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Children's rights to be parented by both parents after separation

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The views expressed do not necessarily reflect the policies and/or views of the
Family Court of Australia.

INTRODUCTION

This paper is based partly on the author's fourteen years' experience working as a family and child counsellor for the Family Court of Australia in a registry which principally serves the outer, working-class suburbs of Sydney. As a family and child counsellor, the author mediates between separated parents, who have applied for Court Orders concerning children's matters, and provides the Court with written assessments of families proceeding to defended hearings. This also sometimes involves giving oral evidence to the Court.

A notable change that is evident from working with separated parents has been that nonresident fathers, who constitute the vast majority of nonresident parents, have become increasingly dissatisfied with infrequent contact with children and with little opportunity to exercise parental authority in their separated families. They consistently complain not only that resident mothers impede their engagement with children but that legal and social systems also hinder them from playing a genuine parental role with regard to their children.

The paper is also partly based partly on the author's recent nation-wide research of Australian nonresident fathers. The study was undertaken with approval of the Family Courts of Australia and Western Australia as the research requirement for a Doctor of Philosophy degree. The study, using both quantitative and qualitative data collection methods, involved two hundred and sixty nonresident fathers from every Australian state. They completed and returned a survey that was mailed to a sample of fourteen hundred nonresident fathers derived from applications to the Courts either for legal divorce or for orders concerning property or children. The fathers had been

separated between three to five years, had only one child less than eighteen years of age, who was between six and twelve years old. One hundred and thirty-five of these fathers, who had consented to being further involved in the research, later took part in an interview and completed an abridged personality questionnaire.

The quantitative and qualitative data was consistent with the author's clinical experience that many nonresident fathers, despite having regular and frequent contact with children, want more involvement in children's lives than they currently have. The data showed that many are particularly dissatisfied with the level of parental authority that they exercise.

The argument of this paper is that changes to family life in recent decades bestow a certain legitimacy on these nonresident-father aspirations for greater involvement with children. It suggests that separated fathers can make an important, distinctive contribution to children's development and wellbeing, and that children in separated families have the right to be parented by both mothers and fathers. It encourages a critical review of both policy and practice that underpins many family law systems, and identifies the impact that some social systems have on separated families. It proposes that changes conducive to greater parental involvement by nonresident fathers can also be very much to the benefit of children.

The paper begins with a brief consideration of differences between mothering and fathering. Following an overview of major developments that have affected fatherhood over recent centuries, the paper highlights their implications for separated families in most developed countries. After reviewing evidence of father's contribution to children's wellbeing, the paper reports some relevant data to emerge from the author's research. It concludes by suggesting possible theoretical and practical changes that will better respect and safeguard children's rights to be parented by both parents after separation.

FATHERING AND MOTHERING

Researchers, commentators and popularists do not agree that there is any substantial difference between mothering and fathering. Some have stressed similarities between maternal and paternal behaviour and downplayed the differences (Lamb,1987; Lupton & Barclay, 1997). Others have questioned whether advocates of gender-neutral parenting reflect a need to deny qualitative

differences between mothering and fathering so as to avoid odious comparisons or competition (Dowd, 2000; Marsiglio, 1991; Silverstein & Auerbach, 1999).

The more commonly accepted position is that mothering and fathering are two distinct expressions of parenting. Studies have found that fathers differ from mothers in their investment in parenting (Popenoe, 1996; Simon, 1992; Walker & McGraw, 2000), in their capacity to be sensitive to children and to respond emotionally to them (Lamb, 1986, 2000; Levant, 1992; Rossi, 1984; Warshak, 1996), in their view of their parenting role (Aitken, 2000; Humphrey, 1977; Kranichfeld, 1987), and in their parental behaviour (Gavan, 2000; Hawkins & Palkovitz, 1999; Kissman, 1997; LaRossa, 1997; Lupton & Barclay, 1997; Moloney, 2002; Palm, 1997; Pruett & Pruett, 1998).

