS had to say to the committee has increased the importance that I be allowed to voice my concerns.

Brief History and Involvement with agencies

I have shared custody of 2 children through Family Court orders.

I spent \$70,000 in legal fees (not including other costs) and about 2 years of my life going through the Family court process.

I have a non-harmonious relationship with the children's mother.

I have shared raising the children all their lives (now aged 10 & 12) and the court orders have been in place for week about shared custody for about 5 years.

I have had difficulty getting access by my parents to my children.

I am currently right in the middle of dealing with Child support issues as the children's mother applied for Child Support in January 2003.

Centrelink issues are involved - the children's mother was employed as an EL2 in the ATO -- then took a package, starting studying part-time , is now receiving benefits, applied for Child support so she could maintain her benefits.

Terms of Reference

Definitions

1) **best interests of the child**

This needs to be defined. It is a term often used and seems to have all sorts of presumptions behind it. Typically we seem to think experts define what it is and from CSA's point of view it means money.

I would argue that by definition it is the parents who have the right to decide what is in the best interests of the child until they are legally no longer children.

There are relatively few matters which concern children's matters which need to be sorted out between parents. E.g.

- 1) Schools
- 2) Healthcare
- 3) Sporting events
- 4) Haircuts
- 5) Religion –(which can vary from household to household)

Most of these matters can be simply agreed or given to one parent over the other. One parent could be given choice of school responsibility and one sporting events. **Most health funds** are not geared to separated families so that's a current issue. Schools report to both parents regardless of who has 'custody' of the amount of time each parent has with the child. All government authorities should communicate with both parents equally.

The argument (assumption) that children should not be exposed to the different value systems of parents is facile. Most people are different. Some parents have similar values or choose to adopt a common set – others don't. The concept of 'raising' a child needs to be examined. Children are exposed to lots of different values and belief systems people they meet, relatives, teachers, TV, books etc.

Whenever a child is with a parent then that parent exercises the parental authority as required. Ie non-custodial and other terms are irrelevant to the rights of children to be parented by their parent.

If the government is going to decide what is the best interests of the child then it **needs to work from some ethical and principled base** at the highest level and with universal application – ie for children from separated and unseparated families. Case by case intervention is by nature an expensive, time consuming, subject to mismanagement and abuse process. **The history of Australian Government in family matters is paved with good intentions but littered with failure.**

Conflict is also a term which needs definition. Disagreement, argument, debate are all valid and important to learn. Children need to learn about conflict. How should that best be done? (not covered by this terms of reference so I will not comment further)

2) Time with each parent

On the face of it this seems like a simple concept. In reality there is a whole lot of context about what this means and how it actually takes place. How does the time take place and what does it look like? What time periods are we talking about – weeks, years, life?

Is this time spending assumed to take place in certain locations – house, home, caravan, tent, circus, outings, jail, internet, telephone, letter?

Is it meant to mean (and only mean) ‘live with’ or is that covered somewhere else?

Then the concept of ‘provide a home for’ seems to come into it but that seems to be out of scope of the inquiry.

Where does this time spending take place?

3) Parent

A biological parent is different from a birth parent. A birth parent is one who gives birth or (for men) believes the child is from their gametes. This is complex issue. Related to this is intent – people have sex with no intent to have a child. This makes them a biological parent but not a willing parent. Does society allow for this concept? If someone’s gametes are taken from them without consent and used to create a child then this is different from willing parents. Genetic Engineering is a pandoras box for these concepts.

Multiple parenting may take place when different gametes are combined from different parents but birth takes place at the same time. – twins from different fathers.

Factors for time spent -Child

It is important that decisions made affecting children are defensible for all time. All people - relatives, friends, officials need to be able to see understand and accept the decision. The lack of exposure of principles , morals, ethics, justice, fairness, timeliness, due consideration, etc – makes it almost impossible for people to accept and understand. The highest standards need to apply.

