

Summary:

- Advocate for equal parenting
- Contact with key family members pre separation should be considered when determining contact arrangements
- The existing child support formula does not deliver a fair outcome. The current arrangement supports one parent carrying the financial burden and the other as a consequence the other receives the privilege of greater contact.

Background:

- This is not a scientifically researched paper but rather a true story of an individual who wants to be and is capable of being a great Dad not just a financial provider. Access to his son however is limited due a court order handed down by the family court.
- I separated from my wife of five years and relationship of twelve years, 9 months ago. The pain of the relationship failure although extremely difficult was minor when compared to that of the ensuing contact battle that unfolded post separation. My estranged wife embarked on a journey of contact reduction and then denial. When I only sought to be allowed to continue to foster a close relationship with my son.
- Sadly to achieve this I was required to embark on a journey of mediation and then take on the family legal system. I was prepared to do what it took to be allowed to spend time with my son and at times this was done without the full support of my legal council because they are conservative when it comes to a Fathers parenting rights and tried hard to manage my expectations. I was however committed.
- The advice of my estranged wife's lawyer was geared toward driving premeditated actions to insight emotional conflict in the knowledge the current system would find in her favor. I was devastated when hit with a number of false allegations. The process is both emotionally stressful and financially draining and not at all geared to the interests of the child.
- I am fortunate enough to earn a high income and was prepared to never regret a decision that I did not try hard enough. I was prepared to spend my savings to ensure I could continue to build on the already strong relationship I had with my son. It is for this reason that I have the privilege to see my son as often as I do and now understand why so many other fathers struggle to maintain the fight for their right to be a parent.
- I was also lucky enough to have an employer who was supportive of my cause and willing to reduce my working days per week in order to ensure flexibility for me so that I could have the ability to support my son in a work from home arrangement.
- I have never missed a scheduled pick up or drop off time with my son and whilst I don't see him as often as I would like we do have the foundation of a great relationship. I believe that he could benefit more by being allowed to spend more time with me and my family.
- I continue to be bound by court order that says when I can see my son. Today the emotions between my estranged and I are in check and contact is now regular, but I do live in the hope that one day I will be allowed to be an equal parent.

- I recognize that circumstances dictate I won't get to see my son everyday but I would love for nothing more than to be able to care for him 50% of the time and firmly believe that the earlier this routine is established the better it is for all parties.

TERMS OF REFERENCE

The Committee is to investigate and make recommendations for action on the following matters:

(a) given that the best interests of the child are the paramount consideration:

(i) what other factors should be taken into account in deciding the respective time each parent should spend with their children post separation, in particular whether there should be a presumption that children will spend equal time with each parent and, if so, in what circumstances such a presumption could be rebutted; and

The presumption that children spend equal time with each parent should without doubt be the starting point post separation. I would love for nothing more than to have equal time with my son and am willing to make any changes required to my personal and work life to make this happen as a priority. While to be an equal parent is about my desire and the issue is firmly about what is in the best interests of the child I do believe an equal parenting role is the basis for a well balanced development program and have seen it work.

Currently however I do not have this opportunity because it was decided for me how often I see my son. My estranged wife decided on her own volition that it would be best for her if I was not present so often. I therefore suggest that it is often not about what is in the best interests of the child but rather in my case my estranged wife wishes and that the current system appears set up to support this notion.

I urge the following factors be taken into account especially in circumstances where there is not equal contact but the parent who gets the lesser contact within any arrangement wants the opportunity for equal parenting:

- The willingness of Fathers (non custodial parent) to place priority of their children over their careers
- The desire of Fathers wanting to be a parent and intimately involved in the development of the children
- The environment each parent creates for the upbringing of their child and their support network ie. Parental / Family assistance – location / frequency.
- Flexibility of their employment / employer to support lifestyle and family values
- The child's age should be a minor consideration and while understanding that often in a marital relationship one party can be the primary caregiver, it also needs to be recognized that upon the failing of the marital relationship the current practices too need to change in order to support contact with both parents and give them an opportunity to build / maintain strong bonds.
- Recognition the current legal system is inequitable and that unfounded accusations tend to weigh heavier against the Father – the ability of each parent to use the system and drive a win/lose outcome is absolutely devastating and does nothing to encourage joint parenting.

- Recognition that both parents have a responsibility for the upbringing of their children (both emotionally and financially) and that post separation neither parent should be disadvantaged in building a relationship with their child because one parent works and other simply doesn't want to. The system currently expects the home based parent to be supported even in circumstances where they are very employable and this is unhealthy.
- In a 50/50 custody arrangement both the parenting and financial responsibility can be shared and this is more equitable.

(ii) in what circumstances a court should order that children of separated parents have contact with other persons, including their grandparents.

- The key family / friend relationships the child had pre separation should be maintained.
- We lived next door to my parents and close to my sister who has son of similar age. Pre separation my son visited his cousin and grandmother several times a week and had a very strong relationship with his paternal family. Now however his contact with his paternal family is simply part of the time he spends with his Father. He does still visit the paternal family at least once a week in order to maintain those important relationships although now it comes at the expensive of one on one time spent with his father.

(b) whether the existing child support formula works fairly for both parents in relation to their care of, and contact with, their children.

- The current formula does not encourage equal parenting and is not constructive in making each parent feel valuable.
- I am deemed the principal income earner as my wife was took a year maternity leave and decided on her own volition to resign (without my knowledge) although at the time we were experiencing marriage difficulties.
- I did comfortably and willingly play the role of sole income earner when within a marital relationship and now it seems I must continue to play that role even post separation, even though she is exceptionally employable and capable of earning a high income.
- Contact with both mother and father is equally important and it needs to be recognized that significantly reduced time with the father can have a detrimental effect on children.
- It seems she can simply decide she does not want to work, thereby ensuring she becomes the primary caregiver. The outcome being an inequitable contact arrangement - it is expected that I must work and support the family and therefore can not possibly have the capacity look after my son.