

Forbes, Bev (REPS)

House of Representatives Standing Committee on Family and Community Affairs

Supp.

Submission No: 1448

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Secretary:

From: [REDACTED]
Sent: Sunday, 14 September 2003 1:49 AM
To: Committee, FCA (REPS)
Subject: Fw: submission into child custody arrangements

Committee Secretary
Standing Committee on Family and Community Affairs
Child Custody Arrangements Inquiry
Department of the House of Representatives
Parliament House
Canberra ACT 2600
Australia

Dear Committee,

I am aware that the date for submissions has expired. However, I am hopeful that I can update the submission that I made on the 20th of July, which is included below.

In my submission, I noted that the court would be deciding whether my children could have the benefit of significant care from both their capable and committed parents. A decision has now been made.

My trial lasted for more than 5 days. I was in the witness stand for more than 2 and a half of those days. During this cross-examination, I was asked questions relating to my ability to care for my children for a total of approximately half an hour. The rest of the time related to questions about how much money and assets I have, how much money I earned in the previous few years and how much I could earn in future years.

My ex-wife was cross-examined for about 1 and a half of the days. During that time, she admitted that our children are 'happy, well-adjusted children.'

The decision made is one that results in 4 losers - me, my ex-wife and, most importantly, my 2 children. The decision is that they will spend 3 weekends per calendar month and half school holidays in my care. The automatic response from people is, "that's not too bad" or "you could have done worse." These are the sorts of ingrained ideas that permeate throughout our society, including the judiciary, that allow these injustices to continue.

Shortly, my children, [REDACTED] and [REDACTED] years old, will be subjected to periods of 12 days without seeing their father, up to twice per month. They will see me just 6 days per month in 7 months of the year. I am very concerned how they will cope with this change as they are used to seeing me for at least 2 days of every week. They are the major losers in this decision.

I lose because I am not able to participate equally in the parenting of my boys.

My ex-wife also loses as she will not have the opportunity of participating in as many weekends with our children as me.

For now, I will simply have to abide by the decision of the court and hope that these new arrangements will not be too devastating on the lives of my children. I know they will be devastating on mine. I will also have to hope that my ex-wife does not decide that she would like to relocate to somewhere else in the near future, as it seems that the Family Court often permits this to occur on the basis that it might affect the mother if prevented from moving as she desires.

It is quite clear that I had a very strong case for shared residency. If I could not achieve it, no one could. My lawyers believed this to be the case too. Unfortunately, the luck of the draw gave me a judge who quite clearly was not going to order what I was asking for and the trial was more about finding reasons to support his pre-determined outcome. It is for this reason, a Rebuttable Presumption of Joint Residence must be made part of the Family Law Act. Without it, the judiciary will go on making decisions which largely exclude one parent from the lives of their children.

I hope there will be a public hearing in [REDACTED]. If so, I would like the opportunity of speaking.

Regards,
[REDACTED]