We currently have a system where possibly 50% of the population are affected by CSA & Family Court decisions and the way custodial parents behave

Australia needs to determine its own values. Australia is a different country to USA and UK. We need to mature to be able to lead the way in highly principled solutions to difficult social situations. Experts play a role but the community will follow not what an expert says – but what makes sense to us all.

At the level that this enquiry is framed much of the above is out of scope but deserves further work.

There are several different time periods during children's development which reflect the maturity and interaction with the current Australian normal institutional involvement.

- 1) Pre conception
- 2) Conception
- 3) Pre Birth
- 4) Breastfeeding
- 5) Preschool
- 6) Primary School
- 7) High School
- 8) Post 16
- 9) Post 18
- 10) Post 21

Pre conception

Sex is not necessarily an intent to produce a child.

Getting gametes from IVF, the black market, friends, etc. If a child is conceived at what point is it a child (birth?) and what rights do parents have over the child? What rights to gamete (or gene) providers have over the use of their gametes?

Conception

This is a messy business. Once a child is conceived various people exercise different rights over the child. The dilemma here is that the birth mother owns her own body but is carrying another life form. In the normal course of events it will produce a child. What right does an unwilling gamete provider have over a termination? If a termination is not done then what impact does that have?

Doctors play a role in determining terminations before birth. What ethics and discussion are taking place here and as a society are we up to it or is it best left to individuals?

Pre Birth

As the pregnancy progresses expectations of people grow in anticipation. Relatives (biological and birth) may want to be involved, want to help provide and plan to be involved in other ways. In many cases the birth mother feels like her body is not her own. Children are not owned. When does the child become a child? At what stage in the process? When does it change from a life form to successfully birthed child?

Birth

As children go through a growing up period the involvement and expectations of people who are involved with the parents and the children change. At the birth of children the people who are likely to have some contact with the new baby are the grandparents, parents, friends. Typically at this time a separated woman would be saying 'its my baby' as if it was her property. This is a common dilemma in that a woman who has just given birth and experienced child birth naturally feels a huge contribution to the process and that they are the main players in the process.

Many who feel this way at birth can have problems if they do not realize that raising children requires a lot of people to be involved. If they fail to accept the value of other people's input (and their own) then they risk isolating themselves and becoming unhealthy physically, emotionally and mentally.

The heightened value of the mother at birth is reinforced by terminology such as 'sperm donor'. Some would see the father as not as important and at best – a bit

player. (An alternative and equally slanted view would be that the father is the main player and the mother just a vessel to carry the child. History would show that in many societies many different views of the pregnancy and birth have existed). The contact at birth or just after birth is required for mothers and fathers but especially grandparents, other relatives and friends. While photos can help, actual touching, playing, giving presents and heirlooms in a safe friendly homely environment is probably what many people expect. The problem is at this time the child has not formulated any wish to see people. The child is not aware that it needs to see its father or grandparents. Common sense and a sense of justice would say that they should see each other.

The child's best interests in this case are served by

- a) Having a bond developed with all of its relatives -- after all these are the very people who will be supporting and helping this child grow and develop all of its life
- b) Being held and touched by relatives so as a baby it can form some impression of sounds of voices and environments -- develop a comfort zone
- c) Exposing the people who have a role to play, a relationship, (godparents, supporters, friends) to the child so they can connect

Responsibilities versus rights

Society expects people to have certain responsibilities when it comes to children.

Sometimes these are legislated. Sometimes it makes no sense to legislate them. Much of the debate about children involves the words rights and ownership. In reality it is more about responsibility. Grandparents and supporters feel a responsibility to ensure a child is raised according to set of values and criteria that they bring -- safety, health, education, religion, style, etc. This varies according to the strength of commitment to this responsibility or 'need'.

We should allow a fair degree of flexibility in the values being brought because this variability is healthy for the society as a whole.

Do children have a right to be exposed to the supporters and their values. Can parents exercise control over this exposure and on what basis?

