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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

Dear Sir/Madam

RE: Inquiry into child custody arrangements in the event of family separation

Please find following my submission regarding the above inquiry. My submission has been divided into the following main points:

- My current situation;
- Addressing factors that should be taken into account regarding custody post separation;
- Existing child support formula;
- My suggestions.

Current Situation

- My son, [REDACTED] born [REDACTED] 1998 to my first relationship;
- Father of my son, [REDACTED] commences child support payments [REDACTED] 1999;
- Parentage testing required for child support to commence, conducted through Legal Aid;
- My daughter, [REDACTED] born [REDACTED] 2003;
- Father of my daughter, [REDACTED] commences child support payments [REDACTED] 2003;
- Statutory Declaration required for child support to commence, arranged through Centrelink;
- Both fathers abandoned me on discovering I was pregnant. Both requested abortions despite my advice that abortion was not an option for me on discovering I was pregnant;
- Currently unemployed awaiting elective surgery for pain relief. I was going to have private surgery to facilitate a quicker return to work, paid for with my tax return, however I am now unable to do this.

Addressing factors that should be taken into account regarding custody post separation

The presumption that, post separation, children will continue to spend 50% of their time with each parent, in my case, is denial of the facts. Neither father requested any access to their children in the period immediately after their birth. [REDACTED] has only seen his child once. In five years, [REDACTED] has only this year commenced seeing his son more often. However, this is irregular and only at times which suit [REDACTED]. [REDACTED] constantly asks me why his father does not love him and does not want to spend time with him. This is not conducive to a happy and healthy childhood. It is certainly NOT in [REDACTED]'s best interests.

██████████'s brother, ██████████, and my sister, ██████████, had a child together. ██████████ provided his family with incorrect information regarding our situation. ██████████ verbally, and at times physically, abused my sister regarding mine and ██████████'s situation following ██████████ incorrect information. I have endured verbal abuse from ██████████'s family and ██████████ himself for issues relating to child support and custody. My mother has also been verbally abused and threatened by this family. This is NEVER in ██████████'s best interests and would not have occurred if Family Court legislation did not prevent me from seeking Sole Custody to avoid physical, verbal and mental abuse in future. However, current Family Court legislation would continue to provide ██████████, and his family, with the opportunity to abuse me, and my family, including ██████████

The proposed legislative changes would not prevent or address these issues of violent abuse. They would, in fact, provide a greater opportunity for such abuse.

Since the birth of my daughter her father has seen her only once for three hours. He maintains his desire to have contact with his daughter, however has not phoned me or visited. His family have been supportive, attending her Christening and sharing photos. His current rate of child support is \$21 per month. Brianna is also lactose intolerant and her formula costs \$18.05 (on average) per week. \$21 per month does not even cover the cost to feed my daughter, let alone clothe and accommodate her.

Centrelink have demanded information regarding personal and intimate details relating to my and ██████████'s relationship. I can only assume Centrelink were attempting to declare me dishonest in my statement of relationships with men. This has never been the case. I was subjected to humiliating and condemning statements from Centrelink staff regarding my reluctance to attend an interview whilst breastfeeding.

At no point have Centrelink considered the best interests of my daughter, or myself. At all times I have suffered the emotional consequences of a system that fails to recognize the disinterest of the fathers of my children. The onus of responsibility is always placed on me, not the fathers of my children. I have worked full time, raised my son essentially alone, and battled constantly with both Centrelink and the Child Support Agency. At no time has ██████████ or ██████████ suffered the humiliation and degradation of Centrelink and Child Support Agency processes, free to live their lives spending cash incomes with no thought to their children. I have been, essentially, the only parent in my children's lives, however the Family Court still believe the fathers of my children have a right to see their children whenever they choose.

My suggestions

- Child support formula should be based on averaged out annual expense for raising child, with some consideration given to annual income. Cash income should be investigated at all times. Half the averaged annual expense should then be paid by EACH parent.
- If Child Support Agency finds that non-custodial parent is unable to meet the cost of raising the child, minimal support offered should not be taken into consideration for Centrelink purposes.

