


Submission No:.....**486**.....

Date Received:.....**11-8-03**.....

Secretary:

John William Westendorp
8 Amaroo Court
BELL PARK VICTORIA 3215


07 August 2003

PREFACE

I make this submission in regard to "Inquiry into Child Custody arrangements in the event of Family separation". I will make my points in order as to follow the terms of reference, I will also include as an appendix a summary of the unresolved issue I have ongoing at this time.

My submission is as follows:

- 1 a The time each parent spends with their children post separation should and has to include school activities ie: sports days, parent teacher nights/days birthdays not only of the children but of other family members ie Grandparents, Aunt's Uncle's, Cousin's, family friends that were close to the family pre separation. Many times relationships with the children have been lost because of separations, this I feel would give the children some sort of stability even though Mum and Dad can not live together. Factors that should prevent parents from having equal time with the children should only be taken into account if there is a proven history of abuse (physical/verbal), drug usage, alcoholism by the other parent or any of his/her agents, ie: Uncles, Aunt's family members or friends.
- 2 a In all circumstances I feel other persons ie: Grandparents, Uncle's, Aunt's etc should be allowed into the contact process as well. I say this from my own experiences as my ex wives parents got to and could spend more time with our children than my own parents as I was only allowed and could only have the children one day a week, due to my commitments as a interstate truck driver. Separation, contrary to popular belief does not revolve around both parents, in reality it involves both families. Many non custodial families, ie: Grandparents, Uncle's, Aunt's, Cousin's lose contact because of the separation/divorce.
- b The existing child support formula at this stage is biased towards the custodial parent. None of the non custodial parents circumstances are taken into account when maintenance is worked out, ie: is there debits left over from the marriage and who is paying them out, whether the non custodial parent has entered into a relationship with a new partner who has a family from his/her previous marriage, or when the custodial parent enters into a new relationship/marriage and is financially better off because of this union.

The one thing that really sticks in my craw is the inability (as a non custodial parent) to deal with the Child Support Agency. As a non custodial you are met with a closed door attitude you have to pay no matter what the circumstances are as you can see by the enclosed appendix, my own battle has gone on for ten years.

2 c My recommendations for the action to the committee are:

- 1 That all factors relating to the children be taken into account when deciding the time each parent gets to spend with the children
- 2 That in most normal circumstances that Grandparents and other family members, friends have continued contact with the children.
- 3 That all circumstances/factors are taken into account when the Child Support formula is worked out. That the Child Support Agency develop's more of a open door policy and makes decisions on case by case basic and can respond in a relatively short time, not six to twelve months down the track.
- 4 That the access rights of the non custodial parent be adhered to, as there is no consequence brought upon the custodial parent who is in constant breach of a parenting order yet if child support is not paid becomes a real possibility.

The current system is stacked in favour of the custodial parent. However the non custodial parent also has rights too, as do the children.