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6<sup>th</sup> August, 2003

Committee Secretary  
Standing Committee on Family and Community Affairs  
Child Custody Arrangement enquiry  
Department of the House of Representatives  
Parliament House  
Canberra ACT 2600  
Australia

**Re: Shared Contact for Children**

- Summary
1. Children need a safe, secure, loving home to help them cope with their troubled life after parents separate.
  2. Children should spend most of their time with the parent who places the children's welfare above their own needs.
  3. Equal contact would result in children who are troubled to cope with their constantly changing environment and the different parental values and expectations.
  4. Contact with other persons should only be ordered where normal shared contact arrangements have broken down or one parent has sole custody.

14 AUG 2003

Dear Sir or Madam,

**Shared Access for Children**

Family Law relating to children must be based on quality care of the children and meeting their essential needs.

In the turmoil of separation and divorce the most important need of children is stability so they have a solid base which will assist them to cope with their lives which are troubled by a situation over which they have had no control or understanding.

Therefore the majority of time should be spent with the parent who has placed the children's welfare above their own individual needs or desires. This is the parent who has tried to maintain the family unit and provided a home where the children feel safe, able to express themselves and where their day-to-day needs are catered for. This is not the parent who has destroyed the family unit by taking a new partner before, or immediately after the separation.

When he had another activity on a weekend he would refuse to accept the children and forgo his access.

After further representations by our daughter (at further great expense to her) to the Family Court, the contact period has been altered to every second Sunday during specific hours. It requires their father to transport them to a specified number of activities during his contact time and still he does not always follow the Court orders.

However, even with this shortened contact time the children are reluctant to go with their father because of his uncaring attitude toward them and the hostile attitude of his partner who has demonstrated quite clearly that she does not want them in her house. On these weekends the children are given little food, are unable to be inside the house unless their father is present and are rarely taken for any outings.

The Family Court ruled that school holidays were to be equally shared. However, their father over ruled this decision, and usually shortened the length of the children's stay with him, according to his wants, thus causing much disruption and anxiety for the children and the custodial parent. In addition, the children have to take all clothing required for the stay, are allowed one bath per week and are given little food. Also, the children are not permitted in the house unless their father is present. At the end of the contact period their soiled clothing is returned unwashed to the custodial parent for laundering.

**EQUAL CUSTODY** time for the children in such an environment would erode the stability they now enjoy. Blended families rarely work successfully because of the imposition of different parental values, expectations, rules and obligations which change with every change of contact. This would result in children who would be in a constant state of conflict, disorganized and lacking self-respect for **not coping** with their constantly changing environment.

**EQUAL CUSTODY** demands that each parent will be totally responsible for their actions, will supply the clothing, food, sleeping accommodation and space for homework etc. **Will this happen when the non-custodial parent finds another partner? NO IT WON'T.** The new partner won't want to share **TIME** and the non-custodial partner, torn between the two will want to return the children to the other parent. **DO NOT DO THIS. CHILDREN REQUIRE LOVE AND SECURITY AND THIS WILL NOT HAPPEN IF EQUAL ACCESS IS GIVEN.**

**EQUAL CUSTODY** requires equal responsibility for the transfer of children from house to house. **THE CHILDREN THEN, WON'T HAVE A HOME.** No excuses for failing to meet this responsibility are acceptable – make it **LAW**. Taxis used for this purpose are to be forbidden – the problems it will generate are horrendous, thus the children will suffer much anxiety and stress.

If equal access is mandated it should only be applied when consultation between the children and trained counsellors has confirmed that the changed circumstances would not detrimentally affect the children. ***Can the child discuss and have confidentiality without fear of reprisals from the non- custodial parent? Our grandchildren have really suffered due to lack of confidentiality.***

**FAMILY LAW IS NOT BINDING** and a parent so disposed can thumb his nose at the orders because it is not a criminal offence to not comply with those orders. Then all responsibility falls back on the other parent and the children are once again in upheaval and turmoil.

**Contact with Other Persons**

The Court should only be required to order the children's contact with other persons, including grandparents, where normal shared access arrangements have broken down or other circumstances which result in one parent having sole custody of the children.

**Re: Child Support Formula**

Change is necessary to the present Child Support Formula.

- Summary
1. The non-custodial parent is able to avoid their financial responsibility to their children by fabricating income deductions and failing to declare ALL INCOME sources.
  2. The paying parent is able to request another review, based on some small change, when the decision does not go his way. The Child Support Assessment/Agency must be empowered to reject the review applications unless parental circumstances have changed dramatically.

**Child Support Formula**

Our experiences demonstrate that the child support formula does not work in respect that the non-custodial parent may fabricate reductions in their income, or fail to declare all sources of their income to minimise child support payments and abrogate their financial responsibility to the support of their children. This reduction in income can generally be done with impunity because the Child Support Agency does not have the time or resources to ascertain the validity of the salary submission, even when the custodial parent disputes the submitted income and deduction data.

Also the number of reviews of support payments which have been granted to my grand children's father by the Child Support agency is bordering on the ridiculous. It appears that he requests a review every time he concocts something new to reduce his payments, and if that review is denied because of the short duration from the previous review he seems able to refer that request to a higher level within the agency.

Responding to flippant review requests such as these must tax the resources of the Agency so it must be empowered to reject review requests where the non-custodial parents circumstances have not altered dramatically.

Yours faithfully

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