

Senate Legal and Constitutional Committee  
Department of the Senate  
Parliament House  
Canberra ACT 2600

Re: Family Law Amendment Bill 2005

To All Concerned,

It is with disbelief that we have read that a Democrats and Greens instigated Senate Inquiry has been set up to investigate the claims that providing separated fathers with more parenting time will put children and mothers at risk of violence. Even more unbelievable is their assumption that current family laws are adequate!!!

We, along with the majority of Australians, have indicated over many years via direct complaint and / or opinion polls and surveys, that the existing Family Law System is probably the most reviled and abhorrent system Australians have to deal with. If things were so good, why did the government, in response to public pressure, call for an inquiry into the way the Family Law System (specifically focusing on child custody and child support) was operating? And why did the Inquiry receive a record number of submissions from disgruntled and outraged citizens?

Evidence abounds which clearly shows that **equal parenting time after separation** (in families where violence or extreme behaviour is absent – thus the vast majority of families) **is in the best interests of children.**

Here we quote an excerpt from the article “*The Disposable Parent*” (jointparenting.org.au site.)

*Joint custody is typically not awarded if one parent opposes it. Australian Family Court statistics show that joint custody is awarded in just 2.5% of disputed cases (Family Court Statistics 2001). In the twilight world of child custody it defines logic and what we know of human potential that the child’s human right to an equal relationship with both their mother and father is supported in only 1 in every 40 adjudicated cases. Clearly, legislation is needed to protect the best interests of the child, and abrogate the obscene doctrine that one obstructionist parent can unilaterally deprive the child of a full relationship with the other parent.*

*The most mean spirited opposition to joint custody is that it should be rejected because of the risk of family violence. The opponents argue from a presumption of pathology, and urge a rule that assumes the worst behaviour of the most extreme individual is the norm. Policy cannot be made by anecdote, and the law should not be based on the presumption of pathology. The law should serve the vast majority of the fit and loving parents who simply want to be with their children.*

*It is clear that **children in joint parenting situations have a better prognosis for post divorce adjustment.** What is disturbing about the current debate, is the extent to which*

*myopic and immoderate views have influenced the policy of bodies such as the 1992 Family Law Council, which explained its opposition to joint custody in the following terms:*

*“Council's view is consistent with feminist criticism of the model, i.e. the model facilitates control over the child and the mother by the father, not a shared program of day to day care and residence.”*

*However, **replicated research does not support the Family Law Council's conclusions.** Specifically, the evidence establishes that children in joint physical custody situations are more successfully adjusted overall, that parents with joint custody are less litigious than parents in sole custody, that parents with joint custody are more likely to comply with financial child support obligation, that joint custody benefits both parents and both sets of grandparents and that parents in joint custody are more satisfied with the custodial arrangements, even if they initially disagreed with the custodial decision.*

*Both evidence and common sense suggests that only through some form of joint physical custody can a child's rights to know and love both parents and both sets of grandparents after the divorce be assured. It is time to realistically and fairly define the post divorce relationship between the child and both parents on the basis of what can be demonstrated by substantial research evidence to be in the best interests of the child, rather than according to myopic ideology.*

Concerns that increased child care arrangements will lead to increased violence towards women and children is ill-conceived and misleading. Undoubtedly, this idea is being pushed by women who fear that the substantial benefits of having sole custody (i.e. generous welfare payments, child support, etc) are under threat with a change in contact arrangements. Under the guise of concern for their “safety” these women, along with agencies largely run by feminist agendas, are attempting to sabotage changes which ultimately are designed to benefit split families. Please don't be misguided by these attempts (based on self-interest) to stir up myopic paranoia and fears. Change will always threaten those who most benefit from the existing status-quo.

To ignore the evidence of the advantages of joint custody, and deprive fit and loving parents of the opportunity to significant and meaningful contact with their children, would be an inexcusable and grossly misguided travesty of justice and common sense.

Yours sincerely,

Ms J Kornfeld & G Hoare