

Committee Secretary,
Standing Committee on Family and Community Affairs
Child Custody Arrangements Inquiry.

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House of Representatives Standing Committee
on Family and Community Affairs

Submission No: 64

Date Received: 30-7-03

Secretary: _____

Dear Sir/ Madam

A: Given that the best interest of the child be paramount.

1. There does not seem to be in place a presumption that children will spend equal time with their parents in fact the Family court still seems to bias towards the mother having full custody and the father be given access only on alternate weekends. Depending on the location and age of the children in respect to the non custodial parent this can be as much as a ½ hour telephone call to an interstate location and physical access starting after the youngest child turning 8.

The only rebuttal to a shared time of contact should be if there is a clear and obvious case of child safety involvement.

2. Quite often the grandparents are unable to see grandchildren due to the Custodial parent not wishing to have contact with any of the Non - Custodial parents family, and this is further compounded by a lack of contact available to the non custodial parent. Whether the court should order that the children can have contact with these grandparents and even if that order would be obeyed is a hard matter to forecast.

B: Whether the existing child support formula works fairly for both parents in relation to their care of and contact with their children.

1. Child support is awarded to the custodial parent to support the child/children in their care however this amount is also supposed to reduce the amount the parent should be paid by the government in other support areas however the paying parent is not able to claim any costs involved in contact with their children until after the amounts are paid and even then may not be allowed as there is a limit set before a claim can be made.

2. Quite often an amount of child support is made that is very hard for a non custodial parent to maintain with the CSA deciding whether they can afford to support that amount without taking into account any other family commitments that parent may have / or outstanding accounts that parent may have been left to pay after the spouse and children have left the family home as those accounts

though incurred throughout the marriage/ relationship are in the non custodial parents name.

3. Child Support is not paid on a contact basis which quite often alienates the family members even further in a good percentage of cases. A majority of parents cannot visit with or have their children visit them due to the access arrangements either are unreasonable or the other parent refuses to allow access.

The cost of returning to court again and again is outside of most family budgets especially if the non custodial parent has moved into a new relationship and has further family commitments that are not recognized by the CSA when deciding Child support for the previous family. Examples of this are where there are children involved with the new partner who are themselves not receiving child support due to non payment or avoidance of payment of Child Support.

I thank you for taking the time to read and consider the points I have set down we find ourselves in the exact circumstances set out above and this makes it extremely hard for my partner to have contact with his children.

My daughter does not receive child support from her Father as he is in Prison for assaults on a child. Prior to his conviction he did not pay support and did everything in his power to avoid paying.

My partner pays Child support in the area of \$165.00 Per Fortnight on a \$27000.00 PA income

1: He can only have telephone access for ½ Hour on a fortnightly basis to a mobile telephone number supplied by the mother of the children.

2: He will be able to have physical access to the children if he gives 2 weeks written notice and flies to Darwin and incurs cost that are unaffordable for our family to sustain and these amounts are not claimable. Given that the family split was far from amicable there is a doubt that the mother would even be at the post office box address supplied if we did have the funds available for him to fly to Darwin.

3: Other physical access begins when the youngest child will turn 8 in 2008 by then his eldest child will be 10 which the mother has already stated that when they get to that stage she will apply for that to be changed as the children would be visiting a stranger in another state.

A fairer equation would be for the children to spend a part of the year with their mother and a part with their father easing the cost on both the paying parent and the government

Yours sincerely

[Redacted signature]