

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

The consideration of the pros and cons of equal parenting time for children must not be made by comparison to some ideal, which is simply not available to children of separated parents, but to the existing system.

The existing system of the family court considers that the status quo of care should be maintained without any significant reason to change it.

This favours parents who aggressively withhold children from the other parent by any means possible, including unsubstantiated allegations of abuse, and frustrating legal process thus establishing a status quo of care with them dominating the care of the child from which it is often impossible for the other parent to recover their role in caring for their child.

Abuse is abuse either in the form of direct abuse of the child or in the insidious form of unjustified extreme denigration of the other parent. Both are harmful to the child.

The burden of proof of abuse must be consistent across all types of abuse and it makes no sense to have a trade off where one type is considered more likely and another is condoned.

What is behind the argument that a starting point of equal care time introduces an increased likelihood of exposure of children to violence?

It must be the presumption that parents who under the current system have reduced or no access to their children are more likely to be violent towards their children than the general parent population.

What is the evidence to support this if any exists?

Parental Alienation Syndrome, Hostile and Aggressive Parenting and Malicious Mother Syndrome are real and the current system rather tends to act as a catalyst for these problems.

There is more to this issue than consideration of whether this change might introduce a problem. Not accepting this change will result in a continuation of a trend in these alienation type problems and other problems that stem from these.

A starting point of equal parenting time would be a huge step forward by creating a default right to be a parent to one's own child which, as I have learned by hard experience, we don't actually have at the moment.

Thank you for reading my submission

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