

Submission No: 963

Date Received: 18-8-03

Submission for the Inquiry into child custody arrangements in the event of family separation

I have addressed my submission in line with the Terms of Reference. I have no comment to make on part (ii) of (a) as my proposal of equal and joint custody should solve that issue.

Where joint custody is not granted then other provisions need to be made.

- a) The amount of time children spend with their parents should be strictly on a formula basis so emotions and vindictiveness are taken out of the equation. As a base point the parents should be allocated equal time with their children. One parent should receive a proportionately higher percentage of time if the other parent cannot meet the base criteria:
 - i. **Abuse:** any proven abuse by one parent immediately removes any residential contact, but it must be proven and any person making false claims should be penalised a portion of their residential contact.
 - ii. **Proximity of parents:** the parents must live close together for joint residency to work. If one parent moves away then that parent should give up their residency entitlements. The base residence should be the location of the previous matrimonial home.
 - iii. **Care of children:** both parents must show that they have made arrangements to care for their children during working hours, after school, and school holidays.
 - iv. **Safe environment:** both parents must prove that they have a safe living environment for their children.
 - v. **Review:** there is no need to have a separate review process. The existing framework for parent/child living arrangements (as per normal 2 parent families) should be able to cater for dramatic changes in circumstances. But there must be an avenue for parents to object if one parent does not subsequently meet the above criteria.
- b) The existing child support formula is grossly unfair in one category. The amount of child support should be calculated at the time of separation, and only increased by CPI annually. If the parent paying child support receives more money after separation due to a promotion, second job or whatever, the parent receiving the support should have no right to that extra money. Presently, the parent receiving support would receive 27% of the extra money – why? The parent paying support is now supporting 2 households and would receive less than 27 cents in the dollar after taking into account income tax and the medicare levy.

Stephen Robinson
36 Cobbadah St
Jindalee qld 4074

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