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Secretary:

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

This letter is a submission to the Committee's Child Custody Arrangements Inquiry.

(a) given that the best interests of the child are the paramount consideration:

(i) what other factors should be taken into account in deciding the respective time each parent should spend with their children post separation, in particular whether there should be a presumption that children will spend equal time with each parent and, if so, in what circumstances such a presumption could be rebutted;

SUBMISSION BY MURRAY MALLEE CHILD CONTACT SERVICE

The Murray Mallee Child Contact Service is funded by the Commonwealth Family and Community Service's Department to provide facilitated changeover and facilitated contact visits for children of separated/divorced parents.

Our Service is situated at Mildura in Northern Victoria and has been operating for seven years.

We have during this time facilitated twelve thousand changeovers/transfers of children between parents and fifteen hundred facilitated/supervised visits.

Ninety percent of families accessing our service are referred through the Family Law Court. Our service is classified as a Children's service and our primary focus and responsibility is to give paramount consideration to the best interest of the child/ren.

Our service strongly opposes any presumed division of children of separated parents.

Our experience through observation and interaction with parents who require the intervention of the Family Court, is that these parents are least likely to have the capacity to give the best interest of their children their paramount consideration.

Parents who are able to consider their children first and foremost do not require the Family Law Court.

The Family Law Act currently provides for the paramount consideration of the children's best interests when deciding residence and contact matters where parents cannot agree. The Family Court also takes into account factors including the child's right to know and be cared for by both parents, they promote an assessment of individual family relationships and circumstances in determining the best interest of

the child. We believe each child is entitled to unique consideration when considering *their* best interests that must take into account *their* individuals circumstances.

The following case studies are provided to demonstrate the experiences of children who have been subjected to a shared care arrangement.

Case Studies:

1/

Court ordered two children, both girls, to spend equal time with both parents, the changeover of the children took place weekly through our service. These arrangements continued for eighteen months, however during this period it was clearly evident to our service through the children's and the parents behaviour that the "shared parenting" created difficulties, causing frustration, stress and anger.

The outcome for this family resulted with one child living permanently with their father and the other with their mother, and the siblings having no contact with each other. Eighteen months later the mother attempted to re-establish contact between the girls, acknowledging that her daughter missed her sister.

To date this has not occurred.

2/

Court ordered a 4 year old boy to spend equal time with both parents, the changeovers to take place weekly through our service. Over the next four years both parents married, the mother having three children and the father two. Now the eight year old boy is receiving counselling as a result of behavioural issues arising from him stating he doesn't really 'belong' anywhere, that his sisters and brothers have homes but he doesn't 'fit in'.

(ii) in what circumstances a court should order that children of separated parents have contact with other persons, including their grandparents

Current family law provisions enable significant others including grandparents to make applications with respect to grandchildren when they cannot make agreements without court intervention, therefore the provisions do not have to be changed.

(b) whether the existing child support formula works fairly for both parents in relation to their care of, and contact with, their children

Our service frequently hears residential parents and non residential parents express frustration regarding the Child Support System. It is the consideration of our service that children's contact is the right of the child and therefore should not be linked with financial issues.

Yours faithfully

May Connolly
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