

Mrs Kay Hull MP
Chairperson
Standing Committee on Family and Community Affairs
House of Representatives
Parliament House
CANBERRA ACT 2600
AUSTRALIA

[REDACTED]

House of Representatives Standing Committee
on Family and Community Affairs

Submission No: 1308

Date Received: 17-8-03

Secretary:

Dear Mrs Hull,

Submission: Inquiry into Child Custody Arrangements

I wish to advise your committee of my experiences with the Family Court system to assist you to understand the issues facing non-custodial (or non-residence) parents and **to voice my support for presumptive, but rebuttable shared parenting following the breakdown of a relationship.**

My marriage broke down in June 1985 when my children were then 4 yrs and 1 ½ years old. My former wife had not worked since the birth of our oldest child and was therefore seen as the "primary carer".

I provide the following information that summarises the main issues I faced as a non-custodial parent:

- ✓ At the time of my marriage breakdown in 1985 I was advised by solicitors, counsellors family and friends that it was very rare for fathers to be awarded custody of children.
- ✓ I was advised that "normal access" for non-custodial parents was every second weekend.
- ✓ In family court counselling sessions I was advised that it was "the norm" for non-custodial parents to spend less time with their children as the children got older and for children to see a relationship with the non-custodial parent as less important over time.
- ✓ On many occasions my former wife advised me that I could not have my children on weekend access because they were too sick, but then would ring me in the middle of the week and ask me to baby sit while she went out. My friends told me that I was being used, but I didn't

care, it gave me another opportunity to spend some time with my children.

- ✓ My former wife continually used her position of "power" as the custodial parent to frustrate my plans for spending time with and doing things with my children. I had to be very secretive about my plans or my former wife would change the arrangements at the eleventh hour if she knew I had planned something special with the children.
- ✓ My former wife also told me that she had been advised by friends to accuse me of sexually abusing my children if I didn't give in to her or it looked like I might get custody of the children.
- ✓ Because of this position of power saw, I didn't spend a Christmas morning with my children until they were old enough to tell their mother that they wanted to spend Christmas morning with me. I also rarely saw my children on their birthdays. My children also missed out on attending many of my family functions, significant birthdays, anniversaries, etc.
- ✓ My son had since we separated very clearly expressed a wish to spend additional time with me. When my former wife arrived to pick him and his sister up he would often grab hold of a chair and refuse to go with her. On many occasions I had to stand by and watch while she smacked him in an effort to get him to let go of the chair he was holding. I would have been found in contempt of court if I had taken any action to prevent him from leaving.
- ✓ When he was about eleven, after 7 years of badgering my former wife that he wanted to spend more time with me, my son convinced his mother to take him to a counsellor. The counsellor recommended that my son spend more time with me. My former wife stated that she would let me spend more time with my son on the condition that I agreed to spend less time with my daughter.
- ✓ When my son came to live with me at about age 12 the situation changed and there was then a level playing field when it came time to negotiate access, holidays, etc. The relationship between my former wife and I suddenly changed, she now had to respect my wishes, treat me civilly and she could no longer use the children as an emotional tool to get what she wanted or to try and hurt me.

- ✓ My children are now 22 and almost 20. My son still lives with me and while my daughter lives with her mother, she is able to come and see me whenever she wants. Despite all the obstacles inherent in the current system, I have achieved what the family court says is not the "norm" and I have a relationship with my children that has grown stronger over the years since my marriage break up and will endure long after the family court's ability to tell my children how often they can see me is gone.

While most people agree that non-custodial parents would like to spend more time with their children, custodial parents are financially disadvantaged by the child support and social security systems if they agree to let children spend more time with non-custodial parents. In addition, courts rarely enforce access orders or change custody arrangements if the custodial parent continually frustrates access.

I would like to see the current system changed so that the majority of children in Australia have the opportunity to benefit from the same relationship with both of their parents following the break down of their parent's relationship.

I would be happy to appear before the committee if that would be of assistance to the committee. I can be contacted by email to [REDACTED] or by phone on [REDACTED]

Yours sincerely,

[REDACTED]
[REDACTED]
17 August 2003