

Committee Secretary
Standing committee on Family and Community Affairs
Child Custody Arrangements Enquiry
Department of the House of Representatives
Parliament House
Canberra ACT 2600 Australia

House of Representatives Standing Committee
on Family and Community Affairs

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As a non-custodial parent of 11 years I would like to comment on the proposed changes to custody arrangements and the child support formula, particularly how the existing regime relates to non-custodial parents and their children, and how I perceive any changes may effect outcomes.

Rebuttable shared custody proposal

The present custody arrangements mean that the non-custodial parent (mostly fathers) are reduced to little more than visitors in their childrens' lives while still being expected to bear much of the financial burden. Their opinions and input are devalued to the extent that the children usually submit to the custodial parent's values, denying them balance and giving them a lop-sided belief structure. I have watched what was once a close relationship with my children, gradually being eroded until the only contact I now have is when I visit them at school during their lunch break.

How I wish shared parenting was the norm 11 years ago! I believe the advantages would be:

- A more balanced up-bringing of the children
- Children no longer being used as pawns in parental tug-of-wars
- More time for children to see other relatives
- Shared responsibility in the children's well-being
- Greater opportunity for custodial parents to re-educate and re-enter the work force
- Less incentive for family break-ups due to frivolous reasons
- Family court's work load lightened

As this system would be rebuttable, reasons for deviation may include:

- Both parents agree on another access plan
 - With the option to revert back to shared parenting should circumstances change
- Proven history of violence by one parent
- It is not possible for the children to attend the same school when they spend shared time with both parents



Past time spent with the children **should not** be a consideration, as this will automatically go against fathers who are in the workforce to provide financially for their families.

Enforcement will also need to be revised as the current arrangement offers little to hope to non-custodial parents who are denied access. Their only redress is to spend thousands of dollars going to court to get an order, only to have it ignored by the state police and rarely followed up by the federal police. **If access is denied for no valid reason, then the contact arrangements should be revised in favour of the offended parent pending a successful application to the district court.**

I believe that childrens' access to grandparents would automatically be improved should shared parenting become the norm, as there would be more time to accommodate other persons into the childrens' lives.

Fairness of the existing child support formula for both parents in relation to their care of, and contact with, their children

Currently the child support formula is unfair in their assessment, and this impacts on parents for several reasons:

- The high percentages and low exempted amounts mean that paying parents are expected to shoulder most of the financial costs of raising the children
- The formula does not recognize that the cost of raising children varies depending on age
- There is no accountability as to how the money is spent
- The CSA does not recognize the expense that the non-custodial parent incurs when the children are staying with him/her
- Most non-custodial parents are prevented from or do not meet the minimum nights of access required for a reduction in child support
- The CSA does not take into account adequately children born of second marriages, meaning these children are financially disadvantaged compared with children whose parent receives child support

Summary

For those of us who have been in the system for some years, it is difficult for us to become too excited about this enquiry, as there has been many over the years with few changes for improving outcomes for non-custodial parents. What is needed is the political will to introduce innovative legislation, that will attempt to improve the lot of our children and parents caught up in the devastation of family breakdown, and help prevent existing families from self-destruction.

I believe that shared parenting offers an holistic approach to many of the problems associated with family law as it stands. Non-custodial parents who share custody of their children, will be able to contribute more to their well being. As the care component increases, the need for financial support from one parent to another decreases, offering balance and a sense of belonging to both children and parents.

Regards,



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