

**From:** [REDACTED]  
**Sent:** Friday, 8 August 2003 1:24 AM  
**To:** Committee, FCA (REPS)  
**Subject:** Submission for Enquiry into Child Custody

House of Representatives Standing Committee  
on Family and Community Affairs

Submission No: 1139

Date Received: 8-8-03

Secretary: \_\_\_\_\_

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I [REDACTED] make my submission for consideration in the inquiry into Child Custody Arrangements.

I am a 46 yo single supporting working mother with one child of 3 ½ years of age. I also have raised two other children alone, the oldest now being 27 years of age.

I have had cause to use the services of the Family Court of Western Australia for all my children's contact with their respective fathers.

I have had cause to use the services of the Child Support Agency and some of their appeals proceses.

I have listed my comments under the terms of reference

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

- (i) 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; and

Factors to take into account:

1. Whether or not parents have ever cohabited especially **after** the birth of the child.
2. Each parents experience raising previous children
3. Ability for parents to co-parent effectively and without aggression.
4. Effects on the child caused by prolonged contact with the other parent as stated by custodial parent
5. Effects on the custodial parent of the child's distress and confusion caused by being raised by at least two sets of 'rules'
6. Effects of shared custody on child's interaction with peers (difficult due to changes in homes for certain days of the week/month/year
7. Effects on Custodial parent and other parent of having to have frequent contact with the other parent due to handovers and necessary exchange of information
8. The Family Court uses the services of Child Experts (Psychologists) in various disciplines which are often unrelated to the particular case in question to Assess parents. Decisions are then made by the Family Court in relation to a child's contact with non custodial parent. While this process appears biased and rushed it at least attempts to protect the interests of the child.

I do not believe that there should be a presumption that a child who is considered too young to give evidence in a Court of law should spend equal time with both parents.

My personal experience is that when a child is under the age of (about) 8 years of age, little regard is paid to any comments the child may make about inappropriate behaviour by either parent. This means the likely recourse to solve these sort of problems is the Family Court. This is an expensive, stressful and potentially damaging process.

Parents who have never cohabited may have little or no common basis for child rearing and I believe it would be detrimental to the emotional if not physical health of a child under at least eight to be subjected to at least two different sets of values and child rearing methods.

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

1. In cases where the Grandparents or other persons can show due reason why they should have such contact, or the child requests contact with them
2. Where parents have refused contact without due reason

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

1. I do not believe the existing Child Support Formula works fairly for either parent.
2. There are many loopholes and if the paying parent knows about them, considerable stress is put on the 'paid' parent to continually fill in Change of Assessment forms to ensure they are receiving the correct amount of child support.
3. Although CSA has provision for fines in cases of deliberate 'hiding' of income, I have never heard of fines being issued.
4. CSA appears to have the opinion that if a parent is 'paying something' then they will not proceed with any inquiries in case this causes cessation of payments.
5. CSA does not collect and maintain information which lasts longer than any one assessment period. Once the assessment period ends CSA uses the latest Tax Return to establish taxable income for Child Support purposes.
6. CSA appears to have the opinion that they are severely understaffed and so are not able to cross reference information and so it is the 'paid' parents responsibility to pursue the matter if they are not satisfied.

*Example: A paying parent who owned his home outright, worked for salary and had no debts, purchased an investment property and bought and sold shares. He then used these items to reduce his taxable income for CSA calculations. After lodgement of a Change of Assessment Form and interview by custodial parent, he (the payer) was ordered by CSA to increase payments and make back payments. He was also ordered to submit the following years Tax Return by the end of September.*

*However, when the assessment period ended some 18 months later, CSA accepted his (the payers) tax return statement and CSA payments were considerably lowered. No allowance was made for the fact that he*

*still had the investment property and was still investing in the share market. The only recourse for the custodial parent was to lodge another Change of Assessment Form and go through the interview process again.*

This process when it happens in conjunction with Family Court matters places undue stress on the custodial parent.

This man has not been fined by CSA and continues to accumulate a CSA debt.

The Custodial parent lives in continual knowledge that in order to ensure correct payments are being made a Change of Assessment form needs to be lodged by her every at least 18 months.

Thank you for the opportunity to have some part in the inquiry process.