

Committee Secretary
Standing Committee on Family and Community Affairs
Child Custody Arrangements Inquiry
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House of Representatives Standing Committee
on Family and Community Affairs

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Secretary:

SUBMISSION FROM [REDACTED] A CHILD OF DIVORCE.

RE: INQUIRY INTO CHILD CUSTODY ARRANGEMENTS IN THE EVENT
OF FAMILY SEPERATION.

To whom it may concern

You say "that best interests of the child are the paramount consideration". In the case of the Family Court, I can tell you from personal experience that that statement is a lie. Purely and simply, a complete lie. If it were true, I, a child of divorce, would not have been kept in the dark, regarding my parents' divorce, and I would not have to sacrifice the one parent I had in order to reclaim the parent that was stolen from me. If the court had my best interests at heart, I would not have been ignored; I would have been consulted and my views taken into account. If the "best interests of the child are the paramount consideration", I would have been more than just a pawn. How can the Family court know what's in the "best interests of the child" if the Family Court refuses to get to know me, the child, and refuses to listen to my needs and wants? Let me tell you my story:

As a child I was always spending more time with my Dad. I related to him better than I related to Mum. All through school, from pre-primary to when my parents split, I walked home to Dad's work where Dad was, rather than to my house and Mum.

My parents split when just after first term when I was in grade three, just before I turned 8 years old – old enough to know what was happening but still young enough to be ignored. I was told that 'we' were moving. It was only during the move that I realised that Dad was not to be included in the move. Nobody would tell me what was going on. As a consequence, I fought tooth and nail to be with Dad – I wanted a family and **a family is not a family unless it has both parents**. At first I failed. I had to move. It was only then that Dad told me the he and Mum was getting divorced, the Family Court would decide who I had to live with and that he wasn't supposed to tell me anything. He told me that these days usually one parent gets to live with the child and the other can only visit – it was one parent or the other, but I could not have both. He asked me who I wanted to live with. He was the **ONLY** one to ask. I answered that I wanted to live with him, no doubt about it. **However, I was too young, my preferences were not sought, nor my reasons for them**. My mother won full residency.

I went on a full scale campaign to get my beloved Daddy back. I wrote to every politician I could think of, including the then Prime Minister, and to the Family Court and the Queen. The Queen was the only one who replied, but then again I was silly enough to tell them my age and eight year olds don't vote. I was foolish enough to believe in our justice system. I was very cold to Mum. I hated the courts for stealing my Dad. I found it very difficult to make friends, and I lost interest in school. ***At 8 years old, as a direct result of the court's residency decision, I had learned how to hate. Yet a couple of simple questions – “Who do you want to live? Why?” – (provided that their answers were accepted and taken into consideration) would have gone a long way to preventing this tragedy.***

After three months, I could stand living with Mum no longer. At first I went to the Family Court, thinking that if I could tell them why I needed Dad, surely they would let me live him. I was told to go away. They would not listen, so I took matters into my own hands. I packed every thing I owned into a suit case, walked 5km to the nearest bus stop and after one bus ride and then one train ride, I was in Dad's neighbourhood. I went to the nearest police station and asked for directions to get home. I gave them Dad's address – the only place that was ever 'home' to me. They took me there. Dad took me in, no questions asked. I had friends again. I regained my will to go to school. For the first time since the separation of my parents, I was happy. I had voted with my feet, yet still only Dad listened or cared.

After one term, Mum brought me back to her and back into hell. Dad told me, that though he would support me completely, he could not afford to antagonise Mum, or he was likely to lose all contact with me and both my sisters as well. So he could not overtly help me. I realised I would not be able to live with Dad in peace unless Mum let me go. The only choice I could see was to wage a desperate war of domestic disobedience, disowning my mother, the only parent I had, and every one associated with her. I was alone. I had no friends. All the relatives I had were on Mum's side and, therefore, taboo. I had no family. I ran away from school twice, each time a hopeless bid to see Dad, and each time a failure.

