

Submission No: 366

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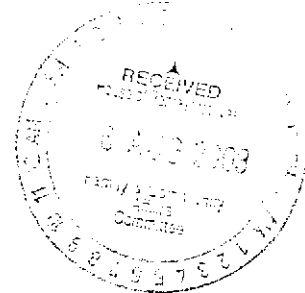
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Secretary:

1 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



To Whom It May Concern:

Re: Inquiry into child custody arrangements in the event of family separation

I wish to make a submission to the Standing Committee on Family and Community Affairs for the Inquiry into child custody arrangements in the event of family separation, as per the terms of reference.

Fundamentally, the issues of modern couples being unprepared for life together and the pressures of a family, in addition to the ease of separation and divorce must be addressed.

(a) *Best interests of the child:*

(i) *Other factors to take into account when deciding respective time each parent should spend with their children post-separation, in particular whether there should be a presumption that children will spend equal time with each parent and, if so, in what circumstances such a presumption could be rebutted*

- Everyone needs a home base and regular routine, in particular children. Therefore, I feel one parent's house should be the children's home and the other available for the children to visit on regular access.
- Most fathers are not adept at being the sole carer of children.
- Equal time with each parent could jeopardise one or both parent's ability to earn a wage. In most cases, the father is the breadwinner and the mother is at home caring for young children. In my case, I would be happy with either weekend access or complete custody and care. I am aware weekend access for one parent may impede the other parent from working or burden them with a childcare responsibility and cost. However, much of this financial cost is rebatable and the other parent could contribute as he/she would if both parents worked prior to separation.
- If both parents shoulder equal responsibility, why is the father's Child Support earning threshold much lower than the mother's and not identical?
- In some cases, the choice of whether the child goes on access visits or not must be removed from the parents and children. [REDACTED]

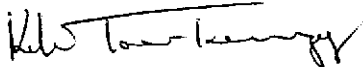
(ii) *Circumstances that a court should order that children of separated parents have contact with other persons, including grandparents*

(b) *Whether existing child support formula works fairly for both parents in relation to their care of, and contact with, their children*

- Enforcement of child custody orders is essential. [REDACTED]
[REDACTED]
[REDACTED]
- Police advice is that this is not their territory, it is a civil matter and to go back to Court. After eight years of non-enforcement of Court orders, I can no longer stand the financial burden of going back to Court, especially when it is to no avail.
- Financially, the non-custodial parent (especially with a new family) can't afford legal costs to keep going back to court. Court is a loosely applied term, as you don't actually need to appear in Court. Your Barrister advises you (at a minimum cost to be paid in advance of \$2,000 per sitting plus ~\$1500 solicitor's charge) that the Judge will support the Court-appointed Councillor's recommendation. Yet, the actual point of going back to Court is to enforce the orders already in place.
- If one party is able to take advantage of legal aid (which they have no intention of repaying), this is used as a weapon against the party that is paying. Justice only goes as far as the paying party can afford.

I sincerely hope this inquiry into child custody arrangements in the event of family separation leads to a fairer system, culminating in children having reasonable contact with both parents.

Yours faithfully,



Kornel de Toerkenczy

cc. John Forrest MP – Federal Member for Mallee
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