

Submission to Committee inquiring into child custody arrangements in the event of family separation.

Support for the notion of the presumption that children will spend equal time with each parent

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As grandparents of a child, aged 2½, currently the subject of a dispute in the Family Court as to hours of contact for the father (our son), we wish to submit that the presumption of joint custody as a matter of law would seem the most sensible suggestion we've heard on this topic. In fact, why on earth doesn't this commonsense option exist now? A presumption such as this could serve to prevent so much of the angst in custody and access battles where the child emerges as the trophy from a failed union – surely not a situation in the best interests of the child.

We know of no person who would object to the notion that 'the best interests of the child are the paramount consideration', but there would seem at the moment a **de facto presumption** that this best interest is served by the child staying with the mother and seeing the father every second weekend. Just who in our society has determined this? Why is it not in the child's best interests to see more of a father who loves him – and indeed supports both him and the mother? Why should such fathers be merely accused of asserting their own 'rights' in the matter rather than the interests of the child?

It would seem to us as teachers and parents (as well as the grandparents in this current dilemma), that it is in the interests of all children to be loved and to live their lives **knowing** that they are loved. Surely the easiest starting point in this goal would be to allow them to have equal access to the most significant people in their lives – mothers and the fathers.

We have read suggestions that parents should just stop bickering and look at the interests of the child. With a law presuming that children will spend equal time with each parent, the bickering would be much less likely to start. All negotiations would

have to start from the basis of joint custody. At the moment, bickering ends when one side carries off the trophy either as a result of a court order or the other side finally giving up. Are the 'interests of the child' really being served in such situations?

We have also heard that, in current circumstances, if a family report finds that the custodial parent will cope poorly with increased contact from the non-custodial parent, then by implication, it most likely would be deemed that the child's best interests will not be served by increasing contact. If, however, the law presumed that the 'best interests' of children **would** be served by children spending equal time with each parent, there would probably not have to be a battle for access necessitating family reports by outsiders. Children would cease to be trophies and have much more chance of growing up knowing that each of their parents loved them and cared for them.

In an age where societal changes and attitudes due to a long feminist revolution have become firmly entrenched, it has come as somewhat of a surprise to us to hear that some 'women's groups' might oppose this very sensible proposal. 'Women' are not just mothers of young children. As the children grow, they become mothers of adults (about half of whom will be men), and grandmothers (sometimes grandmothers on the wrong side of a marriage bust up who must content themselves with such things as writing little books for a distant grandchild who will never be able to visit because his Dad doesn't have enough access). Some will also become partners to non-custodial parents, and most, of course, participate in the paid workforce in addition to these other roles. Our society, in general terms, does not expect that women will be left 'holding the baby' anymore, so why in Family Law terms does this still seem to be the norm?

We thus very strongly support the notion of presumption of joint custody. We have seen at first hand the emotional turmoil that can ensue after a separation. We have seen the love between a little boy and his Dad and see only good things coming from increased contact. We hope that commonsense will prevail.