Whether socialisation or situational demands more satisfactorily explain parental differences is a matter of some debate (Risman, 1987; Thomson, McLanahan & Curtin, 1992). Nevertheless, fathers in two-parent families generally assume a different parental role, which complements rather than imitates mothers' role. Because parents' behaviour and contribution to children's wellbeing are complementary, comparisons between their performances in any specific parental task are not very useful. As an example, Marsiglio, Day and Lamb (2000) suggest that fathers' nurturing behaviour is less important than mothers' nurturing and is not as significant for children as other dimensions of fathering.

Despite differences in parental roles, there is consistent evidence that fathers do not assume responsibility for children when mothers are present (Corwyn & Bradley, 1999; Pruett & Pruett, 1998; Rotundo, 1987). Many fathers see themselves as undertaking the 'traditional good father-role of helping out' mothers with parental responsibility and tasks (Aitken, 2000; Russell & Radojevic, 1992). Moloney (2000) suggested that the secondary parental role assumed by fathers in most families results from the emphasis given to children's primary attachment figures, namely mothers. This has the effect of often sidelining fathers within the family, and encouraging mothers to adopt a gatekeeping role with respect to children.

CHANGING CONSTRUCT OF FATHERHOOD

Over time, the social construct of fatherhood has undergone significant change and reflected marked cultural differences (Doherty, Kouneski & Erickson, 1998; Perry-Jenkins & Crouter, 1990). As Daly (1993) recognised, new challenges and circumstances continually shape the father-role, as do

formulations of good fathering by various stakeholders with competing interests (Marsiglio, Amato, Day & Lamb, 2000; Sullivan, 2000). Clearly, many contemporary fathers play a very different parental role than did their own fathers, frequently wanting to emulate the positives about their own fathers' parenting and to compensate for their deficiencies. Such a broad sweep of historical changes to the construct of fatherhood focuses on intergenerational rather than intragenerational differences (Lupton and Barclay, 1997) and fails to adequately account for class, regional, religious and racial differences prevailing at any one period (Mintz, 1998).

Commentators (Lamb, 2000; Mintz, 1998; Pleck & Pleck, 1997) commonly identify four main stages in the development of the construct of fatherhood in the US. During colonial times, the emphasis was on stern, patriarchal fathers, who acted as moral teachers of children. In 19th century, fathers undertook the provider role, which often took them away from families and distanced them from the emotional life of the family. At this time, family roles began to be described in gender-laden language, and fathers relinquished or lost some of the authority they had previously enjoyed within families.

The middle decades of 20th century saw the emphasis on fathers as sex-role models for children in general, but sons in particular. This was at a time when many fathers were absent from families, some never to return, because of the Great Depression and the Second World War. During this period, when stress was placed on fathers spending time with children and providing them with strong sex-role models, absent fathers were commonly viewed as defective. The latest developmental stage, which Hawkins (1992) described as the 'feminization of the family', began only in the mid 1970s. It encourages fathers to be emotionally sensitive to children and involved in their day-to-day care. This model presented to contemporary fathers, which is in stark contrast to distant fathers of a generation ago, is not without its critics. Rotundo (1987) claimed that it has been embraced mainly by upper-middle class families, and Gottman (1998) detected a backlash against it, with an identifiable trend in the US encouraging fathers to return to their authoritarian, disciplinary role in order to recapture their rightful place within the family.

Somewhat ironically, at a time when the prevailing model of fatherhood encourages fathers to be emotionally and physically present to children, significant numbers of children do not reside with biological fathers (Blankenhorn, 1995; Lasch, 1980; Mintz, 1998). Moreover, many children of

separated parents have little opportunity to be parented by nonresident fathers in any significant manner.

There is considerable evidence that many contemporary fathers want to be actively involved in parenting their children (LaRossa, 1988; Tiedje & Darling-Fisher, 1996). As mentioned above, they are often keen to compensate for the little involvement of their own fathers, who tended to define personal success in terms of occupational and economic success (Lamb, Pleck & Levine, 1987). Amidst evidence that contemporary fathers are more involved with children than previous cohorts of fathers (Sandberg & Hofferth, 2001), some stress that the increase in involvement is modest (Edgar & Glezer, 1992; Lamb, 1986; Yeung, Sandberg, Davis-Kean & Hofferth, 2001) or is relative to mothers' reduced involvement resulting from their work commitments (Lamb, 1986, LaRossa, 1988).

