

Submission No. 1357

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Secretary:

Forbes, Bev (REPS)

From: Paul K Enders, [REDACTED]
Sent: Saturday, 9 August 2003 12:43 AM
To: Committee, FCA (REPS)
Subject: Submission on Child Custody Arrangements Inquiry

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

Dear Committee Secretary

I am the father of a 7 year old girl. She resides with her mother in Townsville, and I reside in Brisbane. We separated when she was less than 1 year old. I have maintained constant contact with my daughter for extended periods (always less than 110 nights per year at the insistence of the mother so as to not reduce child support). I was able to do this with the support of my parents who cared for her when she was in my care and I had to work. My daughter was prevented from travelling to Brisbane with me until I agreed to consent orders that would limit my contact to keep it under the Child Support limit of 110 nights, and that I bear all of the associated costs of transporting my daughter, and caring for her, feeding her, sheltering her, and entertaining her whilst she was with me for more than 100 nights of the year.

My daughter is now in Year 3 and since she started school she has spent almost all of her school holidays with me in Brisbane. In her preschool year she attended my local preschool as well as her preschool in Townsville.

I believe that a child has the right to spend as much time as possible with both parents. When parents separate, then the time the child spends with each of their parents will be reduced. What I believe should be encouraged is enabling both parents to spend as much time as possible with their children. If the starting point was the proposal that: "there should be a presumption that children will spend equal time with each parent", then I would have been in a much better position to argue a case for greater contact. As I have indicated the limiting factor was the automatic assumption that the mother be entitled to full child support, and her insistence that my contact be limited such as to not reduce her child support income.

All of my research suggests that it is important for my daughter for me to spend as much time with her as possible. To ensure that she does not think that I have abandoned her. She has to know that she still has two parents who both have her best interests at heart. This is a financially and emotionally draining experience (i.e. family court, Child Support Agency) but clearly worth it for my daughter's sake. I could simply pay my 18% and get on with my life, having no contact with my daughter, but we would both suffer.

I have included below an extract from a Key Note Address by Dr. Frank S. Williams:

Preventing Parentectomy Following Divorce

Keynote Address, Fifth Annual Conference
National Council for Children's Rights
Washington DC, October 20 1990

By Frank S. Williams M.D.

Frank S. Williams, M.D. Child and Adolescent Psychiatrist and Psychoanalyst for children, adolescents and adults, is Director of Family and Child Psychiatry at Cedars-Sinai

Medical Centre in Los Angeles. Dr. Williams also directs the Cedars-Sinai Program for Children and Families of Divorce.

Quote:

From my own clinical experience with children, I would agree with the position that one home provides stability and continuity. However, when parents are divorced, the children cannot enjoy the benefit of both parents living with them in the same home. Therefore shuttling between homes may be inevitable. In divorce, we usually do not have the option of choosing what is in the best interest of the children. Instead, we most often must choose the least detrimental of several detrimental options. This is especially so when a child has been psychologically bonded to two parents. Of two potential evils for children - the evil of shuttling between the homes of two loving, caring parents versus the evil of losing one such parent - certainly the lesser evil is shuttling between two homes. It is the continued parental bonding, not the number of homes or vehicular travel, that will be the crucial determinant of children's forward psychological development following divorce. In these days, when both parents frequently work, and rely on sharing the child-rearing with each other, with other family members and with housekeepers and day care personnel, the concept of one "primary psychological caretaker" is outdated. frequently there are two psychological caretakers or a network of caretakers, supervised by two parents.

Dr Williams clearly has extensive experience in the area.

I am also familiar with a British study which suggests that daughters who lose contact with their fathers are less likely to graduate from High School, more likely to smoke at a younger age, more likely to get pregnant themselves at a young age and generally not do as well as their peers who have regular contact with both their parents. I am sure I could find it if requested. (Unfortunately I found out that I could make submissions on Friday night on the closing date).

It seems bizarre to me that a father who refuses to acknowledge his child/ren and simply pays his Child Support percentage is much better off financially by refusing to have any contact with the child/ren. Surely parents who share those responsibilities for less than 110 nights should have some reduction in their liability to assist them in their financial responsibilities to the child/ren whilst they are in their care. I believed that a Joint Committee had already determined that there was to be a reduction in Child Support payments for parents who had contact between 10% and 20% of nights (down 2% to 16%) and 20% and 30% of nights (down 3% to 15%).

For the reasons given I believe there should be a presumption of shared care.


I believe that children have a right to know and share in the lives of their grandparents.

For the reasons given I believe there should be a reduction in Child Support liability for parents who have contact with their children, at least in line with the previous joint committee proposal.

As it is past midnight, and now into the early hours of Saturday the 9 August 2003 I will forward this submission with the hope that it is not too late to be considered. I would like however to firstly say that my daughter's mother and I are not currently subject to a Child Support Assessment, having entered into a 'Child Support Agreement' to take into account the costs of contact, so this submission is not a case of seeking a better deal for me. Even if there were changes, my 'Child Support Agreement' is binding.

I simply believe that if these changes are made, good parents would have a better starting point when seeking to have contact with their children who are no longer with them.

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