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Secretary:

MENSLINE AUSTRALIA

**SUBMISSION TO THE PARLIAMENTARY INQUIRY INTO CHILD CUSTODY ARRANGEMENTS
IN THE EVENT OF FAMILY SEPARATION**

BACKGROUND

Mensline Australia is a national telephone counselling, information and referral service for men with family and relationship concerns. It is accessible 24 hours a day, seven days week from anywhere in the country for the cost of a local call. It is the only service of its type in the world.

Mensline Australia is an initiative of the Commonwealth Department of Family & Community Services and is partially funded under their Men & Family Relationships Program. The service, established in September 2001, is funded until June 30 2004.

Mensline Australia is auspiced by Crisis Support Services Inc (CSS), a not-for-profit, community-based organisation with over 40 years' experience in telephone counselling. CSS also provides two other telephone counselling services - CareRing and Suicide Helpline Victoria - both of which are 24/7, Victorian-based services. Mensline Australia is staffed by both paid and volunteer counsellors.

Since its establishment, Mensline Australia has answered nearly 25,000 calls to the end of June 2003. A typical Mensline Australia caller is male (90%), aged 29-49 years, employed full or part-time, living alone or in shared/support accommodation, separated or divorced, and with children. His principle concerns will be about separation and/or shared parenting arrangements. He is most likely to be anxious or depressed and feeling socially isolated. He is likely to be on the line for approximately 22 minutes. If he accepts a referral to another service, it is most likely to be for relationship counselling, men's programs or legal services.

Nearly 75% of caller concerns are about relationship issues and associated mental health issues such as anxiety and panic, depression, social isolation, drug and alcohol usage, violence or self-harming behaviour. Approximately six percent of calls are suicide related - the caller is threatening suicide or suicide is in progress. One third of calls are from men who are worried about a separation and access to children. Many express their anger and frustration at the institutions of separation - the Family Court and Child Support Agency - which they perceive, disadvantages them in favour of their former partner.

MENSLINE AUSTRALIA RESPONSE TO EQUAL ACCESS PROPOSAL

In our submission we talk about our 'typical' caller but, in doing so, we recognise that we receive calls from a wide cross-section of the community and therefore a wide range of different family and individual situations.

(a) Mensline Australia accepts and supports the proposition that, in decisions about custody and access arrangements, the interests of the child are paramount. However, the interests of children are best served by healthy interaction with their parents who are able to effectively take up their parenting roles.

Mensline Australia callers typically want the best for their children. They will often relate to their ex-partner in a way that supports the best interests of their children.

(i) What factors should be taken into account in deciding the respective time each parent should spend with their children post-separation - in particular, should there be a presumption that children will spend equal time with each parent and, if so, under what circumstances could such a presumption be rebutted?

The idea of legislated 50/50 shared parenting is a major cultural issue for separated families, as it is for the whole community.

Men do not typically take an active 50/50 role in parenting in "intact" families, so why should we presume men want this in separation? Can they be easily equipped to take on this role?

Our callers to Mensline Australia often ring at a time of stress, emotional pain and financial hardship. This may not be the best time for them to take on a significant parenting role, especially where young children are involved. Emotional pain and stress are typical of men in separation situations as often men do not instigate the separation and do not 'see it coming'. Any major changes to the parenting role of fathers would therefore require major support, education and resourcing to help the fathers and, in turn, their children. However, the solutions do not have to include legislating a 50/50 parenting model.

Many fathers who call Mensline Australia feel disempowered by the legal system and ill equipped to prepare a case to support their desire for shared care. Support is needed to equip them on both an emotional and practical level to help them use the existing systems to their advantage. This includes supporting fathers to demonstrate their abilities to deliver sound parenting for their children. Many of our callers also want to have more involvement in the important decisions affecting their children, such as schooling and health issues.

The existing system looks at each case individually and this is probably in the best interests of the child. A 50/50-type legislation may put children at risk in terms of increased domestic violence and less stability in parenting and social/family networks. For Mensline Australia callers it may actually raise other issues, including problems with accommodation, distance, schooling and employment.

A 50/50 position would increase the likelihood of litigation which would clog the system and add to the frustration, pain and financial hardship of men who call the line. These factors would be

exacerbated by the probable legal time delays. These delays could last more than a year and have a significant impact on children who have been caught in 'limbo'. It may be unlikely that those parents seeking solutions in the Family Court system would be able to effectively manage a successful 50/50 parenting relationship because they required the legal system to sort out the problems they could not resolve themselves.

