

6 August 2003

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

House of Representatives Standing Committee
on Family and Community Affairs

Submission No: 880

Date Received: 11-8-03

Secretary:

Re: Child Custody arrangements.

Dear Committee,

I could literally write ten pages to you about my circumstance and why I believe that 50/50 should be the norm in the majority of cases. I realise that that would be extremely cumbersome so I will try to summarise.

- I have a ten year old son named [REDACTED] who I have had Family Court binding contact with the last eight years. I currently have an application before the Family Court to get a 50/50 arrangement for contact.
- I currently have the stock standard, every second weekend and a week over the holidays contact with [REDACTED]
- From day one I have wanted more time with [REDACTED], but at the original court appearance when he was two, I was told that if I was offered every second weekend, then "grab it with both hands, because it's the best you're going to get". I was also told that the courts would order that the mother have custody with a child so young because they are in the best position to look after them, and as he gets older, I then can get more time with him.
- I was not happy with this situation, but as I've felt so many times in the last eight years, I thought my hands were tied.
- I have had a very good relationship with my son. I have been married now for six years and have two other children [REDACTED] (3 years) and [REDACTED] (18 months). My wife and daughters also have a very loving relationship with [REDACTED]. My wife treats [REDACTED] as a son. Then of course there is my mum and dad who have a great relationship with [REDACTED] who I ensure see [REDACTED] every time we have contact with him. Then there are my wife's parents and siblings who are very fond of [REDACTED] and consider him a grandson/nephew. Then there are close friends of the family who have known [REDACTED] all of his life and are also very fond of him.
- Certainly a lot of people that are important to [REDACTED], but two days a fortnight certainly is not enough time to provide quality regular time with them all. Having [REDACTED] for half the time would certainly be of benefit to [REDACTED] and the fairest way for him to have proper relationships with people on my side as well as people on his mother's side.
- As mentioned earlier, I have felt helpless on many occasions. [REDACTED] mother has done many things that I have not approved of. They certainly were not small issues. [REDACTED] non-attendance at kindergarten and first half of prep was virtually non-existent. Also, [REDACTED] required seven teeth extracted because his mother lied to me for 6 months that dental work was being done when in fact it was not. I had to threaten to go back to court to have these issues addressed before she rectified these situations. I even resorted to writing a 21,000-word document to record incidents during this particularly turbulent 12-month period.

- I have always tried to minimise conflict, so I do not call them, and I pick [REDACTED] up two doors from his mother and grand-mother's house ever since his mother threatened, in front of [REDACTED], to put a bullet in my head.
- As my son has got older, he has told my wife and I about his mother and grandmother hitting him in the head, calling him a f***in little c**t, denigrating me and my family as well as blackmailing him about what would happen if we had a 50/50 arrangement. [REDACTED] has also told us that he has seen his mother using drugs. [REDACTED] If [REDACTED] needed to wash his hands or brush his teeth while she was doing this, then he was prevented from doing so.
- [REDACTED] really likes the idea of 50/50. He says that it would be good to spend equal amounts of time at both houses. He says that he misses us for the 11 days each fortnight that he is away from us. I am conscious that he may only be telling us what he thinks we want to hear. I have assured him that if he wants to keep things the same as they are, then that would be perfectly okay. He has insisted over the two years or so that I have been asking him, that he definitely likes the idea of 50/50.
- I have spoken to a lawyer about the possibility of getting 50/50. I have been told that [REDACTED] is too young for the courts to take his wishes seriously, and that they would be reluctant to upset the "status quo". So eight years later the message is the same, "take your every second weekend and stop complaining. It's just the way it is."
- I am a good father. I rate being a good father as being the highest priority in my life. I always assess how to have the best effect on my children. I have even read books on the subject. My wife and I have provided a safe and loving home for our children. Some of the values we have taught [REDACTED] are: Treat other's how you want to be treated; your best is always good enough; to share and be considerate of other's; not to tell lies; to take responsibility for his own actions and not to try and blame others. I vowed from very early on that I would not be a "Disneyland Dad" where I would spoil him so that he would want to come to our place, and let his mother deal with the issues. Without fail, we have always done what we believe is in [REDACTED] best interest.
- I have heard the argument that for a 50/50 arrangement to work, both parents need to get along and have a good level of cooperation. I **totally disagree with this**. After many years of trying, I simply cannot get along with [REDACTED] mother. And as mentioned earlier, I have grave concerns about her care of him. [REDACTED] myself and family should not be penalised and denied significant quality time because his mother is an unreasonable, angry person who is intent on using [REDACTED] to vent her anger. For the last eight years I have managed to have contact with [REDACTED] pretty much according to the court order. Hopefully [REDACTED] has not been adversely affected by the animosity between his mother and I. It is certainly not an ideal situation, but seeing we don't get along anyway, and probably never will, **how is increasing our time with him (ie 50/50), going to be any more detrimental than the current level of contact?** Obviously I would argue that it would be very beneficial to [REDACTED]
- One major problem with the current system is the cost involved in going through the Family Court. As mentioned earlier, we have an application before the court for 50/50 contact. Lawyers have told us that we won't get 50/50 unless the other party agrees. She is never going to agree. So what do we do? Do we pay thousands of dollars only to fail in court? I suppose we can at least console ourselves that we tried. But it would be a huge financial burden. And in the end, [REDACTED] ends up suffering on two fronts. He does not get his wish of spending half the time with us. And also if we are struggling financially, it adversely affects him. For eg. He may need braces in a couple of years. If we spend thousands on a failed court case, then we may simply not be able to afford it.

- On the issue of finances, I have always been against the way that Child Support is charged. Please don't misunderstand me. I am totally in favour of supporting [REDACTED] As long as we are paying what it actually costs. Before the birth of my two daughters, we were paying \$133 per week. This was a major financial burden. It would not have worried me, but I knew that it simply did not cost that much. There was just no way that [REDACTED] mother was spending anywhere near that amount on him.
- The additional costs incurred during contact were not taken into account until we had contact with [REDACTED] for more than 109 nights. This was such an unattainable amount of time considering that the majority of contact parents, I would expect, would fall well short of this mark. We have to pay for food, clothes, petrol, entertainment etc. while we have [REDACTED] with us. Costs in addition to Child Support. The inequity in this system was highlighted, when for the first two weeks of each year, [REDACTED] is with us and at one stage, we were paying [REDACTED] mother \$266 for the two weeks he was with us.

I sincerely hope that you agree that making 50/50 the standard in the majority of cases is the most appropriate way to go. I am truly saddened at the thought of the amount of [REDACTED] life that I have missed out on. I sincerely hope that this is not a talkfest and that these long overdue changes to Family Law and Child Support can be introduced as quickly as possible.

And one final thought. The priority in all of this is the children and rightly so. Though it is not only the children of separation that need to be considered. There are also children of subsequent relationships that need to be considered. My daughters for instance are three and one. They really miss [REDACTED] for the twelve days a fortnight that they don't see him. My three-year starts crying and obviously can't understand why [REDACTED] has to go. Separation is not an ideal situation. But it seems logical that making the system fair is making the best of a bad situation.

And surely teaching our kids a sense of fairness is one of many important life lessons.

Sincerely,

[REDACTED]
[REDACTED]