

Submission No: 1205

Date Received: 11-8-03

Secretary: .....

## To the Standing Committee on Family and Community Affairs

### Inquiry into child custody arrangements in the event of family separation.

[REDACTED]

[REDACTED]

[REDACTED]

#### Terms of Reference.

- (a) given that the best interests of the child are the paramount consideration:
- (i) what other factors should be taken into account in deciding the respective time each parent should spend with their children post separation, in particular whether there should be a presumption that children will spend equal time with each parent and, if so, in what circumstances such a presumption could be rebutted

#### Summary of main points

- The concept of children spending equal time with each parent may seem appropriate in theory, but in practice can cause significant trauma and disruption in children's lives.
- The concept of children spending equal amounts of time with each parent in a 'one week about' arrangement is not necessarily in the interests of the children, but rather serves to satisfy the interest of parents who consider that they have rights to equal time with their children.

To illustrate my concerns I must briefly tell my story.

My husband and I separated when our daughters were aged nine and eleven. My husband insisted that we immediately instigate a 'week about' living arrangement. He referred to this access to equal time as his right. We never approached the court system or sought any assistance from the Family Law system. On my part this was because I felt I had no option but to accept what he said, as following a legal procedure would anger him more and create more conflict for the children. We both wanted to keep conflict to an absolute minimum. Also, at that stage I did not know what the arrangement would be like or how it would affect our lives.

From the beginning the children constantly asked to spend more time with me, their mother, but I felt too afraid to insist and the children openly admitted their fear of hurting their father and bringing about the subsequent emotional consequences.

The youngest child suffered a great deal of grief and asked for help. I inquired as to appropriate services and took her to a child psychologist on regular appointments for two years to help her. This was done without contribution or support from her father.

For four and one half years both children have lived one week with me (mother) and one week with their father. This has meant that each Sunday night the children pack their belongings into suitcases, collect up their school bags and homework, pack up their musical instruments and all their other belongings that they need and want for everyday life, and pack them into the car. The car is loaded (full to bursting) and the children are taken to the other parent's house.

In effect, our children live out of a suitcase. Schools uniforms and bags and papers and books, most items of clothing, soft toys and musical instruments cannot be left behind or purchased twice. Apart from bedding, furniture and bedroom setups, very few items can be purchased separately by each parent and left behind for the week. Even most birthday gifts received by the children are carried back and forth each week as the children won't leave them behind.

Despite repeated requests over the years to spend more time with me (mother), we have been unable to adequately deal with the issue. Their father will not hear of it. He still considers equal time with the children as his right.

The children are now aged 13 and 16. Our eldest daughter is currently studying in Year 11 and in 2004 will be studying Year 12 (final year at school). She stated last year that when she entered these final two years she would have to live with one parent or the other, due to the difficulty in moving the study setup and the need for a steady homelike at this more demanding time in her education.

This year, however, she still lives one week about. She still insists that circumstances will have to change next year. However, she is still afraid to broach the subject with her father. She would like to live with me while she is studying year 12. At the same time the youngest daughter refuses to stay with her father if the oldest is not there, which puts added pressure on the situation.

There is no issue, and never has been, with the amount of love the children have for their two parents – that is perfectly equal. There is no issue with them needing both parents – we all know they do. There is no issue with the quality of parenting – we have some differences but no major difficulties with the way we each parent the children. The children themselves are not concerned about any of these things.

The issue is with the way they have to live. Each week they have to pack up their lives into a suitcase and move house. For four and one half years they have done this. They

have unpacked and repacked their suitcases and reset-up their lives on over 240 occasions so far.

It may seem as though they must be used to the procedure by now. Despite the regular (and seemingly unavoidable in the circumstances) forgetting of necessary items and the parents having to make at least one extra trip each week with these items (ranging from school shoes to blazers to party invitations to documents that need to be returned to school....etc), yes, the children are used to it. But they do not enjoy this way of living. They do not enjoy the constant moving, packing and unpacking.

The success of the week about arrangement depends on the two parents having excellent and amicable communication channels, and being very supportive of the way each does things. Our children have been lucky in this. We would probably have one of the most successful examples of this arrangement that exists.

However, I would not recommend this arrangement to other families. I do not believe that it is the best interests of the children to live their childhoods in this way. I believe it is very disruptive, uncomfortable and emotionally demanding and draining for the children. They have to not only move physically but mentally and emotionally.

Children are not responsible for parental separations. But in this 'week about' arrangement there is no doubt that the children pay. I strongly advise that this arrangement does not become the expectation or the norm.

**[REDACTED]**