

Dear Senate Inquiry - Shared Parental Responsibility Bill 2005

This is a my submission to the Senate Inquiry into the provisions of the Family Law Amendment (Shared Parental Responsibility) Bill 2005

To whom it may concern:

I see my children every other weekend and half the holidays. Prior to my seperation I saw and interacted with them every day, as my children did with me. My ex wife and I had problems, we parted, we reconciled then we split for good.

It was and is not my childrens fault that their mother and I no longer co-habitate in the same house. Why then do they suffer not being able to see their father for equal and regular intervals as well as their mother. Why are my children FORCED to spend 12 days with their mother and the 2 days with their father. WHY? What did they do that makes this the new status quo, just because their mum and dad have issues!

My son, he is 5 and a half, he asks when his mum is picking him up when he comes to see me. I tell him on Sunday. His response, I wish we had one night with you, one night with mummy, two nights with you, two nights with mummy.....He suffers more than we do. My daughter is the same, she is older, 9 and a half and she suffers in silence.....

Non custodial parents must be given more access to their children because it is the children that reap the rewards both short term and long term. This then enables socitey in general to be better off.

The following study would support this:

Robert Bauserman of the Maryland Department of Health and Mental Hygiene in a Meta Analysis examined 33 studies that looked at 1,846 sole-custody and 814 joint-custody children, as well as kids in 251 intact families. Children in joint-custody settings have fewer behavioural and emotional problems, have higher self-esteem, and better family relations and better school performance than children in sole custody (usually with the mother). Moreover, the bulk of the studies show that children in joint-custody arrangements are virtually as well adjusted as those in the intact families, "probably because joint custody provides the child with an opportunity to have ongoing contact with both parents."

Source

Bauserman R. (2002 Child Adjustment in Joint-Custody Versus Sole-Custody Arrangements: A Meta-Analytic Review. Journal of Family Psychology 16(1): 91-102

And this from a Judge in the U.S:

Comments Of A Wise Judge

Although the dispute is symbolized by a 'versus' which signifies two adverse parties at opposite poles of a line, there is in fact a third party whose interests and rights make of the line a triangle. That person, the child who is not an official party to the lawsuit but whose well-being is in the eye of the controversy, has a right to shared parenting when both are equally suited to provide it. Inherent in the express public policy is a recognition of the child's right to equal access and opportunity with both parents, the right to be guided and nurtured by both parents, the right to have major decisions made by the application of both parents' wisdom, judgement and experience. The child does not forfeit these rights when the parents divorce.

Presiding Judge Dorothy T. Beasley, Georgia Court of Appeals, "In the Interest of I.E., a Child," July 2 1993

It has to be a better situation for the children to have equal access to both parents as much as they can. It has to be better for them to be able to attend sporting events, social events and have a solid routine and structure. Same school, same peer groups, same sporting teams, same social environment. Structure, routine and stability, what more could you offer a child if you and their mother no longer can live together. With the child's best interest at heart it has to be joint custody and equal time.

If the children really are the focus of the family law court then the laws need to reflect the rights of children to be able to spend equal and fair amounts of time with both their parents.

Thank you for reading my submission

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