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Secretary:

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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

SEP 2003

Dear Sir / Madam

I would like to make available the following submission in regard to my experience in regard to Child Custody, Contact and Child Support.

I am the father of children from one of these families and believe I can offer some thoughts on what issues need to be addressed to alleviate some of the current problems, I am very keen to help change the system so that fathers in the future don't suffer the way I have.

I was recently involved in the A Current Affair Forum on these issues, I believe it is very obvious from this forum that huge problems are very common in our community.

I am the father of four children, children that I am presently denied barely any access to, but still pay considerable Child Support for, and live in poverty myself. Something very hard to cope with after being financially stable prior to separation.

I would just like to indicate briefly the areas that I found caused the worst problems in my situation. If anyone is interested in full details I would be very interested in further contact.

1/ The first issue that I feel needs to be addressed is the legal system, I would like to know where has the old saying "innocent until proven guilty" gone, when it comes to intervention orders.

How is it so, that a judge can grant an intervention order on someone, without that person even being questioned. For all the judge knows that person may have been in a different state at the time of any allegation of abuse.

Innocent people are being forced out of their homes on false allegations and then being the villain when it comes to defend these allegations.

This needs to be changed immediately. Justice is in the "innocent until proven guilty saying".

To change this will suddenly decrease the rate of separation in Australian families, an accusation should have to be proven before any Intervention Order is granted. Temporary or permanent!

From my experience I believe it is these innocent people that the government should be supporting, not the accusers that are only using the very poor legal system to allow them to have a very comfortable lifestyle at the expense of innocent people. While innocent people are left with nowhere to live and absolutely no assets until a drawn out legal battle to gain a property settlement is completed. Meanwhile the accuser is living on the other party's assets, usually with very little expense involved.

How am I supposed to have reasonable contact with my children when I am left without any furniture to accommodate them, let alone a roof over my head.

Maybe the your committee should look at the option of making available temporary accommodation for these so called abused people until it is proven that these allegations are true or false. Then if there is no evidence it is the accuser that is left out in the cold and not some innocent victim of lies.

2/ The next issue that has been significant in me rarely seeing my children is the Family Court System.

There will be problems with fathers not seeing children as long as Family Court Orders are not enforceable. I have to date had four Court Orders put in place, to just see these treated with little respect and blatantly broken. Why is it that a conviction for speeding or drink driving can be enforced, but a Family Court Order allowing a father legal right to see his children is not enforceable? Why even have a Family Court?

I would like to also point out another example huge inequality of the legal system. On a number of occasions I have contacted the Police and requested help when children have not been delivered for contact, the same answer every time, "nothing we can do", you will have to go to family court. What a joke, wait for months for something to happen, and then a slap on the wrist at best.

However when the children have rang and advised their mother they will be late home, a simple phone call to the police from the mother, and the police are contacting me to see if I have run off with them. What an absolute joke.

3/ The other issue I would like to see addressed is the matter of paying Child Support to children that I am totally denied any access to, I would give anything in this world to have the children's Mother recognize me as their Father, and allow me to be a part of their lives. If she is so determined that I not be part of their life, why should she be able to hold her hand out and expect me to fund the raising of children I am denied contact with.

Another long standing issue that I have difficulty with is that it seems fine for separated mothers to stay home and live on a Parenting Payment while she raises her children, but it is thought that fathers have to go out and work, why shouldn't fathers have the same right to stay at home when they have contact and receive the same Parenting Payments separated mothers do.

4/ Just briefly, I very much support the idea of 50/50 contact for children from separated families, however I do realize that this would be extremely difficult in many cases. Maybe this would be a good starting point and any changes would need to be applied for in the NEWLY REORGANISED FAMILY COURT SYSTEM.

I won't go on for ever, BUT PLEASE, somebody out there start changing things so at least in the future fathers will not suffer like I have.

Fix the legal system and you will be well on the way to solving many other issues.

Thank you for the opportunity to make this submission, and hopefully changes will be made quickly.

Please feel free to contact me for further information.

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