Breastfeeding

If separation of parents occur while children are breastfeeding the argument often is that the children should stay where the breast is (usually the mother). In other times the children would have stayed with the father who employed a wet-nurse.

Is it appropriate to allocate children primarily to breasts when they are young? If both parents want the children and there is a dispute then the issue is 'does breastfeeding represent the government approved view of raising young children?'.

This tends to be an argument of experts about studies about health of children who are bottle feed or breastfed. Then there is the argument about the mother's 'right' to breast feed their child. This is an interesting argument and gets complicated as follows (an example)

Woman exerts right to breastfeed. Woman has trouble with breasts. Woman needs surgery, drugs, help etc to get breasts fixed. Woman demands fix from government. Government has to provide breast fix as it stated that woman has 'right' to breastfeed.(note IVF changes in last few year eg VIC)

Is it the responsibility of a mother to breastfeed? (enter the nursing mothers). Mothers seem to be able to choose what they do with their breasts. Government has a policy of encouraging women to breastfeed. What is the impact of that on all other areas or is it only a suggestion for an individual to consider?

Pre School

During pre-school years children start to spend more time in structured activities. This may have been established as a mechanism to give parents a break from the child and allow them to do other activities like shopping or cleaning. Usually a working parent would have to involve a childcare facility in combination with a pre-school facility and this becomes more complicated because of moving children between places.

Generally pre-school becomes an easier option for unemployed parents.

Pre-school is really optional child minding and a chance for some early socialisation exposure for children. The government does not expect all children to attend pre-school.

So an employed person (who travels to work) with a child has to spend a lot of money on childcare and make special arrangements for child care. An unemployed person can mind the child themselves without paying money to someone else if they choose or they can choose to put the child in paid care.

The issues here are about whether working parents need to have childcare facilities as part of the work environment and whether a home environment is better than a work or childcare environment. Much of this debate is economic – for the individual and employers. People do not put children in childcare (generally) specifically for the child's benefit (except maybe getting exposed to all the childhood diseases). The government has considered policies that childcare is a healthy thing for children for socialization and other reasons – children were seen to perform better at school than those who did not attend (evened out after a while). Is childcare a choice or is it mandated?

Other options have non-paid carers – usually relatives, looking after children . This helps with bonding (both ways).

While the government has attempted to legislate in this area hopefully it will eventually recognize that all of these options are merely options and there is no need for a government endorsed correct way. The parent will decide based on their own circumstances and economy. Child care facilities are a market driven enterprise. Like any service for money there needs to be the same level of control and standard as applies to any other business in Australia.

Primary School

Attendance at school is required by government. Most people accept and agree with this. Most primary schools are of similar and reasonable standard. Primary School is as much about socialization as about learning. During this time children become more aware of their own circumstances and the differences between their families and others. A norm emerges and children compare themselves to that.

Children want to be assured that their situation is OK and not something which requires comment or criticism from others. If the language used here is “You live with your mother because the Family court decided that your father was not able to look after you properly” then this has devastating and long term consequences. Even if those words are not used it is very difficult for a child not to think that. Even worse is the expression “He did not want to look after you”.

Many custodial parents consider themselves “the better parent” and could not help but pass that impression on to their children. Even in non-separated families with children people sometimes play the game of who is better than the other.

There is some question about the constancy of school and what impact that has. If schools are changed frequently does that cause a problem. If so what?

I am a child of the Royal Australian Air force and changed school nearly every year. I think it had a positive benefit for me.

Schooling is also provided by correspondence ,radio and internet.

Should the curriculum be standard at some level? Who decides this?

High School

Attendance at school is required by government. Most people accept and agree with this. High school is a time when key learning directions takes place. The choice of high school can be important for the child. Even so there is a balance between what is best and what is acceptable. Finances, travel time, where people live and work and how parents work and other commitments impact on their children are all important factors which affect decisions families make.

We accept that high schools must be of a minimum standard. Therefore it's a matter of relativities. It is accepted that parents are responsible for children while they are at high school.