Fathers sometimes find the move from their traditional provider-role to what Moreland and Schwebel (1981) described as the 'emergent father role' to be very painful because of tension between the new role and traditional notions of masculine behaviour (Cabrera, Tamis-LeMonda, Bradley, Hofferth, & Lamb, 2000; Dowd, 2000; Levant, 1992). However, many fathers are seemingly meeting the challenge to expand their fathering repertoire, as is demanded by the current dominant discourse on fatherhood, with its emphasis on involvement with children.

FATHERS' INVOLVEMENT WITH CHILDREN

The extent and type of fathers' involvement with children remain contentious issues. Amramovitch (1997) described the 'good enough' involved father as being 'close (to children) but not too close, strong but not overwhelming, loving but not seductive, supportive but able to discipline, caring but encouraging autonomy' (p. 31). By challenging fathers to combine intimacy and authority in exercising their parental role, academics, professionals and policy makers are shifting from a value-free language about fathers' involvement to a value-advocacy approach about what responsible fathering entails (Doherty et al, 1998; Pleck & Masciadrelli, 2004).

Lamb (1986) proposed a model of parenting that includes three core components, namely engagement with children, accessibility to children and responsibility for children. He stressed that being responsible for children's care and welfare does not necessarily imply directly interacting with them. However, most studies of fathers' involvement with children have focused on their direct

interaction with children (Cooksey & Fondell, 1996; Eggebeen & Knoester, 2001; Minton & Pasley, 1996; Pleck & Masciadrelli, 2004). These include spending time with children both in leisure activities outside of home and in working and playing at home, helping with homework and other tasks, talking to children, giving them support and putting realistic restrictions on their behaviour.

Although studies have found that fathers are more engaged with children than were earlier cohorts of fathers, results consistently showed mothers to be more involved than fathers with children (Hofferth, Pleck, Stueve, Bianchi & Sayer, 2002; McBride & Rane, 1998; Pleck, 1997; Thomson, McLanahan & Curtin, 1992). Not surprisingly, research also found that fathers spend more time with children on weekends than on weekdays (Dept of FACS, 1999; Hofferth et al, 2002; Yeung et al, 2001).

Apart from differences in the quantity of fathers' and mothers' parenting of children, there are also differences in the manner of their involvement. Although mothers spend more time overall than fathers playing with children, fathers spend a higher proportion of their involvement with infants and children in play, (Lamb, 1997; Marsiglio, 1991; Pleck & Masciadrelli, 2004; Yeung et al, 2001) and a smaller proportion of time in caring for children (Russell & Russell, 1987). One difference in their attitude towards parental involvement is that fathers tend to measure involvement principally in terms of time spent with children rather than quality of their interaction with them, giving rise to the 'good father' image as one who devotes time to children (Daly, 1996). An advantage of emphasising time spent with children is that it allows accurate measurement of involvement (Hawkins & Palkovitz, 1999). However, it fails to account for evidence that the quality rather than the quantity of fathers' involvement with children is important for children's adjustment and development (Lamb & Kelly, 2001; Palkovitz, 2002).

Factors identified as impediments to fathers' involvement with children include lack of motivation and/or parenting skills, work commitments and institutional practices. Fathers' espousal of traditional models of masculinity and mothers' lack of enthusiasm about paternal involvement also affect the extent of fathers' involvement with children (Holland, 1994; McBride & Rane, 1998).

FATHERS' CONTRIBUTION TO CHILDREN'S DEVELOPMENT

Traditionally fathers contribute to children's development by financially supporting them, which has significant educational and social outcomes particularly for children in separated families

(Furstenberg, Morgan & Allison, 1987; Lamb, Sternberg & Ross, 1997; King, 1994). However, fathers' importance for children and their contribution to children's wellbeing extend beyond financial support. According to psychoanalytic theory, fathers are vitally important for children, on whose internal world they have a significant impact (Target & Fonagy, 2002). Fathers have also been found to enhance children's wellbeing and development by spending time with them, offering them emotional support, providing everyday assistance and monitoring their behaviour (Amato & Fowler, 2002; Marsiglio, Day & Lamb, 2000). Cummings and O'Reilly (1997) suggested that the effectiveness of this paternal behaviour somewhat depends on healthy family dynamics.