The presumption of shared custody would imply that the non-custodial parent desires access and will maintain a healthy relationship with their child. However, in my case this simply isn't true. Neither father wishes to maintain any sort of relationship with their child. Any presumption that would be required to be taken to court to overthrow would disadvantage the custodial parent, who currently bears the onus of responsibility for ALL matters financial, emotional and physical.

I have encouraged contact with my children's immediate family (grandparents included) on both sides however do not believe the custodial parent should bear any financial cost in attaining this contact. If the non-custodial parent's family wishes to see the child, they should have the onus placed on them to facilitate such access.

Existing Child Support Formula

- Parentage testing was required before [REDACTED] would acknowledge paternity.
- The Child Support Agency refused my claim until paternity was established.
- The Child Support Agency then refused to back date the claim to the original date of lodgement following establishment of paternity.
- Child Support Agency advised me court action would be required to claim child support for the period [REDACTED].
- [REDACTED]'s employer commenced cash payments once paternity had been proven.

Whilst awaiting confirmation of paternity I was treated with contempt from Centrelink and required to attend many appointments set up without consulting me as to whether it was an appropriate time or not. Court action to recover child support payments for the period [REDACTED] 1998 to [REDACTED] 1999 would only place strain on my relationship with [REDACTED] and therefore on my son.

Payments of child support have been vastly inadequate in the assistance of raising my son. My son, by necessity, had to be fed formula and as he was lactose intolerant, formula was very expensive. When [REDACTED] was six weeks old I recommenced work in order to ensure he was provided with a happy and healthy childhood. I have spent only three months unemployed between the time of [REDACTED]'s birth and his 5th birthday.

I advised Child Support Agency that [REDACTED]'s employer paid him in cash. Child Support Agency then rang to confirm this information with [REDACTED] and identified me as the informant. Child Support Agency has always maintained their inability to provide me with information I require due to privacy laws however completely disregard my privacy and discuss all aspects of my situation with [REDACTED].

I spent six months chasing Child Support Agency regarding payments [REDACTED] failed to make and no action was taken against [REDACTED] for failing to pay. I was informed that my Case Manager had been changed and that the issue was being investigated on several occasions. During that time my Centrelink payments were dramatically reduced according to maintenance I was purported to be receiving. I found it very hard to live, even whilst working full time. No penalty fees were incurred by [REDACTED] for his failure to remit payment.

- In determining access the Family Court (or legislation) should consider the amount of interest and proven access the non-custodial parent has shown to date. Access should not be granted "in the best interests of the child" if the non-custodial parent has shown no interest and no proven access since the child's birth. Sole custody should be automatic to the parent bearing 100% responsibility.
- More staff should be employed for the Child Support Agency so that, given cases like mine, the non-custodial parent is not permitted to refuse payment for six months with no reaction from the Agency.
- If the non-custodial parent expresses a wish not to see their child, Sole Custody should automatically be granted to avoid further repercussions further down the track on the emotional stability of the child.
- All communication between the Child Support Agency and Centrelink should have a copy sent to the custodial parent so that any inaccuracies are able to be addressed immediately. As Child Support Agency currently has a three month cut off time for addressing an inaccuracy, if something occurs in January which is then addressed at tax time, the avenue to correct the inaccuracy has been lost.
- An onus of responsibility should be placed on both the custodial and non-custodial parent in dealing with Centrelink and the Child Support Agency. It should certainly never fall to ONE person to deal with all claims relating to Child Support and associated payments. As the one person is generally the custodial parent, they usually have their hands full with either a new born or full custody of a child following separation where before they had assistance. This is both physically and emotionally challenging and should be forbidden.
- If Centrelink continue to reduce payments based on what the custodial parent is purported to receive from the non-custodial parent, the Government should pay the child support if the non-custodial parent is not paying, and retrieve the money from the non-custodial parent.

I hope you take this information and these suggestions under due consideration.

Yours sincerely

[REDACTED]
[REDACTED]

[REDACTED]