

Submission No: 775

Date Received: 17-8-03

Secretary:

To : Committee Secretary, Standing Committee on Family and Community Affairs, Child Custody Arrangements Inquiry, Dept of the House of Representatives, Parliament House, Canberra, ACT 2600
Fax (02) 6277 4566, and also (02) 6277 8598, and by e-mail fca.reps@aph.gov.au
House Family and Community Affairs Committee Inquiry into Child Custody Arrangements in the event of family separation.
Chair : Mrs Kay Hull MP, Deputy Mrs Julia Irwin MP

Honoured ladies and gentlemen,

My ex-wife [REDACTED] and I have been separated at her request "while she sorted out some problems" and "was not considering divorce" now since the [REDACTED], and now legally divorced. During that time I have been paying child support by a civil agreement, and my 3 sons are resident with her and their now step-father's family at [REDACTED]. I am not prepared to have any of my family or names put in print or public forum but I am prepared to discuss openly the details set out below.

I have written to politicians, bishops, and others, and been in discussions toward getting joint custody of my own children. I have had counsel from solicitors and other professionals. I have also been through intensive counselling and had a lot of help from church, family and friends having come through the shock, grief and suicidal depression that resulted from my ex-wife's choice. I am now getting on with my life. My children know that I have always loved them and they are OK.

As you would be aware under current conditions - (1) I have to sue my ex-wife to get joint custody of my own children, then face appeals, and may still lose my sons ; (2) I have lost 10 years of marriage and all the finances put into a home which was being paid off ; (3) had to deal with manipulation of AVO laws while other men were allowed access to my home, children and ex-wife; (4) battling to survive on the balance left by Child Support formulae even after having had to get a new job just to increase my salary enough to survive; (5) cannot sue my ex-wife for kidnap, ransom, fraud, theft, or adultery as it is "just a divorce", etc.; (6) am not entitled to legal aid, emergency housing (even after 4 years), social services, single parent allowances/ discounts, or even having my own children as tax dependents while my ex-wife gets all of this; (7) cannot claim counselling and other costs under medical or other insurance despite haemorrhaging internally, emotionally and financially; (8) had to take her to mediation to get a settlement where she refused over 5 alternatives (all viable) and I had to pay for; (9) my children have not only lost contact with their father but also any inheritance from my estate or other benefits of a healthy marriage; (10) have no appeal but received plenty of help despite the accusations, beliefs and actions of one person.

I have been a Christian for over 20 years, as was my ex-wife when we were married. I have had no extra marital affairs and have been a devoted husband and father, nor am I a violent or abusive man, gambler, drug addict or alcoholic. There was every opportunity for reconciliation and to build the marriage. I also chose to stay out of legal courts apart from finances and the abuse there to keep it as civil as possible and find a solution, and appeal to a higher court.

I would recommend that :- (A) joint custody be a required default on any divorce, unless there is proven reason not to; (B) any party initiating a divorce be required to attend counselling before any action, and settlements be withheld from them; (C) that the Child Support, tax, legal aid, social services and other financial instruments for families be re-written based on joint responsibility (50% split) regardless of children's residence; (D) that the Family Court be abolished, including its precedents and interpretations, and replaced with a legally required mediation and counselling process that can then be moved through existing civil and criminal courts if either party refuse to attend or comply with reasonable directives, with funding by both legal aid and by the parties involved; (E) that support services based on gender be equally distributed (not abolished); (F) that existing AVO and gender biased laws and enforcement be removed or greatly re-written; (G) that positive action and policies be taken to rebuild families as a base unit of society; (H) that some financial compensation / re-distribution be given to existing non-custodial / residential parents; (I) that medical insurance be extended to cover the impact of grief for counselling and physical issues; (J) that existing legal exclusions blocking actions against ex-partners be reviewed; (K) that existing "no fault" divorce definitions be removed and replaced with "reasonable cause" only after counselling and mediation have been exhausted or where criminal / civil causes can be shown.

This is all despite my efforts of 10 years to plan and provide for a family, and for the future, as a Christian husband who did love and care very much for his (now ex-)wife and still cares very much for my 3 sons. I face anything between a rough future and jail for a situation that is enforced by the law but not of my action or choosing. I will work and live with whatever is given to me. I ask that you act as people in authority with families and responsibilities yourselves to this nation. If you need a test case to do so I am willing to help the other parents and families of this nation as well as myself. I am part of the Fatherhood Foundation to not only help myself but also heal this nation, and to turn the hearts of other fathers (and mother) back to their children. I await your responses,

Yours faithfully,
[REDACTED]