Research has found evidence that fathers influence various aspects of children's development. They can influence children's self-esteem (Amato, 1986; Balcom, 1998), cognitive development and academic achievement (Coley, 1998; Cooksey & Fondell, 1996), prosocial behaviour (Amato & Rivera, 1999; Belsky, 1998; Coley, 1998), and sex-role orientation, identity and socialisation (Burdon, 1994; Parke, 1981). Involved fathers have also been found to have a positive impact on adolescent psychosocial adjustment and well-being (Hetherington & Stanley-Hagan, 1986; Thomas & Forehand, 1993; Weston, 1997).

Although the research evidence is not always consistent, contemporary fathers clearly are more involved in intact families than were earlier cohorts of fathers, and they can make an important contribution to children's development. As a result, any post-separation family arrangement, which severely restricts nonresident fathers' involvement and consigns them to the fringe of family life, has serious implications.

IMPLICATION FOR SEPARATED FAMILIES

Regardless of whether fathers had played an active parental role prior to separation, parents and courts alike commonly adopt a post-separation family arrangement, by which children reside with mothers and spend some weekends and school holidays with fathers (Bray, 1991; Ochiltree, 1987). As a result, children are generally prevented from having both parents significantly involved in their lives, and miss out on their fathers' unique parental contribution. In some ways, children's sense of loss of fathers and of their paternal influence and contribution can mirror the deep sense of loss that nonresident fathers have been found to experience when separated from children (Arditti, 1992; Frieman, 2002; Shapiro & Lambert, 1999; Trinder, Beck & Connolly, 2002).

Although some nonresident fathers choose to disengage from children, evidence indicates that the majority maintain frequent contact with children (Ahrons & Miller, 1993; Smyth & Ferro, 2002), and that the proportion of those who disengage has decreased in recent years from as high as fifty percent in earlier studies (Burns, 1980; Furstenberg & Talvitie, 1980) to approximately thirty percent (Greene & Moore, 2000; Smyth & Parkinson, 2003; Stewart, 2003; Walter, 2000) or less (Erera, Minton, Pasley & Mandel, 1999; Fabricius & Braver, 2003; Piercy 1998) in later research. The varied and many reasons that fathers disengage include demographic factors, such as age, race, socio-economic status and time since separation. Personal factors, such as personality, adjustment to separation and satisfaction with the post-separation family arrangement also play a part. Interpersonal factors, such as interparental hostility and conflict, relationships with children and repartnering of either parent can also lead to disengagement.

Nevertheless, many nonresident fathers want to continue to play a significant parental role but are frustrated and sometimes disillusioned by the limited opportunity they have to do so. While maintaining frequent contact with children, sometimes at great personal and financial cost, and being involved in their sporting and cultural activities, they are frequently restricted in the input they can have into their children's upbringing. This not only distresses them but denies children the experience of being parented by them.

STUDY RESULTS

Although the study sample was drawn from applications to the Family Courts, only a quarter of respondent fathers were involved in litigation concerning children. Half of these were able to settle their dispute without a judicial decision. Slightly more than half the respondents had applied only for legal divorce, and another seventeen percent had lodged Consent Orders in the Courts.

A relatively high proportion of respondent nonresident fathers had frequent, regular contact with children. Fifty percent had face-to-face contact at least weekly, and seventy-five percent at least monthly. Only 6.5% did not see children at all during the previous year. Despite relatively high levels of contact with children, 56.5% of respondents wanted more time with their children. Approximately 40% indicated that they were dissatisfied with the amount of time they spend with children.

Respondents' involvement in children's lives, as measured by their input into major parental decisions and their involvement with children's schools, was substantially lower. Slightly more than half the fathers thought that they had little or no input into decisions concerning the children. At the opposite end of the scale a fifth of them considered that they had considerable say in parental decisions. Over sixty percent of fathers reported having little or no involvement in children's schools, compared to less than twenty percent indicating that they had considerable involvement. Fathers without Court Orders had significantly more involvement with children than did those with either Consent Orders or with Orders made by judges.

