

Parents are forever ...even if marriages are not



Shared Parenting

The Federal Government is reforming family law.

These reforms however do not go far enough to promote the child's best interests.

Every child's right to an equal and meaningful relationship with both parents needs to be placed above the interests of either parent.

Unless there is clear and convincing evidence to the contrary, the best interests of children will be best served when family law has a clear preference that children spend equal time with each of their parents.

In the face of an entrenched family law culture that has ignored the intentions of previous shared parenting legislation, children's welfare can best be protected by a rebuttable presumption of equal shared time living with each parent.

A research based advocacy for a rebuttable presumption of equal parenting time after separation

**What a Presumption of
Equal Parenting Time
would mean in Practice**

In order to achieve the full benefits of shared parenting for as many children of separated families as possible, the Family Court would be required to start from a presumption of equal parenting time.

This presumption will be used as a starting point only, and depending on the individual circumstances involved, will not necessarily be the outcome. The outcome will vary from the extremes of sole residence to equal parenting time, and anywhere in between. Given the nature and dedication of parenting on the whole, the expectation however will be that shared parenting will be the norm.

This presumption will also be rebuttable, meaning that the presumption of equal parenting time will not apply where there is convincing evidence that it is harmful to the child, or where parents mutually decide on different living arrangements.

This flexible and child focussed approach to child residence arrangements will contrast markedly from the existing, one-size fits all, sole parenting presumption that the Family Court currently subscribes to.

Introduction

The Federal Parliament is considering changes to the Family Law Act to include a presumption of shared parental responsibility and the consideration of equal time with both parents after separation. Shared parental responsibility has been law for over 10 years¹, but without a rebuttable presumption of equal parenting time, court orders for shared care have in fact reduced from 5.1% in 1994-95 to only 2.5% in 2000-01².

Of concern is that the Federal Government's proposed family law reforms that require the Family Court to consider equal time,³ will suffer the same fate as the unfulfilled 1995 reforms that were also intended to usher in an era of shared care arrangements⁴. Without a presumption of equal parenting time, an entrenched family law culture has largely ignored the intentions of the 1995 reforms. To achieve true reform, the Federal Parliament should direct the Family Court to presume that equal parenting time is in the best interests of the child unless there is clear and convincing evidence to the contrary⁵.

Studies show that shared residence is in the best interests of children. Yet Family Court orders for shared care have in fact reduced from 5.1% in 1994-95 to only 2.5% in 2000-01

Recent research shows that shared care benefits children, parents, and grandparents in separated families

The benefits of shared care, also known as joint physical custody, shared residence or shared parenting, are often not properly acknowledged, and much is instead made of supposed problems⁶. Recent research shows that shared care benefits children, parents, and grandparents in separated families, and has other social and economic benefits⁷.

This paper uses the term residence, in line with changes in terminology introduced by the Family Law Reform Act 1995, along with equal time with each parent ('equal parenting time') and 'lives with' as used in the currently proposed Family Law Amendments. The term custody is still

used where it is a direct quotation from another source or where there is reference to a specific law that involves custody. In Australia, of the 1.1 million children aged 0-17 years with separated parents in 2003, 84% of children live with their mothers and have non-resident fathers⁸. Consequently, for the purposes of this paper we have considered resident parents to be mothers and non-resident parents to be fathers, unless otherwise indicated. Australian research suggests that both the residence status and the gender of parents affect their attitudes towards shared care or equal parenting time⁹.

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Shared Parenting Benefits Separated Families

Children are better adjusted in shared parenting situations

Australian and international research shows that children are better adjusted in shared parenting situations and regard equal time arrangements as fairest¹⁰. Comparisons of “joint” and “sole custody” groups in over 33 studies showed that children in joint legal and physical custody were better adjusted, whether adjustment was appraised by mothers, fathers, children or professionals.¹¹ Maintaining close relationships with fathers leads to better behavioural and emotional adjustment among children, and better school achievements¹². Many adolescent children living with their mothers also express a distinct desire to spend more time with their fathers.¹³



Mothers and fathers are more satisfied with shared parenting arrangements

Mothers in shared parenting arrangements believe that it is in the child's best interests to have a close relationship with their father, while fathers in shared parenting arrangements believe that it is fair for the children to live with both parents¹⁴. Mothers and fathers express the greatest level of satisfaction with shared parenting compared to all other post-separation parenting arrangements¹⁵. Three quarters of non-resident fathers want more contact with their children, while 40% of resident mothers want greater father-child contact to occur¹⁶.

