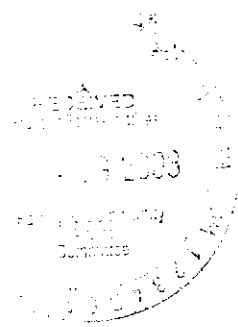


Submission No: 223

Date Received: 4-8-03

Secretary:

[REDACTED]



3rd August 2003

Committee Secretary
Standing Committee on Family and Community Affairs
Child Custody Arrangements Inquiry
Department of the House of Representatives
Parliament House
Canberra ACT 2600

SUBMISSION

Three months ago my marriage broke down. One month ago I moved from the family home. I have two children, a son who is seven, a daughter who is five. I did not want to leave as I have always been a very devoted father to my children. My ex-wife unjustly filed an application for an 'Ousting Order' to try to evict me from the home. Eventually I decided the situation was intolerable for the children and myself due to continual stress and tension. I did not want to see them suffer emotionally any further. While I was still living in the home my ex-wife would constantly use the children as a weapon and used emotional blackmail to hurt me. I was sure that once I did leave the house that she would try anything to keep the children and myself apart. She has done this as I predicted and I am EXTREMELY concerned about the children because of her hatred and bitterness towards me.

Two weeks ago we had a Mediation Meeting in regard to contact arrangements involving the children. My ex-wife told the mediators that the children did not want to see me at all. I knew this to be a lie as I know and can prove that my children love to be with me. Her request was denied, however, the outcome was that I have received access every second weekend and one Wednesday per fortnight for 3 hours. I also have access one week in every school holidays and two weeks over the Christmas holidays. I had requested to have the children every weekend and once to twice throughout the week for a few hours to keep our contact closer. My ex-wife had previously worked every Saturday and Sunday and I have always looked after the children. I strongly wanted to keep this routine going as the children were used to it and it would not be such a huge change for them. This request was denied.

I was informed at that time by two solicitors that I was lucky to get the access that I did. They told me that if it went through the Court I more than likely would have less access. I do not feel lucky as I desperately want to see them more and I know they want to see me as they are dependent on me because we have always had a strong bond since their

birth. Now that has been taken away from us. Now, I feel as though I had been misinformed and have lost my chance to gain more contact with the children.

It has only been four weeks since I left the house and I know for a fact that the children are suffering severe consequences. Two days ago I received a phone call from my son's school. They said he is falling behind greatly in his concentration and learning ability. He seems unable to focus at all lately. The school indicated to me that they knew that the marriage had broken down and they have great concerns in regard to the affect that it appears to be having on my son. My daughter is also in pre-school at the same school and they indicated their concern for her also.

I am certain that the problem my son has at school is directly related to the fact that he has been unable to have contact with me. On my last access visit my son asked me why he can't come and see me more often. It was hard for me to explain it to him, but I told him that I wanted to see them both as much as possible but that it was not possible because there are rules for the times that I see them. They do not understand these rules. They only understand that they had been close to me and we spent a lot of time together and now they don't see me much at all.

I feel very concerned, hurt and cheated by the system.
I have a few concerns which are as follows:

*The formula used for child support does not allow me to support my own house hold (re-establish myself again to cater for the children on access visits)

*I feel that the money should be more accountable for, (i.e. going towards the children's welfare). I feel as though it is not fair as I will be constantly struggling to keep my finances in order.

*The minimum access time given to me, the non-custodial parent is not enough time to nurture my parental role as their father. Especially given the circumstance in regard to my situation where the ex-wife is determined to abolish the relationship between my children and myself.

*It is totally unfair that her behaviour goes unchecked by anyone with no back up from the family court. I have requested that many matters in my case be looked at, however, they have been overlooked.

*I consider my situation to be a form of Child Abuse.

In conclusion I would like to say that I am personally finding it very hard to cope with. It has affected my work ability and emotional state. I have to watch my two children go through a lot of emotional trauma and can do nothing about it. They did not ask for this to happen. They want to be with me as much as I want to be with them and we have both been denied this right. I feel helpless and there is nothing I can do about this very important situation. I want this system changed for the benefit of all children and non custodial parents.

HOW CAN THIS BE IN THE BEST INTEREST OF THE CHILDREN??????

Signed

