

House of Representatives Standing Committee
on Family and Community Affairs

Submission No: 1138

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Secretary:

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The House of Representatives Standing Committee on Family and Community Affairs Inquiry into child custody arrangements in the event of separation.

To Whom It May Concern:

Please accept my submission. I am a single mother with a small baby, and very little time, who is nonetheless very concerned and very much AGAINST the proposed presumption of joint custody of children of separated parents. This submission is briefer, and less detailed than I would have liked but, as a single mother, I am both time and resource poor. It is for this reason that I ask you to consider my individual submission as representative of just some of the many strong concerns of busy carer parents (the majority of these being mothers) all over Australia – many of whom will not have found time to make a submission on their own behalf, and that of their children.

Listed below are my concerns, suggestions and thoughts on the matter:

- Law already says that THE CHILD'S INTERESTS ARE PARAMOUNT. Nothing, no other factor, should alter this. The system is fair (or at least aims to be) for the child. This should not be confused with parents' rights and interests which must remain secondary.
- The current system already allows room for arrangements of joint custody where this is appropriate and in a child's best interests.
- Most separated parents work out their child's custody arrangements on their own without court intervention anyway.
- I am very concerned about the implications of the proposed changes for children and families and mothers affected by domestic violence. I feel the presumption of joint custody would be totally inappropriate in any family where there is violence, abuse (including psychological and emotional abuse). I would have similar concerns in families where substance abuse is a problem, or there are mental health problems in the parents.
- Regardless of ideals about all children needing perfect male and female role models at home, I believe the most important thing is that a child has a safe, secure, STABLE, and loving environment and relationships around him/her. This is the primary need of any child- male or female no matter if they live with Mum or Dad.
- The logistics of managing school, sport, activities, friends, social life and 2 homes all in the same vicinity seems difficult if not impossible.
- I think it is also vital that a child has a strong sense of 'home' and this may not be possible across the emotional, psychological and physical divides of 2 homes. In addition, a child needs at least 1 authority figure. 2 Conflicting authority figures would only cause confusion and tension.
- As a child of separated parents myself (for the record, I lived with my father and visited my mother), I know that I found adjusting and readjusting between 2 homes and 2 sets of rules, expectations, chores, authority figures, etc. very

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difficult. It always required a readjustment period. The pattern of constantly adjusting and readjusting has the potential to affect a child's success at school and social development.

- I believe that Shared care would make more work, and more problems, and more confusion for agencies such as the Family Court, Centrelink and the CSA. Which parent would provide/pay for what and who would regulate this??
- Probability of more tension, conflict and problems between separated parents when attempting to work out who has what responsibilities. E.g. major decisions in child's life, rules, balance of financial responsibilities, etc. More issues to argue about. The child would be caught in the middle constantly in a shared care arrangement.
- I believe some fathers would take up joint custody, for the sole purpose of avoiding their Child Support responsibilities (as many under the current system already do).
- Mothers are still by far the primary caregivers for children in all families. This factor should be considered. Why should a parent suddenly be given shared care, if they weren't sharing before the separation?? In addition, I believe that the close attachment between mother and child in particular (and especially in the case of young children) should be honoured.
- I do believe that other important people e.g. grandparents should have at least some rights to access with a child they care about, but this needs to fit in with the child's life and other activities.
- I am under the impression that several men's and fathers' groups were behind the push for this Committee. I too believe that fathers have a great and important role to play in their children's lives but so often it is the father opting out of his involvement with his children. I think the government should aim to encourage men's responsibility for, commitment to, and involvement with their children financially and otherwise before it considers major changes to Family Law.

Thanks for accepting my submission. PLEASE KEEP THE RIGHTS AND INTERESTS OF CHILDREN PARAMOUNT IN YOUR DISCUSSIONS OF THIS PROPOSAL. I have included my name and phone number above. Please inform me of any public hearings or community forums which may be held on this matter – I would like to be heard.

Yours sincerely,

Kim Hamilton.