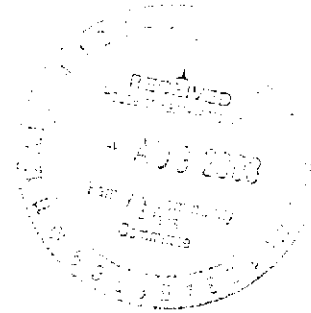


Submission No: 225

Date Received: 4-8-03

Secretary: \_\_\_\_\_

Committee Secretary  
Standing Committee on Family and Community Affairs  
House of Representatives  
Parliament House  
CANBERRA NSW 2600



[REDACTED]

Subject; My experience with Family Law and treatment by "Child Support Office"

Dear Sir/Madam,

I wish to offer my experiences regarding both the Family Law office and the office of Child Support.

Throughout the Family Law Court proceedings I felt that the Registrar's had the best interests of my son at heart, I had no concern with the proceedings, however I did feel (as one would) unsure of the situation. It may be an idea to somehow have the system assure the parents (somehow) that the intention of the system is to "Look after the welfare of the children"

The system in advising this point should then immediately take into serious consideration what the best outcome would be for the children. If one of the parents states that he or she is capable of parenting the children for joint residency then why not permit this to occur. If a parent who is working states this is possible to manage even with work commitments why not allow this as a minimum.

A parent would not request this unless it was possible, their work history should be considered, their employer could be requested to confirm the request is possible according to their work requirements.

It is my experience that in my case I could have easily managed a joint residency of our son, the criteria I have to offer is that I live within 5 minutes drive from the marital home. My son could attend the same school and his friends are also close by.

I did not consider equal time as I was advised that the Family Law Court would rule against me and that to request this before the courts could cost around \$25,000.00 and that I stand a great chance of losing. Considering to keep my son I waived any financial settlement from my ex wife to keep her from leaving the area and moving to [REDACTED] This already cost me in excess of \$110,000.00 I had no choice but to accept the minimum visitation, which I regret deeply.

My son was always at my side, and I mean always. I was the parent that delivered him to day-care in the morning and collecting him in the afternoon, I bathed him and put him to bed and I would read him stories every night. I caught Chicken Pox from him and I had to take myself to the doctor as my wife would not take me. I had been teaching him to swim, we would garden together and wash cars. He always wanted to be with me.

The initial separation for [REDACTED] was extremely traumatic for both of us. When [REDACTED] was visiting he was fine, at the time we needed to return him he would scream and cry, he would scream "I don't want to go Daddy, I don't want to be there I want to be with you" This haunts me constantly.

When we would arrive at the marital home [REDACTED] would still be screaming that he didn't want to be there, he would lock the car doors so his Mother couldn't open the doors, once I would encourage him out of the car he would throw up on the lawn. This continued for 18 months, to this day [REDACTED] continues to feel sick in his stomach prior to returning him to his Mother.

Due to [REDACTED] behaviour I have this year been taking [REDACTED] to a Therapist in order to help him. I do have intentions of re-opening the standing orders and fight for residency but I am told I could be awarded less time with [REDACTED] if I am unsuccessful and I stand a great chance of the courts allowing his Mother to move away and have costs awarded against me.

I need to correct this situation for [REDACTED] sake as he remains in a highly emotional state when he is with me, and continues to react to the time he is to be returned to his Mother.

If given the opportunity at the outset I would have jumped at the chance to be awarded equal time.

I am sorry if the above is not what you are looking for but it will give you an idea where my following comments come from.

Factors that should be taken into account for the presumption that children will spend equal time;

- That one of the parents has requested joint residency. This would show at least one parent has considered the children's wellbeing.
- The parents would be required to live in an area where the child would continue to attend the same school, have the same friends.
- The child's infrastructure should remain unchanged.
- Both parents should be bound by the Courts to allow the child or children to contact the other parent by means agreed, if not agreed ordered by the Courts to occur.
- Parents should be automatically sent to a councillor to discuss how the children will be affected by their behaviour.
- If a Parent denigrates the other Parent with the children in their company this should be discussed with the councillor and appropriate action taken immediately as this has a profound affect on the Children, [REDACTED] is constantly telling me of his Mother discussing personal business with others. I have been physically assaulted due to this.

