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Standing Committee on Family and Community
Affairs
Child Custody Arrangements Inquiry

Submission

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- (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
 - (ii) in what circumstances a court should order that children of separated parents have contact with other persons, including their grandparents
- (b) whether the existing child support formula works fairly for both parents in relation to their care of, and contact with their children..

Other factors to be taken into account.

Equal parenting (both legal and physical) *should* be the starting point for children in the event of parental separation, provided there is no history of proven physical or sexual abuse, violence, abuse of alcohol, drugs, and provided both parents are willing and capable of taking on the joint responsibility of the upbringing of their child or children.

This would work particularly well if the parents still lived close to each other and the children would have a more balanced upbringing – rather than the present situation where many children are brought up without the love, input and role model of a father. This has led to “father starvation” which I feel has contributed greatly to the behavioural problems so apparent in many of the youth of today.

As it is now, mothers are almost, without fail, given the sole residence of the children, with limited contact visits with the father. This I feel contributes greatly to the feeling that they can walk out on their marriage at any time if they so choose, and know that they are going to be able to get the children, in many cases the house and car and be entitled to considerable child support from the father without ever having to account for any of the child support paid to them. **The present system almost seems to reward them for walking out of their marriages/partnerships, while punishing the father with loss of contact with his child or children and payment of considerable amounts of child support as well as property division and settlement, which greatly disadvantages the father.**

I feel that if there was a system in place where fathers (mostly) were given the opportunity to spend **equal** time with the children, this would contribute to a drop in the number of women (mostly) who walk out on their husbands (or partners) and often relocate to areas either interstate or a considerable distance away, making it very expensive, difficult and time consuming to keep up a relationship with their children. **Depriving a child of his or her father is a form of emotional abuse.** Quite often it seems to be a ploy to punish the husbands for destroying their “dream” of the “fairytale marriage.” Many fathers have to give up after the time, expense and travel get beyond them and the vindictive behaviour of their ex’s is almost impossible to

counteract as the punishment handed out by the Family Court does not seem to exist in many cases.

Strong deterrents and restrictions should be in place for those partners who wish to relocate great distances from the shared family home – mediation should be ordered to try to prevent this from occurring. Child support (and alimony) should be reduced taking into account the extra time and expense necessary for the non-resident parent to maintain contact.

Extra time (preferably equal) with the child or children of the partnership should be awarded to the non-resident parent who is living at the place where the couple lived prior to separation.

Withholding child support payments altogether should be made if mothers repeatedly ignore Family Court Orders and refuse access to the fathers for no good reason other than wishing to punish the father. **Although this is probably thought to be punishing the child or children, I feel it would make the mother re-consider denying contact visits with the father, as this money is generally used to maintain the mother's lifestyle and not just for child support.** Once contact with the father was re-established, the payments (held in trust) could be recommenced.

There should be a system in place where breaches of Family Court orders can be dealt with swiftly and efficiently without having to wait for several months for a hearing, and which will not cost the father considerable solicitors and court fees to be heard. Much contact with children is lost by the non-resident parent due to the enormous costs and time involved in appealing to the courts for a fair hearing and outcome.

(iii) Regarding the contact with grandparents -

In many cases, contact with the grandparents would be ideal when the father has his contact visits with the child or children. If the father is denied this contact, then special contact time should be granted if there was a good relationship between the child/children and the grandparents before separation occurred. If the mother denies the father contact, she will more than likely also deny the grandparents contact so orders from the Court would be necessary to ensure contact orders were adhered to.

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

Although reports in the media seem to highlight the dads who seem able to somehow avoid paying their child support payments, from the reports I hear, most men want to do the right thing by their children and are happy to pay a reasonable amount for the maintenance of their children. Where the unfairness comes in is in the fact that the resident parent does not have to provide any details of what the child support is spent on. Often child support payments are used to fund the mothers' lifestyle, where the amount paid by fathers' on a good income, is far in excess of the actual amount required to support a child or children. I feel the \$120,000 cut off maximum is far too high and this should be considerably reduced to make it fairer.

It would make sense for the mother to have to provide details to the father, of what the Child Support was actually used for, to see that it was being spent on the child or children. Any excess should be saved to pay for future expenses such as school or other education fees rather than spent on the mothers' expenses.

Child support should be automatically reduced where mothers choose to relocate with their child or children necessitating considerable travel for the father to keep up his contact visits. At the moment it is a complicated procedure to have payments reduced and seems to be actively discouraged by those at the child support agency