The study included a four-item measure of parental authority, which included fathers' perceptions of the difference they make to children's lives, their sense of control over contact arrangements, and their input into both major decisions and the amount of child support they pay. Most believed that they made a difference to children's lives, but considered that they had limited, if any, control over contact arrangements, and very little input into parental decision-making. The study found a strong correlation (Spearman's $\rho = .76$, $p < .001$) between fathers' level of parental authority and their satisfaction with it.

The majority of fathers expressed a desire to have more say in a variety of post-separation family decisions. Almost half of them believed that they had no part in the initial decision that children reside with mothers, and approximately a third thought that they had no input into the frequency, duration and type of their contact with children. Almost two-thirds reported having no say in deciding how much child support they pay, and a majority claimed to have no say in how their child support payments are spent on children.

Fathers' scores on parental authority were found to be positively correlated with the frequency ($\rho = .45$, $p < .001$) and amount of their contact ($\rho = .51$, $p < .001$), and the level of their involvement with children ($\rho = .70$, $p < .001$). They were also positively correlated with fathers' role adjustment ($\rho = .41$, $p < .001$), their relationship with children ($\rho = .41$, $p < .001$) and their readiness to pay child support ($\rho = .62$, $p < .001$). Parental authority was negatively correlated with measures of interparental hostility ($\rho = .75$, $p < .001$) and conflict ($\rho = .74$, $p < .001$). It was also one of five

variables predicting the amount of contact ($\beta = .26, p < .01$) and one of three variables predicting positive relationships with children ($\beta = .23, p < .01$).

Not surprisingly, when interviewed the fathers commonly referred to their dissatisfaction with the limited scope they have to exercise parental authority in the separated family. Those who claimed to have been involved with children prior to separation were particularly unhappy about being denied the opportunity to share in parental decisions. As one father lamented:

'She has our son and the most frustrating thing that the Family Court does not cater for is that for twelve years of his life, I was part of every bit of his life. Every single day, I was the one who took him to child care and preschool, helped build classrooms, and coached his soccer teams, and because we separated, I became a non-entity. I am dictated to by her what I can and can't do; they don't recognise the fact that because two people separate, one of them is no longer a father. You are always going to be a father' (forty year-old tradesman).

In response to charges of irresponsibility sometimes laid against nonresident fathers because their involvement with children generally consists of having only recreation time with children, two fathers voiced the sense of powerlessness that is frequently experienced by nonresident parents:

'How can I be a responsible parent when I am not involved in any decision making for the child? I don't know from one day to the next where she is or what she is doing. Every decision about the child's upbringing is entirely taken out of my hands' (forty-five year-old professional).

'It is very hard for an expat (nonresident) father to make any meaningful contribution in their life because you are not there on a day-to-day basis. Even with alternate weekend contact, they know that you are the dad they go and have fun with and then it is back to the grind' (forty-seven year-old driver).

Participants very often reinforced the idea that, even if in frequent and regular contact with children, they still are not in a position to make a parental contribution to children's lives. The following quote encapsulates a common complaint of nonresident fathers, as those who work with them can verify:

'I have no say in her schooling or whatever. I am not part of the day-to-day decisions about my daughter and I am not part of the big decisions. I would just like to know more about the plans and future aspirations of her. I would like to be more involved by knowing what is going on (thirty-five year-old salesman).

By way of contrast to the above comments, a solitary voice acknowledged the inherent tension that parents commonly experience in raising children because they bring different styles, values and priorities to their parenting. He spoke as though separation had not hindered him and his former partner from the difficult task of continuing to negotiate about what is best for their child:

'I am part of the decision making in his life. When we don't see it the same way, we just have to talk about it, just as we would have done so if we were together. People tend to overlook that. I think a lot of people tend to overlook that we are different' (thirty-eight year-old labourer).