The real issue for Mensline Australia callers is how to achieve the parenting role that would satisfy them and their children. This does not mean that all our callers want a 50/50 solution. Many of our callers do, however, want more intimate time with their children - for example, reading their children a bedtime story or discussing what happened at school today. These are the normal parts of parenting that our callers often miss out on when separated. To many of our callers, intimate time means more than visits to McDonalds or taking their children to sporting matches.

To achieve these aims, our callers need to be able to use the present system more effectively and any unreasonable roadblocks in the current arrangements should be addressed. Some factors that our callers have raised include

- difficulty accessing services outside of major cities
- understanding of the legal system
- feelings of gender bias against men
- the high cost of legal services and processes
- difficulty in negotiating with their ex-partners who sometimes obstruct their rights to access
- allegations of abuse as a way of obstructing contact with their children
- issues with the Child Support payment system which we raise in part (b) of this submission.

The 50/50 position would require a re-writing of the Family Law Act and an expansion of the Family Law infrastructure. The money, time and effort this would involve would be better spent researching the existing institutions that support men and families to become better parents, and to work pro-actively and productively with men and women to improve their parenting skills.

In the case of relationship breakdown there is a huge need for additional services. Our own experience at Mensline Australia is that we are only answering 20% of calls made to the line. This is only the tip of the iceberg - where are the other men going for help? Our callers often feel helpless and angry when they are denied access to their children by their ex-partner and often there is little they can do about this except for costly legal avenues that may not give them the result they want. Legal avenues also lead to more anger between the parents and resulting effects on the children.

The 50/50 parenting proposal would only be legally enforced for those parenting relationships that come before the Family Court. The majority of cases would not be decided by the Family Court. This would result in a minority of separated families having a markedly different model to the majority of the community. This may lead to problems that other minority groups suffer from in our community.

The expense of establishing two comfortable homes for children to grow up in may be difficult for some. It could lead to higher demands on the welfare system and, for some children, lead to emotional instability.

Parents may be required to alter their jobs, i.e. reduce reliance on jobs with shift work and major travel components. This would lead to changes to employment patterns that may not benefit the community and place more demands on childcare or extended families. A recent study indicated that children who spend a high number of hours in childcare each week experience more behavioral difficulties.

Many of our callers have fathered children with more than one ex-partner. It would be hard to see how the 50/50 parenting idea would work in this scenario.

Community values still see the man as the breadwinner and the woman as the homemaker. This may not always be appropriate in the Family Court as situations need to be considered on an individual basis.

Any changes to the legislation should be based on sound research and the input of interest groups and the wider community.

(ii) In what circumstances should a court order that children of separated parents have contact with other persons, including their grandparents?

This has not been a common complaint by callers to Mensline Australia. Callers do, however, feel concerned about fathers' rights to decide who the children can associate with when the children are in their care. We encourage our callers to discuss these issues with grandparents and, if possible, come to an agreement. Sometimes our callers complain that access to their children has been denied or similar outcomes are threatened if the mother does not approve of whom the children associates with - for example, the father's new partner.

(b) Whether the existing child support formula works fairly for both parents in relation to their care of and contact with their children.

Many Mensline Australiacallers complain about the level of child support payments they provide and the resulting impact on their own standard of living that leads to difficulty in financing accommodation for their children during visits and their ability to begin new relationships.

Callers also complain that they feel that the child support payments they pay are tied - sometimes by threats from the mother - to the access that the mother 'grants' them to their children. The feeling by our callers is that the mother often has control over their access to their children and they challenge her right to do this.

Another major issue that our callers raise regarding child support payments is the lack of control some of them have over how the mother spends the money. This is especially difficult if the mother has some form of addiction and the money the father intended for his children is spent on drugs, alcohol or other substances.

Many men who pay child support find they have to spend extra money on presents, holidays and other special occasions, which adds further emotional and financial pressure.

For some of our callers the real issue is being asked to support a family that they no longer have enough, if any, contact with.

In conclusion

Mensline Australia has been pleased to have the opportunity to present this submission and would welcome discussing our case to the committee during the inquiry.

Thank you