

Joint Custody: Can this Model of Joint Parenthood be Taken into Account for Separations?



Nous avons droit à nos deux parents

SOS PAPA



For the project ERASMUS of the secondary high school Paul Mathou, students were required to work on gender equality for the Portuguese mobility and thus to interview a male representative of an association who struggle to have the same right as women and mothers.

The interview in flesh for the two male representatives was not possible, so the students made a questionnaire and they gave it to two associations in favour of parental equality in breaks-up. On the one hand, it is «*SOS PAPA*» from Ariège (09) represented by Mr Vranckx and on the other hand, «*ÉGALITÉ PARENTALE*» whose representative is Mr Navard from Loiret (41).

Both associations have joint goals, despite their big differences (*ÉGALITÉ PARENTALE* has got around 50 members whereas *SOS PAPA*, the most influential and substantial association in Europe is strong of 15,000 members). Both work to help fathers in difficulties for a divorce or separation, to make everyone's rights be respected in an unbiased way, make parental equality evolve, settle family conflicts amicably and above all protect the children.

For Mr Vranckx like Mr Navard, their involvement in their respective associations is essentially volunteer. Thus Mr Navard, is in charge of the secretariat and more especially the mailing box of his association. As for Mr Vranckx, he is one of the 24 departmental representatives of *SOS PAPA*. Likewise, it is after a contentious divorce that they became members of their associations – the former in *ÉGALITÉ PARENTALE* in 2014 and the latter, in *SOS PAPA* in 2004,.

In both cases, while the Parents' Authority Act of 4th March 2002 made it possible to grant joint custody, the father asked for joint custody but the mother refused it and finally the Family Court (FC) rejected it in favour of the mother's exclusive custody, by putting forward the traditional French family model, namely the 19th century matriarchal model, in which the woman-wife has to deal with the children and the house meanwhile the man-father has to work and bring back money to the family. For both male volunteers, this conception of the family unit which is backward and outdated is still topical in the 21st century in a republican country which advocates equality. Furthermore it is in total contradiction with the women's right to develop their personal and professional lives and also with the men's right to fully exert their parental duty. For comparison, joint custody represents 80% of the family unit in northern European countries, such as Sweden, where it is made easy by the work and enterprise world, more adapted to this new family model.

Moreover a lot of liberal professions as well as judicial departments worsen these parental conflicts because they live on them and have no interest in settling the conflicts right away. Thus about 80% lawyers live on divorces and keeping up the divide between parents is a lucrative source for them. To M. Vranckx, a solution to shrink such a «conflict of interests» would be, on the one hand, to fix a package to pay for the lawyer's fees. And consequently the lawyer would not have any other advantage in carrying on with the matter. On the other hand, it would be necessary to spread joint custody in courts for the sake of the child, as in the case of Belgium- M.Vranckx's native country- which favours joint parenthood for divorces, by opting for a default joint custody!

A last but not the least pitfalls in the implementation of joint custody, according to the representative of Egalité Parentale, is the power exerted by the hardcore feminist associations which only defend women's rights and not gender equality.

As regards the children and their choice of residence place, since France signed the international declaration of children's rights, any child, whatever their ages and if they may request, have had to be heard depending on their degree of maturity. Most often

than not, the Family Court (FC) delegates a specialized psychologist to proceed to the hearing and will use his/her report to make his/ her decision. In reality, the FCs hear the children from the ages of 10-13 years old. Be that as it may, until the child's coming of age, he/she will not be able to decide by himself/herself, only the judge has the absolute power to decide on the child's and his parents' behalf. M. Vranckx also bemoans the fact that justice does not sue the children's non-submission, neither take any actions to fight against intentional geographical distance, thus leaving the parent with the main residence place acting as he/she likes, at the expense of the children's interests.

To finish with, what M. Navard laments in the multifarious associations for parenthood equality -SOS Papa, VioletteJustice, Réseau Colin Bagnard...- is their lack of cohesion and hence, a loss of efficiency in their struggle for the equality of parents' rights and the well-being of the children.

Article written by Magali Barré (2nde 3), Lorie Baqué (2nde 2) and Maxime Guilhempéré (2nde 5)

