

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

House of Representatives Standing Committee
on Family and Community Affairs

Submission No: 1214

Date Received: 8-8-03

Secretary:

Via Email: FCA.REPS@aph.gov.au

Dear Committee Secretary

RE: CHILD CUSTODY ARRANGEMENTS INQUIRY

As a single parent I am extremely concerned about the proposal to include a presumption that it is in the best interest of a child to spend equal time with both parents in the event of a separation.

While my son and have been 'lucky' that my child's father does not want anything to do with him, we have not been so fortunate in respect of my mother (ie my son's grandmother). The experience has left my child in need of counselling due the poor processes employed by the court appointed lawyer, court appointed phycologist and the Court itself.

I have found that the Court has a very difficult time in determining what is actually in the best interests of the child. I firmly believe that in my circumstance, the Court's desire to be the 'saviour' has resulted in a sub-optimal outcome for my child. Too often the Court is trying to find a balance between the extreme views that are often present and does not actually consider what is in the best interest of the child.

I find it incomprehensible that it could be said to be in the best interests of a child to spend equal time with both parents except in the most exceptional circumstances. Children thrive on consistency and stability and while they cope with the contacts orders it would be difficult to conclude that the arrangements will result in the best outcome for the child. It is understandable difficult for children to have to constantly adapt to changing rules and procedures however children learn that there is appropriate behavioural standards and will remember what venue requires what standards. It will become increasingly difficult for children to then remember whose care they are in this week/month/year and constantly adapt their behaviour to meet the standards of their carer. There would appear to enough pressure on children these days without adding this sort of strain.

It appears that child contact arrangements are the result of the child being required to jump through hoops that the system has put in place to protect these children but it is highly questionable whether the outcomes are in the best interest of the children and protect them.

There is too much reliance on 'experts' who may spend one hour with a child and then provide expert evidence to a Judge too make a decision that will substantially affect the child's life. What training do these experts and Judges have? While there is value in the decision makers being distant from the issues there are equally costs associated with such a view.

There are sufficient matters that Courts are to take into account that will allow a decision to be made for children to spend equal time with both parents without adding another presumption that then must be rebutted.

Surely the best interests of the child will dictate when the Courts will lend towards a decision to order equal time with both parents. If anything there should be a presumption that the child will spend the majority of time with the parent that is most likely to offer the closest lifestyle to a 'family'. Most children, particularly those whose parents have separated want nothing more than to be part of a 'normal family' and while these types of families are becoming rarer forcing a child to spend any amount of time with the other parent reinforces the fact that the child is not 'normal'. While it is important that children do have contact with both parents it should not be at the expense of a 'normal' childhood.

Society is faced with many problems and many of these problems are attributed to the breakdown of the family unit. However it is also likely that many of these problems could also be attributed to the Courts determination of what is in the best interest of the child. It is not in the best interest of the child to create a situation where neither parent can raise their child in a sensible manner.

Focus needs to centre on the ability, stability and likelihood of each parent to be able to give the child a childhood that will enable the child to grow up to be a valued member of society.

Thank you for your time.

Yours Sincerely

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