

30 JUL 2003

House of Commons Standing Committee
on Family and Community Affairs

Submission No: 232

Date Received: 30-7-03

Secretary:

From: Elena Nesci [REDACTED]
Sent: Wednesday, 30 July 2003 3:20 PM
To: Committee, FCA (REPS)
Subject: Submission on mandatory joint custody

Attn: Mrs Kay Hull
Chair of the Standing Committee on Family and Community Affairs

Re: Introduction of mandatory joint custody

Dear Mrs Hull,

I am writing this submission as someone who grew up with divorced parents at a time when it was an exception rather than the rule. My intention is to provide the Standing Committee with my experiences in order to demonstrate why I feel the introduction of mandatory joint custody would be detrimental to those whom it will primarily affect: the children.

My parents separated in 1982 when I was 7 years old and whilst I was a confident and intelligent child, it inevitably had a destabilising effect on my childhood. One of the most challenging aspects of the separation was the idea of access.

In my situation it was obvious that my mother would take on the role as primary carer regardless of the fact that both my parents were professionals and worked long and often demanding hours. The concept of joint custody would have been laughable considering my father's previous lack of interest in our home and family life. In fact, my brother and I have often commented that we saw more of my father during access visits than we ever did when our parents were together.

My brother and I spent every second weekend with my father and his new partner during access visits that were largely unfulfilling, dull and isolating. Whilst some of those factors were as a direct result of his lack of ability as a parent I also feel that his shortcomings were accentuated by the fact that he lived several suburbs away where we knew no other children, had no established network of friends and little opportunity to forge new friendships. It could be argued that had we spent more time with him in a joint custody arrangement that we may have had greater opportunity to make these valuable friendships but it is very hard to do so when you do not attend the local school.

I can readily accept that there are many situations where joint custody is a fabulously rewarding experience for all parties involved and I would encourage this wherever it is possible but the point I wish to make most vehemently is that by applying a blanket rule to all cases where you are dealing with human beings cannot possibly provide the best solution in every case that arises. I came from a relatively wealthy, well-educated, non-violent family and yet the application of joint custody in my situation would have been totally inappropriate and detrimental to our development. Of this I am sure.

I can accept that there have been many changes since I grew up in terms of concepts of parental responsibility. I cannot accept, however, that the introduction of mandatory joint custody is a wise decision considering that there is still a frightfully long way to go before it is more common than not that parents share equal responsibility for the child rearing before separation and more significantly, after separation.

This decision will affect the most vulnerable with the least ability to express themselves. It is my opinion that the decision of custody and access in the event of separation should be determined on a case-by-case basis. Please do not hesitate to contact me to discuss this important issue.

Yours sincerely,

Elena Nesci

30/07/2003