Shared parenting reduces conflict between parents

Research shows that shared residence may actually work to reduce levels of parental conflict over time, and thus lower the risk of children being exposed to this conflict¹⁷.

Shared parenting can reduce conflict because both parents are able to maintain strong relationships with their children. Non-residential parents who are only allowed to see their children for just four days a month endure a strong sense of loss. Conflict is almost inevitable when one parent insists on sole residence, relegating the second parent to a secondary role in raising their children. Sole residence often causes conflict while shared residence can help to reduce it.

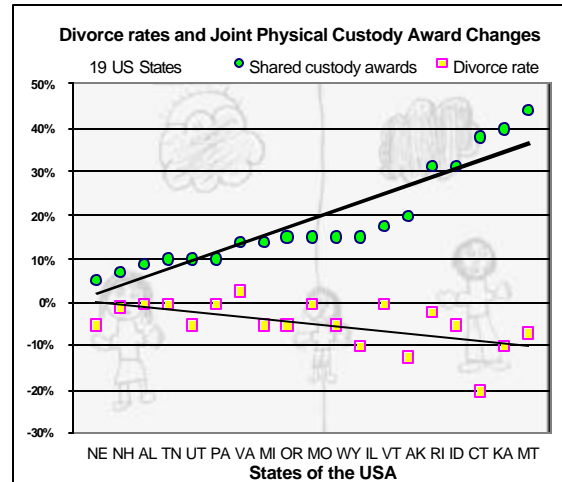
*Conflict is almost inevitable
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Stability of contact with grandparents and both sides of the family

Children benefit from shared parenting in maintaining contact with their maternal and paternal grandparents and extended family on both sides. The role of grandparents is often critically important in divorced families¹⁸. Children who have enough time with each parent are able to spend time with all their grandparents, and can generally avoid situations where resident parents deny contact without reason to grandparents on the non-residential parent's side of the family¹⁹. The relationships with relatives on the non-residential parent's side face the greatest danger of exclusion²⁰. Shared parenting, the Australian 2003 parliamentary inquiry into child custody suggests, "should have a flow-on effect for grandparents because children will spend more time with both parents and the extended family"²¹.

Increased shared parenting awards reduce divorce rates

Research shows that in the US, for those states where joint physical custody awards have become more frequent, the rate of divorce has reduced²². Divorce rates declined nearly four times faster in high joint physical custody jurisdictions, compared with states where it is rare²³. Differences between divorce rates can be explained by social and economic factors. In some cases, higher child support payments with sole custody may provide an economic motive for divorce²⁴. With joint physical custody, both social and



Eg: 40% increase in sharing results in 20% fewer divorces

A presumption of equal parenting time in Australia would decrease divorce rates.

economic motives for divorce are reduced, so parents who are at risk of divorce may be encouraged to make a greater effort to save their marriage²⁵. States whose policies result in more joint physical custody should thus see a reduction in divorce rates. The graph above shows that this trend is actually occurring.

Based on the US experience, with a legal presumption of equal parenting time in Australia a similar decrease in divorce rates could be expected.

Parents who are closely involved with their children contribute more financially

Children in shared parenting arrangements enjoy more financial support from both parents, as each parent contributes to the costs within their own home. Sole parent households are often financially disadvantaged, so children in sole custody arrangements may not be able to participate in sports, lessons, and activities that brought significant meaning to their lives prior to separation²⁶. Child support payments are much more likely to be made when parents have shared residence or at least regular contact with their children²⁷. In Australia, child support is privately collected for most separated families with "shared care", that is 40-60% of nights with each parent²⁸.

Problems with Sole Parenting

Involved fathers are crucial to a child's welfare

Children need the love and care of both parents to reach their full potential and be protected from abuse or neglect. Fathers fulfil a crucial need in the care of their children and only shared residence provides adequate time to preserve this close relationship²⁹. Empirical results confirm that the father is of great importance as a secure attachment figure, alongside or independent of the mother³⁰. Children who grow up without fathers are more prone to many social and psychological problems including poverty, poorer educational outcomes, drug abuse, teen pregnancy, and mental health issues³¹. Yet, the emotional and economic burden on “sole parents” remains and the number of Australian children in taxpayer-funded care has climbed 70% in 10 years³². The solution is to promote and facilitate shared

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parenting as the best arrangement for children after the separation of their parents.

