

W I S H I N

Women's Information, Support & Housing in the North.



House of Representatives Standing Committee
on Family and Community Affairs

Submission No: 1380

Date Received: 18-8-03

Secretary:

Committee Secretary
Standing Committee on Family and Community Affairs
Child Custody Arrangements enquiry
Dept. of the House of Representatives
Parliament House
Canberra
ACT 2600

6th. August 2003

Re: Inquiry into Child Custody arrangements In the event of family separation

Women's Information, Support and Housing in the North ((WISHIN) works with single women and their children who are homeless or potentially homeless within the cities of Darebin and Moreland in Melbourne, Victoria.

As such, child custody arrangements are one area of support that workers of this service assist women with on a regular basis.

The experience that this service has is that joint residency in nearly all cases is not in the best interests of the child/children. Many of the women that WISHIN supports have become homeless due to domestic violence with the perpetrator being the father of the children. For the physical and emotional safety and health of the children it is inappropriate for them to be in a joint residency arrangement where the father can continue this violence towards them and their mother. Even if it is proven that the father has not been violent towards the children, the fact that he has been violent towards the mother, (which is often in front of the children) should be enough to prevent the father having any contact with the children, let alone a joint residency order.

The whole suggestion of joint residency arrangements seem to be operating from the premise that fathers have the right to a 'fair share' of their children, rather than what is in the 'best interests of the child'. Where the father has been the perpetrator of violence towards his partner and/or the children he should have to relinquish those rights. If one of the major considerations is to protect the child from physical or psychological harm then in the majority of the cases that we see, residency with the father is not an option. Already we work with many women whose children have been placed in the care of the violent partner because the woman has become homeless due his violence. That is, the woman does not have a stable living/housing environment where she can provide a home for her children. The decision is made to place the children with their father, rather than

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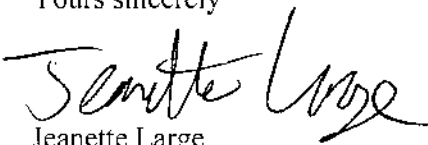
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to remove the violent perpetrator and allow the mother and children to continue to live in the property. This issue has been extensively documented over many years yet still we have women who are forced to leave their home and become homeless. It would seem appropriate that more consideration, time and effort should be put into resolving this issue before embarking on a presumption that joint residency orders may be appropriate to be introduced into the Family Law Act.

The only presumption that should be introduced into the Family Law Act is that children have no contact with abusive parents unless it is shown that, in the individual case, they will be safe from abuse and contact will be truly be in their best interests.

Yours sincerely


Jeanette Large
Manager