

House of Representatives Standing Committee
on Family and Community Affairs

Submission No: 732 [REDACTED]

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Secretary:

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



Dear Sir or Madam

Please find enclosed my testimony as a submission to the Child Custody Arrangements Inquiry. Should you need to contact me by telephone my number is [REDACTED]

I wish to take this opportunity to thank the Australian Government, making the inquiry accessible to people like myself so that we may participate in a very real and worthwhile way.

P.S. I do not want my name to appear on this submission so as to protect my privacy. Thank you.

Yours sincerely
[REDACTED]

Enc.

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Introduction

'The king said, "This one says, 'My son is alive and your son is dead', while that one says, 'No! Your son is dead and mine is alive.'"

Then the king said, "Bring me a sword." So they brought a sword for the king. He then gave an order. "Cut the living child in two and give half to one and half to the other."

The woman whose son was alive was filled with compassion for her son and said to the king, "Please, my lord, give her the living baby! Don't kill him!"

But the other said, "Neither I nor you shall have him. Cut him in two!"

Then the king gave his ruling, "Give the living baby to the first woman. Do not kill him; she is his mother."

When all Israel heard the verdict the king had given, they held the king in awe, because they saw that he had wisdom from God to administer justice.'

(I Kings, C3, Vs 23 to 28. Women's Devotional Bible. N.I.V. Zondervan Publishing House. 1995. Grande Rapids, Michigan, USA.)

To deny a child a sense of belonging in one primary house to call 'home', one primary parent to whom he or she may seek refuge, stability, structure and support, is to kill a child. To constantly shift a child to and fro like a chattel, between one needy parent and another, is to cut it in half. 'Shared Residency' or 'Joint Custody' is a convenient arrangement to serve the emotional needs of the parents, not the genuine needs of the child.

Note in the above quotation, King Solomon was renowned for his exceptional wisdom. He did not order the child to live half the time with his mother and the other half with the other woman.

I feel well qualified to speak on this important subject because of my own personal experience. For ten years, starting when my son was only five years old, an unofficial shared parenting arrangement took place between his father, my ex-husband, and I.

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It is my deepest held opinion that joint custody is not in the best interests of the child or children concerned and I regret very strongly my son was ever put through such an ordeal. I believe a better solution for the child, is one which allows the child to remain with his or her mother until the child reaches the age of seven years and the father have standard contact with the child (ie. every second weekend over the age of three, and gradually half the school holidays). After seven years of age, the courts reassess which is the more appropriate parent on a case by case basis, with the same contact as above, for non-residential parent. When the child reaches secondary school age, he or she should have a choice as to which parent is preferred, again reassessed and carefully checked by the courts.

From my own experience and observations I think it is very difficult for adults who are parents of children where there is a custody case going on, to accurately isolate the real needs of their children from their own. In our culture and era it is very easy as parents to over-intellectualise the needs of children and also to project our emotional needs onto them. The tendency in an emotionally loaded situation such as separation is to overlook the simple and obvious facts that children are not miniature and complete little adults. Children do not have the same capacities as adults to reason, to understand, to communicate in the same way, nor to deal with events outside their control as adults would.

Parents who refuse to settle for anything less than half-time should, I think, be encouraged to think very carefully about their real motives and what they personally hope to gain by it.

We should also ask ourselves when we consider this debate, if we were put into their small shoes, would we as adults cope with what we would expect them to be able to? If the answer is no, then we ask too much of children, and if it is a yes, then we have lost sight of what it means to be a child.

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I am a forty-seven year old woman, mother of two children, my son as mentioned above now seventeen years old, and a daughter aged three. My children are from two marriages and I am again single after two years separation from my second husband. Apart from a brief period when I lived with my second husband in a metropolitan area, I have resided in the same rural township for fifteen years.