Children may be alienated from non-resident parents

Contact with non-resident parents often decreases over time, due to the emotional difficulties in maintaining these part-time relationships. In some cases, the resident parent acts as a ‘gatekeeper’, disrupting or limiting contact with the other parent. Parental alienation is a campaign of denigration against a loving parent. It results from the combination of indoctrination by one parent and the child’s subsequent own contributions to the vilification of the target parent³³. Parental alienation

is abusive of both the child and the targeted parent, and the result is that children can become permanently estranged from a loving parent. Local and overseas research indicates that between 20% and 50% of custodial mothers directly attempted to sabotage the relationship between children and their non-resident fathers³⁴.

Loss of children detrimental to health and welfare on non-resident parents

Divorced parents report symptoms similar to bereavement, and both parents experience feelings of loss, previously unrecognised dependency needs, guilt, anxiety and depression³⁵. Non-resident parents are left with the pervasive sensation of the loss of their child, while the continued presence of children and a familiar home setting gives resident parents a greater sense of continuity³⁶.



each year in Australia more than 1000 men aged 25-44 take their lives

Shared parenting avoids this sense of loss, as involvement in parenting is important for healthy adult development³⁷. The rate of suicide for adult males has been rising since the 1970s, and each year in Australia more than 1000 men aged 25-44 take their lives³⁸. Australian research found that more than 70 per cent of male suicides were associated with a relationship break-up, and men were nine times more likely to take their lives following a break-up than women³⁹. Research suggests that non-residential mothers may face a similarly increased suicide risk, as do non-residential fathers⁴⁰.

Sole parenting puts children at risk

Recent studies suggest that children in sole parenting arrangements suffer an increased risk for child abuse. Data from the US and Canada suggests that in most cases of child abuse and neglect, the mother is the perpetrator⁴¹. This over-representation could possibly result from the increased stress associated with single parent responsibilities, and research has associated increased maternal stress with increased violence against children⁴². This data may also result from the fact that following divorce, more children live in sole custody households, with less parental transparency to act as a natural safeguard against child abuse. These figures are an important warning on the often ignored risks inherent in sole parenting.

Shared parenting offers children the best level of protection against abuse

The most recent Australian figures on child abuse show a similar over-representation of single-mother households involved in child abuse and neglect⁴³. In this context, the 1997 decision by the Australian Institute of Health and Welfare to no longer publish data indicating the gender of perpetrators in substantiated child abuse cases⁴⁴ is quite alarming. The action was taken just one year after the data was first published in 1996, indicating that women were more often the perpetrators of substantiated child abuse⁴⁵.

It is well recognised that sole parent households are among the most disadvantaged in our society

Objections to Shared Parenting

Parental conflict

Critics of shared residence often raise the objection that parents who could not reconcile conflict while living together are even less likely to manage cooperative parenting after separation. However, the evidence shows that shared residence reduces conflict because this arrangement more fully satisfies the needs of both parents⁴⁶. Shared residence provides a combination of *time off* for one parent and enhanced involvement in child rearing for the other⁴⁷. Studies report increased parental satisfaction, even from parents who initially had reservations about shared residence⁴⁸.

*Most fathers do not apply
for residence orders in the
Family Court because
they are likely to fail*

Conflict is sometimes used in family law decisions as a reason to preclude shared care. If this justification were allowed to stand, it would serve as a huge incentive for the promotion of conflict by those desiring sole residence. Conflict during divorce is a common but temporary expression of frustration from both the mother and the father. It is not a reflection of their ability to mutually and co-operatively love and care for their children. Sole custody only aggravates and prolongs such conflict, whereas shared care reduces it.

Children's stability

Another common objection to shared residence is that it reduces stability for children who have to make regular transitions from one parent's home to another. No evidence is generally offered to support this assumption. In contrast, there is ample evidence to support the alternative conclusion that development capabilities of even very young children enable them to make healthy transitions from one environment to another⁴⁹. Many children in intact families routinely move between different childcare settings, changes that are ordinarily accepted and not generally seen as destabilising⁵⁰. Shared residence in fact most closely resembles an intact family, children have *two loving parents* they spend time with but unavoidably have two homes after separation.

