

House of Representatives, Standing Committee
on Family and Community Affairs

Submission No: 242

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Secretary:

From: [REDACTED]

Sent: Monday, 4 August 2003 3:26 PM

To: Committee, FCA (REPS)

Subject: Submission for Inquiry into Child Custody arrangements in the event of family separation

I would like to applaud the Australian Federal Government for taking the initiative to review the current policies and practices concerning the care of children when a marriage fails and parents divorce, and I thank you for considering this submission as part of your evidence.

I write, not as a divorced father, but as the brother of a fine young man with three boys, aged 15, 12 and 9.

He and his former wife divorced over five years ago when the children were at a particularly vulnerable and impressionable age. The reasons behind the marriage breakdown are probably not relevant to this submission; suffice it to say, there were issues on both parents' side. However, my brother would have done anything in his power to keep his family together, in spite of the problems he and his former wife were experiencing. His passionately believed then, and still does today, that his children need regular access to both parents.

He has been accused of being abusive toward his children, of not supporting them financially, of not caring about their well-being and of frightening them. These accusations, not surprisingly, come from his former wife. All of them are without substance but because of her baseless accusations, he was forced to undertake a psychological assessment to determine his fitness as a father. He passed with flying colours.

From the day his former wife left their home, with the children and every possession they shared, he has supported his children financially, emotionally and spiritually. He has always put their needs ahead of his own. He left his job so he could work for himself, ensuring he was available to get his children to school and be there when they returned. He cooks for them, does their washing, attends to their needs and helps with the homework.

He is a good Dad, but because he is a man, his parenting skills are viewed with scepticism by some members of society.

Shortly after the separation, he was forced to take legal action to prevent his former wife taking his children out of the state and after many court appearances and thousands of dollars wasted in fees, the courts agreed that he and his former wife should have shared custody of the children. An arrangement was reached whereby the children would spend one week with their father and one with their mother and court orders were drawn up to that effect.

As the parents lived nearby each other, the childrens' schooling was not interrupted, they were not displaced from their friends and after an initial period of adjustment, the boys settled down.

It seemed like the ideal compromise.

Through a difficult personal time, my brother has rebuilt his life. He now has a steady job in the IT industry and has remarried and purchased a new home. His new wife is a secondary school teacher and is very much loved by the three boys.

At the beginning of this year, my eldest nephew was accepted into the Australian School of Ballet, necessitating a move to Melbourne. He was happily billeted with a family approved by the school and by his parents and his studies were progressing well. He missed his parents and younger brothers, but was loving his schooling.

In April of this year, his mother decided that her eldest son needed her (he didn't) so she defied court orders and moved herself and the two youngest boys to [REDACTED]. She told my brother she was originally moving there with her second husband. My brother, again wishing to do the very best for his kids, reluctantly agreed to the relocation on the condition that they return to Canberra for every holiday and that he has unlimited access to them via the telephone. He was led to believe they would be living in a nice home in a pleasant area, that they would attend school and be well cared for. He willingly contributed to the boys' upkeep

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financially and has been solely responsible for all schooling fees, including the not insignificant fees at the ASB.

The mother did not disclose that her second marriage had also failed prior to moving to [REDACTED]. She now does not have the support of a partner, she does not work and she shows no intention of making any effort to find work. Despite receiving child support from my brother and financial assistance from the government, she finds herself with large debts and is now considering bankruptcy. She is capable of work, yet she has chosen to make no effort to find employment of any kind. She is lazy.

Worst still, she prevents the two younger children from attending school. My brother has documentary evidence, provided by the boys' teachers, that the children are not attending school. The 12 year old cannot read and is beginning to withdraw socially. The youngest boy has attended school only 2.5 days this term and he too faces possible learning difficulties in the future. Preventing the social and educational development of two healthy, young boys must be one of the worst forms of child abuse. Yet while they live in Melbourne, my brother is almost powerless to do anything.

He speaks with the boys every day, encourages them to go to school, yet the mother prevents it. He talks to the school principal every week and has sought the involvement of school councillors, all to no avail. The boys were often kept home from school while under her care when they lived in [REDACTED] but while under the care of my brother and his wife, they had a perfect attendance record. Their former family doctor believes the mother has a serious co-dependency problem and is putting her own needs ahead of the boys schooling. In the past she has attempted suicide and for two years was bed-ridden with anxiety. Throughout this period of her illness, she and the boys were cared for by my brother with no outside assistance of any kind. That is the kind of man he is. My brother's attempts to involve the Child Protection Agency are met with comments along the lines of 'show us the bruises'. Mental and educational child abuse shows no outward physical signs, yet the consequences could be just as devastating.

Without the influence of their father, the boys are at risk of not developing into well rounded individuals. My brother is the sole parent responsible for their financial support, much of which is flattered away by the mother. As a result of their mother's inability to manage money, the boys now face the terrifying potential of being homeless as she faces the distinct possibility of eviction.

In my opinion, the two younger children should be in [REDACTED] in the sole custody of my brother and his new wife. However, despite all that has gone on between he and his former wife, my brother continues to insist that his children spend time with their mother as well as himself. He is incredibly farsighted. Were his former wife to be as mature and responsible, the boys could be growing up with two loving parents who just happen to live apart. As things stand now, there is continual animosity as my brother gets more and more frustrated by her inability to be a decent parent and contribute to the care of her children, in more ways than one.

I have not documented all of the unpleasantness that has been levelled at my brother. (I am sure all members of this committee have read it all before). Despite this, my brother has never once slandered the mother in any way in front of the boys, yet she continues to blame him for everything bad that happens in her life.

It is wrong for a young man to be responsible for 100% of the cost of raising boys, but only sharing in a small percentage of the parenting time. Especially when it is obvious to teachers, doctors and my brother's eldest son, that the two youngest boys are not being well cared for. It is wrong that a woman can put up and move to another state and defy court orders. It is wrong that she makes no attempt to find work, when she is physically healthy and capable. Even if it were only menial labour, she would at least be making a contribution and may (just may) be able to lessen the financial burden on my brother and the government. Instead she stays at home, watching television and keeps her children away from school.

A system that allows this to happen is flawed and I sincerely hope that the government's review will find that divorced parents must be co-located so parenting can be shared 50:50. And in cases like this, when one parent is so obviously potentially dangerous to the development of their child, access should be limited to recreational time on weekends only.

I look forward to reading the outcome of the review.

[REDACTED]