

Forbes, Bev (REPS)House of Representatives Standing Committee
on Family and Community Affairs

From: [REDACTED]
Sent: Friday, 31 October 2003 3:16 PM
To: Committee, FCA (REPS)
Subject: Parliamentary Inquiry into child custody arrangements

Submission No: 1673
 Date Received: 31-10-03
 Secretary:

Dear Representatives,

I am a seperated father and I am writing to you to share my story and ask for your support to the pledge of many seperated fathers.

Since I separated from my wife in [REDACTED] 1999, I have been fighting for more contact with my daughter [REDACTED], now 6 years old. Since late 2000, I was forced to take this fight to court as mediation and negotiations did not achieve anything.

Last year I had to go to court 4 times and undergo a family report. My ex-wife has been able to delay final orders by throwing in new allegations and effectively delayed an increase in contact with my daughter.

As recent as last week my case was listed for a final hearing in the Family Court Melbourne but did not get before a judge. Following a day of negotiations, even my barrister admitted that what my ex-wife was requesting is 'not in the best interest of the child but pure power play and an attempt to exert control over me'.

My case is now again listed before the Family Court [REDACTED] when I will hopefully get a resolution.

I can assure you that over the past 3-4 years I have often thought about walking away from my daughter or taking my own life out of pure desperation, feeling powerless and exposed to unreasonable demands from my ex-wife, lawyers that are just interested in making money and a court system that clearly favours one parent over the other.

I never thought I could think any of this myself but having been there, I now understand other fathers that walk away from their children or end their lives. I am just lucky that I had some friends around me that cared.

At the same time it seems like the welfare and sanity of the custodial parent is more important than the welfare of the non-custodial parent. It seems like it doesn't matter what a father feels as long as the mother (who usually has custody/residence) is happy, as a happy mother is good for the child. Everyone seems to forget about the feelings of the fathers that are robbed by their former wives of meaningful contact with their children and in many cases are so desperate and lost all hope in the system that they give up everything.

Although I wanted to apply for a shared parenting arrangement, my lawyers advised me from an early stage not to do so as the courts would generally not award such arrangements. At times, I felt like being the accused, guilty of wanting to establish a meaningful relationship with my daughter. Throughout this struggle I felt a huge power imbalance between my ex-wife and I, leaving me with whatever contact I would be allowed by my ex-wife. This power imbalance is very much supported by the court system and the current interpretation of the Family Act by the courts. Empowered by this, the system is used by my ex-wife (and I believe many other mothers) to keep my daughter away from me and not let me take part in my daughter's life.

I believe that a presumption in the Family Act that a child should spend equal amount of time with each parent would alleviate the imbalance outlined above.

I therefore urge you to recommend a change of the Family Act with the aim of providing both parents with equal time for the involvement in their children's lives following separation.

I hope my circumstances will convince you of the need for action.

2/11/2003