

House of Representatives Standing Committee on Family and Community Affairs	
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Ms Bev Forbes
Committee Secretary
Standing Committee on Family and Community Affairs
Child Custody Arrangements Inquiry
Department of the House of Representatives
Parliament House
CANBERRA ACT 2600

Dear Bev

Whilst I am currently Chief Executive of Relationships Australia Queensland, was recently Executive Director, Policy in Queensland's Department of Families and have worked for many years in Victoria and South Australia in the related areas, I write to you now as a private citizen.

I have been reading a few of the submissions to the Child Custody Arrangements Inquiry and acknowledge the difficulty the committee must be experiencing in identifying recommendations that take you forward. For whilst initial comments by some committee members suggest they anticipated forming a view early on, I now gain the impression, there is opportunity to consider options to address this very complex and emotional issue.

I take this opportunity to summarise some personal viewpoints about options worth consideration.

- 1 There is frequently a temptation to sideline the importance of considering the best interests of the child in the interests of parents, voters and community groups, but the legislation is clear, as are our international obligations. This remains paramount.
- 2 Contact Orders Programs should be better resourced and extended throughout Australia to make them as widely available as possible. They actively facilitate access to children by warring parents.
- 3 Research consistently shows that children's emotional adjustment to parental separation is **not** associated with custodial arrangements. Factors are the extent to which parents remain involved, the quality of the relationship with each parent, the impact of inter-parent conflict and the stability and security they require to develop.
- 4 Extensive research continues to show it is shared parental responsibility and involvement that makes the difference for children, not where they reside.
- 5 Services and courts need to promote strong bonds, regular contact, durability, open communication, resilience to overcome problems and constructive interaction between the parent and the child.
- 6 The *Family Law Act (1995)* already contains a presumption of shared

parental responsibility: *'all parents, whether married or not, have shared parental responsibility unless the Court otherwise orders'*. Despite this, some parents feel that the law or legal practices restrict them from attaining shared parental responsibility.

7 Parents regularly achieve "shared care" arrangements regularly in their children's best interests. However, it can be achieved less acrimoniously. Mediation, as a means of addressing property and child related issues, is significantly under-utilised in Australia, despite its lower financial and emotional cost.

8 Joint residency is likely to be less satisfactory when ordered by the court. Parents need to be helped to reach agreement voluntarily.

9 Shared parenting is more than physical custody arrangements, it is about making major decisions which impact on the well-being of their children. Rather than perpetuate a win-lose adversarial contest, we need to establish a community expectation that both parents will have ongoing involvement with children.

10 Parenting Agreements can include residency and contact arrangements but they can also cover decision-making, education, communication, activities, contact and relationships with other relatives (eg grandparents).

11 Many disaffected parents are unaware of the option of having a detailed parenting agreement which can address the details of joint parenting or financial contributions through child support.

12 Post separation arrangements can be enhanced through contact with community networks, advice and counselling services, mediation, information and training about parenting and child development, managed contact and self-help resources.

13 Research shows public campaigns to 'normalise' and promote positive relationships between children and both parents post separation do work.

14 Children need a voice in establishing post-separation arrangements. We need better mechanisms for asking them what they want.

Yours sincerely

