

Submission No: 414

Date Received: 7-8-03

Secretary:



KEMPSEY WOMEN'S DOMESTIC VIOLENCE COURT ASSISTANCE SCHEME

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House of Representatives Standing Committee on Family and Community Affairs
Parliament House
Canberra
ACT 2600

7 August 2003

RECEIVED
7 AUG 2003
FAMILY LAW DIVISION
COMMUNES

To the Committee,

Re: Submissions about the 50/50 joint custody inquiry.

We are wanting to express our concerns regarding this proposal.

As it stands, there is no principle of family law that advantages either parent in family law proceedings. Although mothers more often have legal residence of children, most of these orders are made by consent. Further, the Family Law Act provides that each parent has parental responsibility for their child and that this is not affected by parental separation.

We query why the inquiry uses the outdated term of custody. There appears already to be provision for joint custody and furthermore, family law supposedly supports what is in the best interest of the child.

When our social structures lead to mothers having more than 50/50 care of the children and the household, maybe the focus should be on changing those structures to a 50/50 care and responsibility by both parents for children in circumstances where parents live together with the children.

Also there are the unstated and unrecorded statistics concerning couples who do separate and do not access the Family Court, but achieve amicable and satisfactory parenting arrangements without resorting to the legal system. The cases which end up before the Family Court are usually already full of conflict. In cases where assumed 50/50 custody could be given, we feel that many children, and also many women would be exposed to further violence and danger.

We ask the Committee to consider these implications during this Inquiry.

Yours faithfully,

A handwritten signature in black ink that reads "M Reason". The signature is written in a cursive, slightly slanted style.

M. Reason
Coordinator Kempsey WDVCS