

THE SOUTH AUSTRALIAN BRANCH OF THE LONE FATHERS ASSOCIATION INC.

SUBMISSION RE: Child Custody Arrangements Inquiry

PREAMBLE

The South Australian Branch of Lone Fathers Association Inc. firmly believes the family to be the fundamental social unit of society and encourages parents to jointly and equitably share the rights, duties and responsibilities of parenthood.

The Association also promotes the fundamental human rights of children to maintain frequent and continuing contact with both their mother and father following parental separation or divorce and to experience and enjoy the love, guidance and companionship of both their parents in an equal and shared manner.

We firmly believe that social policy which acts against the best interests of children, and exposes them to unacceptable risk of emotional or physical harm needs to be changed so that children have the continuing emotional, moral, physical and financial support of their mothers and fathers following separation or divorce.

CURRENT SITUATION

Marriage in Australia is in a state of decay with fifty percent of marriages ending in divorce. Once the Family Court of Australia has settled the divorce approximately ninety five percent of all children of divorced or separated parents reside with their mother. They are now in a single parent family situation and disadvantaged by the denial of appropriate interaction with their fathers.

Approximately two hundred children a day are placed at risk by these Orders of the Family Court.

Research confirms that these children are more likely, compared to children from intact families or those from a shared parenting regime, to:

- be under achievers academically
- be involved in crime
- suffer mental illness
- become drug abusers

House of Representatives Standing Committee
on Family and Community Affairs

Submission No: 1174

Date Received: 8-8-03

Secretary:



- suffer child abuse - (90% in the case of girls in US studies)
- victims of suicide – (75% in the case of boys in US studies)

Family breakdown in Australia today is one of the major social problems we face which has a monetary cost to the nation of three and a half billion dollars annually. The cost to the two hundred children who daily are forced into this situation is immeasurable.

Overseas research also supports what we find in Australia. In the United States Of America where the presumption of shared parenting in law in approximately fifty percent of the States it has been found that:

- children who live in a shared custody arrangement adjust better to divorce or separation than those in a sole custody arrangement.
- children develop normal relationships with both parents which have been found to be critical to the normal development of the child.
- both the parents are better adjusted and supported in shared custody arrangements.
- shared custody, in high conflict situations actually helps reduce conflict which is in the best interest of the children.
- there is a far higher compliance with financial child support obligations.
- the divorce rate has dropped from the fifty percent figure to around fifteen percent in these States.

HOW DO WE FIX THE PROBLEM

Any attempt at a solution to this unacceptable social problem must focus on the fundamental concept that the outcome must be in the best interest of the children. Given this starting point the research indicated that :

- The introduction of a presumption of shared parenting in Law will produce the most favourable outcome.
- Introduction of mandatory mediation prior to Family Court action has produced stable shared parenting agreements and reduced the load on the courts significantly.
- The Family Court must be made to enforce Family Court Orders, if breached, with penalties applied for non compliance.

- Domestic violence restraining orders should only be considered by the Family Court if they have been investigated and proven to be correct. Not while they are still an allegation.