

Sharing the children

When Rachael Layton separated from her husband, she didn't start a custody battle for their two sons. Instead, they agreed to a shared parenting arrangement. It was a decision that would change how she saw herself as a mother.

TELLING MY SONS – who were four and six at the time – that their father and I were no longer going to be together was one of the hardest things I have ever done in my life. Watching their faces crumple and their tears flow as they digested the news was heartbreaking. But that was just the start of the ordeal. The logistics of the separation, making custody decisions in particular, were to cause more angst.

When we decided to separate, I presumed that I would have the main parenting responsibility for the children, while their father, Michael, would see them once a fortnight. This was based on nothing more than that this was how everyone else seemed to do it. Michael, however, had other ideas. For the last year of the relationship he had taken on more of a house-husband role as he was starting his own business and I'd gone back to work full-time. After being so involved in his sons' lives, he wasn't about to accept an arrangement where he saw them only one weekend a fortnight. He wanted a shared arrangement so that we both could be part of our children's lives.

Although we rarely agreed on anything at that stage, we did agree the children needed regular contact with us both, so we decided shared parenting would be the best solution in a situation where there was no ideal outcome.

We believed this was in the boys' best interests, but the reality for them, in those early days, was that there was nothing good about the situation at all.

I think no matter how hard parents try to make separation and divorce as painless as possible for their children, there is always some emotional damage.

That damage was not restricted to the children, either. The first time the boys spent a couple of days with their father, I realised my life had become a limbo world in which I was a part-time mother and part-time single woman.

When Michael picked up the children for that first stay, Jordan, our youngest son, despite his close relationship to his father, clung to me, crying. This distress was simply a four-year-old's reaction to a

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huge life upheaval of which he couldn't make sense.

While I felt angry at Michael and upset at the prospect of not seeing my sons for several days, I had to bury those emotions and put on a bright, happy face in order to reassure my sons that everything was going to be okay. I explained to them that I would see them in a couple of days and that, while I would miss them a lot, their father also missed them and wanted to spend time with them.

As they drove off, I stood at the doorway waving and smiling like a demented American sit-com housewife,

watching one child crying and the other staring into space in shock. When at last I closed the door behind me, a feeling of grief and loss washed over me and I dissolved into a sobbing mess.

It became easier every week after that, but even now, five years down the track, I still have moments where the loss of being a full-time mother to my children hits home. Like the time Jordan broke his leg and I wasn't there to hold his hand while his leg was being plastered. Or when my oldest son, Ryan, was sick and I couldn't tuck him into bed with reassuring words.

On both occasions, and many more like them, their father was there and doing just as good a job as I would have done. But I still suffered the guilt of feeling I should have been with them – just as, I'm sure, Michael also has been upset when he missed significant events in the boys' lives.

Despite all the pain and guilt, I think that, in our situation, shared parenting has been the best solution for our children. It wasn't an easy arrangement to come to. It involved negotiation between the two of us and our solicitors, and ended up in front of a Family Court mediator – a total stranger who had the



Rachael Layton with her sons, Ryan, 12, and Jordan, nine.

Your journey

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Quote of the day

"Govern a family as you would cook a small fish – very gently" – Chinese proverb

Building futures

The Family Law Amendment (Shared Parental Responsibility) Bill 2006, which came into effect in July, introduces a new presumption of equal shared parental responsibility (except for cases involving violence or abuse) into the Family Law Act. This means that in most cases, both parents will need to consult and agree on the big decisions about their children, such as where they go to school, after a relationship has ended.

Where the presumption of equal shared parental responsibility applies, the court must consider making an order that a child spend equal time with each parent, where it is practical

and in the child's best interests. If it is not appropriate, the court must consider an arrangement for substantial and significant time with each parent.

In February, the Federal government announced changes to the Child Support Scheme. Under the changes, child support payments will be calculated on the actual costs of raising children and the combined income of both parents, and will recognise the contribution and time each parent spends with their child. One of the aims of these changes is to encourage shared parental responsibility.

unenviable task of helping us settle on a solution that would have an enormous effect on our family.

There are a number of options for shared parenting, including one week off, one week on, or split weeks. In one case I have heard about, the parents lived on opposite sides of the world so the children spent one year with one parent, the next with the other.

