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Secretary: .....

Committee Secretariat  
Inquiry into Child Custody Arrangements

22/10/03

I wish to tender these additional documents relevant to the hearing prior to my giving evidence at the hearing. Please distribute them to the committee.

The Family Court is no longer applicable because Divorce is now normal in our times.

Over the years a whole industry has developed around the Family Court system. An industry including legal professionals as well as psychologists, social workers, private counselling organizations, child psychiatrists, incorporated businesses specialising in counselling and mediation etc.

*The professionals involved will try and fend off any change.* Many have law degrees and others have degrees in psychology they will try and use their academic weight to preserve their mediation, counselling and legal businesses against the will of the public and the children who cannot be heard.

I have responded with a study reference to one claim published in the SMH from an academic with a mediation business who has misrepresented study findings in infants where the true findings show it is parental conflict not living arrangements that determine later psychological damage.

Here it is:

Dear Editor

In the article titled Trouble ahead for babies after divorce [SMH 21/10/03] the real gist of the matter is in a quote from the article itself, "...the greatest damage came from continuing parental conflict, whatever the living arrangements." Other studies have shown this to be true.\*

The first paragraph contradicts this because other studies\* have shown that where parental conflict is high in various living arrangements psychological problems such as disorganised attachment arise, but where parental conflict is low in similar arrangements no such problems arise.

The psychological problems arise from parental conflict not living arrangements. It is wrong to state that the majority of babies who live alternately with their divorced parents will develop problems.

Sincerely



Excerpt from In the name of the Child  
Janet Johnston PhD and Vivienne Roseby PhD

In the first research of its kind Solomon and George [1996] evaluated the effects of various living arrangements and levels of conflict in divorced families on the adjustment of infants and toddlers up to 3 years of age.

These researchers concluded that infants and toddlers in low conflict situations were likely to remain securely adjusted in a wide range of custody and visitation arrangements.

Low conflict situations allowed the parents to have ongoing and detailed communication that supported the abilities of each to respond empathically to his or her child.

In contrast ,infants and toddlers making transitions between highly cōnflicted parents,who could not communicate about their child in this way ,appeared to be insecure disorganized and anxious regardless of the arrangements.

Under either condition ,it is clear that the living arrangements do not account for differences in young children's adjustment.

The focus is on the parent's communication rather than the custody or visitation schedule arrangements.

Solomon ,J., & George ,C.[1996]The effects of attachment on overnight visitation in divorced and separating families .Paper presented at the Biennial meeting of the International Conference on infant studies ,Providence RI

In addition I wish to make the following points:

A new family law act with **equal custody** would fit an **administrative** framework identical to that of the CSA perfectly....call it the Child Custody Agency – CCA. This model allows comprehensive parameters such as the father must live in a 50 km radius of the child to obtain equal custody.It could be administered as successfully as the CSA .Parameters could be fixed and unarguable just as in the CSA.

The actual model of the CSA is highly effective it is only the formula that is wrong. The new child custody laws would be effectively managed without the need of a Family Court .

A simpler alternative is to have a home with both parents and to let children over 7 choose which parent they want to live with .

Sincerely