

SOME OF THE ISSUES

As for joint custody I would have like nothing better than the opportunity to live with my children and watch them grow and develop and to be part of that development as opposed to having them visit.

But there are practical issues to consider. I am aware of a teenager who lives with one parent and the other parent on alternate weeks. It appears to be very unsettling for him and may be doing as much damage as living with only one parent. I guess the ideal is for a child to have a mother & father (plural) rather than a mother and a father (singular).

Many of the outcomes of custody/access cases are determined by the extremely high cost of legal representation. Few can afford the legal costs of protracted custody/access battles, particularly when a decision in favour of the non-custodial parent is often circumvented by the custodial parent without penalty.

At the end of the day, we devise a system, in the interest of consistency and equity with some vague notion of “**one size fits all**”.

In reality, no two situations are the same. “No fault” divorces are expedient and overcome the likely backlog of cases in the Family Court. Father’s who abandon their parental responsibilities should be required to meet the cost of their decisions, but this does not account for men who have had their family ripped away from them through circumstances beyond their control (and, in some cases, beyond their comprehension).

Significant power (and financial benefit) still remains with the custodial parent, and in some cases, this may be appropriate, but in many others, highly inequitable. One should not automatically assume that, if the mother was the primary carer of children prior to a separation, that fathers would be incapable of providing the same level of care. Remember, even mothers were unskilled at parenting before they had their first child.

Whether practical and cost effective or not, the way to ensure that all interests are considered, in each individual circumstance is for each to be independently assessed and arrangements, both living arrangements and financial arrangements tailored to each case.

If the ideal situation is for both of the parents living together and being jointly responsible for their children’s welfare and nurturing, perhaps there should be greater incentive for people to resolve differences and remain together. I’m not advocating remaining in a relationship devoid of mutual respect and seething with animosity but so often, relationships are entered

into and abandoned with less consideration than one would give to buying a car. Perhaps it is too easy to throw in the towel.

I regret not being able to provide you with more substantial solutions but I don't believe there is a panacea for all that is wrong with regard to broken relationships and the ensuing fallout. My experiences are now history but I would like to believe that those who may find themselves in similar circumstances in the future, won't find themselves victims of an inflexible system which doesn't take into account each individual's circumstances. The "blanket approach" which covers most areas of legislation like social welfare, taxation etc doesn't provide the same equity and balance when there are so often, unintended victims (society in general being the greatest, long term sufferer)

Thank you for the opportunity to put my views forward. I hope that they do not appear too coloured by my personal experiences.

Yours sincerely,

Ron Harvey