

Submission No: 375

Date Received: 6-8-03

Secretary:
28th July 2003

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

Re: Submission for Inquiry into child custody arrangements in the event of family separation.

To Whom It May Concern:

The main point of my submission is that I am against a proposal that there should be automatically a presumption that children will spend equal time with each parent.

I am a mother of 3 children, the 2 eldest being to a previous husband. They are 9 & 11 years old. I am remarried, and the 2 older children have had minimal contact with their biological father for the 6 years we have been separated.

My primary concern is how this would affect people like me who have had the same orders in place for 6 years. Surely they would not automatically be changed to allow equal time to be spent with the father or even the paternal grandparents. Due to the instability and unfamiliarity of the father and his family, this is a very frightening probability for myself, and my children. (They see a few days them year under my supervision and speak infrequently for minutes, at most).

My secondary concern is any law that *automatically* presumes equal time spent with each parent is the best for the child is not taking the individuality of each child and each situation into account and this would, it seems, be defeating the purpose the new law is trying to achieve.

It is great to see early assistance will be improved and increased. I feel this will help both parties come to an agreement that is best for everyone and this should decrease the amount of disputes, which will lower the negative affect on children and also have less demand on the court system.

There is no history of physical violence from my ex-husband or his family and it was he who filed for divorce. He has manic depression with schizophrenic hypermania episodes and I have real concerns for the children's safety if left alone with him or even under the

supervision of his parents. I would like to outline the reasons for my concerns because I feel I need to do this to illustrate why I feel it is important to look at each case individually – something a law like this would not do. My ex-husband has attempted to hurt himself when in a manic episode and has done so while being supervised by his parents. He has also indicated by letter that he would like to kill himself so he can wait in heaven for the children and myself. So even though there has been no history of physical violence, I believe there is the possibility of future harm intended towards the children. That “ the belief he could take them with him to a better place (being heaven).” Considering that he has attempted to take his life under the supervision of his parents my fear extends to their supervision as well.

My children are 9 and 11 years old and understand as best they can about their father’s illness. They express their concern about not wanting to be around him or his parents everytime they visit. I am now in a new marriage with another child, my two older children have by their own choice decided to call my husband ‘Dad’ and for all intensive purposes he is their father. The girls are settled in their life and know at anytime I would support their request to pursue a closer relationship with their paternal side of their family.

I think that a change in law would upset the balance I have created for my family and be detrimental to their wellbeing. I urge you to understand the importance of looking at each case individually when making laws that are supposed to take into account the best interests of the child. This, I understand is a difficult task, one that the system does not always achieve at present and one the above mentioned law would definitely not achieve. I feel early assistance, information that is easily accessible and clear guidelines of what steps to take when separation occurs would be a great step to ensure everyone concerned is making educated decisions based on the best interest of the children concerned. This would lead to less court battles because everyone has made informed decisions and continue to do so as situations change. I feel that a law presumes a child should spend equal time with each parent could not possible, take into account the best interests of every child and definitely doesn’t take into account the merits of each individual case. This would be a step backward.

Thankyou for your time in reading this submission.

Yours truly,

