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Secretary

SOCIAL ISSUES EXECUTIVE

Anglican Diocese of Sydney

Submission to the Inquiry into child custody arrangements in the event of family separation

The Social Issues Executive of the Anglican Diocese of Sydney welcomes this inquiry into child custody arrangements in the event of family separation.

Marriage is a relationship of major importance for individuals and for our community. As stated in the Australian Anglican Prayer Book, marriage is a gift from God given for the well being of humankind and for the proper expression of sexual desires. Marriage is also the establishment of a new family for the nurture of children surrounded by security and loving care.

In marriage and family people make themselves vulnerable to each other as they share their needs, creating a deep bond between husband and wife, parents and children. Consequently, a marriage breakdown has vast and detrimental effects on the well being of all involved. The decision to end a marriage should thus, be a last resort.

Therefore, before we comment on the question at hand it is necessary to reaffirm our position on marriage and to encourage the government to uphold and support marriage through programs such as relationship education, marriage counseling and mediation in the case of serious disputes.

This said, in the event of a relationship breakdown, the SIE strongly endorses the legislation's current view that the 'best interests of the child be of paramount consideration'. This debate must be about what is best for children rather than about the rights of parents to have equal access to their children. Parents do not have a 'right' to spend time with their children, but rather each parent has the *responsibility* to provide for the ongoing care and nurture of their child. Given that this care necessitates an ongoing relationship with both mother and father, parties to a broken marriage and the law must seek to uphold such needs of children.

The SIE is concerned about the lack of value our community places in fathering. We would encourage increased recognition of the importance for children of fathering and that this would be taken into account when custody arrangements are being made.

However, to adopt an 'equal time policy' may be a knee jerk reaction to the real or perceived presumption of favoring mothers in custody negotiations. It raises many practical difficulties possibly resulting in children being very unsettled. **Rather the role of the law should be to ensure the ongoing relationship of children with both parents** (including relationships with maternal and paternal grandparents). The practical outworking of this priority will look different in each situation given the uniqueness of

every relationship breakdown and the need for flexibility in accordance with children's best interest. Within the emotionally tumultuous early months of a relationship breakdown, parents need to be encouraged to put their children's needs first.

Finally we would like to mention our concern about domestic violence. It appears that the family court may look upon some fathers unfavorably during custody negotiations because of allegations of domestic violence. We urge the court to fully investigate such allegations as early as possible, as recommended by the Family Law Pathways Advisory Group Report. Men who are found to have been abusive should be referred to counseling and avenues devised to facilitate the father's ongoing relationship with his children as appropriate.

In summary, the SIE agrees with the thrust of what this inquiry is seeking to achieve. A default starting point of "50/50" shared time from which departures (which would certainly be legitimate in the interests of children in particular circumstances) need to be determined and reported with reasons, may be a positive way to ensure the facilitation of ongoing relationships of children with their mother and father along with extended family.

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