

(sent by email)

Committee Secretary,
Standing Committee on Family and Community Affairs,
Child Custody Arrangements Inquiry,
Department of the House of Representatives,
Parliament House,
Canberra ACT 2000.

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House of Representatives Standing Committee on Family and Community Affairs	
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Secretary:	

I support the proposal that there should be a rebuttable presumption that ~~children will spend~~
equal time with each parent.

My case

2 boys, born in 1985 and 1986

1995 - my former wife left the family home. I continued to live there with the 2 boys. My former wife continued to visit the boys at mealtimes most days of the week.

1998 - we decided to formally end the marriage. Due to involvement by relatives we were unable to settle amicably and both had to obtain Solicitors.

2000 - "door of the Court" settlement. The 2 boys would spend equal time with each parent, no child support payable either way.

Conclusion

It was abundantly clear that a) the 2 boys had lived with me for three years, and b) I wanted to continue to have substantial involvement. However the Family Court staff and various parties tried to fit us into the mould based on an assumption that children should live with their mother and I should have weekend visitation.

Therefore the children were put through unnecessary trauma and uncertainty for 18 months and the case was not even litigated in Court.

Observations

(based on my own experience and observing other persons 'going through the system')

Who the child will live with has an impact on the division of property and assets. Therefore there is an inherent incentive to fight over custody.

The proposal would enhance the Family Court's reputation as even handed. At present there is a widespread and common perception that it is not.

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