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**Inquiry into child custody arrangements in the event of family separation.**

At: Committee Secretary

To the Committee,

My name is Karla Lee Moors, and I would like to share with you my personal views on the matter of separation within the family home.

Recently I launched my first two books in March, 2003 about a "Child's Perspective of Divorce" in Parliament House, Sydney.

*"Please Don't Go!" - is to help Parents & Teenagers*

*"Is It My Fault?" - and the Counselling Dolls are for the Children.*

The reason I wrote these books and self-published them, was because over the 17yrs I struggled with my own parents divorce I could never find any books from a *child's perspective* to relate to, or help me heal those hurting wounds.

How can any parent honestly know how the child feels unless they hear from the child themselves?

The Former Magistrate of the Children's Courts – Barbara Holborow OAM, opened the launch in Parliament House on the 3/03/03 and also endorsed the two books.

Lily Robert-Everett (Convenor Australian Children's Contact Services Association) also spoke at the launch, and endorsed the two books.

Below are the two endorsements:

*1. Karla Lee has captured the answer to help so many children and parents when separation or divorce occurs. With the illustrations children and young people will be able to absorb the important messages Karla is sending.*

**Barbara Holborow OAM (Former Magistrate of the NSW Children's Court)**

*2. "After working closely with children who have been the unheard, unnoticed victims of separation and divorce for nearly ten years, this book gives me hope that at last children can find a way to share the range and depth of emotions adults are largely oblivious to. Many parts of this story echoed what children have struggled to express to me over the years. This story gives a voice to many voiceless young children."*

**Lily Roberts-Everett, Executive Manager: Interrelate  
Convenor Australian Children's Contact Services Association (ACCSA)**

Firstly I will address the points, which were made in the Pathways Advisory Group's document.

Referring to the Child's best interests in point (i)

*What other factors should be taken into account in deciding the respective time each parent should spend with their children post separation.*

*(Answer)*

In looking at the best interests of the child in this situation I feel we need to look more at which parent was the main influence in the child's life.

Some children are put in the custody of the parent who wasn't the main figure in the household. This does not mean it's the Mother necessarily, as she may have been the one who worked long hours, and Dad was the main carer at home.

Usually when children are asked this very hard question of "who" they would want to live with they can't decide, but I feel it's important to let children of a certain age have the choice to voice their opinion, especially if abuse is involved.

Considering the child now needs security and boundaries rebuilt, it's wise for the courts to look further into the individual life of each parent, as one parent may not be fit to carry the load of raising the kids on their own.

You can't presume that the children are going to have equal time with each parent. This sounds wonderful, but from what I have seen and experienced, it would be a rare thing to happen. When a child's world has fallen apart, what they need is stability. To stay in the same school, soccer club and home if possible.

It is here that I feel the parents "who made this decision to separate" need to sit up and take control of their actions, and continue to be parents to the best of their capability.

If this means traveling long distances to see your children on a regular basis, well that's life. I do feel that parents should really consider not moving so far away as this can be harmful on the child.

There could be two options:

1/ The children agree to live one week at their Mothers, and the next week at their Dads. OR this could be on a fortnightly basis.

2/ One parent has custody, whilst the other parent has weekly visits, plus every second weekend.

In the area of abuse and neglect it's different. I feel that this is when visitation of that abusive parent must be monitored. Plus the parent must be in rehabilitation/therapy to have the right to visit the child. It should be a privilege to see their child after what may have happened, and they should show by some way of therapy that they are trying to get their life back on track. In no way should the monitoring stop until full investigation is done on that parent.

Also if the environment in which that child is living is a health risk, this could also be an area, which the government could investigate.

**Referring to point (ii)**

*In what circumstances a court should order that children of separated parents have contact with others persons, including their grandparents.*

*(Answer)*

Grandparents are a vital part of a child's growth. So many times the grandparents loose out due to a mistake their child has done as a parent.

I do feel that grandparents have a right to see their grandchildren, and the children also have a right to see them. This again could be a question, which may be asked of the child in the court proceedings/counselling sessions. How they feel about their grandparents?

At least once a month I feel grandparents and the grandchildren should have contact.

In the case of an abusive parent, there may have to be monitored visits at first with the grandparents of that parent, but if over time it seems that the child is in safe hands (counsellors agreement), the visits may go unmonitored.

**Referring to question (b)**

*Does the support formula work fairly for both parents?*

My question is - Does it work fairly for the child?

In the area of payments of child support I feel it should be reviewed every couple of years. Financial situation can change often for people.

