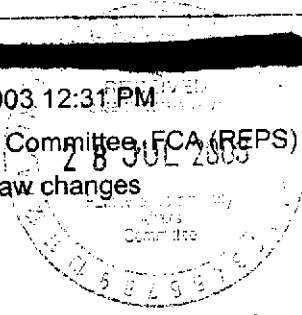


Submission No: 293

Date Received: 25-7-03

Secretary: .....

From: [REDACTED]  
Sent: Friday, 25 July 2003 12:31 PM  
To: Elspeth McInnes, Committee, FCA (REPS)  
Subject: Proposed family law changes



Dear Sir/Madam,

I'm writing to voice my concern regarding the proposed introduction of the new Bill that presumes children spend equal time with each parent.

My understanding is, that currently there is adequate provision for shared parenting arrangements now. Why change this?

If there is domestic violence, sexual, physical or emotional abuse, then the child's needs, **NOT** the parents needs must be paramount. Currently there are provisions to take these situations which are adverse to the child into account. Why change this?

I believe if parents have the best interests of the child at heart, then they can and should work to meet the child's needs before their own. The capacity to put the best interest of the child first, requires a certain level of maturity, self reflection, and ability to put others needs before ones own. This is what I call higher order communication skills.

I think that some couples may not have developed these higher order communication skills and **no** amount of changing of the laws will assist communication, self reflection and maturity skill development!! This has nothing to do with legal processes, but everything to do with personal skill development.

Some separated couples have perfected the art of expressing resentment, hate, ownership or possessiveness and at times indifference through their relationships with previous partners, and sadly through their relationships with their children. At the "coal face", children are the ones who experience the the immaturity, lack of self reflection, and expressions of negative thinking and acting!

Nothing will change unless the adults are assisted to develop these skills! Changing the laws will not do this!

If you change the Bill to make parents have joint custody, you will be providing an excellent "theatre" where these "performers" with poor communication skills, self centeredness, and the emotions of hate, resentment and indifference are "played out". The directors of this form of "theatre" will be the adults, the recipients of the "theatrical" performance will be the children. Adults will be provided with the "theatre", children as unwilling audiences will be taught how to perform like the adults. This happens now, it will continue to happen if the law is changed. Little is achieved by this. This is NOT where the change needs to happen.

All adult parties in these situations need support to reflect, deal with the strong emotions of relationship splits! This also requires motivation to deal in skilled and mature ways with these difficult circumstances. Some separated parents will not want to develop these skills, it maybe easier for them to react in other ways, like lobbying parliament to change the laws.

Men who are positively engaged with their children can and do maintain their engagement now!! If fathers want more access, they have those provisions NOW! What they need to **do**, is just that, get on with fathering in positive, engaging ways with their children.

May I point out, it is hard enough to implement "joint parenting plans" when you have two "high level communicators", motivated by the best needs of the child & who have a level of maturity to look at things from all sides.

The task of implementing a "joint parenting plan" when you have parents who do not have these skills and are motivated by negative emotions and not motivated by the best interests of the child is a formidable task.

My daughter is nearly 21 years. My male partner and I separated when our daughter was 6 years old. My ex partner and I have a strong, healthy and supportive relationship. We have worked hard to maintain, without any intervention from the legal system, a "joint parenting plan" for 21 years.

We respect each other, but we also had & continue to have a joint **RESPONSIBILITY**, our daughter. This meant we were and are active in **RESPONDING**, not reacting! Responding to each other as parents but also to our daughter.

We were and are **ABLE** to respond without the emotions of malice, bitterness, indifference, resentment getting in the way and inviting us to **REACT**! Not an easy task, but one that we believed was in the best interest of our daughter and ultimately when you put someone else first, you benefit as well. As the parents we also benefitted seeing our daughter grow into a mature young woman, who now models these skills with her partner! What more satisfaction can a parent have?

During the time our daughter was 6 years to 12 years, my ex partner and I lived in separate houses, our daughter moved between the two with a regular weekly pattern, until she was twelve. At twelve, my daughter lived with me fulltime and saw her dad on weekends, holidays and during the week. This was a mutual decision by us as the parents and our daughter.

The success of our "joint parenting plan" did not come about through advocating to each other, our "right" to be an active parent, this was a given; as parents you have these rights the moment the child is born!

We both accepted and enacted these rights through taking on full parenting responsibilities.

I think this needs to be highlighted.

Yes it is our **RIGHT** to parent, but it is also our **RESPONSIBILITY**. It is our **RESPONSE-ABILITY** to parent at the highest level we are able. If someone transgresses with irresponsible behaviour, then they need to prove that they are responsible to claim their right to continue to parent!!

I believe the laws as they stand provide the opportunity for both parents to take full responsibility to parent. It's by ones **ACTIONS** and **INTENT** that one displays how responsible we are. Each parent at the moment has the capacity to respond and enact their parenting roles for their child/ren now.

Maybe we can invite more active parental participation in their children's lives **NOW**, the laws don't have to change to do this. The current legislation already exists to do this

NOW!!

I would feel disappointed if the parliament **reacted** to parents, mainly men, who, maybe can only see their needs and RIGHTS to parent their children without the reflection to see what is needed for the best of the child, by changing laws that don't need changing.

Let's be very careful about changing the law in the hope that we might find a simple solution to what I believe is a very complex societal issue.