Family violence

It is a commonly held view that males are responsible for most family violence, but recent studies have found that women initiate more violence against their partners and are more likely to be aggressive than men⁵¹. Reviews of over three decades of international research show that both sexes are responsible for violence against their intimate partners, with women more likely to engage in these acts than men⁵². Local research confirms that family

women initiate more violence and are more likely to be aggressive than men

domestic violence analysis should move away from focussing on male perpetrators and female victims

violence is not a gender issue, as over a 12-month period 5.1% of men were victims of family violence compared to 3.2% of women⁵³. The latest research from the long-running Christchurch Health and Development Study challenges the common view that domestic violence is a “women’s issue”, and that it arises predominantly from assaults by males against females⁵⁴. The lead researcher suggests that, “domestic violence analysis should move away from focussing on male perpetrators and female victims, and examine violent couples who use aggression in their relationships”⁵⁵.

Gender inequality

Prevailing social norms should not dictate what happens after divorce when the primary concern is the best interests of the child. Those promoting gender equality, including many feminists, have for good reason long opposed gender stereotypes of men as providers and women as carers. Couples may currently adopt these roles for traditional or practical reasons on a fluctuating, at need basis, but they do not usually represent the ideals

Sole residence sadly forces mothers into 'care-giver' and fathers into 'breadwinner' roles

Most fathers want their children to live with them at least part-time. However, most fathers don't even ask for residence because they are advised that the Family Court is unlikely to let them

or aspirations of either mothers or fathers. Sole residence however forces mothers into a 'care-giver' and fathers into 'breadwinner' roles on a permanent basis. Research has shown that fathers want shared residence or sole paternal residence in the majority of cases, in order to also participate in the care-giving to their children⁵⁶. However, most fathers do not apply for residence orders in the Family Court because lawyers advise them that they are unlikely to be successful⁵⁷.

The Case for Shared Parenting

*Parents are forever, even if marriages are not*⁵⁸.

Shared parenting benefits separated families

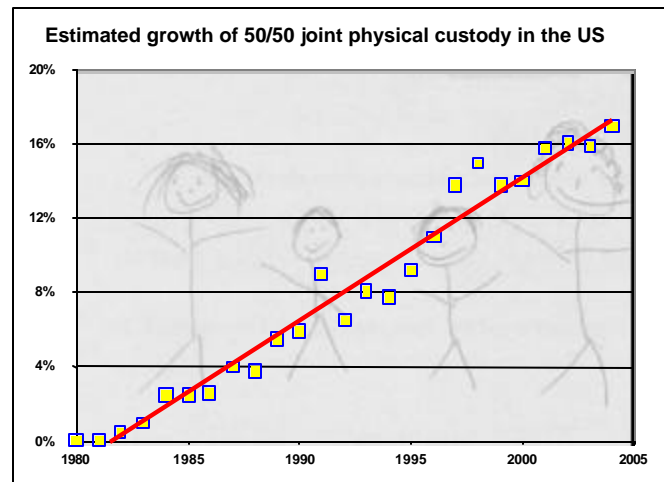
Equal shared parenting time has been demonstrated to benefit children, parents and grandparents by maintaining loving parent-child and kinship relationships. Where a legal presumption of shared residence exists, this can help to reduce the divorce rate.



Shared parenting has social and economic benefits

Shared residence in fact most closely resembles an intact family; children have two loving parents

The major social benefit of shared parenting is the continuity and stability for children who maintain strong relationships with both parents after separation. Economic benefits also flow from two involved parents who remain committed to the care and financial support of their children, including reduced welfare payments from the state and greater child support contributions by the parents.



Shared parenting is practical and increasing

Western society is moving in a positive direction towards shared parenting with increasing numbers of separated families choosing shared residence. In the US, where many states now have a legal presumption of shared residence, the growth of joint physical custody is very significant as shown in the graph above⁹⁹.

rebuttable shared residence will not be “forced” where circumstances are not appropriate, or where the parents mutually decide against it

In Australia, shared residence has also increased¹⁰⁰, because of its benefits for separated families, but the figures are still very low because the family law culture and financial incentives that support maternal “sole parenting” remain entrenched. A rebuttable presumption of equal parenting time is required to ensure that shared residence, with its many benefits, is the preferred arrangement in as many cases as possible.

Australians overwhelmingly support shared parenting

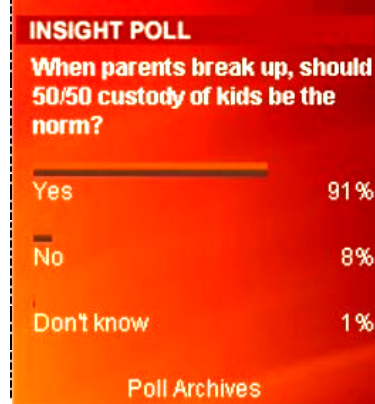
Nine network - 07/03/2004
Sunday "Caught in the Middle"



Numerous opinion polls by local media organisations reflect that a large but often silent majority, from 80% to over 90% of Australians, support shared care for children after their parents separate¹⁰¹.

