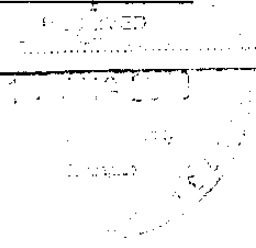


Submission No: 762

Date Received: 8-8-03

From: Staggard, Barry B [REDACTED]
Sent: Friday, 8 August 2003 5:37 PM
To: Committee, FCA (REPS)
Subject: Child Custody Inquiry



G'day Committee Members,
I wish to submit my thoughts regarding the "Inquiry into Child Custody Arrangements in the Event of Family Separation".
I am a father who has been separated from my son's mother for the last 8 years, which after numerous applications & variations,

I presently have Family Court Orders for Contact each 2nd Weekend, 1/2 of school holidays & 4 hrs each 2nd Tuesday after

school, with my son.

I pay Child Support via the Agency (18%), I also have been recently assessed by Centrelink for the Family Tax Benefit Part A,

with a confirmed parental "contact" of 27% of the time (for their formula purposes).
At present, the presumption of care arrangements for children of newly separated parents, where there is no agreement, is that the father will get only each 2nd weekend, or maybe only part of, even if an application is processed through the

time consuming & legal expensive courts (which I am a typical example of, of how the system has been operating for far too long).

Personally, I have witnessed (& resemble!) what this process creates for families involved, & the community in general.
The children, in particular young boys are not getting sufficient male role modeling or bonding, whether from the father

or father's extended family such as uncles, grandparents, cousins or other long term male role models. How can these brief periods of contact adequately establish & maintain important relationships?

This is why I certainly support the idea of a presumption of Equal Time with each parent or parent's family. Naturally, there must be circumstances such a presumption could be rebutted, such as convicted persons involved in drugs,

violence or sexual assaults, while not allowing (generally) intervention orders, which all too frequently are used during

a custody battle...(quite often there is an intervention order on each other, usually over relatively minor issues).
Obviously if one of the parents was unable (e.g. due to work commitments) or not willing to equally assist in their parenting role (& I stress "equally assist", rather than what some people might label as "their right") the presumption

of equal time would easily be adjusted to an achievable proportion.

Recently, I have completed a Parenting Course, which I believe should be compulsory after a separation. Also an appointed Mediator or Counseling service should compulsory who would report to Federal Government Depts., such as Centrelink, C.S.A., & Family Court if required, to ensure both parties are aware of the process, entitlements, responsibilities

& any agreements or otherwise are relayed back to the relevant Gov. Depts....a "post nuptial". These would also secure the best interests of the child through continued family love & care which otherwise may have been limited in some ways, post separation.

Finally, on this item, future employment conditions are expected to be more flexible & family friendly (continually in news papers there is the work/family debate, working from home & shorter working weeks, etc issues). Why? Because the younger working adults (male too) are pushing these boundaries a lot harder than those in the workforce previously, which is another indication that fathers are wanting to be more involved with the children's development.

The other (separate) issue this inquiry is looking at is the issue of the Child Support Formula. Certainly, I believe the children need an appropriate amount of financial support along with the previously mentioned Parental support, but following are some of the areas that are certainly not very fair for the non-custodial or contact parent.

Recently I was assessed & qualified for a portion of the Family Tax Benefit Part A, from the Family Assistance Office, because I had the care of my son for 27% of the year, which is above the 10% minimum requirement for this benefit. So if this Federal Dept can easily assess a court order to determine care proportions & then calculate entitlements to the parents, then why can't the Child Support Agency!?? (i.e. if greater than 10% contact, rather than the present C.S.A. 30% contact (109 nights), before any adjustments.

Personally, as I have my son 27% of the time, I actually have to still pay the full amount of Child Support all the time,

just as a liable parent who doesn't bother or cannot care for their child. Then when he is in my care I have to provide & finance all requirements as well! (which in total, I'm paying for 127% of the year...) instead of what is fair, which

should only be contributing for 73%, when not in my care. Not only should the minimum contact of 30% be changed to 10% to reflect the effort that many contact parents are making, but it will reduce a "hurdle" that the legal profession use in the Family Court cases to ensure couples remain in dispute longer & therefore end up spending more on legal bills, or legal aid, in their goal to achieve (or limit) that benefit adjustment. There is no reason that the C.S.A. calculation needs to have those other hurdles at 40% or 60% either, simply calculate it proportionally & eliminate the reduced percentages of 14% & 12% (for 1 child).

Example: Payer Parent Calc.(proposed), with contact.....

(Assessed Income - Disregarded Income) x % For No. kids x % time with other parent

$(\$50000 - \$12315) \times .18 \times .73 = \$4951.81/\text{year}$

Payer Parent Calc.(present), with no contact or less than 30% contact.....

$(\$50000 - \$12315) \times .18 = \$6783.30/\text{year}$

Another area that doesn't make any sense (or fairness), is how can the payer be assessed on their gross income instead of the net, as this effectively is a double tax!?

Please contact me any time to discuss these or other views on this important & widespread issue.

Ph [REDACTED]

434 Ryrie st East Geelong, Victoria. 3219.

Thank you,
Barry Staggard