

Submission No: 1267

Date Received: 7-8-03

To
House of Representative Standing Committee on Family and Community Affairs
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Submission to the Parliamentary Inquiry into Joint Residence Arrangements in the Event of Family Separation

I am very recently separated from my partner with whom I have a four and a half year old son. Since the birth of our son we have jointly shared all parenting and have continued to do so since the separation. It is from this perspective that I write in relation to the Terms of Reference (a) (i) only.

- It is the best interests of the child that should remain paramount not the interest of the parents.

Individual circumstances rather than a general presumption

- It is important to look at the individual circumstances in each case rather than have a one size fits all presumption which must then be rebutted. In particular it is important to consider the amount of equal parenting that took place prior to the separation. It would be inappropriate for a parent who had spent very little time with their child (through choice) prior to separation to then have equal time with their child. If both parents have made life choices to make hands on parenting their priority then equal time should be in the best interests of the child. However if one parent is a workaholic/sportaholic who chose only to see their children briefly at breakfast and the weekends then equal time would not appear to be in the best interests of the child.

Ability to communicate and similar parenting style

- Parents would need a clear ability to communicate, an ability to leave behind any bitterness to the other party and a similar style of parenting to make equal time with each parent work. Parents who have reached agreement through either mediation or working out an agreement together have a greater chance of making equal time work than parents who are at loggerheads and at the doors of the family court. The emotional impact of parents who are not able to step back from their own bitterness and hurt to each other, in the interests of the child is I feel a key factor in deciding whether this type of parenting arrangement would be in the best interests of the child.

Financial implications

- The financial implications of running two houses with two sets of clothes, books, bikes etc needs to be factored in to avoid the child becoming a constant traveller with suitcase between the two homes.

Institutional change

- Institutional change is needed especially a change in workplace practices to ensure that parents can go to doctors appointments, school concerts etc without guilt and offer options to work from home as and if necessary. A more empathetic rather than “generate fees” focus is needed by some sectors of the legal profession who whilst trying to resolve issues through mediation are at the same time hastily directing their client to the Family Court.