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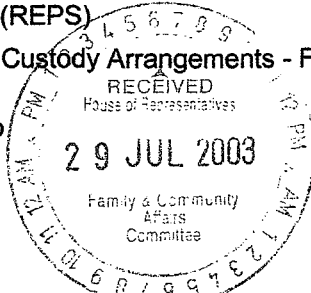
From: michael sobb [REDACTED]

Sent: Monday, 28 July 2003 11:43 PM

To: Committee, FCA (REPS)

Subject: Inquiry into Child Custody Arrangements - Family Separation

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#### SUMMARY

There is ample evidence continually coming to light which substantiates the fact that solo parenting after separation very frequently leads to significant problems for the children. Additionally, the evidence also indicates that the children of such a situation often gravitate to the same situation when, as adults, their marriage breaks up. There is a need for additional input from the absent parent and grandparents if the trend is to be reversed.

My reading over the years of a variety of research reports has confirmed there are a significant number of adverse common situations experienced in instances where sole parenting and/or the lack of a father figure is prevalent. The situations include truancy, health problems, social adjustment, psychological health, self esteem, academic achievement, delinquency etc. Although such a high correlation by itself does not substantiate a causal relationship, the evidence overwhelmingly suggests that a high probability of such a relationship cannot be ignored. The fact that these situations are almost exclusively of a negative nature with respect to the welfare and social development of the children involved warrants an investigation of possible ameliorating courses of action. What is particularly disturbing is the fact that children from such situations, as adults, tend to replicate in their own life, their earlier unsatisfactory life. This then perpetuates the problem.

When considering the intact family and the solo parent family, both will experience difficulties with the children but the frequency and magnitude of those occurring in the case of many of the solo parent families will be significantly greater and of longer duration. This supports the reasonable hypothesis that a change in the solo parenting situation will have a positive impact on the development of the children and help at least to lessen the prevalence of the negative effects.

Since lack of constant long term contact with one of the parents is a predominant feature in these situations, it is this issue which should be considered. It is a highly undesirable situation where one parent provides financial support for the children but then is not involved at a commensurate level with respect to the other aspects of parent responsibility and the children's development. There is no doubt that the children become aware of this and can readily conclude that perhaps they are not deserving of all the shared parenting responsibilities they constantly witness amongst their friends. Alternatively, they may believe that the absent parent has very little interest in them and respond accordingly.

It is a reasonable expectation on the part of any parent that they have recognised by the community their vested interest in the children which is equal to that of the other parent and that this should be respected, irrespective of the relationship between the parents. From this it follows that the children have a right to expect comparable care and attention from both their parents during their early life. Where the bulk of the childrearing is carried out by one parent and predominantly at the home of that parent, tension can be quickly created for the children who draw their own conclusions and see one parent as achieving a win over the other. Doubtless there are instances where one parent is quite willing to relinquish some or all of the above responsibilities or where it may be prudent for such a determination to be made but it is difficult to believe that solo parenting is the preferred option in the majority of cases. A short scheduled visit on set occasions to one parent is not the basis for sound child development and precipitates problems for the child later on.

Currently, we hear much of the need for children to find out about their biological father, their birth mother, the IVF donor etc. Similarly, children, as they grow older, want to have more than a passing awareness of the absent parent which is not possible with short visits and very little positive input from that parent. The solo parenting situation does not lend itself to genuine rapport and the closeness necessary to know the absent parent. It can be particularly distressing when others are more aware of that parent's life and activities than the children are. This can create real problems for the growing children prone to acute embarrassment.

The solo parent situation has the disadvantage of providing the child not only with one role model but of only ever being offered or made aware of the one option or point of view. The child cannot seek guidance, clarity or other options through fear of offending the constant parent. The absent parent is unlikely to have sufficient intimate knowledge of the child or the child's confidence to offer an alternative. This can be very disconcerting when the child is old enough to be aware that there are alternatives with merit. Shared parenting can assist the child in such situations.

In most communities, grandparents play a significant role in the development of their grandchildren and being removed from the family which has separated, they have an independence which is recognized and appreciated by the children. Additionally, many grandparents are still married to their first spouse which must serve as a good role model for the children. Further, one of the grandparents would be of the same sex as the children's absent parent and therefore can provide some compensation for this absence. In conflict situations between a child and the solo parent, the fact that there is significant contact between the child and the grandparents provides the child with an avenue for support and assistance.

If parenting was to be shared, then an adjustment would need to be made to the financial arrangements and the frequency of the children's stay with each parent and a determination of the issues which are to be considered a joint responsibility and those which are to be negotiated. It could be argued that each parent has carte blanche when the child is with them since not even in the intact marriages is there unanimity on all issues. Those aspects which are of a continuing nature (eg. education, health etc) would have to be addressed and agreed upon. In such instances, if agreement cannot be reached, then the Court can make a decision in the same way it makes decisions now with respect to custody and property settlement.

(a)(i) The initial premise should be that each parent is entitled to equal time with their children. This can then be modified having regard to the following factors:-

- The available accommodation
- The availability of the parent
- The proximity to the child's school
- The financial status of the parent
- The child's wishes
- The style of life/competence of the parent
- The parent's circle of friends
- The parent's support persons (eg. grandparents)
- The parent's new partner (if any)
- Whether the parent has children from another relationship
- Any evidence of inappropriate behaviour by the parent (eg. drugs)
- The child's commitments (eg. sport)

(ii) Since it is usual and beneficial for children to have contact with their grandparents and in light of the relevant comments above, it should be the norm for children of separated parents to be entitled to access both sets of grandparents.

(b) Currently, one parent frequently contributes the major portion of the finances towards the child support but if this is the absent parent then the use to which this is put is at the discretion of the other parent. This cannot be considered an equitable arrangement since it reinforces the idea in the mind of the child that the absent parent does not care about the child's welfare or is unable to accede to the child's reasonable wishes by providing funds for something in particular. Since all organisations which receive funds are liable to account for the use of the funds so too should the parent be prepared to accede to the wishes of the providing parent and also provide evidence that the funds are being used for the benefit of the children. Shared parenting must mean a review of the quantum of the financial support being provided with actual essential costs being paramount in any review. It is also worth considering the situation where the non-custodial parent decides to cease employment (or is forced to cease employment) and therefore wishes to provide fulltime care and custody of the children – can this request be denied merely because it then requires the other parent then to provide financial support.