During the time of shared parenting for my son, living in an area of high unemployment, it was a very difficult time for me. My income consisted of the unemployment benefit and any meagre earnings I could possibly raise through casual and seasonal work. To avoid debt I was forced into substandard housing. Even shared accommodation, which my son was very much against, was too expensive for me. Because he needed me so much emotionally, he refused to accept a child-care arrangement so that I could apply for afternoon or evening shift work. Having to rule out night work put me in an even greater bind. My situation was made all the more difficult by the fact that I have no extended family members living nearby to support me in practical and emotional ways. I was well and truly caught in the poverty cycle. To make matters worse I could not save enough money to buy a car, thereby severely limiting my range for work prospects and restricting educational and re-training opportunities. Hindsight gives twenty-twenty vision. Now I can see how I could have made things easier for myself and made better choices than I did. The catch-cry I sometimes heard from people that I had the best of both worlds was far from truth and from my own experience.

What I learnt from this point in my life about the work place is that the system is not geared to employ staff on a week-about basis. Employers do not want to have to pay out two lots of superannuation etc., when they can halve it. It is therefore very difficult to make enough money to support yourself and your child/ren in a shared parenting arrangement.

When my son started secondary school I accepted a placement at a university in the next town. However I was forced to give up this goal, and lost an important opportunity due to problems at home.

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My son's situation

From what I could understand about my son was that he suffered a great deal through the time and struggled to come to terms with his situation. Eventually circumstances changed and he chose to live full-time with his father and visit for standard contact times. This arrangement has continued ever since because he prefers it.

My son has a strong, solid personality but he did not adjust well, especially when he was very young and again during puberty, to the constant upheavals and to-ing and fro-ing. It was his behaviour and emotional responses which concerned me the most, and lasted off and on for the extent of the week-about time. The main expression of his unhappiness was minor recurrent ailments, poor grades at school when he had good ability, a tendency towards truancy and a marked reluctance to be helped through any of these problems. When the joint parenting arrangement ceased, my son's attitude completely changed and vastly improved.

Problem areas

Schools - As with the workplace schools especially on an administrative level are not set up to accommodate children who reside in two homes, two families. Neither are sports clubs and other extra-curricular activities.

Child-care - At present in our society there is an enormously inadequate service for child-care. Long waiting lists and preference of full-fee paying clients is the norm. Fees are paid in advance whether the child attends on the day or not. A parent with a child in a joint parenting arrangement who pays to keep a placement at a child-care centre, but whose child uses only half the time paid, would want to have a very good income to cover the cost. Even home-based child-care centres have very limited places available and best suit parents who have their own vehicles.

Counselling Services - Community based health care centres are also stretched well beyond their resources to maintain services especially in the area of counselling for those in need. A government interested in changing Family Law should budget to increase counselling services for all communities throughout Australia. From my experience counselling is vital for those who have become separated especially those like myself, who are victims of domestic violence.

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Domestic Violence - Present Family Law and Police Services do not adequately protect women who have been victims of domestic violence and are forced to still have contact with their estranged husbands in order the child/ren may see the fathers. Inter-change services have long waiting lists and are only available in major centres. Yet again there is very limited funds to meet the needs of this most important service. From my own experience women become more vulnerable to being retraumatised the more frequent contact they have with their ex-husbands. A Week-about custody arrangement forces upon women enormous stresses and risk of further assault.

I do not think joint parenting arrangements are appropriate in many instances especially where there is a documented history of domestic violence, substance abuse, child abuse and other very serious problems.

Parenting skills - I think parents seeking a joint custody arrangement for their child/ren should be required to prove some level of competency and for men especially (because they probably have limited experience parenting) attend parenting courses to increase their effectiveness. Very important areas are child safety, discipline, role modelling, and communication, also appropriate behaviour of adults with or in front of children.

Gender Issues

Finally I should like to comment on the criticism of women in this debate focusing on the gender issue aspect. Parenting can not be separated from gender and neither should it be. A society whose members hold with high regard the quality of wisdom, knows the value and importance of allowing children to be children, safe with their mothers. Fathers and male childcare workers can perform many nurturing tasks but they can never completely take the place of 'Mother' any more than mothers and women take the place of 'Father'. The mother-child relationship is central to every child's life and continues thereon. Gestation, birth and early childhood years are life changing series of events for the mother. Every pregnancy even in modern times is a real threat to each woman's life. My own cousin died immediately after the delivery of her second child.


5th August 2003