

Submission No: 1078

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Secretary:

**Submission to Standing Committee on
Family and Community Affairs**
**INQUIRY INTO child custody arrangements in the
event of family separation**

We are not attempting to submit an academic paper. This submission is from separated fathers who are participants in a course called '*Fathering After Separation*' being facilitated by Relationships Australia Queensland in Cairns during July and August 2003.

Particularly in relation to the Term of Reference:

- (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;
- Participants would like there to be an assumption of 50/50 split of everything, including residence of children with each parent.
 - In these circumstances it allows men to make a choice between their family and work. It allows both parents the opportunity to work and avoid the poverty trap and still be there for the children.
 - This assumption of 50/50 takes out the gender bias which tacitly currently exists.
 - There needs to be acknowledgement of how people are feeling.
 - Compulsory mediation, taking into account the psychological factors would deal with issues in a more

effective way than the legal system does. It is suggested that the court not allow the case to proceed until mediation has occurred.

- Fathers need to protect their rights and allow the system to destroy them emotionally. Many fathers walk away because the struggle gets too hard.
- Participants see that counselling and education prior to the marriage separation would be very useful in helping both husband and wife come to an understanding of the reality of what separation will mean in emotional, financial and social terms.

Research supporting the involvement of fathers in their children's lives shows that fathers have a significant impact on child development outcomes for both boys and girls, especially for self-esteem, emotional wellbeing, capacity to love and be loved and ability to participate in society.¹

¹ Russell, G., Barclay, L., Edgecombe, G., Donovan, J., Habib, G., Callaghan, H. and Pawson, Q., *Fitting Fathers into Families: Men and the Fatherhood Role in Contemporary Australia*, Commonwealth Department of Family and Community Services, Canberra, 1999