

Submission No: **878**

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Secretary

From: [REDACTED]
Sent: Friday, 8 August 2003 9:23 AM
To: Committee, FCA (REPS)
Subject: Inquiry into child custody and child support.

Inquiry into child custody and child support.

This is a very complex and emotional issue. It is an issue that overwhelmingly effects fathers (although some custodial mothers have difficulties) and is the cause of much resentment and frustration. The automatic presumption of rebuttable custody is to be applauded. This however has to be in the best interest of the children.

Factors to be taken into consideration are.

- Can both parents care for the children's needs equally?
- Do both parents live in the same town close by?
- Are the children old enough to not be dependant on one parent?
- Will the children be advantaged with equal contact.
- Do both parents have the right to equal access to their children.

If the answer to these questions is yes there is no logical reason children should not be with each parent equally. From a fathers viewpoint

1. Why does the mother assume automatic custody?
2. Why are fathers second class parents?
3. Why do we have to comply to ex partner demands, or be threatened by less contact?
4. Why are our children used as pawns firstly in custody and secondly to receive support payments?

In most cases the above situation occurs out of control, manipulation and revenge by one partner toward their ex partner. Unfortunately it's the children who are used and a presumption of rebuttable. Shared care would defuse this resentment and frustration.

In today's society where we are so conscious of equality what gives one parent the right to dictate to the other when and how often they will see their children. There is no logical reason the children shouldn't spend equal time with both parents.

In terms of contact with other significant persons i.e.. grand parents, this contact should be as it was when both parents were together. Grandparents particularly play a vital role in children's lives.

The topic of child support opens up a whole different can of worms. From a paying parents perspective the child support formula definitely does NOT work fairly for both parents.

The child support agency (CSA) formula is open to manipulation and is a major reason why contact for fathers (mostly the paying parent) is limited.

An example, is my agreement with my ex wife's 142 nights per year, 3 nights short of shared care, on an income of \$60,000pa this makes approx \$4,500 difference in child support payments p.a. I proved to the CSA extra nights care and they changed my assessment to shared care, my ex-wife now will not allow me any additional contact, and then a new child support period starts. My diary entries that proved shared care are invalid because they are not a regular pattern. This is just an example of how the formula is manipulated to gain the highest child support payments possible. The formula is unfair to the paying parent who is usually the higher income earner.

Other factors that need attention is the calculation of child support payments in gross incomes, it should be on net incomes. The paying parent has no control over how the child support payments are spent and the receiving parent is not accountable.

The gap between substantial care and shared care is too large. 110-145 nights.
Why not introduce a sliding scale of payments i.e..

144 nights	18-1%
143 nights	18-2%
142 nights	18-3%

Exempted income amounts can also be stepped and a fairer system is in place for all. This would also negate the manipulation of the formula and more importantly the manipulation of children to gain higher child support payments.

Within the child support system the onus is always on the paying parent to prove income and contact, I like most fathers don't want special treatment just equal treatment when it comes to contact with our children.

I whole heartedly support this enquiry and trust the debate it will cause will bring about a fairer system for both parents are more importantly all children.

Yours Sincerely,

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