

8 August 2003

Committee Secretary,
Standing Committee on Family and Community Affairs,
Child Custody Arrangements Enquiry,
Department of the House of Representatives,
Parliament House,
CANBERRA A.C.T. 2600

House of Representatives Standing Committee
on Family and Community Affairs

Submission No: 456

Date Received: 8-8-03

Secretary: _____

Dear Sir/Madam,

**RE: ENQUIRY INTO CHILD CUSTODY ARRANGEMENTS IN THE EVENT
OF FAMILY SEPARATION**

Terms of Reference (a) (i)

Each case should be based on its own merit. It cannot automatically be assumed that the mother is the "primary care giver" just because she does not go to work outside the home.

[REDACTED]

I cared for my grandchild whilst the mother was out, my son cared for his child in the evenings when the mother was out, and the balance of the time the child spent in child care.

Question: "Should this mother be considered the primary care giver in these circumstances"?

Mother's should be accountable and not automatically assumed to be the "primary care giver", this fact should be taken into account.

There should be a presumption that the children spend equal time with both parents, in most cases it is in the best interest of the child. However every case has to be judged individually and the following points should be given consideration:

- 1) Do both parents work?
- 2) Are both parents equally capable of caring for the child/children?
- 3) Do the children relate more to one parent than the other?
- 4) Do either of the parents have problems with gambling, drugs, depression, alcoholism, violence- both physical and mental?

It would be obvious that a 50/50 custodial arrangement would be rebutted if either parent was incapable of caring for the child without assistance or which would put the child in jeopardy.

Terms of Reference (a) (ii)

If a child has spent many hours, days, or weeks with a particular person other than the parents, then it should automatically be taken into account that the person has as much legal right to be heard as that of the parents. After all, in some cases, children are cared for more frequently by persons other than their parents, the children know and love them, and yet, the court can ignore this relationship because there is at present (I think) no legislation which states that grandparents have as much right as the parents. This has to be rectified. Once again, it has to be taken on an individual case basis.

- (b) The existing child support formula is completely biased towards the mother. If the mother is receiving child support payments she should be made to be accountable where the money is spent. (ie) She should have to produce receipts to show that the money was spent on the child. An alternative might be that instead of cash being paid to the mother, it is given to her in the form of gift vouchers for clothing, food, toys, schooling costs etc. Perhaps this would be difficult to put into action, but at present it is extremely unfair that the father pays child support which is often spent on anything but the child. The system must be overhauled and changed.


Attached are emails which I have previously sent to various persons regarding this enquiry.

I hope that you will take this submission into consideration.

Yours sincerely,


CLARE TAYLOR

Clare Taylor,
30 Rausch Street
Toongabbie NSW 2146



From: clare taylor [REDACTED]
To: committee.reps@aph.gov.au <committee.reps@aph.gov.au>
Date: Thursday, 17 July 2003 12:32
Subject: GRANDMOTHER'S RIGHTS

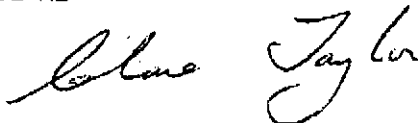
Hello,

I wish very much to make a submission to the committee in support of changing the current legislation regarding child custody, child support and grandparents' rights. I am a paternal grandmother who, together with my son and husband, have battled since our son's marriage break-up in February 2001 to retain our contact with our granddaughter, whom I cared for 3-4 days per week prior to the break-up. I have first hand knowledge of misuse of child support payments to a mother who is addicted to poker machines. I believe that the mother should be accountable for child support payments made to her, and have to prove that the payments are actually spent on the child. The payments are rightly named "Child Support", not "Mother Support". My son was the main carer of his daughter whilst the mother gambled and refused to go to work, - yet he is given no recognition of this fact. He also cared for his wife's child by a previous relationship from the time the child was 8 months old - he now very rarely sees the little girl. I have been absolutely appalled at the extremely biased notion that the mother is automatically considered the "prime carer". Many fathers are much more capable of caring for their child than the mother. Many grandparents are also more capable to care for their grandchildren than the mother. Many mothers use their children as a tool to gain financial benefits. Many mothers undermine the husband/father and lie - the mother is believed!

It is time to reform the whole system so that once again children will grow up knowing both parents.

I would like to make a submission based on my experience over the last 2-1/2 years and would you therefore advise if there are any particular guidelines which have to be followed?

I look forward to hearing from you.
Regards,
CLARE



24/07/03