

Lawyer calls for education on shared care for children

RECENT reports into the Howard Government's 2006 shared parenting legislation has reignited the debate into the success of the reforms to the Family Law Act.

South Queensland Law family lawyer Sue Westall said the shared parenting legislation had stirred passions.

"Family law will always be a sensitive issue for parents and the community," Ms Westall said.

"Women's groups, such as the National Council for Single Mothers and the Children, have argued that the changes to the Family Law Act in 2006 distress children and expose them unnecessarily to potential family violence.

"On the other hand, men's groups, such as the Men's Rights Agency, are angered at any suggested rollback of the shared parenting laws, as they believe children should have equal time with their fathers."

While Ms Westall believes people should be re-assured of the effectiveness of the legislation, she said more



South Queensland Law family lawyer Sue Westall would like to see more education about the shared parenting legislation.

PICTURE: SUPPLIED

education was needed about the legislation.

"People need education, not deliberate misinformation from vested interest groups to exacerbate fears," Ms Westall said.

"The vast majority of children's arrangements are made 'by consent' with families agreeing to negotiated arrangements where shared

parenting is agreed rather than imposed.

"In fact, the court determines only a small proportion of all parenting disputes, in cases when arrangements cannot be resolved privately between parties.

"In those cases where share care is sought, judges must consider firstly if equal shared parental responsibility is in the best interests of the child, rather than parents' individual 'rights'.

"Only then can they consider if equal time is also appropriate.

"The concept of shared care is merely a reference point from which this difficult area can be navigated."

Ms Westall said that contrary to allegations by certain parenting groups, reasonable evidence was often considered and used to rebut the presumption that shared parental responsibility is in the best interests of a particular child situation.

"This is so particularly where there is a history of family violence or abuse," she said.