
NOTES TO CONTRIBUTORS

1. Manuscripts should be typewritten on one side only on A4 paper, with double spacing and wide margins. Three copies should be submitted, and the approximate number of words stated.

2. References should be referred to in the text by giving, in brackets, the surname of the author and should be listed in numerical order at the end of the article, as follows:

BOOKS: Author's name and initials; year of publication (in brackets); title of book underline; publisher, page reference, if appropriate.

ARTICLES: Author's name and initials; date of publication (in brackets); title of article; abbreviated title of journal underlined; volume and number.

3. Footnotes should be kept to a minimum.

4. Each article should be prefaced with a brief resume.

5. Contributors are invited to submit a brief biographical note and a current photograph suitable for printing.

6. All manuscripts submitted will be reviewed by three referees. Manuscripts may be accepted for publication, returned for revision or rejected. The Editor's decision is final.

7. All manuscripts and editorial communications should be addressed to:

The Editor,
Australian Child and Family Welfare,
C/- Department of Social Work,
La Trobe University,
Plenty Road,
Bundoora, Vic.

All Book Reviews should be addressed to: The Book Review Editor, at the above address.

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Accordingly, decisions relating to custody and guardianship are not likely to be given the same degree of intense social work assistance as when the parents are divorcing. In theory, it is a right of the child to enjoy the guardianship, custody and access of both parents. It is the right of the *child* and not that of the parent. In practice, however, a Court will always have a discretion to act in the best interests of the child and usually they will take into account the various circumstances in which the father and mother of the child find themselves.

Now fathers of ex-nuptial children come in many "shapes and sizes". The father may be in a long-standing *de facto* relationship. On the other hand, the child might have been born as a result of a casual one-night stand, or of a rape. The dilemma is, should the father in all circumstances have automatic custody and guardianship? In practice, the courts will not accord a father the same virtually automatic rights to custody and guardianship as they would do a father of legitimate children.⁷

The position as far as access is concerned is even more difficult for a father of an ex-nuptial child. There is a strong tendency for the courts to deny access to such fathers on the basis that it would be disturbing to the mother of the child. In addition, frequently a mother of ex-nuptial children feels some hostility to the father, especially if the father has refused to marry her. For this reason, access may be traumatic. Accordingly, in practice, very few children who are born outside marriage will have the same quality of relationship with their fathers as do legitimate children.

Should this position be changed? Here we come to the great difficulty of equalising the rights of children born within marriage and outside marriage. For there is a welter of difference between allowing the father of an ex-nuptial child born in a stable *de facto* relationship to see his child and allowing access to a rapist. Accordingly, it seems inevitable that fathers of ex-nuptial children will be divided between goodies and baddies. This has indeed been recommended by a recent English Report.⁸

There is no way in which the ex-nuptial child can be guaranteed the same contact with both parents as can a legitimate child. And this is another excellent reason for discouraging the conception of children outside marriage.

4. Nationality and Citizenship

There has been a valiant attempt to equalise the position of children born within marriage or outside marriage in this area. Again, doctrinal dogma must give way to social reality. Normally, the citizenship and nationality of a child follow that of his father. In the case of an ex-nuptial child, normally the nationality and citizenship will follow that of his mother. There are exceptional circumstances in which this position can be changed, especially where the father has custody of the child.

5. Surname

The choice of surname is a matter of great importance for both the child and its parents. It used to be thought that the surname of a legitimate child automatically followed that of his father whereas the surname of a child born out of marriage followed that of the mother. This position