

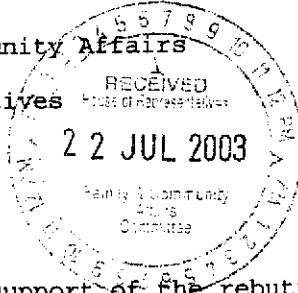
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Secretary:

From: John Armstrong
Sent: Sunday, 20 July 2003 8:31 PM
To: Committee, FCA (REPS)
Subject: submission into child custody arrangements

Committee Secretary
Standing Committee on Family and Community Affairs
Child Custody Arrangements Inquiry
Department of the House of Representatives
Parliament House
Canberra ACT 2600
Australia



Dear Committee,

I would like to make a submission in support of the rebuttable presumption of joint residence. My submission is based on my own situation.

Regards,
John Armstrong.
8 Eildon Court.
South Lake. 6163. W.A.

It is with great excitement that I heard of the Prime Minister's interest in the Rebuttable Presumption of Joint Residence. I hope that this interest is truly acted upon and a change is brought about in the Family Court and Child Support systems.

I am a father who is luckier than most - at least for now. My two preschool boys live with me 5 days and nights every fortnight. This was an 'agreement' between their mother and me when we separated almost 2 years ago. I would have liked a closer to 50/50 arrangement but I was still hoping for reconciliation at the time. My boys were just a little older than 1 and 2 years old at the time. They have now just turned 3 and 4. During the time since separation, I have cared for these very young boys by myself when they have been in my care.

After about 6 months separation, the mother and I were discussing an increase in the time the children live with me. But she suddenly ceased communication with me about this issue and property settlement. It became apparent that she had involved a lawyer. Eventually, I was forced to the family court as she would not discuss the important issue of child residence and her lawyer was only interested in how much I earned and how much money and property I had.

I asked for the court to allow my children to live with me half the time. I was under the misguided apprehension that I had the same rights as their mother. More importantly, I believed that my boys had a right to an equal and fulfilling relationship with both their parents. I have since discovered that the playing field is far from level.

Despite the fact that I am a capable, committed and caring father, their mother asked the court to order that I see my boys only every second weekend. She has not put forward any real reasons why this should occur except that we have different parenting styles (not uncommon in intact families) and we don't communicate well. This latter reason is a very important point, because it is the issue that is used most effectively to torpedo a joint residence application. The problem is that the communication problems are caused largely by her, because she knows that this is favourable to her court application.

Our two households are within 7 minutes by car. My boys are well adapted to a shared arrangement and are developing well.

The family court will soon decide whether I can continue my parenting role. Let's face it, an 'every second weekend' arrangement is not a real parenting role. The current operation of the Family Court is such that there is a good chance her application will succeed. But why should this be?

I have seen statistics that only 3% of disputed cases result in a shared residence arrangement. This may be correct. I have also seen statements by opponents that only 3% of parents want a joint residence arrangement. How ludicrous. This percentage is clearly less than what many fathers want. The problem is that most are told they have no chance under the current family law system and they are forced to accept whatever they are 'offered.'

Opponents of rebuttable shared residency quote issues of domestic violence, distance between households and other obstacles. But many of these, especially the violence, are the minority. Our laws should provide for the majority. The 'rebuttable' part of the proposed changes would then account for the other issues of the minority.

The Sole Parents Union President Kathleen Swinbourne was recently quoted as saying, "we would all like fathers to take more responsibility." This is an opportunity for this to occur, although I suspect that this person was talking about money rather than emotional responsibility. She also says, "Joint custody is not in the interests of the children in every situation." Clearly this is true. But it is equally true that the current 'unwritten' presumption of mother custody is also not always in their best interests.

Most research clearly shows that children prefer equal time with both parents.

A presumption of joint residence by the family court, as is being proposed by the Prime Minister, would surely result in my application being successful. That being the case, I wouldn't be in the court system to start with as my former wife would know that she would have no chance of victory. Countless thousands of dollars would not have been wasted and our relationship would not have degenerated into one of warring parties. Clearly this is "in the best interests of the children."

Please give all the good and decent fathers out there the opportunity to be an influence in their children's lives by supporting the Prime Minister's proposal of a rebuttable presumption of joint residence.