There is no reason separated families should be treated differently to non-separated families regarding high school issues.

Post 16

Age 16 is reflected in some legislation as a period when a child can choose certain things. A child is not fully an adult but due to recent legislation changes in Centrelink benefits, study allowances, living away from home allowances – this has become more complex.

Mixed messages are sent to children about what they can do. Some of the problems at this stage of life are around expectations management. If a 16 year old child is told they are an adult by government then they will tend to ignore their parents which leads to family problems which lead to children leaving home etc.

Post 18 or 21

Age 18 or 21 is reflected in some legislation as a period when a child can choose certain things. It is sort of the adult age. What are the parental responsibilities at this stage of a child's life? Parents are not required to maintain their child. The government becomes more responsible and the child becomes more responsible. The relationship

between parents and children at this stage should be totally free from government interference (finally).

Other factors affecting children

Religion, ethnic background, beliefs, disability, health conditions, etc

- all come under a special needs category. Much of these things are covered by legislation but not directly. E.g. the question about whether a 4 year old child is able to choose their religion or do their parents do that for them?

Other factors tend to be the exception to the norm and putting too much weight on special factors may cause the same sort of problems we already have.

Consider a sickly child needing special care at a hospital. Both parents are committed to ensuring the child receives care. One parent lives closer to (or has easier access to) the health care centre. Should that parent get custody? If so does this mean the government will force people to live close to health care centres if they have sick children? The test for this is to consider the difference between a separated family and a non-separated family.

Special factors are the most emotionally charged and the most conducive of a victim/hero scenario. E.g. I can become a hero if I give that poor child (victim) a better life. Much of that thinking is short term, ill-considered and more about making the decision maker feel better than anything else.

Recent comments in a Sydney paper (Telegraph Saturday 11/10/2003) by the head of the family court were most disturbing and I believe pointed very much to Family court judges seeing themselves as heroes and saviours of children and women from the aggressive and incompetent father.

Recent report in Canberra Times for the head of FACS indicated a preference for not presuming shared. This concerns me.

Factors for time spent -Parent

All parents are different in some way.

The test for removing children from a parent should be universal.

The implementation of child removal by government agencies should be as frequent for separated families as non separated families.

Consider a case where one parent is disabled enough to receive some support. If both parents are equally disabled eg blind or partial physical are they allowed to have children? If they have children do they receive extra support because they have children. If parents separate where one is disabled and the other not -- should the disabled parent get the extra support to look after the child or will the non-disabled parent be given the child because they do not need the support?

Consider a criminal released from gaol. Who decides if they look after their children or not?

If a parent has physical or mental disabilities should the test for child access and care be different for separated families? NO.

Being of good character?

Being Rich or Poor?

Gay or straight?

Employed/Unemployed?

Big house/ small flat?

Are any of the above factors enough to intervene in non-separated families?

Children tend to survive their parents. There is a belief that having families and children is good for everyone's mental and physical wellbeing. Parents benefit from having children – children benefit from having parents

Other Factors

Citizenship, country of residence, distance (and time) between parents homes.

Children are children of a parent for all their lives. There are many years in a child's life which are they need their parents. Neither mother or father have a greater claim to their child at any stage.

Regular frequent shared contact is the best thing at early ages of children- growing up with a Mum and Dad . Primary school and early teenage years could revert to a longer period between swaps if distance or other factors are involved. (eg months or years).

Relationship with other children. Is it necessary for children to be with their full or half siblings?

Most sensible would be regular, frequent contact over all their lives. Studies show a variety of things but most resonate with me where they seem sensible - eg children need their parents at all ages – babies to adult. To think anything else is to follow a path where an “ideal” child can be raised (maybe by experts in white lab coats).

