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Subject: Submission to Inquiry on Child Custody

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7th August 2003

Committee Secretary
Standing Committee on Family and Community Affairs
Child Custody Arrangements Inquiry
Department of the House of Representatives
Parliament House
Canberra ACT 2600
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7 AUG 2003

To the Committee,

Members of the Standing Committee I am writing this submission from the sole/soul focus of a single Father who has a 50/50 physical shared residence arrangement.

I have been in a shared residence arrangement for approximately four (4) years, I am the proud father of three young girls now aged 12, 7 and 5. This will not be a long submission, but I write it from the heart and from the position that equal shared residence arrangements can and do work.

I would like to give you a definition of what I consider to be a relevant shared residence arrangement, and that is one of being still able to see your grow and development. To be able to see those important parts of childhood, their first walk, birthday parties, role-playing with friends, holding hands walking, too many too mention here. A parent that does not get to care and nurture their child through sickness, health, homework, having spontaneous fun etc. does not get to have any real relationship with their child.

In being involved in marriage breakdown and hence the Family Court and knowing other people who are in a myriad of steps in between has given me an insight into family breakdown. This, family breakdown, is something that I believe my ex-wife or I want to see and both know that it only hurts children. When two people make the transition from a partnership to being parenting partners most do so with having no alternative but to co-operatively re-arrange their lives to accommodate the needs of those children, we should expect no less than that parents fulfil that responsibility beyond separation. Now I would like to address the terms of reference:

(a) (i) The only factors that should be taken into account in deciding the respective time each parent should spend with their children post separation, in particular whether there should be a presumption that children will spend equal time with each parent is one of:

- * Safety to the children.
- * Wishes of the children (where possible).
- * And that of how the child/parent relationship would be

hindered by not giving enough time, to both parents, to have that meaningful relationship, at all levels.

The only circumstances where such a presumption should be rebutted are when the above conditions cannot be reached. Though this does not mean:

- * False allegations of physical or sexual abuse.
- * Alienation by the custodial parent of the children towards the non-custodial parent.
- * The breaking of contact orders to allow quality, substantial time with children.

(ii) When strong family bonds or ties are development over time in a family relationship it is an absolute crime to deny or cut-off children from those relationships. I believe the great injustice in the present system is one of which sole-custody is granted to one parent and children usually lose one half of a previous extended family.

(b) To show how competent I think the Child Support Agency is I will quote my circumstances. My ex-wife and I decided 50/50 shared care was paramount for our children's wellbeing over our differences, but somewhere along the CSA became involved in our circumstances. My ex-wife and I agreed that we would owe nothing to each other and filled in the necessary forms, that was over 3 years ago. To this day we still both get regular letters from the CSA stating that we both owe each other \$0.00.

Committee members, my children and I live in the reality of what a shared residence arrangement is, not from an academic, political or biased viewpoint or stance. I know what my children would say if someone told them I could only see them every second weekend.

If I can be of further assistance please contact me, I am happy to also appear at any public hearing if needed.

Yours sincerely,
Greg Cairns.

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