

House of Representatives Standing Committee  
on Family and Community Affairs

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Secretary: .....

5 August 2003

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

The Committee Secretary,

Re: SUBMISSION FOR CONSIDERATION - CHILD CUSTODY  
ARRANGEMENTS INQUIRY

I am submitting the enclosed documentation for consideration in the public submission phase of the inquiry listed above.

The opinions, expressions and matters contained within this submission are my own and should you wish to discuss in further detail I would be available on telephone [REDACTED] or by writing to the above address.

Thank you for the opportunity to express my opinion on this issue.

Yours sincerely,

[REDACTED]



[Handwritten initials]

(a) given that the best interests of the child are the paramount consideration:

- (1) what other factors should be taken into account in deciding the respective time each parent should spend with their children post separation, in particular whether there should be a presumption that children will spend equal time with each parent and, if so, in what circumstances such a presumption could be rebutted.

I think that there should be equal time with each parent. This would be on the presumption that the parents both reside in the same town, or suburban area, to enable children to minimise the disruption to schooling and social activities. The proximity to transport that is suitable for this interaction is also of consideration.

The express wishes of the child need to be considered in determining the details of the time spent with each parent.

The ability of each parent to supply quality housing, family routine and basic care should also be considered.

The job commitments of parents, and their spouse/partner in new relationships should also be considered. Some situations are not favourable to equal time as the commitments of job, and newly formed relationships may not be to the best interests of the child or children from former relationships.

The amalgamation of families into a blended relationship may cause loss of self esteem to children who are feeling insecure from parents separating, and then being thrust into a forced situation that is not of their making, but of the parents changed circumstance. The chances for increases in child suicide, anti-social behavior and poor scholastic performance in teenage children are increased dramatically by loss of self worth.

A form of suitability testing for each parent should be considered, as some parents are not capable of adequately dealing with their children on their own.

It is often socially lonely, and financially trying for parents to raise children on their own, even if the decision is for shared custody and determined in weekly, monthly or term blocks.

The task of raising children into worthwhile members of society often falls upon the parent who is able to cope with the everyday dramas of children, be it changes to school activities at the last minute, sport commitments and competition attendance at away venues, or the last minute school assignment.

It takes a very special person to raise children on their own, without support from family or ex partners. But reality shows that this is the case in the majority of cases, as one of the parents in the child's life is less capable of coping with the above factors, and by default defers everyday care to the other more capable person. This has an opposite opinion as well. Many people in a separated family situation would cope very well, but are not given the opportunity because a court ruling made when the children were young discriminates as the children grow older and more independent.

The communication channels between the separated partners is often not open enough to discuss everyday events in a child's life and can therefore cause chasms to form in the relationship between the child and each parent. This can be caused by spite, distance or financial stress of the parents.

Children are often disadvantaged because of parents own selfishness. It is difficult for a child to comprehend that one person in their life is not focused upon them as an

individual, but more on themselves. This can lead to children forming opinions that are biased towards one parent more than the other.

Similarity in home environment should be considered. Children will test parents against each other to find the parent that is easier to manipulate towards their wishes, and then the children will be biased in their feelings. This happens over a period of time, but can be detrimental to future family relationships.

*(ii) in what circumstances a court should order that children of separated parents have contact with other persons, including their grandparents.*

Where there is an established relationship with a person or persons formed prior to separation, then the continuation of that contact opportunity should be encouraged in the court ruling. This circumstance should be reviewed, as some children do not get the opportunity to establish a relationship prior to separation due to distance from other family members, but with maturity the child's independence allows for the contact to be increased. Finances, distance and willingness by child and other parties needs to be considered.

In the event that one of the parents is not able to continue with the child's care, the inclusion of other family members into the ruling must be included. This would need to be agreed by all parties if possible.

*(b) whether the existing child support formula works fairly for both parents in relation to their care of, and contact with, their children.*

No, I do not think that the formula works fairly with the care of the children, as the paying parent does not have any control on how the money provided is spent, on the child or other items, and it is at the discretion of the recipient parent. The recipient parent can waste the money on personal items for themselves and the money is not spent on the children as it was intended.

**A formal contract should be worked out in each situation, whereby each parent agrees to the allocation of child support for the children's benefit. This should be reviewed regularly by the Child support Agency.**

The child support that is determined by formula at present does not have any means of regularly checking on what it is spent upon, nor does it take into account the expenditure of the recipient or income of the recipient to make the finances more balanced in the separated but still tied family unit. In support of this opinion I shall give an example:

Father has a good income, and supports child through regular child support payments. Child has regular time with father, and enjoys shared time with him. Mother spends child support upon alcohol and personal items, does not allow child to have friends or visitors to her house, but wants children to mix with child so asks paternal grandmother to accommodate child's friends during shared weekends and holiday times. No offer of assistance towards food or entertainment expenses is offered by mother. When child wants to have more time with father, mother deliberately manipulates her schedule so that this can not be possible, or resorts to verbal abuse of child upon child's return to maternal home.

Counting of days spent with paying parent is often used by recipient parent to increase the amount received in child support. The formula at present discriminates against the paying parent. If the child spends every second weekend and half of each school holidays with the paying parent, the paying parent is on the border of having their child support reduced slightly. The above time represents a commitment by the non-custodial parent, with little consideration of the financial outlays that are necessary when feeding, clothing, entertaining and housing children for this amount of time annually. The paying parent in this case is financially discriminated upon as they are deemed to be in the same situation as a parent who only makes time for their child for one or two weeks of the year.

**An established and committed responsibility towards the child's access to both parents should be rewarded by the Child Support formula. Parents who do not make a commitment on a regular basis need to be assessed under a different formula.**

The Child support formula might work well in a lot of cases where there is a commitment to family from both parents, however, some paying parents do not have the responsibility to pay the amount due, and are not pressured to do so by the Child Support services. This is detrimental to the children and places an additional burden upon the responsible parent who looks after that child daily for all needs including schooling, sporting and social activities.

Children's contact opportunities should be assessed by the Child Support Service and where distance and travel is a determining factor, eg where one parent resides in another town, then contact time should be determined to suit employment and schooling holidays. This should be subject to formal agreement. This would then assist both parents in planning their year, as well as assist employers with annual leave absences.

The expressed wishes of the child need to be sought on a regular basis to determine that the child's opinion is valued throughout the child's custodial years. As children mature and make their own assessment of family situations they may wish to change their principal residence from one parent to the other. This should be supported, and adjustments to child support payment made accordingly so as not to be of detriment to the parent paying or to the child.

Child support payments and family assistance from government should not be the principal reason that a child is conceived, or remains with one parent in order to avoid participating in the economic productivity of the community. This should be assessed by the child support agency or the family assistance office at the time of application for support.