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

From: WOODS Dwayne E [REDACTED]
Sent: Friday, 8 August 2003 12:11 PM
To: Committee, FCA (REPS)
Subject: Custody Arrangements in the Event of Family Separation

to whom it may concern

Find submission for consideration:

Dwayne Woods

Custody Arrangements in the Event of Family Separation

NOT CONFIDENTIAL

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Preamble

I offer this submission for consideration of arrangements in the event of family separation. I write you from the position of a single father having experienced the current system and to offer suggestion for consideration to help facilitate a more equitable arrangement to child support and access arrangements. This document contains two parts:

- 1) My story, an experience that has good and bad aspects.
- 2) Questions that require consideration in light of 50/50 access arrangement with children. I do not pose to know all the answers, however I feel that these question need to be considered during your assessment process.

The problem's with the currents system are complex and will involve thought and consideration for change. I offer the following points for consideration by the enquiry into the **Custody Arrangements in the Event of Family Separation.**

a) Best interest of Child Is (Paramount Consideration)?

1) What Factors / criteria should be used to determine. What is in the best interest of the Child?

If we consider a child requires the following to have stable happy environment as criteria for assessment. The following criteria must be fully met to achieve a stable environment for 50 / 50 access with children.

- Food / Shelter
- Education
- Happy Home life - where a child can express them selves. Where their best potential can be sought, free of physical & mental abuse
- Involvement in family & friends
- Social interaction

- Child impacts after Separation - need to be considered

- 1) Loss of parents time, care
- 2) Loss of Sense of Family
- 3) Behavioural problems
- 4) Issues of Abuse - Physical & mental.

Other factors for consideration: Social Point of View

- Why should either party walk out of a relationship or expect someone to pick up the tab i.e. tax

Question & issues that require consideration in relation to Factors:
To be taken into account to decide on the time each parent should spend post separation.

Factors for consideration:

- 1) Equivalent Parental Rights
- 2) Willingness of both parties - negotiation
- 3) Ability
- 4) Child Specific needs, opinion and view
- 5) Environment
- 6) Physical & mental Stability of Parents

1) **Equivalent Parental Right. 50/ 50 access should be the First point negotiation:**

If you work on the premise where 50 / 50 split child custody. You then negotiate the willingness and ability to do that. While you provide the child with the best opportunity for them.

- 1a) What right do the mother have to expect a better deal than the father over reproductive prodgie, why would the father be considered less and not equivalent in terms of parental right? .
- 1b) Is there a scientific fact to say that a child is better of with a mother than father when it come to parenting & childcare to facilitate a child's development into a well-adjusted person in Society?
- Historically Society has taken the view that "The child best resides with the mother" has view changed and is this position still practical, equitable given that fathers are taking a greater active roll in childcare and family than yester year? Question why is it best custody left with the mother and not the father?
- Negotiate a settlement around the norm i.e. 50/50 arrangement.

2) **Willingness of both Parents ~ Negotiation**

- 2a) Are both parents willing and able to commit to 50 / 50 care. I.e. an individual may be willing but not **financially able** to do so.
- 2b) There should be no way that a person should be let of the hook not to negotiate. They should be made to come back to the table and talk.
- 2c) Practicality of 50/50 arrangement. Both parents would need to commit to a common location.

3) **Ability of parents**

- Are both parents willing and able to commit to 50 / 50 care. I.e. an individual may be willing but not financially able to do so.
- There should be no w a person should be let of the hook not to negotiate. They should be made to come back to the table and talk.
- Consideration how this impacts on the child and the parent 50/50 is it practical to achieve 50/50 arrangements.
- Practicality of 50/50 arrangement. Both parents would need to commit to a common location and time. This requires compromise from both parties to achieve a stable outcome.
- Ability of Parent for day to day care, i.e. schooling, sports, education, other

4) Child Specific needs, opinion and view

- Child position point of view needs should be considered in the assessment process for consideration regarding 50/50 Arrangements.

5) Environment

- Both parents must be able to provide for an approved suitable environment for the child concerned? .

5) Physical & Mental Stability of Parents

- Parents must be deemed of sound mind and physical able to look after the children in question.

Grand Parents

- Where and individual has developed a long-term relationship. There should be able to see that child and maintain a relationship after the event of a separation. I Can see no reason why one person has the right to stop or restrict a grand parent from see or associating with a child where a health relation ship has existed.
- Grand Parents should be able to see their grand children whenever they want.
- Grand parents are Important to maintain a sense of family & heritage.

Part b) does the Existing Child support Formula work fairly for parents: in relation to:

- 1) **Care of**
- 2) **Contact with**
- 3) **Their Child**

Identified Formula Problems

- 1) The current formula looks at the gross income not the net income amount. Child support report that 18 % of your income is for child support when the actual impact is in the order of 27% of the payee s income.
- 2) As a father living in a relationship is allowed a tax deduction for care of child but when it comes to a single father paying child support you cannot claim any allowance deduction for your child.
- 3) Also formula - not being able to claim a child as a deduction increases 1% of the gross salary making the child support formula more effective for the other party.
- 4) Payment should be based on the cost to keep the child to acceptable level of living irrespective of payee income?.

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