

House of Representatives Standing Committee
on Family and Community Affairs

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Secretary

Forbes, Bev (REPS)

From: Grosse, Mikala (K. Hull, MP) on behalf of Hull, Kay (MP)
Sent: Friday, 3 October 2003 1:47 PM
To: Forbes, Bev (REPS)
Subject: FW: For Your Interest:Response to 'Parenting after divorce' by William West, October 2003

-----Original Message-----

From: colin andersen [mailto: [REDACTED]]
Sent: Friday, 3 October 2003 1:04 PM
To: Hull, Kay (MP)
Subject: For Your Interest:Response to 'Parenting after divorce' by William West, October 2003

Colin Andersen
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Congratulations to 'Sydney's Child' for William West's fine article on joint custody.

It is both timely, given the federal government's current inquiry into child custody arrangements, and refreshing because it managed to avoid a lot of the stereotypes trotted out by opponents of the concept of a rebuttable presumption of joint physical custody after separation at the various public hearings conducted as part of that inquiry.

The disseminators of these stereotypes are typically from groups and agencies that have a vested financial and ideological interest in problematising post-separation parenting and have never in the past been known to take issue with the inherently conflictual nature of Australia's family law system which creates winners and losers and routinely awards sole custody outcomes which relegate one parent, usually the father, to the status of alternate weekend visitor in his children's lives.

The most often repeated stereotype directed against joint custody is that it can only work if there is an absence of conflict and a high degree of co-operation between separating parents. And yet, what separation isn't characterised by a degree of hostility?

Divorce researchers, Lamb and Kelly, sensibly point out that the promotion of a meaningful child-parent relationship should not be restricted after separation if one or both parents are not able to co-operate as disengaged parents may function effectively in their parallel domains and in so doing, enhance their children's adjustment. In other words, and I am not talking here about proven cases of spousal violence, if mum and dad don't see eye-to-eye at separation or even find themselves before a Family Court judge, it doesn't mean they can't function jointly as good parents.

The opponents of joint custody also claim that the introduction of a rebuttable presumption of joint physical custody after separation has more to do with asserting parents' rights than the actual wishes or needs of the children. Yet, recent research by Braver



and Fabricius found that 70% of 820 college-aged adults from divorced families believe that equal residential time shared between parents is best for children. Fifty-seven percent said that their father had wanted more time, but that their mother limited that contact.

A presumption of joint physical custody in family law as a default position on separation will guarantee a child's right to have a meaningful, ongoing relationship with both parents after separation.

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