As our children were still very young, we believed the boys wouldn't cope with being away from either of us for a large chunk of time, so we settled on split weeks, an agreement we still keep today. Ryan and Jordan spend half the week with me, the other with their father, and school holidays are shared on a week-on, week-off basis.

After the break-up, Michael stayed in the family home while I moved to a house in a nearby suburb, so that the children could stay at the same school and childcare centre, and remain in familiar surroundings. I think the break-up was also made a little easier for the children because neither Michael or I were dating other people during that time. Coming to terms with a new boyfriend or girlfriend in their parents' lives could have caused further anxiety.

At the beginning, there was a number of nay-sayers who said it wouldn't work. They said the children would be confused by the constant changes, that it would be difficult to manage day-to-day activities, and that having two separate houses with separate house rules would be confusing.

I even had a number of people telling me not to accept the arrangement at all. I had to explain that to go against Michael's wishes would mean fighting a custody battle in the courts as, contrary to popular belief, the mother does not automatically get primary custody of the children.

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Reservations aside, shared parenting has worked for our fractured family. The boys have a normal relationship with both of us, as well as their grandparents, aunts, uncles and cousins. Unlike a snatched weekend every couple of weeks, my sons spend normal family time with Michael and with me.

There are also some other basic advantages. Both Michael and I have jobs that allow us to balance work and family, and, because we live so close to each other, if one of the kids leaves something at my house, I can quickly drop it off at his father's house. We've also learned to compromise. If I want to take the children on holidays, Michael is flexible enough to allow that to happen and vice versa.

It's hard to say if this arrangement is better for my sons than any other, as it's the only one we've tried. What we do know is that they have a good relationship with both their father and me, they haven't had any social or schooling problems, and they're very open with their friends about their living situation.

The benefit of shared parenting is that they get to spend equal time with both their mum and dad. We might have different parenting styles, house rules and activities we enjoy doing with them, but that only increases their understanding that both their parents are involved in their upbringing.

Their father, who first suggested the idea of shared parenting, enjoys a much closer relationship with his sons than he would have done if he'd only been able to see them once a fortnight. In fact, as he has sole responsibility for the children for half the week, he's more involved in his children's lives than many fathers in traditional two-parent families.

An unexpected bonus of the situation is that my sons get to witness a father

who doesn't abdicate his child-raising and domestic responsibilities, and we hope they in turn will be better fathers and husbands because of that positive role modelling.

For me, the biggest hurdle was overcoming my reduced responsibilities. I went from being the mother of young children whose needs occupied much of my time, to being childless for part of the week.

When Michael and I first separated, I'd try to fill up the hours and days that I wasn't with the boys or working. It was the first time I'd ever lived in a house by myself and I couldn't stand being alone.

I also felt tremendous guilt at not being a 'real' mother. My friends would talk about the normal strains of motherhood. While I understood what they were going through, I had the luxury of having a break from the kids and getting some 'me time'. When the boys were young, I would often wish for just five minutes to myself. Now I had plenty of days to myself and I felt guilty that I got what I wished for. I no longer wanted it.

Over time, I realised that even when my children weren't with me, I didn't stop being their mother. My life, from where I work to where I live, is structured around them. Even if they're not there, I'm still thinking about them, worrying about them, talking about them, shopping for them and being their mum.

The sadness over my changed mothering role still rises to the surface occasionally. But when two people choose to separate, they owe it to their children to make the break as painless as possible. And, despite losing a great chunk of time with my children because of our shared parenting arrangement, I also believe – to put it in Family Court terminology – it is in the best interest of the children. ■

Helpful websites

- Family Court of Australia: www.familycourt.gov.au.
- Attorney-General's Department: www.ag.gov.au/family.
- Relationships Australia: www.relationships.com.au.
- Child Support Agency: www.csa.gov.au.
- Shared Parenting Council of Australia: www.spc.org.au.
- The Family Law Hotline (1800 050 321) is a free service that can answer your questions about family law matters.

Further reading

Getting Your Children Through Separation and Divorce by Anne Hooper (Chrysalis Books, 2005)

Parenting After Separation: Making the Most of Family Changes by Jill Burrett (Finch Publishing, 2002)