

Committee Secretary
Standing Committee on Family and Community Affairs
House of Representatives
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on Family and Community Affairs

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I would like to give my input in writing to the public forums of the enquiry into child custody arrangements.

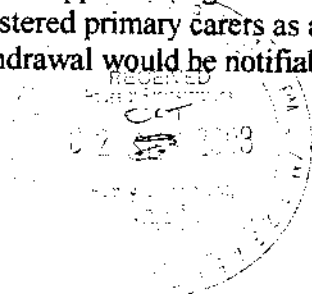
I am a father of 50 years age with 2 daughters aged 17 and 18. Since separating from my wife in July 1998 I have not seen either of my daughters nor been successful in establishing any contact with them whatsoever, either by mail, telephone or meeting. I have tried twice using the Family Court to establish contact orders without success but remain open and available to contact from my daughters and have always been. The only feedback to me has come from their school principal who kindly spoke with them on my behalf and told me they had nothing against me but could not hurt their mother's feelings by having contact with me.

I wish to express my support for the presumption that children will spend equal time with each parent as a way for Australians to recognise that both parents are important to children. Fathers in particular need to understand they need to take a significant direct role in their children's lives and not to allow the mother to let them slip for this duty. They need to be well aware they have a legal responsibility for their children and will be presumed able alone to take care of them for half the time in the event of separation from the mother.

A father who hands over full responsibility to the mother for daily care of the children is in great danger of becoming alienated in the minds of the children who otherwise become totally dependent on the mother and naturally mistrustful of anyone who hurts her or makes her sad. The era of the male bread-winner is past and men who fall into that role swindle themselves and their children. Women will no longer teach their children to respect their father just because he is their father. A father must fend for himself to establish his parental role with his children. If the mother will not share the primary caring of the children with the father then the father must separate and establish his own household where he can contribute his share of child caring. Women no longer have an excuse to end their working careers after they fall pregnant the first time.

Family law should be changed to allow multiple persons, starting with the father and the mother but possibly expanding to grandparents, parental siblings or others such as foster parents, and adoptive parents to be registered and practice as primary role carers for a child. Such information could be registered with the Family and Community Affairs department along with the birth of the child or any time thereafter, and be available to professionals dealing with children so they can know who has responsibility for the child. Primary carers responsibility for the child could be recorded as a percentage; if it were just two parents it would be 50-50 or other by agreement at the beginning. The percentage would apply to time with the child and all costs.

Child Support arrangements in the event of separation could follow directly from the list of registered primary carers as a withdrawal from responsibility by a primary carer. Such a withdrawal would be notifiable to the Child Support Agency by any of the other primary carers. A



calculation of the extra financial burden on the other primary carers as a result of the withdrawal should be assessed against the withdrawing party, but it should not be possible for one carer to remove other carers from the registered list without Family Court order (on grounds of the best interests of the child). The liability of an ejected carer for child support should be determined by the Family Court, not by the general formula applicable to voluntary withdrawal. An ejected carer may also be subject to criminal proceedings. It is true that the present law is consistent with this picture, but it requires perfect knowledge of the law by ordinary people who have children for the present law to work fairly. There is a great deal of misunderstanding.

I would like to conclude by again emphasising the basis of my views. I believe that parental alienation is the biggest problem preventing the family law system in Australia from delivering the outcomes intended by the men and women who drafted it.

Parents who become alienated

- experience refusal from their children to make contact with them,
- experience feelings of anger, frustration, and hopelessness
- have thoughts of suicide
- resent the Child Support Agency

Parental alienation begins long before legal separation. In my case it began when my mother and sisters were discouraged by my wife from visiting the home, then with time it was also me who was unwelcome although still expected to finance the household as my wife would not take a job. My alienation became fully apparent to me when my daughter starting high school took the same bus as I but could not have a conversation with me and sat separately. Unfortunately alienation cannot be repaired by the presumption alone in law that children will spend equal time with each parent, but the presumption would help alienated parents to take the steps needed to re-establish their relationships to their children.

Parental alienation is not addressed by the enquiry but lies behind the need for the enquiry. The Terms of Reference of the enquiry address measures to prevent alienation robbing more children of their parents.

Submitted by

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