

# Solomums Australia for Family Equity

SAFE - support, information, referral, research & policy by and for Solomums Australia for Family Equity  
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Dear Committee

Please find attached a response to the Inquiry into Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Further 2008 Budget and Other Measures) Bill 2008 from the steering committee for Solomums Australia for Family Equity (SAFE).

The response has been informed by the experiences of single mothers and their children who have formed the SAFE group. Thank you for the opportunity to provide comments.

I would be pleased to provide further input on this document if needed.

I can be contacted at the University of South Australia on 08 83024042.

Yours faithfully

Dr Elspeth McInnes AM

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## About SAFE

SAFE Steering Committee was formed in 2008 by a group of single mothers from around Australia and presently includes representation from Queensland, New South Wales, ACT, Victoria, Tasmania, Northern Territory and South Australia. The steering committee aims to develop the organisation to prepare for incorporation as a not for profit online network, information and advocacy group for single mothers and their children.

### The SAFE mission statement is

*Solomums Australia for Family Equity provides an online support network, information sharing, solomum -friendly professional/agency referrals, research, policy development and advocacy to promote equity and well-being and reduce disadvantage across issues impacting on solomums and kids in Australian society.*

### SAFE Aims to:

- promote the economic wellbeing of mothers raising children alone to the benefit of all sole parent families (with particular attention to well-being and equity of opportunity for families on the lowest incomes), including accessible, adequate and effective income support and child support systems.
- promote mothers' and children's rights to safety, choice, quality care in pregnancy, birth, post-partum and child-rearing.
- promote parents' right to determine their workforce participation in line with their family's needs.
- promote parents' and children's rights to safety in family relationships and before the law.
- promote solomother families' equality of access to basic services and resources including housing, childcare, education, transport and health care.
- raise public and government awareness of social policy which discriminates against sole parent and mother-headed families and their children and to advocate for the removal of discriminatory policies.

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This submission focuses on child support and the interests of mothers and children. Mothers and children are experiencing high rates of abuse and violence from ex-partners and child support is a key motivator for this. (See them in their own words at Appendix 1.)

Avoiding and reducing child support are key activities for fathers' rights agendas and the child support changes have fed into these agendas. Research by McInnes (2008), Branigan (2004), Kaye, Stubbs and Tolmie (2003) identifies withholding and avoiding child support as a post-separation feature of the domestic violence and abuse continuum, and a common strategy of harassment and control by abusive ex-partners.

There are numerous problems for mothers and children in the new child support system. These can be summarised as reduced financial support, lack of enforcement and collection, lack of recognition of the significance of abuse, violence and coercion of mothers by ex-partners with regard to child support and a lack of recognition of the interests of primary carers and their children in the changes.

- There is no longer any recognition in the formula of the indirect costs of unpaid care provision, which is mainly undertaken by women and most intense in the pre-school and primary school years. The previous formula allowed primary carers to earn more before their income affected child support assessment, in recognition of the earning constraints attendant on providing unpaid care. The new system is thus effectively systemically biased against women.

**SAFE recommends that primary carers be able to keep more earned income before their child support assessment is affected.**

- The outcome for primary carers of 0-12 year olds; primary carers of four or more children; those earning \$17,000 to \$40,000, and those whose children see their other parent one night a week is a reduction in the amount of child support they receive. This reduction comes on top of reductions in income support and retained earnings attendant on the Welfare to Work changes of July 2006. This means that more one parent households raising children are living on less income. The most advantaged people under the child support changes are high income earners who don't see their children or see them one night a week. Their gains have been funded by taking money away from children in the households where they primarily reside, regardless of the level and source of income of the primary carer.

**SAFE recommends that the Maintenance Income Test be reviewed in accordance with recommendation 9.3 of the Child Support Taskforce to allow payees to receive more child support before their FTB payments are affected, and reduce the FTB clawback rate to enable them to derive greater benefit from the child support that is paid. I**

- **Further SAFE recommends that the FTB withdrawal be calculated as part of the determination of assessed child support collected and remitted with a net transfer to the payee and Commonwealth recovery of the transfer remittance from the payer.**
- Despite the renewed focus on enforcement, failure to lodge tax returns, using joint accounts with a partner, minimising income through self-employment and cash work, overseas

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earnings and family trust arrangements remain highly effective avenues to reduce and avoid child support.

