

Submission No: 1334

Date Received: 7-8-03

I would like to address the following proposals currently being discussed:

1. That custody be automatically declared shared upon the breakdown of a relationship.

2. That grandparents (and other relatives) be given access to children after the breakdown of a relationship.

3. That the child support system is biased towards custodial parents.

It has always been my understanding that shared care is the automatic custody arrangement until court orders determine otherwise. My concerns are for those women who are escaping domestic violence and children escaping sexual abuse. Automatic 50/50 custody cannot be seen to be in the best interest of the children in either situation. Automatic shared custody could only endanger the children in such circumstances.

I am a strong believer that children do need a positive male role model in their lives. If fathers have been care givers and actively involved in their children's lives they deservedly should continue to be so after separation. I realise that in the emotional turmoil of divorce children are often used as pawns. This, however, can work to support and discriminate against both mothers and fathers. Who physically removes the children from the relationship is the person with the power and this is not always done by women. It would seem easy and affordable access to the family law court, or better yet mediators, could possibly be a better solution than a blanket custody decision that does not address the individual family situation.

I find that the outcry from fathers that they do not have access to their children seems to have strong links to the current child support system. For many years men did not have to pay child support and therefore cared little about access to their children. Now that children are being supported, as they should be, more access is being sought. This can be seen as a positive step, but only if it is being done for emotional and not financial reasons. I have seen cases where fathers claim all the access they can in order to reduce child support, and yet do not spend time with their children, preferring to leave them in the care of someone else. I have also seen an incident of a family where care is shared 50/50, Dad's time with the children is quality time – he does not pay child support because he has the children 50% of the time. What he does not do however, is contribute to 50% of the cost of raising the children. The mother still pays for all clothing, all school fees, all medical, dental, and recreational costs. This hardly seems fair.

I have used the child support Agency since my separation in 1995. Whilst not perfect, I am extremely grateful for its existence. My children are supported financially by their father, but we do not deal with the financial collection, as it is done for us. I have had a claim lodged by my ex-husband for child support reduction and during this process was able to prove that I contributed for more than half the costs of the children's care, and that his child support payments were being used correctly.

Money is always an emotive subject and I ask that you look carefully before combining the well being of children with financial reward for access. Fathers who have not been involved in child raising should not be given custody in order to save money.

Please consider the needs of the children. Sometimes no role model is better than a negative one, and that goes for both mothers and fathers.

I realise that those paying child support have a financial burden. Anyone with children has a financial burden. For many years those with custody of children struggled with no financial support and nothing was done. Nobody cared. Now that a just system is in place non-custodial parents are up in arms.

I would like to see non-custodial parents able to do extra hours or extra jobs to earn money for themselves that was exempt from child support. Anyone working extra should be able to withhold this for themselves if they so desire. The issue here is the honesty of people, especially those who are self employed, who are able to fraudulently claim low incomes to avoid child support. Or employers who may employ someone for 15 hours a week but allow them to do 20 hours overtime. I personally cannot understand why any parent would withhold money from their children, but it does and will continue to happen. Again, the children are the only ones who suffer.

I would not object to providing a simple statement to the Child Support Agency at the end of the financial year as to what I have spent the child support on, provided this did not invade the privacy of my new family, or myself, and that it be understood that receipts are not always obtainable.

An inequality that I have experienced is that the person paying Child Support may have more children and have some of their income exempt for children of a new relationship. I am the recipient of child support, have resumed work, and yet none of my income is exempt for my child from my new marriage. This seems highly unfair. It allows men (as they are usually the payers) to start new families but not women. I have been told this is because my current husband should support our child. This is highly sexist, as men should have the right to be stay at home dads too. It also does not take into consideration that the mothers of the payers children may well be working also. It seems to contradict the argument to give more custody to men, as if they choose to stay at home and have more children they may end up losing out further down the track. If an exemption is in place for those paying child support, it should be in place for those receiving it also.

Another issue I would like to raise is the accountability of declaring child support. Those paying child support do not have to declare it as a commitment, and may then take out financial debts. When they can't pay them, have their child support reduced stating financial hardship. Child support should be seen as a payment, just like tax. On the other hand, when I seek finance, I must declare my children as dependants, yet am not able to declare child support as income, even though I have been lucky enough to receive it consistently for 7 years.

Could child support not be deducted before tax, something like a salary sacrifice? Or could there not be some tax relief for those who pay child support? Perhaps this would make the payment of child support less of a burden.

As for encouraging those receiving child support back into the workforce – this is not going to happen if we lose child support as soon as we earn over the threshold. What is the point of trying to earn extra money if you are only losing it somewhere else? How am I providing more for my children if I am losing child support and family tax benefit when I resume work. All this is doing is making me more financially responsible when it should be 50/50.

The Child Support System may have some faults but it is a much fairer system than that which was in place for previous generations. I am very appreciative of the system and it's staff.

Again, I would like to stress, that whilst I fully support men accessing their children, please do grant blanket custody rules as a financial incentive or at the cost of the well being of our children. Please do not force anyone escaping violence to be placed in such a position, or parents who are sole carers in marriage to hand over their children to an unfit parent who is seeking financial relief.

In relation to other relatives accessing children – why can they not access the grandchildren through their child. How many people are going to be given access to our children? Dad one weekend, Nan another, other Nan the next, aunty, uncle, when does Mum have the children? When do the rights of parents come in to play? Should parents not be able to decide who has access to their child? What if both parents do not wish for a person to have access to their child – how are these rights being upheld? Once extra access is given it opens up the door for anyone and everyone to lay claim to a child, and at what cost to the child? How many pillars and posts must our children be tossed between? Grandparents can also become emotive in divorce and may go for access to cause pain and suffering. If a parent is not granted access to a child because of abuse or violence, who is to stop them gaining this through the grandparents.

Sadly, my ex-husband chooses to not have contact with his children at the present time, and actually believes he shouldn't have to pay child support because he has made this choice. My children have a wonderful step-father, and I am mindful of their emotional well being with regard to their biological father. They do have contact with their paternal grandparents, an arrangement we have made between ourselves. We are able to come together with them including my new husband and our son also.

Please, think of our children in whatever decision you make. It is their emotional and financial well being that is at risk.

As a welfare worker I provide financial assistance to those in crisis. I would estimate that I have seen only a few men who are paying child support and suffering financial hardship compared to the 100's of women who are raising children on their own. From my position women with custody are still in financial hardship. For most of them they don't bother to collect child support because "it's not worth the effort or the risk". If their partner is not working they only receive \$5 a week. What child only

costs \$10 a week to raise? It should be possible to ask welfare agencies for statistics that may provide some reflection of which parents are suffering financially and gain a more accurate picture. Please consider this when making your decision.

I would also ask that you do not reverse previous family law court decisions, and that you do not make everyone go through the custody and child support process again.

Due to the nature of this submission I would appreciate that my personal details such as name, contact details, or anything that may identify me personally not be published. I would not object, however, to being contacted for further information, nor would I object to being questioned by any of your committee.

Thank you for your time.

Yours faithfully,

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