I tried to talk to someone to get help – Kids Help Line, the school councillor, everyone that I knew about that my campaign allowed me to consult, I did. Everyone, all of them, tried to tell me that “no, it's your Mum you want” and “no, you will NOT want to live with your father” and “the amount of contact that you already have with your father in more than enough”. They tried to change my mind for me, threw up brick wall after brick wall, and treated me as the programmable pawn they thought me to be. When that failed, they alienated me, and then tried to change my mind by offering acceptance. There was no help readily available for me. However, in hindsight I can say the help that I needed so badly was in obscure existence in the form of men's groups. They would have not only helped me get my Dad back, they would have also tried to save some of my relationship with my mother. **They, at least, would have respected me, my needs and my wishes.**

It took me four years to get my beloved father back. Four years of being alone in hell. By the end I could not stand to be in the same building with my mother, and it took me about three and a half years living with Dad, the first two of those in another country, before I could start rebuilding a semblance of a relationship with my mother. Even now, seven years later, I still don't completely trust her.

Now, with seven years hindsight, I understand what the exceptionally lethal errors were. The first was trying to keep me in ignorance, and the second was ignoring me and taking Dad away; two mistakes often ordered by the Family Court. If the courts had my best interests at heart, **I would have been allowed to know what was happening from the very beginning** and the feeling of betrayal and worthlessness would not have pronounced. It was the forbidden knowledge that it was the courts who ordered me to live with Mum that gave me the ability to regain a relationship with her in the end. However, as bad as this first mistake was, it was nothing compared to the second horrendous, fatal error. **Dad should not have been stolen from me and I should have been listened to.** How can the Family Court claim “that best interests of the child are the paramount consideration” if the Family Court actively refuses to even so much as meet me, the child? **You can not know what is in my best interest if you don't know me.**

I had, and still have, a fundamental human right to have a meaningful relationship with, and indeed, to know, my father, as well as my mother. I had, and still have, the fundamental human right to have input into any court case concerns me. And to have that input listened to and accepted and taken on board. **The only answer that would have concurred with these rights would have been my opinions sought, believed and followed.** In my case, an only too typical story, **a shared parenting arrangement would have been ideal.** My sisters and I would have spent 50% of time with Mum and the other 50% with Dad and there would have been no need to fight. This right of the child, the only truly innocent party, to have both of his/her parents should be the only factor taken into consideration, unless one, or both, parents are **proven beyond ALL doubt** that they/she/he are/is **completely incapable** to care and raise their/her/his children. **If this arrangement of 50/50 shared parenting had been the case for me, then I, the child, would have retained a loving relationship with both my parents.** 50/50 shared time should also mean 50/50 shared responsibility, 50/50 shared costs and an opportunity to have an equal relationship with other family members, such as grandparents. **50/50 shared parenting is FAIR for all parties.**

The idea of child support is good in theory, but not so good in practice. The current child support formula is based on what the payer can pay, not on the actual cost of the child, and so the amount is all out of wack for the needs and wants of the child. **Child Support should be based on the percentage of time the parent gets with the child and how much the child actually costs.** This means that if the Dad only gets 25% contact with his children, he should only have to pay 25% of the expenses of each child. However, all I can say about the current system of child support is that, as a child of divorce and although Dad **DID** pay, I never saw a cent of it – it all went to Mum.

To conclude, here is a list of all my recommendations in order of importance, the first being the most important:

- 1) Actively include the children in proceedings, especially residency proceedings.
- 2) Ask the children what they want and why they want it. Listen to their answers, believe these children and take their answers into primary consideration with utmost importance.

I was
The one who is left in the dark
The good guy being forced to bad
The beggar who was left to die
The piece of good advice this world rejects

But I fought time's change

I am
The silent victorious battle leader
The soul wounds that he'll die from
The tragic hero whose been forgotten
The prisoner of society's picture

I am
The young woman who got her daddy back
The flower that's just won a ray of sunlight
The hostage that's been set free
The good guy no one listens to

You
Never listened to that baby's peal of laughter
Never heard that rotting road kill's pain
Are indifferent to the battle leader's battle cry
Are deaf to the hostage's breath of freedom

It's happening everywhere, can't you see?
But it's too late for them and it's too late for me.
Still, there are others whose laughter can be heard
Help me help them, please change, please listen to my word.