Presumption of shared care

A presumption of shared care is a good idea

- 1) Tell everyone the presumption
- 2) Set out the specific scenarios where shared care (for whatever periods, ages, people types etc) will and wont work and why
- 3) Make sure the criteria is universal and applies to all levels of government agencies
- 4) Extract the principles and make them public

Principles are

- a) Children need their parents
- b) Parents need their children
- c) Parents are responsible for their children – this is called parental responsibility
- d) There is no one best parenting style
- e) Governments do not determine how to parent children – government intervention is kept to the minimum possible
- f) Fathers, mothers, grandparents and “significant others” are all part of a family environment
- g) Children have a designated biological father & mother
- h) Children have designated parents with parental responsibility
- i) Children are not adults and do not choose their parents
- j) Government intervention is limited to the following circumstances and is based on the principle of reduction of actual harm to children, parents and other family members
 - i. A crime has been committed
 - ii. A parent is not physically or mentally able to exercise parental responsibility
 - iii. A designated parent cannot be found
 - iv. A dispute in parentage

Assumptions

There are a number of assumptions which have a mythical status about men and women and parenting. These are not mine but people often express these implicitly or explicitly.

- 1) Women are better parents
- 2) Men work
- 3) Children need nuturing
- 4) Men do not look after children
- 5) Parents cannot work and care for children

- 6) Children are entitled to the highest possible family income
- 7) Children from separated families are worse off than others and need special intervention by government
- 8) Women leave men because of something the man does

Crimes

To separate & divorce is not a crime.

The legal system is based on a presumption of innocence and an onus to prove or accept guilt. Crimes may be committed by individuals (married or separated). Crimes should be investigated by the criminal justice system. If someone commits a crime then how does that affect their role as a parent? What crimes invalidate a parent's obligation to parent and a child's expectation of being parented?

Child Support Formula

See the attached documentation of my objections to Child support for my own case. The child support formula is wrong in the highest principle –no person is entitled to take money from another person unless they agree or have a binding contract. It is called stealing. Its wrong in principle and application and causes more problems for payees , payers and children.

Below is some additional issues for this submission.

- 1) Child support is misnamed. Its actually “paying money to your ex partner(s)”
- 2) Extra money is not necessary (for children's well being) in most circumstances.
- 3) The main people who want to be in the child support system are the payees.
- 4) Payees enjoy both the money they receive and the damage that causes to the payer.
- 5) The bulk of payees are female.
- 6) Child support is overly intrusive and is ‘in your face’ every payday.
- 7) Child support process causes stress.
- 8) The Child support Agency is one of the least effective or efficient Government agencies.
- 9) CSA is un-principled or principles are undefendable
- 10) Not universally applied
- 11) Judgement required is beyond the skill level of CSA

- 12) Impact on relationships – cause for additional stress
- 13) Process is time consuming and nonsensical
- 14) Get rid of agency (1 year phase out)

What's wrong with Current System?

- 1) Children are not being fathered
- 2) Grandparents and other relatives are not seeing their children
- 3) High levels of stress
- 4) Male self destruction may be increasing (needs to be tested)
- 5) Men are losing income and an incentive to work
- 6) Women are losing an incentive to work
- 7) Children are being told that men are not parents but money earners. Men are seen as devalued
- 8) Government administration costs are high
- 9) The current environment is not conducive to men to choose to have children or raise a family
- 10) The current system is nonsensical to most people who are affected by it –is not understood or accepted (except by the beneficiaries)

How would a new system work?

- 1) Assume shared care between both parents (normal case)
- 2) Establish principles for intervention by government which apply to the whole community
- 3) Separate assets resolution from childrens matters
- 4) Assume sharing of assets (unless specific contracts otherwise) but do not include the future state and finalise it - Once its done its **DONE**
- 5) Government write a parenting plan at a high level which sets out its expectations about how children should be raised and how they interact with education, health, etc – give this to every couple who may be having children or who already have children. Define what is mandated or suggested (choice , no choice and consequence)
- 6) Facilitate negotiated outcomes for separating parents based on shared care. Once both men and women realize that shared is the default then they can

choose to vary by negotiation and agree to different arrangements of they want – but if they do not agree then the default is shared care.