Under what circumstances could presumption be rebutted;

- If either Parent has been abusive (verbally or physically), involved with drugs or alcohol.
- If either parent has a criminal record it should be considered if the crime is one that could affect the children.
- If a Parent has no permanent address.
- If a Parent has behaved in an abusive manner in the presence of the Children and witnessed by other adults.
- If a Parent has been proven to be a Paedophile.
- If a Parent cannot agree to joint residency then that also should be viewed as not in the children's best interest.

In what circumstances a Court should order that children of separated parents have contact with other persons; including their grandparents.

- As per rebuttal, if a person that has been found to fit the criteria of rebuttal then they should be excluded from the child until the child has the maturity to make up their own mind.
- Grandparents should be included in the children's lives but this should be undertaken by the grandparents' child, the separated parent should be excluded from this process unless agreed by both parents. I state this from personal experience as my ex wife has caused a rift between my Father and I due to her embellished story telling. (Never both sides of a story is told by her).

## Child Support.

Whether the existing child support formula works fairly for both parents in relation to their care and contact with, their children.

I have had an enormous amount of stress due to this process. My experience with Child Support and having to deal with a bitter ex wife using Child Support as a weapon.

I hope I don't bore you with details but for you to understand my position on Child Support experiences I need to give you details.

At the beginning of the Financial Settlement I waived my claim to financial payments due to the need to see my son rather than force his mother to move, as she would not be in a position to remain in the marital home.

- The above should be automatically taken into account regarding child support payments when the other parent has a steady employment history. I was threatened that she would move away if she could not afford to stay. Child Support should include the relinquishment of financial settlement over a time frame according to the age of the children.

Child Support does not recognise new partners as a dependant.

- My experience has shown Child Support to be biased to the point of destruction. My partner was diagnosed with [REDACTED] and I was told in writing by a Senior Case Officer [REDACTED] that my Private Health Insurance Cover was a luxury that I should cancel the coverage in order to maintain my Child Support Payments. Treatment of my Partners condition continued, it cost thousands of dollars in medical bills as well as her not being able to earn an income during a twelve-month period. This has placed us in a position where we now owe many thousands of dollars more on our mortgage. My ex wife manages to take holidays every school holidays, hire campervans, hire cars and maintain her lifestyle while I am stretched to the breaking point. I made the comment once to Child Support that I would have to take necessary steps to look after my family, I was told that I had a "Capacity of Earnings" and that Child Support would take appropriate action to recover outstanding payments. ***I have always paid the required payment on the due date (this is readily available in the computer system that this senior case officer had at his disposal, why make this type of threat.)*** The tone of the conversation at the time was regarding my health and perceived levels of stress.

I find dealing with Child Support is extremely biased.

- Over a period of twelve months my ex wife had made four submissions to Child Support for Change of Circumstance. This caused extremely high levels of stress, as I knew what the outcome would be.... More money going out with less being available to pay doctors bills for my partner. I went from approx. \$240.00 per month to \$626.00 per month and to make matters worse my ex wife knew of my partners condition during the entire process.
- Each submission to child support meant time spent on my reply, time spent to attend a meeting with Child Support and increased stress levels.
- During school holidays I continue to pay child support even when he is with me for half of all school holidays. This is not taken into account, as I do not have [REDACTED] for a long enough time frame according to "Legislation" so I have to continue payments as well as maintain his needs when with us. How can this be changed....."Legislate a change" that during holiday visitation child support payments cease to be included during the holiday visitation period, this would at least allow the non custodial parent to entertain the childre during that time.

***Conclusion.***

I hope this submission has some merit, I do not like dredging up past experiences as I try to forget the hardships faced so I feel I have not given my best.

What I would prefer is to be given the opportunity to share my experiences with the committee by either reading to the committee or presenting copies of letters received by the Child Support Office in order to express my position on this matter.

Discuss the continued denigration by my ex wife in the community I live in. (2 years after separation I was told by a friend of another person discussing a conversation with my ex wife I am extremely tired of her poor behaviour.

I have experienced what I would consider to be an extremely biased system and I want to be a part of the changing process.

Please reply to me either by email, post or telephone. My home number is [REDACTED] mobile is [REDACTED] Mobile would be preferred.

*Yours Sincerely*

*Craig Job*