

[REDACTED]
Sent: Thursday, 7 August 2003 3:36 PM
To: Committee, FCA (REPS)
Subject: Submission in Support of Joint Custody

House of Representatives Standing Committee
on Family and Community Affairs

Submission No: 380

Date Received: 7-8-03

Secretary

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

Main points of Submission -

1. Wishes of Children / Best Interest of Children
2. Susceptibility to abuse of present system (Child Support & Family Tax Benefit / Property Settlement)

I would like to put forward a short submission in support of Joint Custody where the children of separated parents spend equal time living with each parent.

It is my belief (as has been my experience), that the presumption of the children remaining with the mother is not necessarily in the best interests of, or in accord with the wishes of the children.

My children aged 9 and 14 at the time of separation in 2000, both found it very difficult to come to terms with their mother's view that they would spend the majority of their time with her. Her explanation to them at the time was "that's the way it is". Both children showed maturity well beyond their years and expressed the view openly to me and no doubt to their mother, that they did not think this was fair. In effect, to bring about an outcome which both children felt showed some fairness, they had to put pressure on their mother to allow them to spend more time with me. This in my view, unnecessarily put the onus and extra pressure on the children which a fairer system of rebuttable joint custody would not do in order to accommodate the wishes of children whose desire it is to have an equal relationship with both parents.

The present system on custody also represents the thin edge of the wedge, in that leaving female partners can utilize the present custody norm as blackmail, even when a reasonable residency has been negotiated by concerned children. For example, in my case, the children now spend 169 nights of the year with me which should be classified as Shared Care Level in terms of Child Support. My ex-partner has my Care Level registered via Child Support as Substantial. I have not altered this because the blackmail threat is a return to less time with the children unless the Child Support Level is left as is, and my ex-partner is also allowed to retain the total Family Tax Benefit as Major Carer rather than the true status as Shared Carer.

My experience has also been that the solicitors for leaving female partners coach them very carefully in the benefits of minimizing the time the children spend with fathers in order to maximize both Child Support and the proportion to be gained in Property Settlement. This inevitably leads to additional conflict and additional expense to both parents - both of which only further serve to disadvantage the children.

In summary, the present matter of course Child Custody norm in the event of separating parents, does not take into account the best interests of the children and is a system open to abuse, largely at the expense of the public purse. The system currently in place in fact serves to provide a financial incentive for leaving female partners, whereas rebuttable joint custody would, I believe, help minimize problems with Child Support, and possibly, by minimizing the resulting financial incentive for leaving female partners, lead to less children being forced into a situation where they are denied a more normal and functional family life.

I thank you for the opportunity to make a submission in a matter of such importance to our children and therefore to our future.

[REDACTED]