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**Forbes, Bev (REPS)**

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**To:** Committee, FCA (REPS); Anthony, Larry (MP); Williams, Daryl (MP); Kelly, Jackie (MP); minister.vanstone@facs.gov.au; McClelland, Robert (MP); Hull, Kay (MP); Irwin, Julia (MP); Cadman, Alan (MP); Draper, Trish (MP); Edwards, Graham (MP); George, Jennie (MP); Pearce, Chris (MP); Thompson, Cameron (MP); Dutton, Peter (MP); Collins, Jacinta (Senator); Forshaw, Michael (Senator); Ludwig, Joe (Senator); Swan, Wayne (MP)

**Cc:** horisp@yahoo.com; ozydads@yahoo.com; matildabawden@hotmail.com

**Subject:** Catholic Church and Shared Parenting

Dear Honourable Senators and Members of Parliament and especially the Standing Committee on Family and Community Affairs, Child Custody Arrangements Inquiry

Shared Parenting will decrease the ever increasing divorce rate ! Therefore there will be less children affected by separating parents who at present are encouraged to fight /dispute by the adversarial law system, which invariably results in unnecessary emotional stress to the child.

Here is the URL link:

<http://www.melbourne.catholic.org.au/kairos/k2003vol14/newmovesreducedivorce.htm>

New moves to reduce divorce rate

By William West

One of the most perplexing and urgent issues confronting the world today is how to stem the rising tide of divorce, particularly in Western industrialised nations.

For the real victims - the children whose lives are often torn apart - divorce is a tragedy that is sometimes not fully appreciated until much later in life.

Many studies indicate that children from single-parent families develop more problems than those from two-parent families. For instance, children living with single parents are said to be five times as likely to be poor as those with two parents. Growing up in a single-parent family also roughly doubles the risk that a child will drop out of school, have difficulty finding a job, or become a teenage parent. About half of these effects appear to be due to poverty, but the remainder are due to non-economic factors such as poorer supervision.

But for children facing a bleak future due to the prospect of looming divorce, there is some hope. The latest research indicates that the tide of divorce may soon be stemmed by an increasing emphasis by governments and legal systems on "shared parenting" in cases where families break down. The studies indicate where joint parenting is promoted, the incidence of divorce

because they feared it would only play into the hands of sometimes violent men.

Some mothers have found the thing they once most dreaded has worked out in practice to be the best option for salvaging what was left of their family.

Writer, journalist and academic Wendy Swallow, writes in her book *Breaking Apart - A Memoir of Divorce*, of her transformation from someone violently opposed to "shared parenting" to a crusading supporter.

She initially reacted with fury when her husband, Ron, suggested joint physical custody of their two boys. She says her attitude was supported by the women around her who made it clear that divorce was an opportunity to make a stand and to fight for women's rights.

"As a woman," she writes, "I was weak and capitulating if I didn't fight for my kids and make the (my husband) pay. It was assumed that I had been wronged and that someone - my ex - should make reparations.

"I was struck by how often the language of divorce seemed to come straight out of war manuals: fight, attack, offensive, scorched-earth, reparations. In this climate cooperation looked like weakness. Cooperation meant defeat.

"Few people could see that, despite all the politically correct rhetoric, what mattered to me was how my children were doing and how I could make this divorce easier for them."

For these reasons amongst others, including the realisation that her husband genuinely loved their children, that Ms Swallow says she consented to try joint parenting. She outlines at length what the benefits have been to both her children and herself.

Women who have had similarly encouraging experiences with joint parenting are becoming increasingly vocal in Australian groups pressuring the government to change existing legislation. For instance, women are strongly represented in the recently formed Shared Parenting Council of Australia. Women on the council's inaugural executive, elected last October, include president Matilda Bawden and vice-presidents Sue Price and Coral Slattery.

Among the organisations which are affiliated with, or support the council are the Australian Family Association, the Festival of Light, the Family Council of South Australia and State family law reform associations.

Council President Matilda Bawden has called on State and Federal Government to take "decisive steps to enshrine in our Family Law that every child has a fundamental human right to share an equal opportunity and relationship with both their parents following family breakdown, separation or divorce".

The Council aims to achieve its goal through family law amendments that create and establish a "rebuttable presumption" of shared residence in child residence matters coming before the Family Court. This means that where there are good reasons for parents to have equal parenting rights, the presumption can be rebutted in court.

The Council has already had some success in getting its message across in Canberra. At a meeting last November council members briefed government ministers, members and senators and their staff.

They included Sue Price from the Men's Rights Agency and Michael Green QC who argued that the adversarial system of the Family Law Court has failed and that a mediation process should be the first option in cases of family breakdown.

The Federal Government has responded by establishing a sub-committee on

shared parenting to report back to Cabinet this year.

But government action is not the only step necessary to spread joint parenting and hopefully a consequent fall in Australia's divorce rate. In the majority of divorce cases, custody issues are not settled by courts. The parties settle the matter outside of the legal system.

That is why many of the groups pushing for increased emphasis on shared parenting in cases of apparent marriage breakdown are reaching out beyond government to community and church groups. They believe that it is a process that will inevitably involve a wide-ranging education campaign across the whole community.

Although the task appears huge, trends overseas indicate that it is not impossible. The future happiness of many children may depend on it.

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