

Forbes, Bev (REPS)

From: [REDACTED]
Sent: Friday, 8 August 2003 8:42 PM
To: Committee, FCA (REPS)
Subject: Submission to Child custody inquiry

Submission No:	874
Date Received:	8-8-03
Secretary:	



fca inquiry.doc (33 KB)

To Committee Secretary
Standing Committee on Family and Community Affairs
Child Custody Arrangements Inquiry

Please find attached my submission to the Inquiry.
It is requested that if you publish my submission then it should be done so
that I and thus my children are not identified,

From: [REDACTED]
[REDACTED]
[REDACTED]

Hotmail is now available on Australian mobile phones. Go to
<http://ninemsn.com.au/mobilecentral/signup.asp>



CHILD CUSTODY ARRANGEMENTS INQUIRY

Based on my personal first hand experiences I believe that generally there should be a presumption that children will spend equal time with each parent:

I am a father and when my partner separated from me in 1999 I had to spend a lot of "resources" to "negotiate" through lawyers to try and get shared access of our two children (one boy of 7 and one girl of 10). My former partner eventually agreed to shared access however the process of reaching agreement caused a lot of ill feeling that to a certain extent effected the children. If there was a presumption of "equal time" it would have prevented any ill feeling etc and the wasting of a lot of resources that would have been better spent on the children.

Now once it was accepted that we would share access it was relatively easy to work out arrangements how it would work as we both had different practical constraints. Now the reason we were able to share access was that we lived within 10 minutes drive of each other and I had a flexible employer. The arrangements worked very well and for the children it was almost if nothing changed apart from they lived in two houses. I would regularly take them to and pick them up from school on specified days and be able to be involved with their homework on certain nights when they stayed with me and I was able to be involved with all their extra curricula activities to the same extent prior to our separation.

Now these arrangements worked well for 18 months but then the mother of my children moved further away such that the drive was about a 3 hour round trip. I was not consulted about her moving. I tried to stop her moving but it seemed this was not possible. Now it was not practical to continue with our previous shared access arrangements. Essentially we have been in conflict for the last two and half years in trying to come up with suitable access arrangements which sadly must be effecting the children. Now part of this conflict arises from the fact that the mother says, " You are lucky to be able to see the children at all". This arises from the perception that in reality the father does not get equal access to his children. If there were a presumption of equal custody then the negotiations would be on a more equal footing and I am sure suitable arrangements could be better negotiated to the benefit of the children.

For the presumption of equal custody to work, there will need to be some control on what happens when the mother wants to move away:

In our case I am sure any material benefit the mother and children have gained has been of a lesser benefit to the children than if they had not moved away and there were able to have both parents closely involved with them.

The concept of the child support formula has some merit as it allows both parties to know how they stand and thus potentially reduce conflict. However the existing formula causes a lot of unfairness because of the changing thresholds that apply at 110 nights and 146 nights. This in itself can cause conflict as the difference of one night can cause several hundreds of dollars difference in child support. It would be much fairer to have a set percentage per night. Also it would be much fairer if the income period followed the tax year rather than some other period.

Based on discussions with other separated fathers it seems some mothers try to limit the access of their children so that they can get more child support from the child support formula. Thus the application of the formula is reducing the contact of the children with their father. Also what hurts a lot of fathers is they genuinely want to spend more time with their children but are denied more time by the mothers and then what rubs salt in the wound is then they have to pay more to see their children less.