

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

Joint custody to be Italian norm

New law boosts divorced fathers' rights

(ANSA) - Rome - The Italian Senate gave the definitive green light Wednesday to a new law that strengthens the access and custody rights of divorced fathers .

The legislation makes joint custody of children the norm when parents split up. This means single-parent custody - which usually goes to the mother - will now only be granted in a minority of cases .

"Finally, both parents will have equal rights and responsibilities with respect to their children when there is a separation," said Justice Undersecretary Jole Santelli. "And the children will have the inalienable right to maintain solid relations with both the mum and the dad .

"The most important aspect of this measure is that, for the first time, it has established the principle of co-parenting. With this law, one divorces one's spouse, but not one's children." The new legislation will revolutionize the application of family law in Italy, supporters said.

In 2004 judges gave the mother sole custody of children in 84% of cases, while fathers had custody in 6.5% and joint custody was granted in 8.8%. The law, which had bipartisan support in parliament, guarantees both estranged parents the right to regular contact with their offspring .

It also demands that they both maintain their children financially on a day-to-day basis and take all important decisions on health and education together .

Under the legislation, if parents cannot agree on something, or if there is a dispute, they are obliged to turn to the courts .

If one parent fails to respect the custody agreement, the judge can make them pay damages to the child or to the other parent, change the agreement itself or impose a fine of between 75 and 5,000 euros. Although technically the children remain in the custody of both parents, judges will still have to decide the details of their living arrangements .

"Approving this law was a courageous choice," said Daisy party Senator Emanuela Baio Dossi, stressing that it would end discrimination and change Italian society .

"It's not a matter of forcing the parents to get on, but of applying responsible decisions and establishing civil behaviour with the sole aim of safeguarding the child." Some fathers' groups, however, complained on Wednesday that the original bill had been watered down so much that the result was "seriously incomplete".

"A muddled political compromise has been approved, not a good law that meets the demands of millions of parents and it protects children even less," said the National Federation for Co-parenting (FENBI) in a statement .

"There are no measures to resolve conflicts (between separated couples), there are no valid deterrents to non-compliance (of custody agreements),

there is no protection of the rights of minors." Other family groups welcomed the reform, but expressed disappointment it had not gone further. "The law has been impoverished," said the "Crescere Insieme" (Grow Together) association, "but at least the principle was approved."

"It establishes the very important principle that one is a parent forever and that, despite a separation, both spouses are responsible for the upbringing of the children," said the Forum of Italian Family Associations.

http://ansa.it/main/notizie/awnplus/english/news/2006-01-25_621383.html

Thank you for reading my submission

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