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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:

There has been so much debate on the airwaves regarding the said inquiry. It is a very complex issue and we all have to understand and as a society we all must play our part to ensure that the children are not forgotten when discussing these issues.

I have listened to members of the committee and other Federal parliamentary members via radio on the topic and I am heartened that you all say that the issue of child custody needs to be reviewed.

Unfortunately I became a casualty in June 2000 of the whole child support/contact saga.

Point One:

Observation: I had problems understanding the whole process from day one. Therefore, I would like the committee to consider some of the barriers and that I have experienced along with own suggestions and comments.

I could not understand why I would be only given this "every second weekend and half of school holiday". I could not even get my lawyer to discuss this issue with the other party as I was told "This is all courts will grant you, do not waste your time and money, my time or the counts time" "if we raised this at the hearing the judge would not look kindly on it and you could loose more than you could think" and "That is all a man can get". This hurt me greatly as I love my little girl and I still find it very difficult not being able to give her hugs and my care.

The whole process is a fast. After having spent money to gain agreed contact of my daughter. At the final hearing to be told by my lawyer that they do not see the other party abiding by the agreement and that all I can hope for is that in the future she may be kinder. "Treat any time you get with your daughter as a bonus". How true they where!

So I keep thinking 'Why did I go through this process'.

The whole cultural/mind set from lawyers and the Family Court are there to confused and make you disheartened. I walked away feeling that the whole process was not there to reach agreement as to the best of the child but to agitate the bad feeling between both parties. i.e. the conciliation aspect of the Family Court was a complete waste to time in its current format.

Action: Any changes made, there must be a complete change of culture throughout the whole process. Starting with family lawyers and the direction given by Government to the Family Court. This is an essential prerequisite before any other changes are made. If not, the whole society will continue to suffer.

Point Two:

Observation: The court orders indicate that the non-custodial parent has responsibility in major issues regarding the child. However, as the non-custodial parent I was not told that my child was being moved to another school or at any time where she was experiencing health problems.

As a caring parent, this does hurts.

Therefore, it is another reason why the non-custodial parent becomes so angry at the Court system. I believe my own experience is just it tip of the iceberg.

In my dealings with the Family Court and along with my perceptions, I believe that the current process via government is only concerned that I contribute financially. " You are the man and you have to pay".

I am not the first to say, I do not want to dissolve my financial responsibilities and I am aware that there is a small proportion of non-custodial parents that do not want to contribute financially to support their children.

I demand the opportunity to be included in the up bringing of my child and not just as the providing money for her mother. As is my right as her father not just as the "Golden Goose".

Action: The Family Court has the power to ensure that the non-custodial parent is included in the child's major issues that impacts on there up bring. That Family Court Orders are being adhered to by bother parents to this issue. It must be recognised that non-custodial parents has rights not finished with the payment of child support.

That conciliation aspect of the Family Court has the capacity to deal with and

enforce court orders regarding these matters. Would allow matters as pre observation to be handled between a conciliator and parties involved without the

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use of lawyers. Whole presses would be dealt by lodgement of dispute with Family Court. Resulting in a quicker resolution. Less destructive process for all parties involved, without lawyer's fees.

Point Three:

Observation: I have received many forms from the Child Support Agency indicating different assessment amounts of child support payments. It took three visits to the Adelaide office of the Child Support Agency to understand which amount I should pay. I was able to discover that my former partner was able to use the current system to calculate their income as nil. Even though I am aware that my ex partner had income higher than the exempt amount plus a sizable redundancy payment. In the words of the case manager "That's the system" and "Why should you not pay".

They were kind enough to point out that there were steps that I could take to have an assessment review." Please fill out this form" – 'changing your child support assessment in special circumstances'. I questioned the section where I was required to disclose my income and expenditure. I was told that my ex partner receives copy of this form including my income and expenditure. I questioned again as to why they (ex partner) is sent a copy and again was told, "That's the system". On further questioning I was told "Even if you win the hearing it was more than likely that they would not reduce the amount that was payable because you are the man and the woman is always the winner". So I did not pursue matter, just got angry.

In my case the payee was on a gross income of approximately \$45,000.00 but decided to take a redundancy and pursue another career and claim an income of NIL. It angered me to be assisting in the life style of the recipient.

Action: There should be provision where redundancy payments have to be declared and taken into account when calculating assessment. No person should be allowed to flout system and there needs to be mechanism put in place so that you can get a fair hearing and not be told "That is the system" it must have discretionary powers to rule on situation basis.

Point Four:

Comment: I pay \$7,785.00 per annum in Child Support. I find it difficult to continually contribute extra monies for items that the custodial parent should have provided for. i.e. clothes and shoes, effectively paying twice.

