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Secretary:

From: [REDACTED]
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Subject: House of Representatives Inquiry into Shared Parenting - ~~Case Study of Michael Day~~

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

The following is my story and a good case study for a presumption of shared parenting when two people end a relationship and children are involved.

My child is 22 months old, happy healthy and has two parents who love him but do not get on with each other.

The Background

I met my ex partner in NSW where I used to live. After a 3 month relationship she left me the day she told me she was pregnant. She did not want any phone calls and refused to see me through the pregnancy. Basically she wanted a baby of her own.

The baby was born in [REDACTED] and my ex then moved to Victoria to live with her mother. I rang to ask whether I could see her and the baby and she consented. After a few months of trying to revive the relationship it ended. This was mainly due to the fact that she would not permit my parents to visit my son despite constant requests, and she told me my mother was not allowed to call herself grandma because her mother was our son's only grandma and he could not have two.

I asked whether I could see my son on a regular basis and she allowed me 2 hours per month. This continued for 3 months until I had to take legal action in order to gain access. I asked for 3 two hour periods on every second weekend bearing in mind I was travelling interstate and the baby required breastfeeding and regular daytime naps and I had no accommodation near the baby.

I was made redundant and moved to Victoria in the next suburb to where my son lives. I asked for more contact with my son but was refused. I have sought further legal action to gain additional access however, this process has been going for 4 months. At the recent Case Conference in the Family Court my ex refused to grant me further access to my son. So a court date has been set for September 30. So I still have to wait another 8 weeks for the court hearing in the Family Court. My son will then be two years old. Between that date and now I will see him for a total of 24 hours (ie the equivalent of 1 day in 60).

Throughout I have paid all CSA payments. I have incurred legal costs of \$8000 to date and ongoing. I have paid over \$16000 in travel and accomodation to enable access to my son etc etc. My ex is a very good mother and the child is healthy. He and I share a very good relationship and he is happy and healthy in my



care. My parents have only seen him for a total of 6 hours. Two of my sisters have flown to Melbourne to see him on separate occasions for 6 hours also (ie the duration of my fortnightly contact. None of my brothers or their children have ever seen him. I have attended courses at the Child and Family Health service including toilet training, eating, sleeping and developmental, and an eight week course through Relationships Australia and completed a St John Ambulance course Caring for Kids.

The Issues

1. Why do I have to incur legal costs to see my son which should be my automatic right as a father. I am being treated as guilty until proven innocent and yet I have done nothing wrong and everything in the best interests of the child.

2. Why can a mother refuse me access and my only recourse is legal action.

3. I have incurred CSA payments for time which my son should have been in my care.

4. There is non legal recourse at no cost to the mother through CSA if I do not pay child support but there is only legal recourse at great cost to me to seek access.

5. There is no certainty to court outcomes. I am going to great expense but have no firm idea what the outcome will be and my lawyers are pessimistic WHY ?

6. There should be if not 50/50 access but a least a sliding scale for access to children of very young ages

eg.

- 0-9 months - supervised access of 2 hours every second day until weaned

- until weaned or 9/12-15 months - day access every second weekend and one week day per week

- after 15 months - 50/50 or agreement on access

I stress the above is a bare minimum and flexible to allow family circumstances to accommodate the child.

7. There should be compulsory counselling for both parents where children are involved immediately after separation. This is where the custody issues should be resolved without the need for court action. Only if the child's life is in danger should court action be the next recourse.

8. To stop frivolous claims of child danger there should be enforceable penalties of lost access to either party should the claims be proven false.

9. 

10. I was previously employed with a major investment bank with international responsibilities across Asia.

Now I am simply working as a labourer for a home construction firm. Why ? Because

- I cannot go to an interview and say I would like this job but I dont know what days I will be able to work because I have a child custody court case due in the next six months, and

- the physical work helps to relieve the enormous stress of not seeing my son for long periods and I am tired at the end of the day so I can sleep nights.

Next financial year my ex will receive vastly reduced child support and will require further government support. Is this situation in the best interests of both parents and ultimately the child.

There must be others in similar situations in Australia and this would be causing immense de-skilling of the Australian workforce and a heavy financial burden on everyone including government, mother, fathers, children etc everyone except lawyers and court employed people.

Throughout all of this time my ex has alleged nothing against me and yet she has the power to deny my son and I suitable time together to get to know each other.

I will gain access to my son eventually after court action is complete but at a cost in dollars, lost time with my son, no certainty of court outcomes and a lot of stress. WHY ? because there is no laws allowing for shared parenting without resorting to legal action.

Regards



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