In the US state of Massachusetts, when this issue was put to a referendum in 2004, 85% of voters supported legislation enacting a presumption of shared legal and physical custody of children after separation¹⁰².

SBS - 23/03/2004 "Who Gets the Kids?"



85% of voters supported legislation enacting a presumption of shared legal and physical custody of children after separation.

Conclusions

The intention of the proposed Family Law Amendment (Shared Parental Responsibility) Bill 2005 is to encourage shared parenting through the Family Court and the new family relationship centres. These aims are both genuine and very welcome, and the Federal Government should be commended for addressing such an important community issue.

However, as with the unfulfilled 1995 family law reforms which had identical intentions, the well-researched benefits of

clear and unambiguous legislation is needed to break down the barriers to shared parenting, and overcome the vested interests that have for too long stifled this most important

of topics.

shared parenting will not be realised without clear and unambiguous legislation to break down the barriers to shared parenting, and overcome the vested interests that have for too long stifled proper discussion on this most important of topics.

To achieve the full benefits of shared parenting for as many separated families as possible, a legal presumption of equal parenting time is required. This presumption should be

rebuttable, meaning that shared residence will not apply where there is convincing evidence that it is harmful to the child, or if such an arrangement is reasonably considered to be impractical, or where parents themselves decide on different living arrangements.



“rebuttable” means that shared residence will not apply where there is convincing evidence that it is harmful to the child

A recent survey of Federal Parliamentarians has indicated likely majority support in both houses of parliament for an amendment to the Family Law Act, to establish a rebuttable presumption of equal parenting time⁶³. History suggests that there may not be another opportunity like this again for genuine child-focused family law reform for at least another decade⁶⁴.

In light of the volumes of credible research available today on the benefits to children of shared parenting, parliament should act on this compelling research decisively and without delay. Not to do so would jeopardise the well-being of at least 50,000 children who experience divorce each year, as well as countless others who are currently struggling to cope with the confusion and adversity foisted on them by misguided adults. We now have had the advantage of approximately 25 years of research studies to inform our legislative decisions. It is time to act on this accumulated wisdom.



To achieve the full benefits of shared parenting for as many separated families as possible, a legal presumption of equal parenting time is required.

References

- ¹ Justice Richard Chisholm (2003). Submission 1620 to the inquiry into child custody arrangements. p.1. <http://www.aph.gov.au/house/committee/fca/childcustody/subs.htm>
Justice Alwynne Rowlands (2005). "Recent Developments in Shared Parenting and Joint Custody". p.2. <http://www.familycourt.gov.au/> [See Publications ~ Papers and Reports]
- ² Commonwealth of Australia (2003). *Every picture tells a story. Report on the inquiry into child custody arrangements in the event of family separation*. Canberra: House of Representatives Standing Committee on Family and Community Affairs. p.22.
- ³ *Family Law Amendment (Shared Parental Responsibility) Bill 2005*. Section 65DAA directs the court to consider the "child spending equal time or substantial and significant time with each parent in certain circumstances", pp.27-29.
- ⁴ Parliamentary Secretary Duncan P. "Family Law Reform Bill 1994: Consideration of Senate Message House Of Reps". *Hansard*, 21 November 1995 p.3303. http://parlinfoweb.aph.gov.au/piweb//view_document.aspx?TABLE=HANSARDR&ID=374630
- "As amended, the principles therefore establish a presumption of shared responsibility by parents for caring for their children. This sharing of responsibility can only be altered by agreement between the parents or by the court if it is not in the best interests of the child.*
- The original intention of the late Senator Murphy was that the Family Law Act would create a rebuttable presumption of shared parenting, but over the years the Family Court has chosen to ignore that. It is hoped that these reforms will now call for much closer attention to this presumption and that the Family Court will give full and proper effect to the intention of Parliament."*
- See also: Duncan, P. (1996). "Judges In The Dock". *The Age*, 17 October 1996, p A 18.
- "... there is nothing explicit in the 1975 act indicating a preference for sole custody over joint custody. It was this interpretation that led to complaints about the treatment of children's interests in family law. This was the wrong that the Parliament sought to right by introducing a presumption of joint parenting and new terminology."*
- ⁵ Hirst, J. (2005). "'Kangaroo Court' - Family Law in Australia". *The Quarterly Essay*. Issue 17. Black Inc. March 2005. http://www.quarterlyessay.com/qe/past_issues/index.html
- ⁶ NACLCL (2005). "Seeing Families Right". National Association of Community Legal Centres, Australia. <http://www.naclc.org.au/>; Alexander, R. (2005). "Law ignores the reality of split families". *The Age*. 16 December 2005.
- ⁷ Bauserman, R. (2002). "Child adjustment in joint custody versus sole-custody arrangements: A meta-analytic review". *Journal of Family Psychology*. Vol.16, pp.91-102. Parkinson, P. & Smyth, B. (2004). "Satisfaction and dissatisfaction with father-child contact arrangements in Australia". *Child and Family Law Quarterly*. Vol.16, No.3, pp. 289-304. Ferguson, N. (2004). "Children's contact with grandparents after divorce". *Family Matters* No.67, Autumn. Australian Institute of Family Studies, Melbourne.
- ⁸ ABS (2004). *Family Characteristics Australia 2003*. Catalogue No.4442.0. Australian Bureau of Statistics, Canberra.

