

JUSTICE COMMITTEE

CHILDREN (SCOTLAND) BILL

SUBMISSION FROM B MITCHELL

I am presently a father of a young son who separated from his mother at an early age due to her violent and abusive behaviour which was reported to the police. I have full parental rights as the legal father of my son.

Childs Best interest

- Fathers can offer unique support in the development of a child that a mother also can but this is not recognised.
- Fathers should not have to go to court repeatedly to increase contact time at great costs and emotional drain when all they want to do is support their child in the best way possible
- A father should not miss out on unique moments in a child's development ie school time, birthdays and Xmas etc - this should be equally shared in the best interest of the child
- The father can be forced into returning to court to gain reasonable access which is grossly unfair both in time, cost and emotion. I also feel that is is not in the best interests of the child as he has a right under UNCR and a right to have a loving relationship with both parents so without equal access the father is unable to foster the love and care that the child has a right to.

Factors to be considered by the court when making contact and residence orders:

- The default starting point for any contact order for a child should be shared parenting unless there are issues related to safety etc
- The sherriffs take a view that it is in the best interest of a child that the default contact should be with the mother - this is clear discrimination against the father who should have equal parenting rights and contact time
- Research and evidence shows that a child is better supported both physically, emotionally and psychologically when both parents play an active role in the child's life. I believe also this will save the state in court time and legal aid funding and help improve society. It also supports Scotland in being a fairer nation that values parental influence when people separate and recognises the vital role a father can play in bringing up a child.
- I think it is so important to address a situation where the mother is denying reasonable contact time and the father having to revert to the court for redress and even then the courts often see the mother as the resident parent and it does not allow equal access and is indeed discriminating against the father.
- The law should recognise parents equally and not favour the mother and be in the best interests of the child and not one parent to dominate to the detriment of the child.

Enforcement Orders

- If a parent denies contact time with a child (invariably the mother) then this should be enforced by the courts at no cost to the father and there should be a 'quick' process to follow not having to go back to court to raise this matter at great time and cost - there are countless excuses a mother denies contact time with a child and unless this is clearly enforced then the mother will continue to take this approach

Practical, financial or other impacts of the Bill

- The equalities act is clearly being ignored in not allowing fathers (males) equal access to parenting so am surprised this has not been challenged in court