

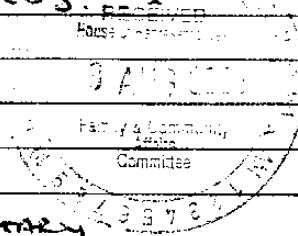
6<sup>th</sup> August 2003

MR M. K. SLANKI

110, STATION STREET

BENNELLS BAY NSW

2264



COMMITTEE SECRETARY

STANDING COMMITTEE OF FAMILY &amp; COMMUNITY AFFAIRS

CHILD CUSTODY ARRANGEMENTS INQUIRY

DEPARTMENT OF THE HOUSE OF REPRESENTATIVES Standing Committee

PARLIAMENT HOUSE

on Family and Community Affairs

CANBERRA ACT 2600.

Submission No: 526

Date Received: 8-8-03

Dear Sir or Madam RE INQUIRY into the child custody arrangements in the event of family separation.

Secretary:

Fathers are having to fight custody battles in the Family Law Courts everywhere in this country, which assumes the mother is best to have sole custody and fathers becoming part time carers not only causing tremendous emotional upheavels and traumas to them but increasingly over their childrens and other significant relatives. The child support formula needs to be totally revamped to present day living standards and not work on the premise that it only exists to force the payer to make regular payments.

From the outset of family separation the presumption that children spend equal time with their parents should be made/legalized before any other consideration is made. This would/will generate a process whereby care and contact with other significant relatives is maintained. Not only the respective grandparents but Uncles, Aunts, Nieces, Nephews without the need of the Family Law Court to force these very fundamental values of Family existence, which at our Honorable Prime Minister Mr Howard has publicly enshrined the fabric of our society's values are built within a whole families structure.

Considering 60% of marriages in Australia end up in divorces a large proportion of children end up in limbo over their relatives; mother, father, grandparents and significant other relatives. Children who are the forebearers of our next generation growing up stranded without the structure of the all important family.

Matters obviously to be taken into account whenever custody of the child/children is given sole custody to one parent are

- 1) Any form of abuse proven to exist with the opposite parent i.e.
  - 2) Neglect
  - 3) Incest
  - 4) Drug/Alcohol abuse
- 5) Where a parent chooses to relinquish the custody to the other. Him or her should then make arrangements to pay regular maintenance payments to the custodian.
- 6) The capacity of the parent to spend equal time due to work and other commitments should come in to consideration.

A further advantage whereby a presumption that children spend equal time with each parent is that the financial costs in raising their children are met equally by each parent. Thus avoiding arguments and disputes in this very traumatic time. It will also ensure that parents will be put in a position whereby they will have to give a lot more consideration over their children's future. This factor in itself may prove the marriage to be resolved thus preventing family breakdown. As presently the law makes it all too easy for marriages to split up where children are involved.

The existing outdated child support formula is totally biased towards the "payer".

A 4% levy is added on top of the gross income yearly for the payer. But the same levy is not applied to the living allowance rebate yearly for the payer. This supposedly is taken into account in relation to the Consumer Price Index

This blatant in-equity and bias causes much hardship to the paying parents ability to spend, care and keep contact with their children who are meant to be of paramount importance in their charter of the family child support Agency.

The payer is having to live a life in subsistence and frugality on the amount of child support it made exorbitantly high as it is worked out on the gross income. In-equity also arises when the payer has only access on a fortnightly weekend basis and half the school holidays. This equates well below the time that the payers maintenance is reduced. The maintenance can only be reduced if the children spend more than 260 nights with the payer.

Family

The law courts need to urgently legalize equal time spent with each parent in the event of family separation and a far more equitable formula needs to be worked out so that the payers ability to maintain care and contact with his/her children is improved then the present day child support formula.

Yours Faithfully

