

Submission

Senate Inquiry - Shared Parental Responsibility Bill 2005

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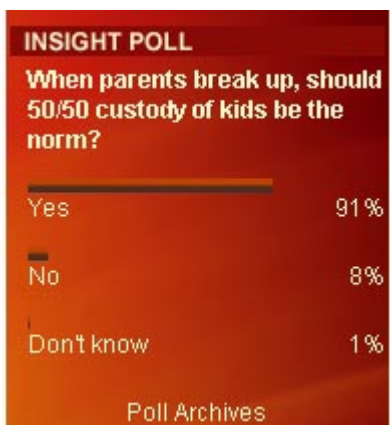
Co-President Family Law Reform Association NSW Inc. and
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It is with some concern for my child and the children of others that I make this submission.

As a father I have seen the effects first hand of children being distanced from their fathers as a result of divorce and separation. I firmly believe, in congruence with much research, that parenting should continue to be shared as close to 50-50 as possible given each circumstance will be different.

As a father I find the growing emotional distance from my daughter worrying and I see traits in her behaviour developing which I would be correcting if I was able to spend more time with her. The influence of just one parent most of the time can be detrimental to the child receiving a balanced emotional development. Children need role models from both the mother and the father.

I believe substantial contact with BOTH parents to be the most desirable situation where possible. In cases of proven and serious domestic violence such level of contact may not be possible and where one parent is not a fitting model of a parent (drug addict, serious criminal etc.) then contact may be required to be limited or supervised. In most cases I believe that the maximum practical parenting time should be shared between both parents as this is clearly in the best interest of the child. Most Australian would seem to agree with this as evidenced from the SBS Insight program poll as shown below.



from SBS Insight Poll 23 March 2004



2003 Willesee

Across Australia

Do you agree that both divorced parents be given legal rights to access to children?



from Sky News

29 July 2004

The research as listed below also supports the notion of Shared Parenting time being maximized toward 50-50 as being desirable for the child.

Child Adjustment in Joint-Custody Versus Sole-Custody Arrangements: A Meta-Analytic Review

Robert Bauserman

AIDS Administration/Department of Health and Mental Hygiene

The author meta-analyzed studies comparing child adjustment in joint physical or joint legal custody with sole-custody settings, including comparisons with paternal custody and intact families where possible. Children in joint physical or legal custody were better adjusted than children in sole-custody settings, but no different from those in intact families. More positive adjustment of joint-custody children held for separate comparisons of general adjustment, family relationships, self-esteem, emotional and behavioral adjustment, and divorce-specific adjustment. Joint-custody parents reported less current and past conflict than did sole-custody parents, but this did not explain the better adjustment of joint-custody children.

The results are consistent with the hypothesis that joint custody can be advantageous for children in some cases, possibly by facilitating ongoing positive involvement with both parents.

As a victim of domestic violence myself, as perpetrated by my ex-wife I also offer the following piece of research which supports the claim that many women perpetrate domestic violence. Domestic violence is often given by women as an excuse to gain full custody of a child or children and to minimize or limit contact with the father. This is desirable for single mothers due to the financial rewards available through the taxation system, Centrelink and other subsidies. Children are a financial prize for mothers separating or divorcing. Limiting contact maximizes the value of this prize and at the same time allows victimization of the father to take place which is in its self a form of domestic violence.

Some single mothers deliberately remove or limit contact with the father as a form of aggression or punishment against the father. I have experienced this first hand. Contact weekends are cancelled at short notice in total contravention of Court Orders. It happens frequently.

DAVID M. FERGUSSON, L. JOHN HORWOOD, AND ELIZABETH M. RIDDER
Christchurch School of Medicine & Health Sciences

A recent meta-analysis by Archer (2002) examined gender differences in survey data using the Conflict Tactics Scale (CTS; Straus, 1979). The major findings of this study were that men were more likely to engage in more severe acts such as choke/strangle and beat up, which may account for the high rates of death and hospitalization for female victims. Women were more likely to engage in minor acts of violence. The analysis also suggested that gender differences in the direction of increased female perpetration were more evident in younger (student) samples than in general community samples. This may suggest either age or cohort differences in gender violence. **The overall conclusions from this study were that perpetrators of physical aggression can be men or women and that a substantial number of endorsements for both minor and severe CTS items are made by women perpetrators.**

The dissonance between expectations that domestic violence is predominantly perpetrated by men on female victims and the research evidence has led to a number of criticisms of the methodology used to assess domestic violence.

The data gathered in this survey made it possible to examine the issue of domestic violence from the standpoint of both victimization reports and perpetration reports. The findings from both series of reports suggested that there was considerable similarity in the range of responses and levels of domestic violence reported by men and women. For victimization reports, the findings showed that men and women reported a similar distribution of victimization experiences.

It is my hope that the Committee will not alter the pending legislative changes to the Family Law Act for my daughters benefit.

A less adversarial and even handed approach to Family Law is required. Mediation to achieve agreed outcomes with respect to parenting is far more desirable than legally contested battles which often result in hatred between parents. Equal starting points in terms of parenting time and responsibilities prior to mediation would be a logical approach for the majority of situations. A mediated agreement will encourage parents to continue a high level of on-going parenting without the bitterness that often results from a lengthy and expensive legal battle.