- 7) Separate income support from separation or divorce issues. Do not treat people differently just because they are single parents either full or part time. Marital or family status should not change income support. Create a new category or concept called “Ability to support yourself and do not need government money” – based on assets – shared or owned outright, income, potential income, ability to earn, support received from other individuals (partners, spouses, parents, etc). Note that this is different to tax concepts of “taking money away from people depending on their marital status”.
- 8) Allow separated families to come to their own financial arrangements without any government intervention – treat it as tax free gifts – no loss to giver or receiver. No-one has the right to expect ongoing money from someone else.
- 9) Work on strategies to get people to work (especially women) regardless of whether they have small children or not. Do not pay women to have babies.

Measures of Success

How will we know if it's a better world?

Short term impacts

- 1) Less family court cases
- 2) Reduced stress related impacts (health, wellbeing, violence, etc)
- 3) Phase out child support administration – give to FACS or Centrelink then finish by 2005
- 4) Improved children benefits (loved, cared for, education, stress, health, wellbeing)
- 5) Improved family (grandparents and other relatives) benefits
- 6) Initially – higher involvement with Centrelink for women - adjust payments (eg working parents do not need Centrelink payments (abolish FTB) – unworking parents need sufficient support for the children for the time they have them)

Longer term impacts

- 1) Increased participation in work force by males and females
- 2) Increased productivity
- 3) More harmonious society
- 4) Reduced Centrelink and other support payments
- 5) Children who have experienced a mother and a father
- 6) Greater diversity
- 7) Children who are adaptable and have choices
- 8) Concepts of principled and ethical behaviour and equality permeate our world

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A Summary View

This table is an attempt to organise some of the concepts mentioned above in a logical sequence and represents the involvement of each player. This is how it seems to me – not what it should be necessarily.

Time Period	Description	Child	Father	Mother	Others	Government involvement	Separation Issues
Pre Conception	The time period before conception. Previously characterised by marriage now characterized by informed consent.	N/a	Willing to make a baby (not just sex)	Willing to make a baby (not just sex)	N/a	Legislation – age of consent, pre nuptial agreements, IVF, gene, marriage, criminal law – rape, definition of consent, Health – HIV, notifiable diseases	Assets split if long term relationship otherwise covered by common law and now pre-nuptials. Should single parents be allowed IVF?
Conception	Time when gametes merge. Biological parents now exist.	Life form may or may not be a child	Accidental, planned, surrogate (male gamete donor)	Accidental, planned, surrogate (birthing mother), gamete donor	N/a – choice of biological parents on who to involve.	Health – termination services, legal support, support for “natural” parents if planned and birthing mother. Whose fetus is it?	Should a parent be allowed to choose if they want to make a baby with someone they have just split from? Can they absolve their parental responsibilities even if it was a planned conception?
Pre-Birth	Pregnancy is about deciding to keep the potential child or not and planning the birth and support arrangements	Life form may or may not be a child	Usually not involved in termination discussion regardless of whether planned or not.	Choice to terminate or not. Plan for support. Discussion about who will be the parents. Change to work environment.	Siblings like to know what is going on when they are young. Sometimes grandparents like to support mothers with advice and	Health – termination support and legal issues. Monitoring the fetus Whose fetus is it? Rarely government can decide to terminate	Government may need to decide who has parental responsibility – who will need monetary support.