- **SAFE recommends that assessed child support be paid by the Child Support Agency to payees in collect cases and that the Agency then pursues the payer for funds. This would shift the financial risk and consequence to the government and off children and payees and would probably boost the effectiveness of recovery actions. Currently it is only women and children who go without and they are effectively being ignored.**

**Percentage of care** is an issue for mothers in two ways which are prominent in separations where fathers have used violence and/or abusive conduct to control the mother.

1. The actual contact time taken by payer parents is often less than the amount formally specified in agreements meaning that mothers receive less FTB and less child support but continue to provide the care when fathers don't show. In such cases mothers are often threatened by their ex-partner into not seeking to formally change the percentage of care to reflect the actual time taken.
2. Some mothers have reported fathers breaking court orders and agreements and keeping children for additional care time and claiming the additional child support and FTB despite the mother's lack of consent. Again threats and violence against the mother by the father are used to constrain her actions. Mothers in this situation say they have advised the Child Support Agency that the father has effectively forcibly abducted the children but this has been met with 'it's not our business' and a demand for child support payment.

Changes to the percentage of care need to be scrutinised to ensure that nobody has been coerced into the new arrangements and that they fairly reflect the actual provision of care. When mothers or fathers allege that the care arrangements have been varied without their consent it is important that they have access to a safe process to establish the actual care provision accords with the agreed or ordered outcome.

**SAFE recommends that child support payers and payees receive education in the process of varying and verifying change of care patterns including advice on the impact of such variations on child support and Centrelink payments.**

### **Child Care Costs**

Mothers are reporting that third parties are accessing their child care records and claiming child care payments with respect to their children when acting as a new partner of the other parent.

Allowing 'non-parent carers' to claim high child care costs against the payer parents' child support means that payees will have child support reduced to fund childcare for another person's children where the 'non-parent carers' have their own children and claim high child care costs. They are also concerned about their privacy of their children's records

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### **Mothers give the new system thumbs down.**

The new system is perceived as unfair and biased against women by many mothers who have lost child support, whose partners refuse to pay, who continue abusive and controlling behaviour, who minimise income or constantly engage them in legal processes.

### **The following paragraphs provide mothers' experiences of child support in their own words**

- *I'm registered for online mail with CSA so I have my assessment but, like you, dreaded it as my child support has gone down by \$500 per month.*
- *I am a sole parent whose son is 6 years of age. I work 30 hours per week and try and do the right thing by my son. My ex-husband who is on 4 times my income has also refused to help pay for my sons schooling costs (approximately \$1,800 pa) though Child Support Agency. I also pay this on my own as there was no agreement in place because at time of separation my son was only 10months old. I have a mortgage due to changes my son has now had to share my bedroom and I have had to get a flatmate in with me to help pay bills. The changes have impacted our life - my son no longer has his own room but at least we can maintain our home and school. I cannot undertake extra hours and shift work due to Child Care restrictions. My income and superannuation output over my working life is also reduced. My ex-husband enjoys mobility during the working week and no responsibility and no impact to income/superannuation over his working life. My-ex husband has income of around \$1776 pw. \$137,000pa. My ex-husband also owned his own property at financial settlement but lost his property due to his gambling habit. **That is where the extra money is now going down the drain not to help his son.** He currently rents at Bxxxx and pays from my estimate around \$300pw. This is what the lovely changes to this legislation has meant to our family reduced income and no to any of the little things extra in a child's life whether it be an ice cream or just hanging out in the city for the day with mum!!!!*
- *My child had a birthday last month & the contact level changed. Ex went to the CSA & requested a reduction in his liability based on overnights. The CSA woman telephoned me for a "chat" & I advised her that for his financial year, there would be 65 overnights, well below the 110 change over. I was expecting a change of assessment application... no! I got a letter stating that they have gone ahead & changed the CS & age rate to reflect his increase in overnights, BUT FOR a 3 MONTH PERIOD ONLY, NOT for the whole year?!?!? IE it looks a great deal more when it is just in the short term, not spread over the full year. So he has secured himself a percentage reduction resulting in a decrease of about 1/3 of his payments. Of course, come July 1 2008, he will get a further reduction, cutting his liability even more, to almost 40% of what it was last month. (he has also hidden 20% of his actual income) And to boot, the family Tax Office have sent me a form "fill this in & return or else" type letter, wanting me to tell them the situation, - I don't know what they have been told already & by whom (the ex or CSA).*
- *I'm also on welfare, have a fulltime load of uni and raising my youngest 4. The ex pays about \$1.12 a week and is hiding 100% of his income! CSA has not bothered to follow up on*