Action: There needs to be a system put into place where by the Child Support that is paid is actually spent on "Supporting the Child" and not assisting in the life style of the recipient.

Point Five:

Comment: I would like to comment on one of the unfairness of the current Child Support system that I have experienced and am aware via other persons. Where one of the child's parents deliberately changes their work statue i.e. goes on unemployment benefits or does not continues in a position of the same salary level so that their child support amount increases or decreases pending on situation.

Action: Where one of the parent's changes they existing life style and it can be shown, child support assessment is completed on estimate of they income ability not on they new life style.

Point Six:

Comment: Another issue that I believe is unfair in the current Child Support system I would like to comment on and have experienced.

These examples highlight the injustice I believe the system inshore the paying parent has to endure noting that this is only my experience with the realization that there is also injustice for payee in other circumstances. Using my own personnel details reveals these injustices. See examples.

Example One: Paying Parent		Payee	
Gross Salary	59,233.00	Gross Salary	36,920.00
Tax Payable	15,912.00	Tax Payable	7,956.00
Net Salary	43,321.00	Net Salary	28,964.00
Less Child Support	7,785.00	Plus Child Support	7,785.00
Spendable Income	35,536.00	Spendable Income	36,749.00

I believe that this clearly indicates that the paying parent is at a disadvantaged. I have to work hard and long hours to achieve this income and do not reap any of the rewards. I am trying to build a new life for my daughter, and myself but am held back because of the injustice of calculating my assessment.

Action: The Child Support assessment should be no a sliding scale. e.g.

Current Assessment

Paying Parent

Child Support Income Amount	55943.00
Exempted Income Amount	11740.00
50% of Excess Income Amount	954.00
Adjusted Income Amount	43249.00
Child Support Percentage 18% of 43249.00 (Adjusted Income Amount)	
= Annual Rate of	\$7,785.00

Payee

Child Support Income Amount	36920.00
Disregarded Income Amount	35012.00

Excess Income Amount 1908.00

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Proposed Assessment

Non-Custodial

Child Support Income Amount	55943.00	
35,000 – up to 100,00	Child Support Percentage 15%	= 3,141.45
20,001 – 35,000	Child Support Percentage 20%	= 7,000.00
15,001 – 20,000	Child Support Percentage 10%	= 2,000.00
1 – 15,000	Child Support Percentage 05%	= 750.00
Child Support Payable by Non- Custodial Parent		= <u>12,891.45</u>

Custodial

Child Support Income Amount	36920.00	
35,000 – up to 100,00	Child Support Percentage 05%	= 96.00
20,001 – 35,000	Child Support Percentage 10%	= 3,500.00
15,001 – 20,000	Child Support Percentage 15%	= 3000.00
1 – 15,000		=
Child Support Payable by Custodial Parent		= <u>6,596.00</u>

Therefore Child Support Pay by Non- Custodial Parent is difference between the two amounts = \$6,295.45

The sliding scale recognizes that both parent have obligation to support child also does not penalties either parent that for trying to build new life for themselves and child.

Example Two: As the non- custodial parent of the most loveable daughter, I believe that the current system does not recognize the cost involved when my daughter is in my care. I only receive 90-100 days where my daughter is in my care. To have current system reduce my assessment I am required to have 110 days. The usual days that I receive my daughter are weekend and holidays. Which the committee would recognise as the time when money does not go very far.

Action: When the Family Court Orders indicate that the non-custodial should receive 100 days care. Child Support Assessment should be calculated as a percentage. Child Support Payable Divided by 365 days and multiplied by number of days care outline in Court Orders. i.e.

Annual Rate Currently Payable	= \$7,785.00
Daily Rate = divided by 365	= 21.32877
Non- Custodial = multiplied by care days (100)	= 2,132.88
Annual Rate less Care Days	= 5,652.12
<i>Therefore, Child Support Payable</i>	<i>= \$5652.12</i>

Conclusion: Looking back over my experiences with the whole Family Count and Child Support, it should have been a less argumentative and less painful experience. My own experience was not a complex issue. The whole process of contact with your child has become a “tug of war” with lawyers trying to keep your contact under or over the prescribed 110 days. This cannot be in the “Childs best interest”. Therefore, the starting point is that both parents have equal responsibility of the child.

There are so many injustices in the current systems. Even through my own experiences, which I have outlined to this committee it is so obvious there needs to be a complete overhaul of both Family Count and Child Support. I hope by outlining some of my experience the committee as a whole can put in place a more friendly and workable system. And lets not forget THE CHILD.

Thank you for the opportunity to put my experiences and thoughts to the committee.

Yours faithfully

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