

New law pain for divorced fathers

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NEW laws designed to give separated couples equal parenting rights are misleading thousands of fathers, with family lawyers and parent groups claiming they are a "joke".

Solicitors are being flooded with calls from fathers who think they will be granted joint custody under the legislation, which was enacted yesterday. Many are devastated to discover the law does not guarantee equal access and that earlier court orders are not covered.

"I've spoken to many family practitioners around the country, and the word I get from them is it's a joke," said Tony Miller, founder of Dads in Distress, a support group for men wanting access to their children. "Most guys that ring us don't understand that it's not retrospective. They're saying, 'I've had bum orders for years, as soon as this law comes through I can rush back to court and get 50-50 custody.' They're in for a big shock."

The changes are part of the Federal Government's two-year, \$400 million overhaul of the family law system.

Family lawyer Stephen Winspear has taken dozens of calls from fathers who think the changes will lead to joint custody. "There's quite a strong perception that it's going to be 50-50 — it's very misleading," he said. "All the publicity is about sharing, but in fact the actual presumption is equal shared parental responsibility . . . which doesn't say anything about time."

David Schetzer, a family law practitioner for more than 30 years, said: "I think that I'm going to be inundated with dads, and I'm going to have to tell them that I doubt very much that the result they will get post-July 1 is going to be any or much different to what they would get pre-July 1."

Kathleen Swinbourne, president of the Sole Parents Union, said single mothers were concerned that the changes would lead to custody being granted

to unfit fathers. "I have heard from a few women who are afraid their ex is going to suddenly lodge an application for joint custody as retaliation or as a control method," she said. "Our fear is there will be an influx of cases. And rather than the best interests of the children, these cases will be designed to test the law."

But Barry Williams, national president and founder of the Lone Fathers Association, welcomed the changes. "I think these new laws are going to be the best in 30 years. The non-resident parent is going to feel that they're being treated right, whereas before they virtually had no say."

A spokesman for the Attorney-General said the legislation was clear, and there had been a \$20 million campaign to explain it.

LINKS

Advice line 1800 050 321
dadsindistress.asn.au
soleparentsunion.org
lonefathers.com.au