

**vepthorp**

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**Sent:** Tuesday, July 08, 2003 12:30 AM  
**Subject:** Inquiry into child custody arrangements in the event of family

House of Representatives Standing Committee  
on Family and Community Affairs

Submission No: **560**

Date Received: **8-8-03**

Secretary: .....

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

7th August 2003

To The Committee Secretary,

I would like to preface this submission by stating that I am a 42yr old mother of two children, 13 and 9yrs. Through necessity I work full time having been divorced for 5 years. As agreed we have shared care arrangements which have been in place from the outset. We have been through the Family Law Courts three times, two of which have been around the lack of flexibility of access arrangements. In addition I receive child maintenance through the child support agency.

There are two things that I want to ensure for all children who go through their family separating:-

1. that they are safely housed, well fed, educated and live within a secure loving environment.
2. that they have a close and loving relationship with both parents and grandparents.

To preface the Terms of Reference question (a)

Other factors that need to be taken into account are:-

1. Children need a voice.
3. Social Supports networks in place
4. Parents physical limitations
5. Age
6. Flexibility around holiday times

To preface the Terms of Reference question (b):-

No to both parts of the question.

To discuss this further, question (a), I will address each point-

1. The current system does not give the children a voice. Family counsellors are too under resourced and do not have the time to see you, and Judges dont want to listen in court, they are too busy, due to high numbers on their hearing list. For the children to be heard they need a judge to request a representative be appointed for the children the cost being meet by the parents. For the average wage earner who is not entitled to legal aide, the cost is \$3000, what single parent has \$3000 lying around? This leaves alot of children who do not get a say in what they would like. To obtain a court report from an accredited counsellor, also proves costly, the subsidized agencies have long waiting lists often up to six months. A more cost affective system needs to be put in place to enable all children to have a voice.
2. Childs personality. Some children are not as adaptable as other. Some need to have a sense of belonging, and routine. Some need order in their life. Some need to own their bed, their pillow. Changing houses, beds clothes, house rules, schooling arrangements can be very unsettling for some. As they grow older, and fit more into their lives, time becomes crucial, some children prefer certainty to manage this time effectively.
3. Social Support Networks. Children build a social support network from an early age, often from babyhood. Some communities establish mothers groups where mother and babies come together. This group often stays together until children become adults. These groups form strong bonds, giving children a sense of belonging, it also lends itself to children learning new skills. This network can be fractured as children are taken away, often fracturing the childrens sense of belonging which is important for their self esteem and well-being.
4. Parents physical limitations. Parents are not always physically equipped to care for their children. More exploration needs to occur when establishing access orders. Who will actually be providing the direct care? A paid worker who should be looking after the person with a disability or perhaps a new partner. I support people with disabilities to have equal rights, however with those rights come responsibilities and children

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should not be placed at risk or in the care of others when the other parent is available to care for the child. Currently the system wont ask questions as it may seem poltically incorrect.

5. Age of the children. Is always unclear. Lets try and give a voice to all ages.

6. Parents emotional well being. Are the parents really considering what is in the best interests of the child if their own well being is in question.

7. Flexibility in holiday times. Current orders have no flexibility, holidays should be a fun time, not an enforced time. As children grow their needs change as do holiday destinations. Some flexibility has to be made available to enable orders to respond to changing needs.

**Question (b)**

Child support does not work for either parent. What information is available often makes no sense. Money is equated to number of nights in care not the actual costs incurred by the custodial parent in maintaining the children. Additionally an x spouse may remarry and have a second income coming into the home, this income is not taken into consideration. Currently you can have a single parent who loses 1/3 of their child support because the other parent is awarded one additional night per fortnight. Where is the equity in this formula? A more equitable system needs to be established to ensure best outcomes for children.

I thank you for your time in considering my submission.

Yours faithfully  
Virginia Epthorp

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