

Submission No: 821

Date Received: 18-8-03

Secretary: .....

**SUBMISSION FOR CHILD CUSTODY HEARING**

As a Family Counsellor I have worked with many families who have experienced hurt, frustration and complete devastation as a result of decisions made by the Family Law Court. I have also, as a Grandmother, personally experienced the trauma and sheer frustration of having my two grand daughters taken from "a very loving and caring mother with whom they have a very strong emotional bond" (the Judge's words) and put in residency with the father who had left the family home over two years previously. He had regular contact twice a week with the children over that period. The mother was only given contact each alternate weekend. Both girls have suffered trauma and confusion as a result as a result of this upheaval.

Such decisions are not only unexplainable and confusing, but would appear to ignore and contradict the assumption (a) in the Terms of Reference, that is, the best interests of the child are the paramount consideration.

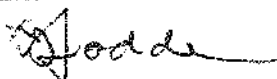
Relative to (a) (1 & 2) of the terms of reference I make the following submission:-

Given that the best interests of the child are of paramount consideration it would be reasonable to assume that, providing the children are already in a loving, caring situation, the least change and interruption to their lives, the stronger their sense of security and stability will be.

Most children spend more time with one parent who is the main "caregiver" in the family and, in some cases, see very little of the other parent. This is a fact of life for many reasonable and obvious reasons. Nevertheless it is a very relevant factor and needs due consideration. Given these facts, I submit that relative to (a) (1) the Presumption should be that children will spend the same proportion of time with each parent post separation as they did pre separation unless there are strong practical, physical or emotional circumstances that would cause such a presumption to be rebutted.

Similarly, relative to (a) (2) the same presumption should be held. If children have had close contact with Grandparents and extended family, particularly cousins, pre separation, then it is imperative this bonding continue post separation. Bonding with extended family gives children a much stronger sense of belonging.

I submit that if the best interests of the child are the paramount consideration, and they are, then every consideration should be given to ensuring the basic fabric of their lives is disrupted as little as possible and the above would go a long way to achieving this.



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