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Secretary:

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SUBMISSION TO THE STANDING COMMITTEE ON FAMILY AND COMMUNITY
AFFAIRS CHILD CUSTODY ARRANGEMENTS INQUIRY

TO THE SECRETARY

Given that the committee is inviting comments from the public concerning Child Custody we wish to address point (1) of the terms of reference. The point indicates that in the case of custody that "there should be a presumption that children will spend equal time with both parents". This presumes that parents, after divorce, are able to liaise progressively to consider the interests of the child. One has to challenge this presumption as, for the most part, they are unable to do. That is the main reason why a divorce was had in the first place.

(b) Further, it presumes that both parents are equipped to foster equally the welfare of the child. Again, one has to question the validity of this.

(c) In a case where one parent is ill equipped to share the responsibility of the child's welfare The "presumption" is well flawed.

(d) In the case where parents have strong opposite views concerning the upbringing of a child, have different pursuits or interests, a child will be torn between the kind of loyalties which would be confusing to the child. A source of conflict to all concerned.

(e) Marriages break down for a variety of reasons. For the most part couples are unable to sustain the kind of relationships which consider the interests of the child as paramount. Their self interests, often self pity and lack of emotional security continually blinds them to see their responsibilities towards the child. Once again, the "presumption" which requires levels of emotional security is flawed.

(f) The practical considerations of the child's schooling, the sporting, cultural and social commitments will need to be fostered with care and much consideration from both parents. As these individuals are often not in a position to harmonise then the child will be the loser.

(g) The professional or work commitments of at least one of the parents may require travelling, shift work, moving from the area where the child's roots are will hardly be beneficial to the child.

(h) The "presumption" that grandparents could/should have allocated access to the child within the boundaries of equal time or separately would seem that the child's "somersaulting" is never ending.

(i) The love and bond of half siblings seems to be completely ingored.

Finally, it seems appropriate that the present arrangements, whilst not perfect, are on the whole of GREATER BENEFIT for the child despite the fact that one parent has the more limited custody. The child knows where HOME is and the established ROOTS provide the foundations for the areas of development in order for the child to grow secure and ultimately better equipped to enter the society as a balanced individual to face the demands of adult life. It may be that the parent with the most stable outlook should provide the HOME and the courts should make that determination.

Respectfully,

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