-
- ⁹ Smyth, B. & Weston, R. (2004). "The attitudes of separated mothers and fathers to 50/50 shared care". *Family Matters* No. 67, Autumn: pp.8-15. Australian Institute of Family Studies, Melbourne.
- ¹⁰ Parkinson P., Cashmore J. & Single J. (2005). "Adolescents' views on the fairness of parenting and financial arrangements after separation". *Family Court Review*. Vol.43, No.3, July: pp.429-444; Bauserman (2002). *Supra* note 7.
- ¹¹ Bauserman (2002). *Supra* note 7.
- ¹² Amato, P.R. & Gilbreth, J.G. (1999). "Nonresident fathers and children's well-being: A meta-analysis". *Journal of Marriage and the Family*. Vol.61, pp.557-573.
- ¹³ Parkinson, P., Cashmore, J. & Single, J. (2005). *Supra* note 10. pp.431-432,440.
- ¹⁴ Smyth, B., Caruana, C. & Ferro, A. (2003). "Shared Parenting: The views of separated parents with 50:50 care arrangements". *Family Matters* No. 65, Winter: pp.48-55. Australian Institute of Family Studies, Melbourne.
- ¹⁵ Parkinson, P. & Smyth, B. (2004). "Satisfaction and dissatisfaction with father-child contact arrangements in Australia". *Child and Family Law Quarterly*. Vol.16, No. 3, pp. 289-304.
- ¹⁶ Parkinson, P. & Smyth, B. (2004). *Ibid.* pp.297-298.
- ¹⁷ Bauserman (2002). *Supra* note 7.
- ¹⁸ Ferguson, N. (2004). "Children's contact with grandparents after divorce". *Family Matters*. No.67, Autumn. Australian Institute of Family Studies, Melbourne.
- ¹⁹ Commonwealth of Australia (2003). *Every picture tells a story*. pp.112-116; Law Report (2005). "Grandparents and the Family Law System". The Law Report. *ABC Radio National*. 20 December 2005. <http://www.abc.net.au/rn/talks/8.30/lawrpt/stories/s1525967.htm>
- ²⁰ Weston, R. (1992). "Families after marriage breakdown". *Family Matters*. No.32, August. AIFS.
- ²¹ Commonwealth of Australia (2003). *Every picture tells a story*. p.121.
- ²² Kuhn, R. & Guidubaldi, J. (1997). "Child Custody Policies and Divorce Rates in the U.S". *11th Annual Conference of the Children's Rights Council*, October 23-26, Washington, D.C; Brinig, M.F. & Buckley, F.H. (1998). "Joint Custody: Bonding and Monitoring Theories," *73 Indiana Law Journal* 393.
- ²³ *Ibid.*
- ²⁴ *Ibid.*
- ²⁵ Brinig, M.F. & Allen, D.W. (1998). "These Boots Are Made For Walking: Why Wives File For Divorce". Paper presented at the *Canadian Law and Economics Association Meeting*
- ²⁶ Kelly, J. & Emery, E. (2003). "Children's Adjustment Following Divorce: Risk and Resilience Perspectives". *Family Relations*. Vol. 52, pp.352-362.
- ²⁷ Grall, T. (2000). "Child support for custodial mothers and fathers: 1997", Current Population Reports, Consumer Income Series P60-212. Washington, DC: Bureau of the Census, U.S. Department of Commerce.

