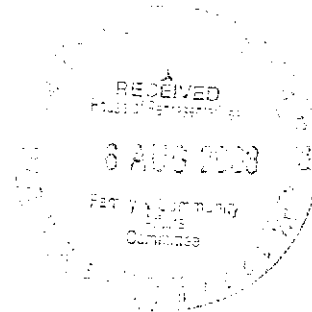


House of Representatives Standing Committee on Family and Community Affairs	
Submission No: 401	"Newhaven"
Date Received: 6-8-03	MS 571
Secretary:	Murgon Qld 4605

5 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



Dear Sir or Madam,

**Child Custody Arrangements Inquiry**

We wish to make the following submissions to the Inquiry.

We advise that these submissions have been prepared in the light of some years of experience as a supporting mother of three children (in the case of Janet Dench), and as supportive grandparents highly involved in the process of raising those children, in the case of Ian and Valerie Clark.

As we anticipate the Committee will be inundated with submissions we have excluded all non-essential supportive detail of the experiences which have led to the conclusions we have reached, but we advise that we would welcome the opportunity to travel to give direct and personal testimony to the Committee. We suggest that testimony would be typical of people in our situation where an acrimonious marriage breakdown occurred, and where the parties now live in separate (although adjoining) States.

**Submissions:**

1. We consider it should be a requirement that the Family Court fully investigate the circumstances leading up to the marital breakdown and subsequent separation. When properly established those circumstances should be a major factor to be considered when the Court is deciding the respective time each parent should spend with their children after separation has occurred.
2. We strongly submit that there should not be a presumption that children will spend equal time with each parent after the parents have separated. A parent who truly has the interests of his or her children at heart will not provoke the division of the family, as occurred in Janet's case. Even if provoked he or she will then leave only in dire circumstances in the full knowledge that by leaving the children are

obviously put at risk of financial disadvantage and emotional turmoil. That turmoil would, we submit, be added to if the children were required to spend equal time with a parent that they disliked or failed to respect. The presumption that children are incapable of making a proper judgment of where and when respect is due is also false.

3. We suggest that the general view that fathers are an underprivileged or hard-done-by group when issues of child residence and contact are considered is incorrect. We submit that the Family Court should do far more than it does to investigate the circumstances of the individuals coming before it before granting either limited or extensive contact with the children to the non-custodial parent.
4. The fact that contact is for the benefit of the children – that it is granted in order that the children may have the opportunity to either continue or develop a relationship with the non-custodial parent – should be stressed by the Family Court and could perhaps be included as a compulsory clause in any residence/contact orders made by that Court.
5. We submit that there should be a presumption, which again should be included as a clause in all residence/contact orders that the children should be entitled to have significant contact with their grandparents.
6. We go further, and suggest that at least some contact with other kith and kin should also be provided for in Family Court orders but with this important reservation in all instances: **NO CHILD SHOULD BE REQUIRED TO ENGAGE IN CONTACT WHICH HE OR SHE ABHORS AND/OR DOES NOT TRULY WANT TO ENGAGE IN**, whether that contact be with a parent, a grandparent or anyone else.
7. We submit that the existing child support formula does not work fairly. We submit that the requirement of the Child Support Act that the non-custodial parent assist in the support the children to the full extent of the regulations made under that Act should be **STRICTLY** enforced. The non-custodial parent should not be permitted to fraudulently re-arrange his or her financial affairs so as to reduce his or her liability to contribute to child support to zero when such arrangements are plainly a subterfuge and a sham. Clauses similar to those in the Bankruptcy Act prohibiting fraudulent settlements and permitting claw-back should be included in the Child Support Act.

Yours faithfully,

Janet Dench

Ian G. Clark

Valerie J. Clark