

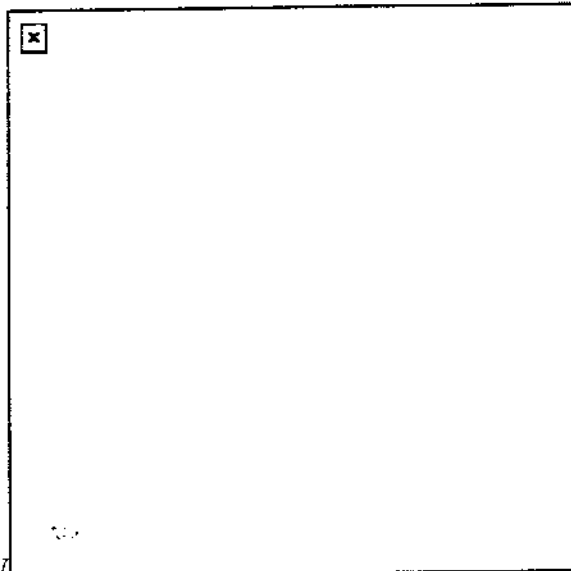
House of Representatives Standing Committee
on Family and Community Affairs

Submission No: 1202

Date Received: 11-8-03

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FAMILY LAW REVIEW
Standing Committee on Family and Community Affairs
Inquiry into child custody arrangements in the event of family separation

I ask that this personal submission is considered in the review. I am a 45 year paraplegic female & have been separated for 7 years. I have a nine-year-old child that resides with me. I have not received any maintenance or support from the child's other parent for five years. Prior to that, Family Law Court approved the father to pay me an amount of \$25 per week. After two years he reneged on the payments. After he lodged his tax return in 1999 the Collection agency deducted through the ATO an outstanding amount of \$3000. The father made threats against my safety through the collection agency and I was advised to seek police protection. Since then, I have been forced to drop any attempts to claim any outstanding monies over the last three years. At 18% of his gross income the father now owes me approximately \$36k. He has refused to consider going back to the family law court or discuss finances. He displays no support or interest in her school or social development except for irregular phone calls and every few

weekends he will take her for a meal. The visits are so spasmodic that there is often months between phone calls; seven years ago, there was a period of two years when he refused to see her. I work full time to support this child and am earning approximately half (\$55k pa) of what the father (\$100k pa) earns.

I cannot apply for a disability or sole parent pension as Centrelink cannot consider my application because I do not want to put my daughters and my own safety at risk by attempting to claim child support. I am totally reliant on remaining well enough to attend full time work. I have received no support from his family or parents during this time. They have completely ignored the child and our position. I would also like to note that the ATO have taken a step aside on this issue. It is disgraceful for me to think that if this review goes through that this man can claim a considerable percentage of time in a child's life that he has virtually ignored to date, destabilise her mentally, and expose her to his obsessive behaviour when it would be a token gesture to me of defiance to have his own way.

My response to the Terms of reference of the review are as follows;

Terms of Reference

a) given that the best interests of the child are the paramount consideration:

- (i) what other factors should be taken into account in deciding the respective time each parent should spend with their children post separation, in particular whether there should be a presumption that children will spend equal time with each parent and, if so, in what circumstances such a presumption could be rebutted; and

Other factors that should be given the utmost scrutiny is the actual role of the non residing parent in terms of;

- i. financial support
 - ii. physical & emotional support
 - iii. evidence of time & commitment to the child's development
 - iv. Interest & encouragement in other events – such as attendance at school etc.
 - v. A psychological assessment of the father to be undertaken on request from the Family Law Court if there are concerns and evidence about the child's safety – eg. Demonstrations of Mental cruelty & manipulation, inappropriate sexual conduct
- (ii) In what circumstances a court should order that children of separated parents have contact with other persons, including their grandparents.
- i. If the grandparents make application to the court or the custodial parent for contact it should be considered
 - ii. If other family members make application to the court or the custodial parent it should be considered
 - iii. Visits should not be assumed that they will take place or even if they are desired as many people choose to look the other way.
 - iv. If the child's safety is at risk
 - v. If the child's school or other carer raises any queries about the child's development

(b) whether the existing child support formula works fairly for both parents in relation to their care of, and contact with, their children.

- i. The current formula is a farce.
- ii. I have provided details of my circumstances above in order to point just how useless the child support formula is
- iii. If the non-custodial parent refuses to pay you have no position.
- iv. If the ATO or some other authority attempts to claim the money it puts the custodial parent and the child at risk.
- v. The non-custodial parent will always challenge the formula – even when they seek exemption from the court for \$25 per week and still refuse to pay it.

- vi. The formula needs to be considered in terms of both parents earnings, net earnings (not gross) other payments and allowances such as family allowance, health care cards etc and the number of other children & the CPI

Yours faithfully,



(hard & signed copy in the mail)