Child support is a particularly sensitive area that causes understandable distress to many nonresident fathers. It is commonly a source of interparental tension and in Australia, at least, often fuels disputes about children's increased overnight contact with nonresident fathers because it can reduce the amount of child support to be paid. Claims that nonresident fathers tend to avoid their parental responsibility to financially support children are seemingly accurate in some cases. The apparent basis for much of nonresident fathers' dissatisfaction with child support is their little, if any, input into determining the extent to which they financially support children, and in deciding on how their financial contribution is to be spent. Nonresident fathers' frustration with their lack of input into these parental decisions can be further exacerbated when they doubt that their children benefit from child support payments.

'My biggest whinge is the amount of maintenance (child support) I have to pay and apparently not a cent of that maintenance gets spent on him, and I have absolutely no say in the matter because it is the law' (forty-three year-old unskilled worker).

'I know I have to support my daughter but I know for a fact that the money doesn't go to her. When I pick her up for two weeks, she sends her in the clothes she is in. I think it is to put pressure on me to buy stuff and make it difficult' (forty-one year-old soldier).

'It would not worry me if I had to pay one thousand dollars per month, if I knew it was going into an account to buy his clothes or his education. Somewhere where you know he is going to get full use of it. I find it difficult to have no control over it' (thirty-one year-old shearer).

The Australian child support scheme provides the opportunity for nonresident fathers to exercise some parental authority within the family and to directly contribute to children's development by undertaking to meet the cost of some of their children's specific needs or activities. While dependent on the resident mothers' agreement, such an arrangement not only has the advantage of ensuring that children are aware of their nonresident fathers' financial support, but it also allows fathers to share in decisions about priorities for children. They know, too, that children are directly benefiting from their financial contributions, as this comment verifies:

'What we agreed to is that I pay half his costs. I find this arrangement very satisfactory because I can see where my money goes' (thirty-five year-old teacher).

The prevailing policies and practices of many educational authorities are yet another systemic hurdle to children in separated families having both parents significantly in their lives. Education is one of the major tasks of childhood, and children spend a significant amount of time at school. Yet, many schools refuse to communicate with nonresident parents without resident parents' express permission to do so. Schools, by rarely keeping nonresident parents informed of children's academic progress or of their behaviour, seem to ignore that many of their pupils still belong to a two-parent family even though living in a one-parent household.

This tendency to distance nonresident parents from children's schooling is often reinforced by legal systems that grant orders for resident parents to authorise schools to pass on information about children to nonresident parents. Such orders imply that resident parents have the right to deny or grant nonresident parents access to important information about children. The basis for that right is unclear, even though schools probably implicitly bestow it on resident parents by accepting that they need their approval for nonresident parents to be involved in children's education.

Almost two-thirds of fathers who took part in the study reported having little or no involvement with children's schools. This compared to seventeen percent who indicated that they at least had considerable involvement with schools. Almost sixty percent of them expressed their dissatisfaction with the extent of their involvement in children's schools. Only a little more than twenty percent indicated they were considerably satisfied with their involvement. In the interviews, a few participants spoke of their heavy practical involvement with schools, such as taking reading groups and working in tuck shops. A few others indicated that they had taken the initiative and insisted that schools forward them copies of children's school reports. Most, however, lamented their inability to assume any responsibility for children's education and schooling or to obtain information about children's progress, as the following comments illustrate:

'I find it difficult not having any say in my daughter's schooling, like where she goes to school. I don't have any say in it, even though I pay the school fees. I am happy to pay for her education, but I don't get any say in it' (forty-three year-old businessman).

'I get no input from the school at all. I would like to know how he is getting on. I went up to the school to see about getting school reports. I got one, but none since, despite the fact that I asked. Then again, it is a small community and people tend to take sides' (forty year-old unskilled worker).

'If I went to school and requested to see my daughter, I would not be allowed without prior permission from the mother. You become a second-class citizen in their eyes' (thirty-seven year-old labourer).

DISCUSSION

The study results support clinical practice by confirming that many nonresident fathers (and mothers, for that matter) have very little opportunity to assume any parental role after separation, apart from contributing to the financial support of children. Even then, very many in Australia, have no choice as to the proportion of their income that they devote to children because a government agency usually assesses their child support responsibility according to an established formula.