Inquiry into Child Custody Arrangements in the event of family separation

Time Period	Description	Child	Father	Mother	Others	Government involvement	Separation Issues
Birth	The actual birth	A child is born. It needs support. Child needs to know who its father and mother and family are.	<p>parents.</p> <p>Planning for support</p> <p>May assume supportive role as per agreement with other parent.</p> <p>Other support roles may be agreed</p>	<p>May assume supportive role as per agreement with other parent.</p> <p>Other support roles may be agreed.</p> <p>Choice of parents who have accepted or been granted parental responsibility</p>	<p>Grandparents and others may want to be involved.</p> <p>Child needs to know who the relatives are</p>	<p>Health and education of parents. Health of child.</p> <p>Determining who the parents are and what monetary support is required From this point on family law issues are more obvious</p>	<p>If both parents are willing there is no reason why shared care cannot be assumed.</p> <p>Breast feeding is not an issue.</p> <p>Each parent needs to ensure they have sufficient support but this is not an issue for government.</p>
Babyhood	Baby grows and bonds with supporting adults	Child needs support , physical contact, health	<p>Father if present may support mother, child, other children and household.</p> <p>Check for adjustment to different lifestyle for first child</p> <p>Change to work environment</p>	<p>Mother if present may support child and other children.</p> <p>Check for post-natal depression or other problems</p>	<p>Grandparents may support mother and child and household</p>	<p>Health – immunisation, development of child (nurses check).</p> <p>Check of family situation</p> <p>Government policy encourages and supports breastfeeding</p>	<p>Typical view is that child needs to be at a home while a baby.</p> <p>Child care centers look after babies from 6 weeks to primary school years.</p>

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Time Period	Description	Child	Father	Mother	Others	Government involvement	Separation Issues
Pre_school	Socialisation of child	Child plays with other children	Father & mother have equal roles	Father & mother have equal roles	May help with agreement	Health and immunisation	Home care still dominate assumption
Primary School		Must attend and may attend before and after school care	Father & mother have equal roles	Father & mother have equal roles	Tend to be less involved on day to day basis	Health and immunisation and education. Some support for out of house school care.	School care now dominant assumption
High School		Must attend and may enter private arrangements for before and after school care	Father & mother have equal roles	Father & mother have equal roles		Health and immunisation and education. No funding for out of hours school care.	School care now dominant assumption.
Post 16		Has choices	Father & mother have equal roles	Father & mother have equal roles	May establish relationships with relatives by choice	Some special laws for 16-18 years olds eg Centrelink, driving licences	Mixed
Post 18		Is an adult	Father & mother have equal roles	Father & mother have equal roles	May establish relationships with relatives by choice		N/a

General Comments

1. Too much bureaucracy – how bad does it have to get – too many agencies – not enough consistency or holistic view
2. Government Intervention – why does the government intervene so much? On what basis? How is success measured?
3. Not enough rigor in the debate – years of political correctness has stifled any real debate – particularly from men.
4. Too many politically correct concepts – lack of principles being discussed – mostly slogans and vague concepts
5. Panel of experts – experts are considered the arbiters of family matters – do you want experts governing your family?
6. Lack of universality on legislation or administration
7. The default position should be equal time & responsibility for each “parent”
8. Men are discouraged from looking after children because of the system and bear a higher cost than women for all processes in all ways
9. Experts contribute to the debate but do not own it – Physiologists don’t own the debate

+ more

Context – a response to Out of the Maze – Pathways to the future for families experiencing separation

I respond to the summary of the above report and would welcome more time to contribute to the framing on concepts in this area. Below is just a quick pointer to some of the issues in that report.

Much in the report is on the right track and I mostly agree with it. What I raise here are the differences or concerns.

- ‘families’ ‘nurturing’ ‘bias’ ‘presumption – assumptions’ ‘avoidance of responsibilities (woman against men)
- male and female crimes – the language – violence versus (some unknown female equivalent evil) ?

Inquiry into Child Custody Arrangements in the event of family separation

- ‘Positive relationships’ – this is difficult when one parent is nasty or there is disagreement –one of the reasons people separate is because of different value sets.
- Mixture of criminal and family issues
- Children’s need first???? – safety is paramount – what about development, skills, values, understanding about relationships and life?
- ‘Courts will be involved – family violence child abuse abduction’
- Facing court there is a presumption of a crime against the female.
Assumptions need to change.