

House of Representatives Standing Committee on Family and Community Affairs	
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7 August 2003

Submission to Inquiry into Child Custody.

Attention: The Committee Secretary
Standing Committee on Family and Community Affairs
Child Custody Arrangements Inquiry
Department of the House of Representatives
Parliament House
Canberra ACT 2600

I wish to express my disagreement with a potentially rigid concept of rebuttable joint "custody". I am dismayed in the first instance that the more child-friendly expressions of "residence" and "contact" are not being consistently used by parliamentarians or the community. The emphasis of the word "residence" is clearly upon where the child resides and not upon which adult has 'custody' of that child at a given moment.

The whole debate seems to be at risk of falling into a "carving up" of the children's time to suit the adults concerned.

The reasons for my stance are as follows:

- **Parent Overseas:** The amendments to the child support act of 1996 clearly expressed that both parents had responsibility for raising the children of a broken relationship or marriage. Despite professing his love for his children, in eight years my children's father never cared for them during school holidays. He moved overseas in June 2000 and has never given a clear indication of when he might return. He has lived on the Continent or in the U. K. since that time. Recently my children flew unaccompanied to Europe to spend time with him, but I'm sure you will agree this is not ideal due to missing school, jet lag, the current dangers of flying and a lack of regular contact with him throughout the year. On a positive note, I must say they have benefited from this relatively short period of contact with him. Despite his absence, he has not increased his child support payments in those three years, despite me being solely financially responsible for them, the significant cost of childcare due to my full-time work and my children's significant medical costs.
- **Age of Children:** Only a small percentage of residence/access decisions are handed down by the courts (currently 5%). For the most part these are already difficult cases where further difficulties may result in a forced 50/50 split of the children's time. Although this was not relevant in my case because we didn't go to court to decide 'custody', my children were aged 3 months and 3 years respectively. At such a young age, given that my baby was breast-fed, it would clearly have been damaging to separate them from me for more than a few hours at a time and therefore 50/50 residence would clearly have been unsuitable. May I state that I encouraged their father during this time to maintain contact with them, which he did, though somewhat erratically at times.

- **Impact on Daily Routine:** There are countless other reasons why shared residence in particular cases would be unworkable. Even when the majority of the time is spent at one residence, in my experience the children are constantly forgetting homework, school jumpers, notes etc at the other parent's home. These "details" can make children very unhappy, impact negatively on their schooling and can adversely affect one or both partner's ability to work (and therefore the standard of living of the children). If the parent lives a long way away, this may necessitate the children having to travel unaccompanied for long distances by plane or be driven long distances by one of his/her parents.
- **Workload/ Child Support/ Poverty of Sole Parents:** I understand that pre and post separation in the vast majority of cases mothers are doing the bulk of the child-rearing although admirably some couples do manage to share the child rearing work-load post separation in a reasonably equitable manner. If child support payments are linked to more time spent with the non-resident parent, this may result in a reduction in child support payments to the mother and hardship may ensue for the children.

Mothers have often sacrificed careers/full-time jobs to be the main carer for the children and post-separation this can make it difficult for them to earn a decent living. The cost of childcare is currently prohibitive (costs of childcare increased by 17% in 2001-2002 financial year) and I believe this must be addressed as a priority in order for solo mothers to get back into the workforce. Access to affordable child-care is an inseparable issue from that of employment. The latter is dramatically affecting women and their dependent children. This will **not be solved by forcing the issue of shared residence**. In fact I believe it will make it worse. In my case I have struggled to hold down a full-time job and care for the children, particularly in the past 3 years while their father has been permanently overseas. My child-care costs are exorbitant.

- **Regular Contact:** I think the most important aspect is that the children see the other parent on a regular basis. It is not necessary to "carve the week/month/year up" and despatch parcels of time to one or the other parent. There has to be give and take on both sides to make this work. As children grow older they occasionally say they don't wish to go to the other parent. I don't believe they should be forced to. Perhaps there is a reason for their behavior and/or attitude and this needs to be looked into carefully. This may involve difficulties in relating to the new partner of the other parent or a range of other issues. In my case, my children have spent many nights crying themselves to sleep because they feel that their father has abandoned them by departing the country. At the very least, alternate weekends spent with him in Sydney would reassure them that he is here and he loves them. Sadly for them that is not the case at present.

In conclusion, I believe each case which comes before the Family Court should be assessed on its own merits. There is a danger that the linking of child support to more time spent with the non-resident parent could result in more impoverished families. Finally could we resist the temptation to cite supposed "success stories" in America, i.e. the extremely naïve view that joint "custody" in one American state has reduced the divorce rate there. We need to ask what sort of situations these people and their children are living in, now that it is financially or otherwise unviable for them to separate. There is a danger in embracing holus-bolus the concept of the intact nuclear family to the detriment of any other type of family structure. As has been cited on numerous occasions, one million children under the age of eighteen live with only one natural parent in this country.

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