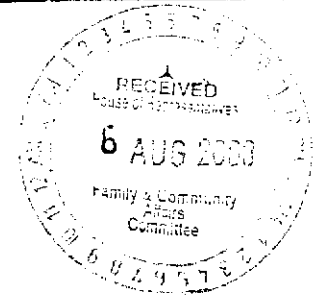


Submission No: 360

Date Received: 6-8-03

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2nd August 2003



**Submission to the
Standing Committee on Family and Community Affairs
Child Custody Arrangements Inquiry**

I make this submission with the following background:

- * I have recently retired from the position of Principal of a Kindergarten to Year 12 school, a position I held for ten years. During that period I observed a significant number of students from separated families and had many conversations regarding contact with both the children and their parents.



I feel that the above background equips me to make a reasoned submission to the committee.

Submission

(a) (i) I strongly disagree that there should be a presumption that children will spend equal time with each parent for the following reasons:

I have observed that children have a bond with both parents regardless of any mistreatment they may have suffered at the hands of one or both parents but equal time with each parent is detrimental to the child because:

- The child has a deep need for a stable home where he/she feels safe and a sense of belonging; it is not possible for the child to feel this security when his/her time is equally divided between two homes. It is my observation that equal time with each parent leads to insecurity and behavioural problems on the part of the child.
- There are practical considerations of stability of schooling when both parents cannot access the same school.
- I consider that the child's welfare is best served by the child having a principal place of residence with one parent and spending between 10% and 20% of the year (during weekends and school holidays if the child is of school age) with the other parent.

Factors to be taken into consideration when determining contact should include:

- Any evidence of neglect or abuse by the parent.
- The need for the child to experience normal schooling, sporting and social routines.
- The impact of excessive travel on the child.
- The ability of each parents to provide the time and facilities needed to care for the child.

(ii) I consider a court should order that children of separated parents have contact with other persons, including their grandparents when these people provide significant support for the child. For example a female child residing with her father might rely on her grandmother as a female role model.

(b) I do not consider the existing child support formula works fairly for both parents in relation to their care of, and contact with, their children. If one parent is the primary care giver and the other has the child for say 20% of the year the second parent will receive 20% of the child support money yet typically is not at all responsible for clothing, medical expenses, school fees and a multitude of expenses associated with raising the child.

Finally, and probably outside the terms of this enquiry, there is the issue of access to equitable justice regardless of wealth. Access to the Family Law Court is an expensive process and often parents come from very unequal financial situations.



Donald Bruce EWIN JP