

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 am greatly concerned about the changes to Family Law, as a mother, and also as a step mother to my partner's 2 children from his previous marriage.

These 3 children are family, and since the arrival of my child 6 months ago, they have really bonded in our home and the 2 older children adore my daughter. The possibility of their father being denied his rights as a parent means that these 3 children would be separated, and my daughter would grow up knowing OF her brother and sister, but not knowing them. I find that thought heartbreaking and frightening on a number of levels.

These children have not chosen the life they have. They were born into a family with TWO parents. They still have TWO parents. Their mother has primary care, as is the norm in most custody cases, and their father has had to suffer through numerous indignities and court battles just to be allowed partial access to his own children, for no more fault than the breakdown of a marriage. How blame for this can be attributed SOLELY to him is beyond me. Having gone through my own divorce, I know perfectly well that blame is not purely with one partner in a marriage in most divorce cases. More often than not, it's the slow deterioration of a relationship from both sides.

Removing fathers from the family equation is purely and simply punishing the children. What goes on between the parents should STAY between the parents, and not involve the children at all - unless there is GENUINE fear for their safety - which should be PROVEN. Most accusations of violence made in the family court can be shown as pure bitterness and revenge on the part of a wife suffering the ramifications of a failed marriage and facing recreating life on her own. I do not dispute that there are GENUINE cases of violence in the home, but the legislations must be made to include the allowance that many are NOT.

I have lived both sides of the divorce and family law battle. I am a child of divorced parents, I am divorced myself, and I have now created a family with a man who has children from his previous marriage. Why should we be punished when all we wish to do is include these children in our lives, to care and nurture them, and have them enjoy the benefits of having a healthy and loving relationship with BOTH of their parents. The greatest difficulty we have had is endeavouring to work within a system that makes it very very hard for fathers to be with their children after the breakdown of their marriage.

I understand the importance of ensuring the safety of the children and ensuring they are cared for and live in a safe environment - but assuming that this can ONLY be achieved by having them in the sole care of their mother is ridiculous in the extreme. There is so much middle ground that is being ignored by the advocates of single mothers groups. I do not argue their right to have their opinions heard - but PLEASE grant the same respect to fathers who are suffering separation from their children simply because their relationship with the mother has failed.

Legislation in the Family Court needs to recognise the failure of ability to communicate between parents who's marriage has broken down, and enable them to parent their children REGARDLESS of their relationship failure. The children need BOTH of their parents, and should NOT be involved in the bitter struggles and death throws of the parent's marriage. Removing one parent from the equation is NOT the answer. Enabling parents to co-parent their children regardless of their feelings towards each other is a goal to be aimed for. Too many children are growing up without fathers simply because of the breakdown of the parents relationship, and their inability to look beyond their own troubles and

recognise that a child needs BOTH parents - no matter their opinion of each other. They need to be given the chance to know their fathers - no matter their failings as husbands. Often men can be great fathers, and very poor husbands - being a poor husband does NOT mean they should be denied their children - or their children should be denied their father.

The vast majority of fathers will never and have never shown violence towards their children in ANY way - yet are still being labelled as dead-beat dads and perpetrators of domestic violence. This is a fallacy that HAS to be stopped if our society is to survive.

Thank you for reading my submission

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