

Dads face uphill battle for access:



Thousands of Irish fathers are finding they have no option but to take the legal route,

writes **BRIAN O'CONNELL**.

PATRICK is a father of one, recently separated from his wife and currently going through the courts to gain increased access to his child.

Every day for the past few months he has had to consult his solicitor. There are legal decisions to be made, letters to draft, court dates to try to tie down, psychiatrists to engage, allegations to respond to, and proposed schedules to draw up and negotiate.

All the time, an expanding file of acrimony between him and his wife is evolving. It's a file that may take years to reverse and pacify. As matters stand, he has no access schedule for school or annual holidays, and no weekday arrangements.

While maintenance arrangements were put in place with relative ease, his suggestions of an extra Saturday or Sunday afternoon, or earlier pick up on weekends, have not met with approval.

Like thousands of Irish fathers, he finds himself with no other option but to take a legal route to secure and build upon access arrangements.

Prior to the separation with his wife, Patrick said he had heard anecdotes about the difficulties some men faced through the Irish family law system. Nothing though prepared him for the subsequent real life experience.

"While I want to minimise the legal adversarial aspect, it is more or less unavoidable. In our case, it's about access to my child. I feel that access is being rationed out or doled out by my wife," he says.

"It's difficult to see the child frequently. The net result is that you have a child who wants to be with his dad and a dad who wants to be with his child, and it's an uphill battle all the way."

Many fathers such as Patrick say the law in Ireland has its roots in a different time, when the definitions of family were far more rigid.

“The Constitution was drafted in 1937 when male and female roles were very different to what they are now. The child’s voice is lost in it. I’m sure in my case if the child’s voice could be heard, he would want to see more of his dad,” he says.

The Law Reform Commission is committed to examining certain aspects of the Irish family law system, and is expected to consider a range of measures including: allowing fathers day-to-day care and contact with their children; the introduction of automatic guardianship and greater rights also for grandparents, thereby bringing Ireland in line with most of Europe.

Rachel O’Toole, a Cork-based solicitor who practises family law, believes there has already been significant improvement in the past decade in the area of family law and fathers’ rights.

The current recession though has had an impact on issues of access and maintenance. “Anecdotally, we’re hearing that a very common application is a reduction of maintenance, generally from father to mother,” says O’Toole.

“Access is quite a pressing issue also. I think there is still a sense that access is within the gift of the mother. What really needs to happen is for the focus to shift from parents to the child. It is the child’s right of access to the father in fact that we need to focus on.”

O’Toole says that decisions in relation to both maintenance and access can vary hugely from judge to judge. Overall though, she feels that fathers are getting more access and fairer hearings in recent years.

“Over the last number of years, my experience is that there has been a shift towards increased access for fathers. There is still ferocious work that needs to be done in respect of children’s rights,” she says.

“There is more of a tendency towards overnight access for example. Every case is different, but a common arrangement is every second weekend and mid-week access, along with quite generous holiday access. I see that more often than I did 10 years ago.”

Ray Kelly, an advocate for fathers’ rights and founder of Unmarried and Separated Fathers of Ireland (USFI), agrees that fathers are getting more time with their children in comparison to a decade ago.

“The average access 10 years ago was about six hours a week. Today, it’s working out about 24 hours a week and the majority of guys are getting overnights. I am happy to be able to say that,” he says.

But while the family law system may be changing, and individual judges are more accommodating, perhaps the slowness in bringing Ireland’s laws in line with other European countries is due to a lack of public outrage from separated or unmarried fathers.

“I protest publicly about the bias in the family law system four times a year and between 50 and 70 people attend. I would deal with that number of fathers on a weekly basis looking for advice and support. I think that men find it hard to come to our support groups and find it hard to pick up the phone and look for help.”

Why is it so hard for Irish fathers to make their feelings known?

“I think that dads whose main focus is to fight to see more of their children are afraid to put their heads above the parapet in case it affects their standing,” says Patrick.

“I think it is probably in the nature of Irish men from the age of 30 up not to bring personal issues like that into the public domain. There is a sense of wanting to sort it privately rather than take to the streets over it. That’s the Irish way.”

* Patrick’s name has been changed at his request.

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<http://www.irishtimes.com/newspaper/health/2010/0223/1224265018852.html>