

Submission No. 353

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Secretary:

**The Committee Secretariat****Fax No. 02 6277 4844****Re: Federal Government Inquiry into Child Custody Arrangements**

I have two grandchildren from my son who live with their mother - The mother decided she didn't want the relationship anymore and so sent my son packing as they were living in the mother's parents rental home. Forthwith my son's "friend" moved in with the mother.

The mother denied my son the right to see his children for a period of about three months and only after she was tracked down (she had moved without informing my son) served with court papers and then being involved in a court case, did he see his children again. The Family Court ordered visitation rights to my son - which were not upheld by the mother.

The long and short story is that after spending over \$30,000 in solicitors and barrister fees - and new Court Orders being implemented - you would have thought things would go smoothly.

But no, the mother time and time again breached the orders. One of the main ploys was the production of "Drs Certificates" purporting that one of the children was "sick" and couldn't attend visitation. However, my son was not in a financial position to fight again.

Finally he found he could fight the mother in court himself without legal representation. He did this very successfully and the mother was found guilty of seven counts of breaching the orders. She was again ordered by the Family Court to adhere to the orders, that my son was quite capable of looking after an ill child, and this time was warned by the Judge that she risked jail if she did not comply.

All this has taken five years (mentally for all the family a lot more than five)

The mother is still stubborn and resists any suggestion of mutual co operation.

A fine example of this is during the recent School Holidays - My son had the children for the first half of the holidays and they told him they had to go into care for the second half as the mother would be working. They said they would prefer to stay for the rest of the holidays with my son. Because they asked him to, he made contact on their behalf only to be told they had to go into care.

The Children's needs are supposed to come first.

We, as a family, are grateful to have the children during the court ordered times and due to the latest Court Orders we can now as parents and grandparents attend the children's special times at school.

However, there are many Dads out there who cannot afford the Solicitors, Barristers and loads of time off work to attend Court. There doesn't seem to be any protection for the Dads - There are even a lot of Dads paying maintenance who aren't even allowed to see their children at all!!

I also know of one Dad who travelled many hours to see his children - He stayed in a nearby town for the three weeks of his holidays to be only allowed one day with his children. This on the whim of a mother who hasn't been taken to court (due to financial reasons) - this dad pays maintenance. We are in the process of showing this Dad how to take the mother to Family Court representing himself.

Mr. Howard is on the right track - only the right formula needs to be found for the shared custody of the Children.

For whatever reason they come up with - mothers seem to have all the rights and quite easily get away with using the children as pawns in a rather nasty assertion of their 'power'.

The Family Support Organisation is another thing again once the Family Court make orders of custody. The Father is supposed to pay ridiculous amounts of Support to the Mother - no matter what her situation is - The mother can re-marry be quite well supported, have a job, in our case also have thousands of dollars (from various payouts, e.g. Workers Comp, Trauma etc) and none of these factors will reduce the rate the father has to pay - If he has another partner and they have children together it is the second family that has to suffer.

The awarding of visitation usually will consist of every second weekend and one half of all school holidays. This number of days - for reasons only Family Support can know - happen to coincide with the cut off point for any reduction in Support Payments due to the father for when he has the child or children.

In our case the Dad has to supply all necessary clothes, as if he had them full time, (and as the mother sends them with only what they have on) food, accommodation etc. and none of this is taken into consideration when calculating Family Support Payments.

As the Grandparents we are lucky that we have a very close family and all of us get to see the children when they are here. There are many who don't have this privilege for one reason or another.

Please hurry with the legislation - people need to be able to get on with their lives.

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