

House of Representatives Standing Committee
on Family and Community Affairs

Submission No: 1275

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Secretary:

From: Bathurst Family Support [batfam@ix.net.au]**Sent:** Friday, 8 August 2003 12:39 PM**To:** Committee, FCA (REPS)**Subject:** submission to the inquiry into child custody arrangements in the event of family separation

Please find attached a submission to the inquiry. Further to the comments we have provided we also support the submission forwarded by the Regional Violence Specialist Mid Western (NSW Attorney Generals Department).

Leigh Cowdroy
Co-ordinator
Bathurst Family Support Service Inc.

18/08/2003

**Submission to the inquiry into child custody arrangements in the event of
family separation
From Bathurst Family Support Service Inc.**

Bathurst Family Support Service provides support, advocacy and referral to families with dependent children. Our service provides a broad range of support and therefore we assist many families who are dealing with family breakdowns, domestic violence and child abuse. The following submission reflects our professional experiences with families.

Our submission opposes the presumption of joint residence of children after a family separation, on the grounds that this will not always be in the best interest of the children. We oppose the view advocated by non-residential parents that arrangements are unfair or unequal, and support the view that equal access to children should not be the deciding factor in determining residency arrangements.

- the principle of joint residence elevates the rights of the parents over the rights, needs, safety and general welfare of the child.
- While many families make voluntary arrangements after separation, few would agree to joint residency even though this is currently available. This would be very difficult to arrange and sustain, and would rely on the parents maintaining respectful and co-operative relationships. It would also only work where parents live close to each other and children's lives outside the home are not disrupted, particularly schooling and extra curricular activities. In the case of joint residency, children would have to adjust potentially to two households with different rules, methods of discipline and family relationships on an every day basis. Some children would find this potentially detrimental to their development.
- Children need stability and consistency in their home lives, the notion of joint residency could make this difficult to achieve.
- Of particular concern is ensuring the welfare and safety of children where a parent is abusive to the other parent or to the children. Abuse is not necessarily physical but can also be verbal or psychological. This agency has supported families where the abuse continues and escalates after separation, as the abusive parent continues to control the other parent through the children.
- Relationships between parents often decline after separation, particularly where there has been a domestic violence relationship. The opportunity for the parents to maintain a constructive and respectful relationship in this situation after separation is highly unlikely, and these families rely on contact centres for handover of children. In many areas these services are not available.
- In some families an abusive parent may need to have supervised access to children, therefore the presumption of joint residency cannot be applied in the best interest of the children.