-
- 28 Child Support Agency (2004). Child Support Scheme: Facts & Figures 2003-04. Canberra. p.17.
<http://www.csa.gov.au/publications/ff04.pdf>
- 29 Pruett, K.D. (2000). *Fatherneed: Why father care is as essential as mothercare for your child* Free Press, New York.
- 30 Trowell, J. & Etchegoyen, A. (Eds.) (2002). *The Importance of Fathers: A Psychoanalytic Re-evaluation* Brunner-Routledge, New York.
- 31 Amato, P.R. (2001) "Children of divorce in the 1990s: an update of the Amato and Keith 1991 meta-analysis". *Journal of Family Psychology*, vol. 15, pp. 355-370.
- 32 Australian Institute of Health and Welfare, Children's Unit, Bryant, M., cited in *The Australian*, "Children in Care up 70pc in 10 years", Patricia Karvelas, 18 Jan 2006, p 4.
- 33 Gardner, R.A (2002). "Denial of the Parental Alienation Syndrome Also Harms Women". *American Journal of Family Therapy*. Vol.30, No.3, pp.191-202.
- 34 McMurray, A. & Blackmore, A.M. (1992). "Influences On Parent-Child Relationships On Non-Custodial Fathers". *Australian Journal of Marriage and Family*. Vol.14, No.3 pp.151-159; Gibson, J. (1992). "Non-custodial fathers and access patterns". Family Court of Australia. Research Report No.10. Australian Government Publishing Service, Canberra; Fulton, J.A. (1979). "Parental reports on children's post-divorce adjustment". *Journal of Social Issues*, Vol. 35, pp.126-139. Wallerstein, J.S. & Kelly, J.B. (1980). *Surviving the breakup: How children and parents cope with divorce*. Basic Books, New York.
- 35 Hetherington, E.M., Cox, M. & Cox, R. (1978). "The Aftermath of Divorce". In J.H. Stevens & M. Mathews (Eds.). *Mother-Child, Father-Child Relations*. National Association for the Education of Young Children, Washington DC.
- 36 *Ibid.*
- 37 Greif, J.B. (1977). *Child Absence: Fathers' Perception of Their Relationship To Their Children Subsequent To Divorce* Unpublished doctoral dissertation. Adelphi University.
- 38 ABS (2000). *Suicides, Australia, 1921-1998*. Catalogue No. 3309.0. Australian Bureau of Statistics Canberra, p 3.
- 39 Baume, P. (1994). "Developing A National Suicide Strategy For Australia". In *Public Health Significance of Suicide: Prevention Strategies* Proceedings of The National Conference On Public Health: Significance of Suicide. 28 February to 1 March. Lakeside Hotel, Canberra.
- 40 Cantor, C.H. & Slater, P.J. (1995). "Marital Breakdown, Parenthood, and Suicide". Vol.1, No.2. *Journal of Family Studies*, pp. 91-102.
- 41 Webb, R. (1991). Characteristics of Alleged Perpetrators of Child Abuse/Neglect. R. Webb, Acting Director, Department of Health & Social Services, Division Family and Youth Services, State of Alaska, Juneau, Alaska; Wright, L. (1992). "Are Men Necessary?". *Texas Monthly*. 17(8), pp.18-29; Public Health Agency of Canada (2005). *Canadian Incidence Study of Reported Child Abuse and Neglect – 2003*. Minister of Public Works and Government Services, Canada. pp.51-53.
- 42 Whimple, E.E. (1989). "The Role of Parental Stress In Physically Abusive Families". *Dissertation Abstracts International* 50A, 3354, Order No AAC900701.