When parents remarry into families with other children already it can be a financial stress.

Though I do believe it is the responsibility of the parents to look after their childrens welfare.

Some parents remarry a partner who is financially well off, and maybe in a situation to comfortably support the new partner and children. Here is where the courts could look into things further.

Sometimes you hear about parents who push for money, as they need to buy material things for their child, but the money is wrongly used for the parent's own needs.

In this case maybe a law can be implemented where the parent must state "what" the item is, and the parent is to purchase the item and give a copy of the receipt to the other parent to provide proof of purchase. This is to save arguments later.

As I have said earlier, this is a choice many parents make, and some I know sadly don't have a choice. But when it comes down to the FAIRNESS side of things, it's never fair when looked through a child's eyes. They just have to live with it.

If the priority of the parent was what makes their child happy, they should both be happy parents.

Sometimes parents need to be selfless, and consider the child's needs first. In the end they will then have happier children.

Regards,

Karla Lee

Author of the two books:

*"Please Don't Go! True story of Karla Lee's life as a Child of Divorce.*

*"Is It My Fault?" Illustrated stories for children of separated/divorced families.*

*Designer of Role-Playing Puppet Divorce Dolls - For Children*

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#### Additional comments on the Attorney Generals Portfolio Letter & Media Release

It's great to see that you are looking into "Early Help" This is the reason I wrote my two books.

I don't want parents to take too long to communicate to their children about what is happening in the home. It is very important to focus on the needs of the children involved, and to bring understanding.

Brushing it under the carpet will only bring bad ramifications later down the track.

My website [www.karlalee.com](http://www.karlalee.com) has a forum on there where parents and children can ask me questions and talk to each other about their own personal situation.

It's here that they may find early answers and prevention.

It is mentioned that you are in the middle of the development of information products and greater liaison between the courts.

**Barbara Holborow who I earlier mentioned, announced at my launch in Parliament House that she wishes books like mine were available when she was in the court, so she could have handed them out in the divorce courts at the time of the mediation process with the parent's.**

**This may help with the "*Keeping People Out Of Courts*" program if tackled early?**

**Barbara Holborow, Lily Roberts-Everett and myself, felt that the thin brochure which is currently available to children in the courts, is not good enough. Also the book available to parents isn't very appealing, so it will probably sit in a draw at home somewhere.**

**Parents need to hear the truth about what divorce can do to children, and the children need to understand what is truly happening to their family.**

**How can a thin brochure or an uninviting book meet these needs?**

**The News Release talks about the ongoing contact needed with the children. I can't stress enough how IMPORTANT this is. Many parents just can't understand how vital this is to a child's growth.**

**I feel that more information is needed to help parents understand the importance of being good role models in children's lives. This may need to be implemented in the mediation process whilst the court proceeding are happening.**

**Showing what can happen if you do and don't spend quality time with your children. They need to see reality and truth, as this is not a fairytale, it's children's futures.**

**You mention about the forum gathering different specialists and educators. I would love to know more about this myself if possible.**

**I agree that it is unrealistic for the government to expect that they can achieve this quickly or alone.**

**There are many people in Australia who are knowledgeable within this area, and a general meeting of different opinions I feel would be a great idea.**

**The Advisory Group talks about the fact that the "system" was not as effective as it could, or should be. I totally agree. Mentioning that the right sort of information was not always available to families when they needed it most.**

**I am not saying that my books are all that is needed to help families, but from the personal feedback I have received I do know they are a start to stop the next generation ending up in divorce, because they speak hope into families. We can't just keep on talking about the problem, but what steps parents need to take to heal their children wounds.**

**If all specialists within this field, authors, counsellors, and the government came together, I'm sure that the future for children of separated families would be a brighter one.**

**You have also mentioned about the Aboriginal and Torres Strait Islander program.**

**When I am in a better financial situation I am also releasing a multicultural children's book and divorce dolls on separation/divorce and stepparents. The children's book I have already released is with Caucasian characters, as I designed them from my personal family. I do know that divorce comes in all shapes, colours and sizes.**

**I would also love to hear more about the "Children in Focus" program.**

**The Family Law Pathways Advisory Group said that there was a lack of Australian based research on separation issues. I couldn't agree more.**

**Over the 4yrs I worked on my books I couldn't believe the lack of information for something that happens every day to many families. Especially information for the children, and also about the children.**

**It is fantastic to see that this Pathways Group is taking place, and I wish you all the very best. Hopefully the Government will also see the greater need for helping the next generation, our children.**

**Regards and Best Wishes,**

**Karla Lee**