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Secretary:

From: Millard, Mark [REDACTED]
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To: Committee, FCA (REPS)
Subject: Submission

Hi,

The problem with the current system is with the courts interpretation of:
the best interests of the child are the paramount consideration:

The court, unfortunately, interprets this as:

Whatever the primary carer decides to do is OK.

This allows the primary carer to move away from the child's home to wherever they feel like.

Unless this is addressed, it won't make any difference in giving the "other parent" equal access, as the primary carer will simply move and the courts will be forced to make a decision as to who then gets residency, with the same result as happens currently.

The best interests of the children needs to be defined as follows (or similar):

The best interests of the child are:

1. The child remain in their current school.
2. The child remain in or as close to as practicable, their home.
3. The child maintain relationships with their peers.
4. The child maintain relationships with their relatives and family friends.
5. The child have equal contact with both parents.

The other and most important change needs to be the scrapping of all other considerations.

The problem with allowing other considerations is that the best interests of the child are then NOT SERVED. Allowing other considerations, allows the best interests of the child to simply be the paramount consideration, effectively making it simply the highest ranking of many concerns and it is easily outweighed in other considerations such as a judge's dislike of a particular parent.

Allowing other considerations allows for the effective argument of many and varied considerations, particularly the maintaining of the status quo, to be of an equal or near equal value to that of the best interests of the child.

One hopes that this is a real enquiry and not one with a predetermined outcome. I can only suggest that you speak to a number of experienced family court lawyers and family court clinical psychologists so that you understand the interpretation of the law and the devastating effects this has on the children it purports to act in the best interests of.

Regards,

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