-
- ⁴³ AIHW (2006). *Child Protection Australia 2004-05*. Australian Institute of Health and Welfare, Canberra (Child Welfare Series No. 38). <http://www.aihw.gov.au/publications/index.cfm/title/10245>
- ⁴⁴ AIHW (1997). *Child Abuse and Neglect Australia 1995-1996*. Australian Institute of Health and Welfare, Canberra (Child Welfare Series No. 17).
- ⁴⁵ AIHW (1996). *Child Abuse and Neglect Australia 1994-1995*. Australian Institute of Health and Welfare, Canberra. (Child Welfare Series, No. 16), pp.46-47. 968 men and 1138 women.
- ⁴⁶ Ilfield, F., Ilfield, H. & Alexander, J. (1982). "Does Joint Custody Work? A First Look At Outcome Data of Relitigation". *American Journal of Psychiatry*. pp 62-68.
- ⁴⁷ Luepnitz, D.A. (1982). *Child Custody: A Study of Families After Divorce*. Lexington Books, Massachusetts.
- ⁴⁸ Sharply, C.F. & Webber, R.F. (1992). "Co-Parenting: An Alternative To Consider In Separation Counselling". *Australian Journal of Sex, Marriage and Family*, 10(3), pp.111-117.
- ⁴⁹ Kelly, J.B & Lamb, M. (2000). "Extended Overnights by Infants with the Other Parent Are O.K." *Family and Conciliation Courts Review*, Vol. 18, No. 3, pp.297-311; Kelly, J. (2000). "Children's Adjustment in Conflicted Marriage and Divorce: A Decade Review of Research. *Journal of the American Academy of Child and Adolescent Psychiatry*, Vol. 39, No. 8, pp.963-973.
- ⁵⁰ Warshak, R A (2000). "Blanket Restrictions: Overnight Contact Between Parents And Young Children". *Family And Conciliation Courts Review*. Vol. 4, No.38, pp. 422-445.
- ⁵¹ Archer, J. (2000). "Sex Differences in Aggression Between Heterosexual Partners: A Meta-Analytic Review". *Psychological Bulletin*, Vol.126, No.5, pp.651-680.
- ⁵² Frieze, I.H. (2005). "Female violence against intimate partners: An introduction". *Psychology of Women Quarterly*. Vol.29, pp.229-237.
- ⁵³ Headey B, Scott D, & de Vaus D (July 1999). "Domestic Violence In Australia: Are Women and Men Equally Violent?". *Australian Social Monitor*. Vol.2, No.3, pp. 57-62.
- ⁵⁴ Fergusson, D.M., Horwood, L.J & Ridder, E.M. (2005). "Partner Violence and Mental Health Outcomes in a New Zealand Birth Cohort". *Journal of Marriage and Family*. No. 67. December 2005: pp.1103-1119.
- ⁵⁵ Scoop (2006). "Domestic Violence and Mental Health". Press Release, University of Otago. 8 February 2006. Quote by Fergusson. <http://www.scoop.co.nz/stories/ED0602/S00017.htm>
- ⁵⁶ Maccoby, E.E. & Mnookin, R.H. (1992). *Dividing The Child: Social and Legal Dilemmas of Custody*. Harvard University Press, Cambridge, Massachusetts.
- ⁵⁷ Abernathy, M. (1993). "Paternity Wars In Australia, Divorce Is A Battle Men Can't Win". *Australian Penthouse*. April 1993, pp.106-107. Citing a Lone Fathers Australia survey of 10,000 divorced fathers.
- ⁵⁸ Sign for mediation program, cited in Schepard, A. (2004). *Children, courts, and custody: Interdisciplinary models for divorcing families*. Cambridge University Press, New York.

Ⓜ Child Custody Statistics (2004). U.S. Census, America's Families and Living Arrangements 2004, Current Population Survey, March 2005. Table FG-6. <http://www.gocr.com/research/custody-stats.html>

Ⓜ ABS (2004). *Family Characteristics Australia 2003*. Catalogue No.4442.0. Australian Bureau of Statistics, Canberra. In 2003 about 6% of Australian children lived in shared care, staying 30% or more nights with their other natural parent, compared to 3% in 1997.

Ⓜ From 80% to over 90% of Australians believe that there should be a legislated presumption of 50/50 shared residence in the event of separation. Polls are cited on the Fathers4Equality website. <http://www.fathers4equality-australia.org/equalparenting/fathers4equality.nsf/pages/publicopinion>

Ⓜ Fatherhood Coalition (2005). "Shared parenting ballot wins 85% approval statewide". Newsletter, Vol. 8, Issue 1. February. <http://www.fatherhoodcoalition.org/cpf/Newsletter/Record0502.pdf>

Ⓜ Fathers4Equality (2006). Survey of Federal Parliament on voting intentions for a rebuttable presumption of equal parenting time. Unpublished.

Ⓜ Since the enactment of the Family Law Act in 1975 there have been three major parliamentary inquiries on its operation. These occurred in 1980, 1995 and 2003.

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Parents are forever...

even if marriages are not.



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Fathers4Equality
The Joint Parenting Association.

<http://www.fathers4equality-australia.org/>
<http://www.jointparenting.org.au/>

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