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### ***COUNSELLOR & MEDIATOR***

**LOFTUS NSW  
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Senate Legal & Constitutional Committee  
Department of the Senate  
Parliament House  
CANBERRA ACT 2600

Dear Senators,

**Re: Senate Inquiry into the provisions of the Family Law Amendment (Shared Parental Responsibility) Bill 2005**

I write to you to ask you to support the above Bill, which is currently under consideration in the Senate before, hopefully, becoming Law.

I've been the secretary of the Family Law Reform Association NSW Inc. for 16 years. I run a free telephone, counselling and referral service on behalf of the association from my home and have done so almost since the establishment of the association on 5<sup>th</sup> March, 1990. We established our organisation when we realised that many people had nowhere to turn for help, who in those days, were mainly fathers.

I write to you on a personal basis from my experiences over that period of time. I have not been affected directly by marriage breakdown, although two of my children have had broken marriages, one a residence parent and the other a non-residence parent. I have heard some of the most horrendous cases over the years, the majority of which come from fathers who have been denied access to their children. What adds insult to injury is the fact that they have court orders giving them contact, which they find are worthless. If they go back to court to try to have them enforced, chances are they will spend many thousands of dollars more and still end up in the same position because they are unenforceable.

Unlike previous generations, fathers of today are expected to be totally involved with their children, starting in ante-natal classes, through labour, pre-school and into their formative school years. How then can they be expected to accept the fact that this is all over because their marriage has broken down. They don't stop being fathers over night. The marriage has broken down, they have to find alternate accommodation, and almost immediately they receive notification that they have to pay huge child support payments, sometimes for

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children they don't/can't see. This leads to depression, loss of productivity in the workplace and at times, unemployment. Some men are so depressed that they take their own lives. These men cry for their children.

About 12 months ago I received a phone call from a young man whose first words to me were *“I am an adult child of divorced parents. I was alienated from my father from a young age by my mother who got custody of me in the Family Court. I eventually lost contact with him. Who is going to be held responsible for my lost years with my father?”* My reply to him was *“I’ve been waiting for this call - I knew that one day someone like you would ring me demanding answers for all the wrong that has been done to children over the past 30 years”*. Another story I heard was from a young girl who finally found her father after many years. She was determined to find him to see if he really was as bad as he had been made out to be. He opened the door and invited her in to show her all the gifts he had bought for her over the years stored away in the cupboard.

Until the past two or three years, however, I had very few phone calls from mothers and the ones who did ring were usually seeking information on a property settlement. There were a few who complained that the fathers will not see the children, which is sometimes the case. What is happening now is that I’m receiving phone calls from non-residence mothers, all telling me the same stories that the fathers have been telling me for years - denial of access, child alienation, nowhere to turn for assistance, court orders expensive and worthless, etc.

I realise that some marriage breakdowns are brought about by domestic violence. However, from my experience over the years, I firmly believe that some marriage breakdowns actually cause domestic violence through the frustration of not being able to continue to be a part of their children’s lives.

The point has been raised about stability and how shared parenting would interfere with children’s lives too much. Michael Green’s White Paper *The Myths about Shared Parenting* (page 2 - paragraph 4) answers this quite adequately:

“..... Separation and divorce are all about change and it is impossible to shield children from it. What is important is to engineer the necessary changes in parenting that look after them emotionally, intellectually and financially. The stability that children hunger for is not geographical stability, but the stability of meaningful relationships with the people most dear to them, their mothers and fathers, grandparents, relatives and friends, schools and communities. Shared parenting can deliver this.”

Separation and divorce is devastating for all members of the family, but I am convinced that it can be alleviated if each parent feels that they are being treated fairly. This, in turn, will filter down to the children when they see that their parents are only divorcing each other and they are still loved by each, albeit in a different environment. The less trauma to children, the more likely they are to grow up in a reasonably stable situation. The children

will also have the opportunity to have a meaningful relationship with grandparents on both

sides, as well as extended family and friends.

It is my opinion that in supporting this Bill, children will be given the opportunity of loving each parent equally. They will also have the benefit of both a mother and father, even though they are not living in the same household on a daily basis. Children growing up in an all male or all female household are disadvantaged and have no role models when they enter adulthood.

There will no doubt be some teething problems, but if we approach this in a mature manner, everyone will be a winner.

Please support the Bill.

Yours sincerely,  
Coral Slattery