

House of Representatives Standing Committee  
on Family and Community AffairsSubmission No: **1419**Date Received: **7-8-03**

Secretary: .....

**From:** [REDACTED]  
**Sent:** Thursday, 7 August 2003 7:14 PM  
**To:** Committee, FCA (REPS)  
**Subject:** Submission to inquiry into child custody arrangement in the event of family separation  
**Importance:** High

1. **RE: Submission to the inquiry into child custody arrangement in the event of family separation.**

2. **The Submission:**

**Provision for the need of a global assessment of family module and functioning in case of separation and creation of a "Path to Independent Lives" contract, to ensure equitable and fair treatment to all parties**

3. **Background Information:**

As a divorced father of a child with a disability I can provide some elements of information in connection with my own experience of separation.

First I found that the services involved with the separation procedures, or support, did not propose a holistic approach to the problem. Each support service (Legal Aid, Family court services, Child Support,) is highly professional and specialized, but it does not deal with the issues globally.

Separation for a couple and a family presents a physical, emotional, mental, material and psychological SPLIT. Every single part of the global family module has to be split apart. Family members affected by the separation have to relearn how to work, think, grow and love separately and independently.

When my partner and I decided to split after 18 years of common life, we set up a sort of contract between us regarding all these issues. Unfortunately, later my partner changed her mind. After she "gained" the divorce, she wanted to "punish" me, so she came back on our previously amicable (but non legal) agreement. She was helped and supported in this by the legal profession, some of her friends and Community organizations. These agencies and people were outside of our family's circle of reference. They had no knowledge of our family history and back ground.

My ex-wife then was able to cleverly manipulate the specialization and independence of each service (Legal Aid, Family court services, Child Support,). She built up a legal web in which I am now entangled. To her own advantage, she has created a legal nightmare based on the separateness and the specialization of each Agency. This is very detrimental to me, but above all to the welfare of our child.

4. **My proposed solution:**

A global approach provision for separation and child custody would start with a holistic assessment of the family set-up and functioning.

This assessment would take into account topics as diverse as estate, family values, extended family members involvement in the separation, belief system, friends and community network, the child's desire and welfare, and so on.

At this level the opinion of the child/ren affected by the separation should be sought and taken into account.

Then a "contract" of separation agreeable to both partners and children, would be issued. This would fairly assess the

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situation and a "Path to Independent Lives" contract or program would be proposed. All steps of the separation would be described and timed.

It is at this level that each specialized agency could propose its service. Thus each service provision could act with the maximum chance of success.

The Family Court could be the guarantor of the contract. Maximum cooperative communication between parties should be sought instead of the attitude of opposition, which at present, is favored by the legal profession.

Such a provision would be the responsibility of non biased Community based Family mature Social Workers (male or/and female optimally working in pair) known for his/her experience in family matters. I submit she/he/they would be under the responsibility of the Federal Government, and working in collaboration with the State and Community Based Independent Agencies.

**5. Summary:**

**Implementation of this recommendation is necessary and a long time overdue. It will prevent untold misery and social banishment for parents separated from their children. It will correct many unjust and unfair non-informed decisions which cause despair, bankruptcy and even suicide among divorced partners (mainly fathers) each year.**

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