

Submission No: 947

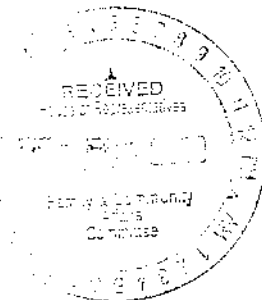
Date Received: 15-8-03



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5<sup>th</sup> August, 2003

Committee Secretary  
Standing Committee on Family and Community Affairs  
Child Custody Arrangements Enquiry  
House of Representatives  
Parliament House  
CANBERRA ACT 2600



Dear Committee,

I am writing this submission on Child Custody arrangements with the following assumptions:

1. That the best interests of any children from the relationship are of prime concern.
2. That children require stability, both physically and emotionally
3. Hilary Clinton said "it takes a village to raise a child" and this reinforces my view that geographical stability is important for children so that they can participate in community life.
4. The breakdown of a relationship causes grief, not only to parents but also to the children.
5. Tim Malvaney from the Law Report said, "parents have responsibilities more than rights" when involved with children.

**The Basic points I raise are:**

1. 50/50 shared care would only be affective if the parents are completely compatible and have the full interests of the child – my experience as a Domestic Violence counsellor has not proved to me that this situation happens in the majority of cases.
2. Statistically proven that in a domestic relationship the female in the relationship is involved with 80% of the caring of children. This caring role is 'inbuilt' in the female.

My concern for children in a breakdown of a relationship is that all should be done to maintain as stable a relationship as possible at this time, thus helping to alleviate some of the stress and grief occurring for the child.

3. A relationship breakdown due to family and domestic violence creates extremely high levels of safety issues thus exacerbating fear that the perpetrator will continue the violence when he has custody of the children. A 50/50 custody arrangement would increase this fear beyond acceptable levels.

It has been proven that children living in fear of family and domestic violence have become 'bullies at school' and on reaching maturity have become perpetrators of such abuse.

4. In my work I am aware of many stressful, and expensive custody battles putting financial and emotional stress on women at a time when they are most vulnerable.
5. A 50/50 custody ruling does not allow for the involvement of extended families (e.g. grandparents) in the lives of children. This involvement often is the only stable relationship in a child's life at a time when all appears to be falling apart.

**Based on these issues I recommend:**

The current legislation remain in place and be better resourced to ensure that custody arrangements work and access arrangements are carried out in a safe, secure, stable environment.

Factors that would assist this to happen:

1. Immediate mediation when a relationship is involved in family and domestic violence ensuring that the children's needs are forever in focus during the custody and access arrangements. Many times I have been made aware of certain promises made, ensuring the child's welfare is foremost, but once a perpetrator has contacted a solicitor or talked with mates the arrangements are changed – raising the thought that a 'payback' type system is being used as the adults 'fight' .... Thus the children's interests are not being kept in sight.
2. Settlement arrangements are made within a limited time frame so that the children are aware of what is happening and that these changes do not occur every few weeks while in the process of being made.
3. Access and contact arrangements be upheld, monitored and reviewed regularly, reflecting the reality of the child's lifestyle both within the home and the community.
4. Costs of such arrangements not become a burden but be kept at a reasonable rate not dependent on the value of the property involved.
5. Child support agencies responsible for the collection of maintenance be accountable as many times this money is not forthcoming regularly and the collection agency considers the costs too great to pursue to the detriment of the child who is being deprived through financial hardship.

I trust that you will consider these and the many other factors presented to you in your deliberation.

Yours Sincerely

