

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

Standing Committee on Family and Community Affairs

Submission No. 383

Date Received: 5-8-03

Secretary:

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31st July 2003

I was relieved, delighted and horrified to see Nicola Roxon's call for mother's voices to be heard in the Child Contact Enquiry. Relieved to find out that I wasn't the only person that felt mother's voices and child rights were being glossed over in the process of changing roles of parenting and family within our society. Delighted that I could voice my concerns and beliefs, and horrified that this obviously is a problem affecting other families, with the potential of creating laws that will adversely affect our children. I fear for the law decision that is made because it is 'in vogue' or bias towards particular parties, for various motivations, other than for what is "in the child's best interest". I hold a strong belief that our children have rights and need strong advocacy to protect them from the emotional embroilment of disagreeing parents, from the financial concerns of government, or lobbying by well meaning but uninformed men's groups.

However after one round at the Family Court of Australia and another impending I am not only financially crippled but am now reliant on Legal Aid to represent my case – Legal Aid solicitors (although in my experience wonderful) are given a minimal amount of hourly paid preparatory time for each case, private solicitors although costly, have the option of spending more preparatory and research time on a case and employing barristers for court hearings as they desire; one would envisage this leads to better outcomes for privately employed solicitors clients. Previously I suffered from considering those with more authoritative power in the law system, as having more child developmental knowledge than myself. I am now appalled at the lack of knowledge the 'experts' have at their fingertips. I also suffered from the affliction that all other people were as concerned

as I, with the rights and welfare of my child. I now know I was wrong. Since then it has become obvious that 'they' are not passing out judgments for 50/50 parenting of separated families with any evidence that 'this' is in the best interest of the child. For as far as I am aware there are no longitudinal studies into the effects of 50/50 parenting on children. There appears to be an appalling lack of information on shared parenting in family breakdown, and its effects on child development and family functioning, and yet there is a movement towards it. Why is there a new movement endorsing the 50/50 childcare situation? Is this really in my child's best interest? Who is it benefiting? These are the questions I have asked myself.

I was excited to find that Pru Goward (Sex Discrimination Commissioner) is quoted by The Australian newspaper (25th July 2003) as saying, "Shared caring has to start before the divorce... if it is just seen as parents rights, and children's interests get forgotten, it could be very deleterious" To me, her statement has cut out the meaningless meanderings of debate and gets precisely to the very heart of the debate. Of course! What insight!

The fact is, that the role of ultimate caring of the child historically falls to women. This practice is usual today. Whether it is society's making or an inherent instinct, it has been the role of women for as long as I am aware. If the mother is an attentive mother, the bonds of main caregiver and child are formed early and strongly. Why are we prepared to interrupt this relationship to introduce/enforce another caregiver that has not previously been the child's primary caregiver. Whose rights are we really considering. I am not for one minute suggesting that fathers should not be regularly and closely involved in their child's life but to change a child's life routine and security just because the father suddenly appears and wants 50/50 parenting, or the parents separate and the father suddenly wants 50/50 parenting, seems ludicrous. I cannot help thinking it is the father's (or the parent other than main carer's) rights that such child contact orders are concerned.

In my personal case that's exactly what could happen. The father is caring and loving of his son and I am thankful that my son has such a strong relationship with his father. However there are a couple of issues that make me feel shared parenting is just not appropriate at this stage.

Although in my experience, the father has changed his lifestyle to be involved in his son's life. There are still periodical absences of two or three weeks away in another city for work, knowing 'I' am always there to care for our child. The father is not as highly concerned and 'in tune' with attachment issues and the child's feelings as I, and will often say things like, "He'll get over it". "Oh well, lots of kids have their dad go away, and yet seem to manage". I think that's right, but it would be a huge problem if these fathers were the main carers of their children. I know 'I' am the person that is ultimately responsible for 'our' child because I will do and be there at all costs to myself. It is the selfless giving that one comes to practice, as an inherent way of life, as a primary carer of a child. It is not something one just picks up easily, it comes when you realize that it is 'you' that is the backstop, the rock, in your child's life. It is not something one can easily grasp and practice especially when there is another parent that is already being a selfless

giver of care. This to me is not shared parenting. Only one parent is acting as the rock and backstop for the child. The self-sacrifices are huge when this role is taken, and it is usually taken by the main caregiver of the child. This is not equal parenting.

I consider the information that has come to light about 'boys needs' and 'men as role models'; with book publications by psychologists and family therapists such as, Steve Biddulph and William Pollack; have been effective in reaching the general public and raising public awareness; they have also heightened male and female parenting expectations. This along with the changing societal expectations on men as fathers has fuelled men's movement groups to consider 'themselves' and their rights. That is the right of a father to effectively parent a child. I feel that in this new movement and upsurge, the general public is overlooking the whole of the vision of 'the right of the child'. It is focusing on only one small part. Yes, fathers have a right and indeed an obligation to parent their children, however 'the rights of a child' has too easily slipped into the background of feuding between the sexes. It must be remembered that usually a child has 'no voice' in the separation proceedings and child contact arrangements. Children are in desperate need of advocacy for their right to secure parenting that is based on solid foundations, one that promotes particularly their emotional development and health.

The literature that has been around for quite some time; which is less exciting and controversial than the issues of, parenting of boys and parenting by fathers; on children and effects of separation indicates some of the basic needs of all children. Children's needs are their rights. Children need a person whom is their 'rock', security, someone whom they can depend on 'no matter what'. Someone, I see, as putting the children's welfare above all else including financial gain, and kudos; a selfless care and devotion to their child's well being. This is what I believe is part of the main caregiver's role. The other important thing that literature has pointed out is that conflict between parents causes the most harm to children in separation. Children need minimized conflict between their parents.

Yet another area that is apparently being glossed over in 'shared care' of children is child developmental stages. If you are, and have been the main carer of the children, it seems ludicrous to enforce 50/50 parenting on a child. It can only be seen to be a detriment to a child's developmental needs if they are not yet at a stage where they are happily prepared to separate from their main carer 50% of the time. When a child is older and at a developmental stage where it is separating its self substantially from the main care-giver and looking to other relationships to help it separate; while at the same time being dependant on the care that the alternative relationship offers; then 50/50 parenting would be acceptable. That is if 50/50 parenting has not occurred previously. This to me seems the most logical course of inquiry to pursue – When in a child's life does this happen? Is it with the child's identification of the other parent, or perhaps adolescence. We need more information on child development and more knowledgeable experts that are able to individually assess children's developmental needs. Not a law that equates family separation with parental equality rights to children, no matter what the previous status quo.

I wonder suspiciously, if... welfare money savings are at the bottom of the governments concern into child contact. The male wage is generally higher and men are more likely to pursue a career. It would seem that these men as parents would be less likely to receive as many family benefit payments than the lower paid woman with child. It must surely reduce the cost of family welfare support to the government.

I feel that a law not considering a child's developmental needs and rights, a law inconsiderate of previous status quo of child-care, between parents, is an unjust law. In a society that has a justice system that is costly and a social structure that causes women to be within a lower financial income bracket; leading to women's unwillingness, unlikeliness and inability of paying for top legal advice and counsel; I fear that children's rights of a nurturing and secure attachment to a main care giver will be violated. I fear that this is where the Prime Ministers concerns may lead.

I thank you for the opportunity to share my views on an aspect of life that has touched and affected myself, and the life of my son.

Sincerely

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