

Forbes, Bev (REPS)

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Submission No:

Date Received: 17-10-03

Secretary:

From: [REDACTED]
Sent: Friday, 17 October 2003 4:50 PM
To: Committee, FCA (REPS)
Subject: Inquiry into child custody arrangements- Committee

Dear Members of the Committee

Unfortunately I did not have time to make a submission to your inquiry.

I would like you to address one issue that seems to have been overlooked. I want to know what you propose to do in the case of children who WANT to see their non-custodial parent, but the parent refuses to see, or make themselves available to, the child?

Your Inquiry assumes that all non-custodial parents will want to spend time with their children. I wish to inform you that this is not the case. If the aim of the inquiry is to ensure that children spend time with both parents, how are you going to deal with a parent who refuses to see their child on a regular basis?

I want to know what steps you will be taking to ensure that children spend some time with their non-custodial parent and how you are going to make sure that contact actually occurs. Will the non-custodial parent be found to be breaching the rights of the child if they do not attend contact with the child? Will there be sanctions in place for non-custodial parents who do not show up for contact with their children?

I look forward to your response on these issues and I hope you will take them into account when tabling your report.

If you have any questions please do not hesitate to contact me.

Thanking you

[REDACTED]



Dear Committee members

I am writing in regards to the inquiry being conducted on child custody matters. I wish to give you a history of my case so that you can be aware of the problems custodial parents (and children) face each day.

My daughter's father left us when I was pregnant. He has never seen his daughter and states that he has a new life now and doesn't want anything to do with us. He has also since married and claims he wants to start a new family with his new wife! He also claims that he has no money to pay child support for his current daughter.

I am very concerned with the objectives behind the inquiry into child custody and visitation. If the object is to make sure children spend more time with their biological parents, how are you going to enforce this?

My daughter expresses to me that she wants to meet and see her father, yet there seems to be no provision in the Family Law Act that requires the non-custodial Parent to attend visitations with the child!

Isn't it the child's right to spend time with their biological parent? I am also very concerned that my daughter's father claims he has no money to pay child support, but yet expects to be able to start a 'new family' with his new wife. Why does the law allow this to occur? Surely if a man cannot provide for one child he should not be allowed to go and plan to have many more children and expect the state and taxpayers to pay for those children?

In this day and age where 2nd marriages are very common, it is very important that the children from first marriages are give priority, especially concerning contact issues with their parents and child support. Children from first relationships often have terrible lives and suffer from not being able to see their non-custodial parent and also because the non-custodial parent usually does not pay adequate amounts of child support for these children. (because he claims he needs the money for his new 'second' family- which he has chosen to create). It is a total disgrace!

I would like to see committee members focusing on the rights of the child, rather than the rights of the non-custodial parent (usually the father). Every child should have the right to be fed, clothed, housed and be entitled to see and spend time with both their parents (unless of course, there are issues of child abuse).

I would also like to see committee members put in place laws that force non-custodial parents to show up to see and spend time with their children and if the non-custodial parent breaches that contact, there should be strict measures in place to penalise them. Why are these laws not in place? Why do the children not have rights?

If committee members are so concerned about children growing up without having contact with their non-custodial parent, I would also like to ask committee members what steps they are going to take to ensure that each child gets to meet and spend time

with their biological father? How is my daughter going to enforce her 'rights' and spend time with her father when he refuses to do so?

I also ask that committee members phrase all laws in terms of the rights of the child and not in terms of the so-called 'rights' of the parents.

The family law system is truly a disgrace and the child support system is quite inadequate. My daughter's father operates a company (he and his wife are the shareholders) and he earns over \$80,000 a year, yet he claims he has no money as his tax return shows as being \$20,000 due to all the deductions he claims he needs for his income. Taxable income is not a true reflection of wealth and many businessmen who run and own their own companies show little in the way of taxable income, but have many assets and live luxurious lifestyles.

I feel the family law system and the child support system have failed me and my daughter and I would like to see many more changes in place that give priority to children and especially children from first marriages and first relationships.

Most non-custodial parents (usually men) make the choice to start new relationships and have 'new' families and their 'old' families should not be penalised because of this.

The current child support legislation and formula that 'disregards' some of the non-custodial parent's income because he has a 'new' family clearly is an example of where priority is given to 'new' families and this is not fair and should not be allowed! I ask that committee members please look into this and explain why second families are given priority over the non-custodial parent's income, rather than the first family!

Non-custodial parents who do not look after their 'first' children should be strongly discouraged from having any more children and they should not start new families when they cannot provide for them. They should not be rewarded for having a new family and be allowed to claim child support deductions and tax deductions for their 'new' family!

So many children live in poverty and suffer emotionally and financially because of the actions of the non-custodial parent. I would like to ask the committee to take steps and make laws to make the non-custodial parent more responsible for his/her actions.

I also think situations like mine, where the father has never seen the child and had no contact with her are totally unsuitable for the presumption of automatic 50/50 joint custody. It cannot be said that it is in the child's best interests where she has not had an on-going relationship with her father and it would cause her serious problems if an automatic presumption of joint custody applied in all cases. The situation of automatic joint custody should only apply where each parent is a caring person and can show they know how to care for the children and can demonstrate that they will spend lots of time with the children. As most of the non-custodial parents (men) work full time, I do not see how they can demonstrate this.

If the purpose of the inquiry is to ensure children get to spend time with both parents, then the onus is on each parent to show that they will actually spend the time with the child. It is not sufficient for a stay at home mother who does not work to be told that the children will be spending 50% of their time with the father who works full time. He will only put them in childcare and in that situation, the children are not with the mother or the father. This would defeat the purpose of this inquiry.

If you have any questions or would like to discuss any of these issues further, please do not hesitate to contact me at the above address or phone number.

I look forward to hearing from you and I look forward to reading the Committee's report and findings.

Yours sincerely

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