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Secretary:

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Dear Committee

When you have two parents who are capable and willing to continue parenting their children after separation, then allow them to continue doing so on an equal basis. What right does the court have to decree that one parent will prevail and the other (the father) will not? What right does the court have to assume a position that it is the sole arbiter of the fate of the children? If no blame divorce really is "no blame", then similarly they should find no fault in father or mother and let them be equal parents. In a desperate bid to remain connected to their children, fathers should not have to spend tens of thousands of dollars in the court room proving their competency and potency as a parent and nor should they be forced to resort to trying to prove the mother to be an unfit parent. There is no more a conflictual situation than that fueled by the Family Court adversarial process. It is a contrived paradigm that reduces both parents to warring parties. Introduce 50:50 parenting and remove the adversarial court process of picking winners and losers and you will greatly reduce, even eliminate conflict between the parties. Children and families will be better off and the marital assets will stay with parents and children, not the redundant court, lawyers, and self-styled court experts

It is women, overwhelmingly, who make applications to the family courts, for the simple and rational reason that family law is incentivised in their favour. Lawyers know this and advise on how to leave marriages, abduct the children, win interim orders (even by seeking such orders on an *ex parte* basis) and strip the household contents or change the locks on the house and obtain a violence restraining order to have him banished from the house and from the children. Women so often strike first to gain the upper hand and the court appearance is usually over within a day of her strike. However if a father takes the children, the mother will seek a recovery order and have the children delivered back to her courtesy of the Family Court and local police. A father has little chance of succeeding in obtaining a recovery order against the mother. This process is known as the Family Court Father Removal Industry. Professor Stephen Baskerville from the Howard University in Washington DC makes these comments on father -removal. He says. "The official view that

fatherless children are products of paternal abandonment does not bear scrutiny. No scientific evidence indicates that large numbers of fathers are deserting their children, and, when pressed, no responsible authority asserts it. Governments are removing the children. It is difficult to overestimate the importance of this. Identifying fathers as the culprits has not only justified draconian enforcement measures against them, it has also allowed for policies that contribute further to fathers' absences. Virtually every problem handled by the divorce apparatus, including child custody, child-support enforcement, child abuse, and even juvenile crime, is premised on the absence of the father. The first principle of the divorce regime is, therefore, to remove the father. One parent, almost always the father, immediately loses custody. From that point, unauthorized contact with his children renders that parent subject to arrest. Few stop to think about what is happening here. A court has summoned a citizen who was minding his own business and taken away his children. That parent no longer has any say in where his children reside, worship, or attend school or day care." This happened to my own brother. He was summoned one afternoon and the next morning he had lost his children.

As a Christian and Catholic, I find the laws pertaining to child custody to be anti-Christian and anti-family. Christian marriages can become unglued but the law does not respect the Child's right to their father's vocation and responsibility as parent, his vocation to protect, instruct and nurture. The law does not give credence and support for children's continued involvement in their father's faith, spiritual life and church community, family history and heritage, the richness and diversity of his traditions, cultural and ethnic origins and background. The court demonstrates that it cares even less about such positives for the development of children, as the court routinely makes findings that ignore the role of very close and committed grandparents and relatives. The total lack of consideration for grandparents is notable in WA's recent international child abduction cases involving the Hague convention. The Hague Conventions has been tipped on its' head in each case. Justice Michael Holden and his gang of 5 have awarded Children solely to mother and her internet boyfriend overseas, with scant consideration for father and his extended family. In the Family Court, Internet affairs and mothers romance have priority over children's ongoing relationship with their father and grandparents and stable base in their home town.

The incentives for leaving are magnified by Government Policy and Regulation. Women can now leave marriages and be financially rewarded for doing so. When the mother leaves, she applies for and receives the Centrelink parenting payment. Under the discriminatory legislation underpinning this payment, it can only be paid to one parent and not pro-rata to both parents. She takes the children before any orders are in

place. For a brief moment in time, by asserting the actual care of the children, and without questioning the validity and veracity of her claims, Centre-link commences payments to the mother and informs the CSA. The CSA then assesses the father for child support payments. His only option if he wants to remain an active father is to seek court action in opposition to the mother. The father will have to find tens of thousands of dollars whilst the wife employs legal aid at no cost to her to aid and albeit her parental child abduction. She will then also receive Family Tax benefits and be treated as a pensioner with medical concessions. After 3 months of holding onto the children, in the eyes of Judges, her right to form the new single parent headed family is without question for she has attained the infamous status quo. Whoever has the children will also receive the major share of the estate. Ironically, the thumb suck rule used by judges is a starting point of 50:50 in the property division. She then receives 10% for each child. Awards of 70, 80 and even 100% are commonplace in the court. The father has lost his parental rights and contact orders effectively signal the end of parenting. He struggles financially to support two households and cannot really even sustain his own mortgage given the unnatural cost burden placed on him. The father is placed in a kind of bondage, which has all the elements of a modern day slavery contract.

The criteria used by Family Court Judges are inherently biased against fathers who work (for many fathers do work). Family Court Judges use their very wide discretion to make findings under colour of law, that discriminate down gender lines and stereotypes of Father-worker/earner and mother-nurturer. This is how they manage to discriminate and damage lives in a technically legal way; a practice which so many fathers find unconscionable, morally and ethically repugnant and outrageous. A 50:50 presumption of shared parenting will go a long way to eliminating judges' misuse of their discretion and bias against fathers.

There is an obvious flaw in the simplistic argument that fathers work while mothers attend the child. As a couple, the parents and children live together and experience each other on a daily basis. Shared parenting would provide the maximum opportunity for both parents to remain omnipresent in their children's lives. It should be recognized in law that the parenting roles are already shared jointly prior to a marriage break-up. Earning an income and attending the child are different arms of parenting. But to reduce the roles to a simple equation of worker versus non-worker is highly disingenuous to parents, constitutes active targeted discrimination against those parents who work and is a lame and indefensible reason as to why fathers shouldn't have equal time with their children.

The C\$A have told me that even though I have court consent orders to see my children 5 nights per fortnight, a decision by me to reduce my income by reducing my working hours, in order to care for my children, is not supported in law. I have been told several times that wanting to care for or be with my children are not valid reasons to knowingly reduce my income. If I were to do so and the former wife complained to the C\$A, then my assessment would be increased to its previous level, even though I would be earning less. This is a major barrier to shared parenting as there is a monetary penalty for wanting to be an active father and the same level of child support to pay for making a decision to work less and spend more time with one's children. As the law stands, the C\$A and Family Court care nothing for the continued presence of fathers in their children's lives.

I also recommend that at the time of the marriage breakup, the law should require both parents to jointly attend DNA testing for proof of parentage. This would prevent paternity fraud, (as happened in the widely publicized case of Liam McGill) and support the children's rights to learn of their biological father and genetic heritage. It then becomes apparent that Chief Justice Nicholson's report on DNA testing and recommendation to criminalize fathers who conduct paternity testing without the wife's or courts consent, is an attempt to empire build and box fathers into the stereotype of child support payers whether they are really the father of the child or not. The greatest crime would be Justice Nicholson's rationale that children should not be harmed by the knowledge of who is their father. The truth, the whole truth, and nothing but the truth should be told to our children as lies (namely lies about parentage) are more harmful than the truth ever could be.

Yours faithfully,

A handwritten signature in black ink, appearing to read "E. Dabrowski". The signature is written in a cursive style with a large, stylized initial "E" and "D".

Edward Dabrowski