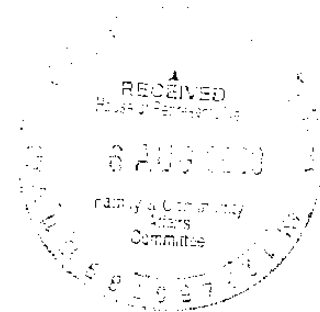


Submission No: **554**

Date Received: **6-8-03**

Secretary:

01 August 2003



Committee Secretary
Standing Government On Family Community Affairs
Child Custody Arrangements Enquiry
House Of Representatives
Parliament House
CAMBERA ACT 2600

Dear Committee,

We are writing this submission on Child Custody arrangements with the following assumptions:

1. That the best interest of any children from the relationship are of prime concern
2. That children require stability, physically and emotionally
3. That, as Hilary Clinton said: "it takes a village to raise a child" and as such geographical stability is important for children so they can participate in community life.
4. That the breakdown of a relationship causes grief, not only to parents but also to children
5. As Tim Mulvaney fro The Law Report said: "parents have responsibilities more than rights."

In summary the basic points we wish to raise are:

- The assumption of 50/50 shared care with parents is one that is not a reality prior to family break-up. As Women Work highlights women to do 80% of the household work including care of children and family matters. If our concern is for children, the focus should be on maintaining stable relationships for children during this time of stress & grief
- A 50/50 custody arrangement does not take into consideration that a number of relationships breakdown due to family and domestic violence issues. Safety issues exacerbate for women and children post family breakdown. (over 95% of domestic & family violence

perpetrators are male). Domestic violence and child abuse are interrelated issues (An Unacceptable Risk Women's Legal Service Report Nov 2000)

- Issues in custody arrangements highlight that custody arrangements are currently not maintained or satisfactory. ,Frequently men are not reliable in fulfilling their custody or maintenance arrangements. Many of these arrangements are never formalised with the courts and arrangements are ad hoc which is not in the interest of children for stability. Research highlights that 80% of men are in a new relationship within 2 months of a relationship split and that the care of children is frequently delegated to the step -parent. (The Step Parents Association of Victoria). This means that children are having to develop new relationships with another parent figure at a period of their life where they require stability & security in relationships.

Based on these issues, we recommend the following:

That current custody legislation remain but be better resourced to ensure that custody arrangements work. Factors that would assist this are:

- 1. Immediate mediation to develop a parenting plan and custody arrangements that meet childrens' needs as outlined above**
- 2. Settlement arrangements be made within a limited timeframe so that children know what to expect.**
- 3. Access agreements be upheld, monitored and reviewed regularly & reflect the reality of the life of the children & what is working.**

We trust you will consider these issues in your deliberations.

Yours sincerely

DON + JOAN KELLY
31 Bayview Rd
Brighton 4017