The sole-residence arrangement as practiced in Australia rather than gender issues seems to result in nonresident fathers being restricted to the fringe of family life. Parents with sole residence generally have the sole responsibility for day-to-day decisions regarding children, although they are expected to consult nonresident parents regarding decisions concerning children's long-term welfare. The so-called 'normal' contact arrangement, consisting of alternate weekends and half school holidays,

usually restricts nonresident parents to the role of supervisor of children's recreation time. The rationale for this common practice is to protect children from being continuously caught up in interparental conflict, which has been found to be potentially damaging to children's wellbeing and development (Johnston, Campbell & Mayes, 1985; Johnston, Kline & Tschann, 1989). The strategy to minimise the risk of children experiencing interparental conflict has been to prevent one parent from exercising a parental role.

At a time when fathers' parental contribution in intact families was almost exclusively as the provider for the family, sole residence as generally exercised may have simply extended the pre-separation parental roles. Children looked to their mothers as being almost solely responsible for decisions concerning day-to-day issues, and their experiences of being fathered were limited to their father working to provide for the family and perhaps imposing punishment, at the instigation of mothers, on returning from work. In these circumstances, many children's sense of loss of fathers after separation may not have been great.

However, two significant changes have affected separated families. The first is that both parents often played an active parental role prior to separation, albeit to differing degrees. The second is that mothers are now initiating separation in the majority of families. This is very different from those times when fathers usually initiated separation by walking away from families, often leaving them in desperate financial straits. Changes to parenting behaviours and sharing in parental responsibilities in intact families result in children generally experiencing both parents being involved in their lives. When one parent is effectively banished from family life after separation, children can experience a deep sense of loss and no longer enjoy the distinctive contribution that each parent can make to their development.

As is evident from some of the cited comments, the traditional nonresident-parent role causes distress for many fathers, particularly because it entails a loss of the sort of involvement that they once had with children. Ironically, their grief and resentment at being discounted as parents in separated families seem to be a potential source of interparental hostility and conflict, which the marginalisation of nonresident parents was intended to avoid. This particular interparental hostility is born not from differences in parenting styles, which are evident in most families, nor from the

unresolved issues stemming from the breakdown of the interparental relationship. Rather, it emanates from nonresident fathers' anger and resentment at being deprived of any significant parental role. The very post-separation arrangement thought to minimise children's adverse reaction to parental separation is now putting children at risk by ignoring significant changes in family life.

This is not to suggest that the only viable option to sole residence is to begin with a rebuttable presumption in favour of shared residence, which a committee of the Australian Parliament recently investigated and rejected (Parliament of Australia, 2003). Rather, it is to begin from the presumption that both parents, if sufficiently committed to doing so, will continue to be involved as parents in children's lives after separation, and that it will be the exception rather than the rule that one parent will make all the decisions concerning children. Were this the case, there may well be a change in attitude among parents with whom children live most of the time. These resident parents may not so easily assume the role of controlling the other parents' contact, involvement and parental authority, and may more readily provide children with the opportunity to be parented by both mothers and fathers.

CONCLUSION

Although this paper is based on a study of nonresident fathers, it suggests that children in separated families are entitled, in most circumstances, to be both mothered and fathered, being able to draw on the strengths and to experience the limitations of both parents. This requires a significant attitude change among many separated parents, with some encouraging signs that this change has begun. It also requires an even more significant change among systems which greatly impinge on separated families. Legal systems and practitioners, social scientists, researchers, child support schemes and educational authorities all need to review policies and practices to ensure that they are in tune with the needs and aspirations of contemporary separated families. They need to recognise that many parents in contemporary intact families do not adhere to traditional parental roles that saw mothers assuming almost total responsibility for children, apart from financially supporting them. They need to be aware that, prior to parental separation, many children had experienced two involved parents. If current policy and practice of systems involved with separated families limit children's right to be parented by both parents, they may not be serving children's best interests. If systems rely on

outdated models of family life, they could well endanger the large number of children who now experience parental separation.

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