

04 August 2003

Committee Secretary  
Standing Government On Family Community Affairs  
Child Custody Arrangements Enquiry  
House of Representatives  
Parliament House  
Canberra Act 2600

House of Representatives Standing Committee  
on Family and Community Affairs

Submission No: 981

Date Received: 8-8-03

Secretary: \_\_\_\_\_

Dear Committee,

I am writing this submission on Child Custody arrangements with the following concerns.

My name is Kate Miller and I have two children who have been affected adversely by the current laws regarding custody arrangements. I believe the proposed changes will be detrimental to mothers and children.

- I believe the best interests of any children from the relationship are the primary concern.
- To provide children with stability, physically and emotionally is of primary concern.
- The breakdown of a relationship causes grief to not only parents but is proven to cause longer term grief to children.
- I believe as quoted by Tim Mulvaney for The Law Report on ABC radio said "parents have responsibilities more than rights."
- The assumption of 50/50 shared care of children is not realistic in current parenting responsibilities prior to a family break-up. This is highlighted in the book "Wife work" which quotes recent surveys of working out of the home and home based mothers as still undertaking 80% of home/nurturing duties. If our concern is for our children, the focus should be on maintaining stable relationships for the children during this time of stress and grief.
- A 50/50 custody arrangement does not take into consideration that a number of relationships breakdown due to family and domestic violence issues. Safety issues of the women and children are not currently being addressed. (Over 95% of domestic and family violence perpetrators are male). Domestic violence and child abuse are interrelated issues. Quoted from Women's Legal Service Report Nov 2000, "It is currently an unacceptable risk".

- Over the last 5 years, I have met 70 women who have had similar experiences of trauma for their children. These kids' lives are still being affected by irresponsible, angry fathers who are not capable of putting their children first.
- My feeling is that many women I know including myself have been greatly supported by their families as the fathers of their children have used every trick to avoid paying maintenance.

Issues in custody arrangements highlight that custody arrangements are not currently maintained or satisfactory. Frequently men are not reliable in fulfilling their custody or maintenance arrangements. Many of these arrangements are never formalized with the courts. Research highlights that 80% of men move into a new de-facto relationship within short periods often within 8 weeks of separation. This time of healing and learning from the previous relationship is non-existent and past mistakes are repeated and repeated and children are re-traumatized. Frequently care of their children is delegated to a relative stranger (step-parent). Children are then exposed to a greater risk of forms of abuse in a step-family. This means that children have to develop new relationships with another parent figure at a period of their life when they require stability and security in relationships.

Based on these issues, I recommend the following:

That current custody legislation remains with a re-emphasis on resourcing to ensure that custody arrangements are effective.

Factors that I believe would assist this are:

- Immediate mediation with access to parenting courses emphasis on grief, step-parenting issues, child safety to all parties in the marriage breakdown with an aim of developing a parenting plan early and custody arrangements settled to meet children's needs as outlined above.
- Settlement arrangement is made with a limited timeframe so that children know what to expect.
- Access agreements to be upheld, monitored and reviewed regularly to reflect the reality of the life of the children.

*I wanted to depict the difficulties my children & I have faced due to the limitations of the current legislation.*  
I trust that you will consider these issues in your deliberations.

Yours sincerely,

*Kate Tulla*

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