

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

Equal Parenting Time after separation is in the best interests of children.

I know this as this has been my experience.

I have been separated for 13 months and my ex partner and I have 50/50 time with our two boys aged 7 and 10 years.

Our children have adjusted to the separation and are as happy as they could possibly be given the circumstances.

It is obvious that all children need a male role model in their lives and as far as possible all children who are the product of separation/divorce should be entitled to spend as much time as possible with their father as well as their mother. Both parties are important to young children and bring different perspectives, skills and beliefs to the child's life.

I acknowledge that domestic violence does happen but if domestic violence is an issue in a custody dispute that domestic violence should be proven in the same way as any other crime is proven, in court with evidence, beyond doubt not just hearsay and the word of one party taken as the gospel truth. If it is the case that a party makes false claims that party should be charged with perjury.

It is common knowledge in the community that false AVO's are used as tools in custody disputes and also just by one party against the other to make their life as difficult as possible.

The presumption of 50/50 custodial parenting except in the case where domestic violence is proven has to be implemented.

This removes the opportunity for one party (usually the mother) to take advantage of the current biased system to minimize the father's role in the child's life and maximize financial outcomes for herself.

It will mean that both parties will be required to negotiate what is really in the child's best interest and find a solution that suits all parties. It means starting the negotiation process on a level playing field instead of one stacked in favour of the custodial parent (usually the mother).

Obviously 50/50 custodial parenting may not be possible due to a number of factors including, unreasonable distance between the separated couple's homes or inaccessibility to the child's school, work related problems or lack of proper facilities for the children at one or the other home setting.

Finding a happy balance for children post separation/divorce is not an easy task. It requires patience, understanding and empathy on behalf of both the mother and the father. Surely the members of the committee understand that the vast majority of separating couples undergoing separation/divorce with children are mature adults and can work through these difficult issues. Furthermore most people are acutely aware of the needs of their children.

Unfortunately some separating couples will not have the maturity or skills to make the necessary changes and negotiate an amicable outcome with their ex that is in the best interests of the children.

Using 50/50 custodial parenting as the starting point and with the aid of professional counseling many more separating couples will be able to achieve as close to amicable outcomes as possible.

Why are the Democrats concerned that 'shared parenting will be detrimental to mothers who are predominantly victims of domestic violence' as they claim. Firstly where is the evidence

What difference does it make if the father has 80/20 custody or 50/50 custody. There is still going to be some points where the two parties will have to meet to exchange the children. In fact if the father has more access in most cases he will be much less likely to feel angry about being denied adequate (50/50) access and more likely to try and reach agreement with his former ex-partner.

This is my case. As I have 50/50 access to my kids I am happy to pay child support to their mother and additionally contribute financially to ensure their development, safety, security and wellbeing.

It is my hope that the committee will absorb the experiences of separated fathers in the community and work towards a developing a system that will bring maximum relief to everyone undergoing separation or divorce, the children and the parents. I certainly don't want to see a continuation of the status quo as it will only bring further misery.

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Thank you for reading my submission