

Submission No. **1382**

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Secretary:

From: Murray&jann [REDACTED]
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To: Committee, FCA (REPS)

INQUIRY INTO CHILD CUSTODY ARRANGEMENTS IN THE EVENT OF FAMILY SEPARATION:

Presumption that children will spend equal time with each parent:

- **Reasons for rebuttable:**
- This would undermine a child's rights, psychologically to a stable and secure home life.
- A child needs the security and stability of one home, being able to call one place home. Providing a child with two homes would lead to confusion and more importantly, **encourage a child to play one parent off against another.**
- In many instances, separated couples have very different views on how a child is brought up, disciplined and what values they want the child to grow up with. This could lead to huge psychological implications in a developing child.
- The presumption of equal time with each parent is ensuring the right of the parent at the expense of the child.
- A high percentage of separations are "acrimonious" - under these circumstances, shared custody/residency of children would most certainly be unworkable.
- In families that do not separate, it is common for a child to feel "closer" to one parent over another.
- **Has the contact parent always taken an interest in the child; have the parent's of the child ever lived together, is the contact parent "responsible".**
- Mediation does not work for everybody. Outsourced mediation has an even lower success rate.

Contact with other persons including grandparents:

- Consideration should only be given to other persons or grandparents if it can be proven that they have actively exercised and maintained an ongoing and consistent interest in the child and the child's well being at their own volition. It should not be the responsibility of the parent to have to chase after these persons or grandparents.

Child Support Formula:

Much noise is made by certain groups in our communities regarding the maintenance paid by a "contact parent". We do not however, highlight the **higher percentage** of the "resident parent" who receives either no maintenance or an amount totally insignificant to be considered as maintenance toward a child.

- Child support formula only works when a parent is strictly a P.A.Y.E. employee who does not have the means to hide his/her income. Where a contact parent pays maintenance for multiple children, they can indeed be left "crippled" financially.
- Child support formula is totally ineffective when applied to the self employed, contractors or entrepreneurial types who have the means at their disposal to hide their true income via "loop holes" in the system and "cash in hand" jobs. This system leaves a struggling parent to live on the poverty line at the expense of the tax payers of Australia.
- Why does family law act quickly if "access" is withheld YET, drag their feet when "maintenance" is not paid.
- Access and maintenance need to be "one order" not "two" separate orders.

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