

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

I wish to make a submission to the Family Law Senate Inquiry as a divorced, custodial mother. In my situation, joint custody was agreed on with our daughter as the centre of all dealings. We made sure that she was 'allowed' to express her views without fear of 'backlash' from either parent. However, I am very concerned at the effect I see time and time again on children whose custodial parent (usually the mother) uses the children as a weapon against the other parent and finding a multitude of ways to not allow access to the noncustodial parent to happen - after all this is the only way they can now hurt the other parent, by stopping the children from seeing him/her. I would like to draw to your attention the following facts:

EQUAL PARENTING TIME AFTER SEPARATION IS IN THE BEST INTERESTS OF CHILDREN:

Robert Bauserman of the Maryland Department of Health and Mental Hygiene in a Meta Analysis examined 33 studies that looked at 1,846 sole-custody and 814 joint-custody children, as well as kids in 251 intact families. Children in joint-custody settings have fewer behavioural and emotional problems, have higher self-esteem, and better family relations and better school performance than children in sole custody (usually with the mother). Moreover, the bulk of the studies show that children in joint-custody arrangements are virtually as well adjusted as those in the intact families, "probably because joint custody provides the child with an opportunity to have ongoing contact with both parents."

Children whose families undergo a series of disruptions and changes are more likely to experience social, educational and health problems than those whose families remain intact.

SOLE CUSTODY EXPOSES CHILDREN TO THE GREATEST RISK OF CHILD ABUSE - Although in the 1970s some experts were quite sanguine about the impact of divorce on children, by the mid-1980s there was a clear consensus among researchers that divorce can have very serious consequences for children's well being.

Compared to children from intact families, children of divorce are more likely to experience:

Reduced Psychological, Socio-Emotional and Cognitive Well-Being, and Poorer Physical Health

Juvenile Delinquency, Substance Use, and Other Problem Behaviours

Lower Educational and Occupational Attainments

Increased Risk of Early Home-Leaving, Early Unplanned Pregnancy, Teenage Marriage, and Divorce

Increased Risk of Child Suicide

Increased Risk of Child Abuse

Increased Risk of Being Murdered

Weak Relationships With Parents and Other Kin in Adult Life

Child custody contests are recognised by experts as presenting great dangers to the emotional welfare of the children involved. Most existing studies on the impact of divorce indicate that it is a highly complex process, which represents a major source of stress and readjustment for children and parents. It is well documented that sole custody, which has had a long trial period, leaves serious problems for children and their parents. Let us look at what happens to children under exclusive sole custody in particular. The accumulated data suggests that

children who are not forced to divorce a caring parent are more likely to be better adjusted after divorce.

Feelings of Loss and Abandonment
Loyalty Conflicts and Separation Anxiety
Unhappiness and Depression
Emotional Victimization

AUSTRALIANS OVERWHELMINGLY SUPPORT EQUAL PARENTING - See the results of a recent survey by SKY news - 90% of respondents felt that both divorced parent should be given legal rights to access to children.

On 'SUNDAY' program of March 7 2004, Sunday reveals the shocking fact that, out of one million children caught up in separated families, only 25,000 live in a shared arrangement. A staggering 300,000 children never see their non-custodial parent - usually a father. Although the Family Court often gets the blame, more often than not, it occurs when personal arrangements break down. Some fathers are denied access to their children when they want it, but many either don't want more than weekend access or, because of their inflexible work patterns or inappropriate living conditions, cannot manage anything near 50 per cent of the parenting.

The government would like to get lawyers and the adversarial nature of the contests out of the process so that a tribunal may take the place of the family court in deciding how custody or residency, as it's now referred to, is allotted. Any change is welcome, according to the people who either work in the system or have been through the family court. There are few happy stories at the end of the process or, as Wayne Swan, the Shadow Minister for Family and Community Services, puts it:

"There are no winners here." and I think that sums it all up - PLEASE allow children equal access to both parents, dont allow one parent to hinder the process all the time with missed meetings, no shows at pick ups, not allowing the kids to answer the phoneand the list goes on. It is nothing short of child abuse and MUST stop, if only for the sake of the 1,000s of children it affects every day

Regards,

Debbie

Thank you for reading my submission

Name: Debbie McCoy
Postal Address: Tamworth