

Forbes, Bev (REPS)

From: Grosse, Mikala (K. Hull, MP) on behalf of Hull, Kay (MP)
Sent: Tuesday, 7 October 2003 8:41 AM
To: Forbes, Bev (REPS)
Subject: FW:

House of Representatives Standing Committee
on Family and Community Affairs

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-----Original Message-----

From: jjg [mailto:.....]
Sent: Monday, 6 October 2003 4:25 AM
To: Hull, Kay (MP)
Subject:

Dear Kay Hull,

I am writing to you as I understand that you are reviewing the current Family Law system and considering the possibilities of any modifications to that system. I want to therefore air certain things that I believe should be addressed in order to make the system equitable.

I was divorced around 18 months ago, have MS and require the use of a wheelchair as I cannot walk.

I have heard of some very sad stories where it seems the father regularly declares that he does not see or spend time with his children, through no fault of his own, and the mother often complains of inadequate financial support coming from the father.

My situation is where the mother is withholding the child. Recently it has become worse where she spends time telling him why his Father and Grandparents are not good. The child has consequently withdrawn from nearly all including his cousins. It is as if the mother is saying "I'm a single mother, so do not interfere." There is no interference, just what thoughts she has in her mind.

There is a court order that says I can have a 'phone dialogue twice a week. She resisted this in court and the Magistrate said that it was a common scenario and that we should have dialogue. Over the last 2 weeks I have not had that chance, my son's mother claiming the child was unwell and needed to sleep. I am very flexible with this. His health is of utmost importance. so missing once is of secondary concern.

The system, as much as it talks about looking after child's best interests is failing badly. There are some Magistrates that are willing to guide a couple to make a decision. There are others that aren't. The fact is that parents do install obstacles and they need to be drawn into line as to what is best for the child. This is very rarely done and is a major failing of the system. The counsellors are the same. They just sit in the middle doing nothing.

I am not suggesting someone else make a decision. If that is what I am conveying, then I am not articulating myself correctly. The Father and Mother need to be managed and guided as to what serves the child best. To manage the parents conversations.

This is where dealing with the nuts and bolts, a court order, only goes so far. Anything can be agreed, but the fact is "The talking doesn't match the walking". Thinking that a set of rules will solve the problem, is erroneous.

This not philosophical. The rule making approach has not worked. Something new needs to be considered. The recent court case cost in excess of 30 thousand dollars, and in my mind, this is money that would be better spent on the child's education.

My ex wife despises my parents and claims it is their fault for our breakup and that I am always listening to them. The evidence is contrary to that. She conveniently forgets that she has insisted that my parents not come around to the house until she has cooled

down.

I have found that grandparents would always assist in the child's upbringing when my ex-wife and I were still married. Now that we are not married there is a concerted effort to keep them away from the child. For example, she wanted in the court orders that when I end up in hospital because of my condition (She was adamant I would end up in hospital because of my condition) that she bring around the child to visit me and that the child not spend any time with the grandparents.

There have been a number of examples in Australia and overseas where the divorcees live very close to one another and the child spends 2 weeks out of every month with either parent. These children seem to be better balanced than the children that spend time with the custodial parent. This serves the child's interests far better than many current arrangements, and would require that neither parent take an antagonistic approach to the situation.

The current system needs to be overhauled the same way that divorces can now be handed down after the prerequisite 12 month period. A father has the right to bond and develop a relationship with his child.

I truly hope that some positive changes can be made to the current system so that it becomes equitable.

Yours sincerely

[Redacted signature]