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*information given to them to find out about his job and income so the kids go without. The kids are definitely the losers and the paying parents are winning everything. If the government had a heart at all they would look into this absolute debacle!*

- *I have 100% care of my child, and her father has never met her. (his choice) He earned more this year than last year and his pay goes up by about 5K a year...he makes a lot of money. The new CS assessment has me \$400 less a month than before. Nothing has changed in our circumstances except that he makes more money.*
- *My ex makes \$200,000 plus. His income will go up this year but ALL of my income bar the \$17,000 counts towards child support. While only HALF of his (minus the \$17,000) counts toward child support. Even though I have 100% of the care! So I am \$5,000 down per year. Go figure!!*
- *I am a single parent who has lost \$14,000 p.a. as a result of changes to the child support scheme. I have four children. Their father is very wealthy earning almost \$400,000 p.a. The changes see him paying less per child than many average income earners paying child support for a single child - he will pay around \$26,000 p.a. for four children. Although I will become eligible for 100% of the FTB, like many residential parents this small gain (\$1,000 p.a.) will not compensate me for lost Child support. I am simply unable to support my children on my wages and the child support/FTB I will receive under the new formula.*
- *When we married he admitted that he had not lodged a tax return for 7 years. I was horrified as I have always lodged mine on time each and every year, without fail. He told me that there is no requirement to lodge a return if you are owed money by the ATO. He lodged all of his outstanding returns at once, NEVER got a penalty and STILL got a refund!!?? I suspect he uses a very "creative" accountant. He is not self-employed so there are no BAS statements or anything else that could get him 'trapped' by the ATO. He has always earned a high income and has NEVER had a tax bill. I, on the other hand, have (and never will) earn in the league that he does, but I have had to pay additional tax a couple of times - nothing really huge, but have still had to pay it. I reported him (and provided the name of his accountant) to the ATO a couple of years ago. His 05/06 tax return was lodged 2 months ago. So, no, I don't believe the ATO have acted on my information at all. There are still 3 other returns outstanding and 07/08 will make it 4.*
- *My son and I have to live on \$14,000 per year and yet his father's living wage for just himself is calculated at over \$17,000. This is for just one person to live on? How is this so when there are 2 of us living on much less than that. Add to the whole idiocy, that no one seems too interested in following up the outstanding amount that is owed, let alone be bothered to confirm whether or not his income has increased (which it has). Why is it that the ATO and CSA cannot coordinate? Why are the penalties never applied?*
- *I rang CSA a few weeks back when I got my new payment of a whole \$21.50 per week, due to non-lodgement of 06/07 tax return. She implied that there is not much I can do about it, so what are the rules.*
- *I have just had a telephone conversation with CSA and am appalled at the process. I sought advice on how to have them pursue the ex on his capacity to earn and received the*

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*information that there is about a sixty page form to fill out and it is a 'transparent process' where I will be asked to submit ALL of my financial details to the CSA and then they will share this information with the ex as part of the transparency. Where is the privacy and confidentiality in this? I realise under the brilliance (cough, choke, splutter) of their revised formula I will need to submit information to the agency, but for this information to be shared with the ex is making me feel vulnerable, exposed, unnecessary, without any rights as a mother, dare I say systems abuse???*

- *I was always wondering about childcare costs for under 5's and then school age before and after school care. My youngest 3's childcare takes up about 1/4 of her CS money and that is only for 2 days a week while I work. Its about 50% if I have her in full time care. I knew that there would be something raised about this. The presumption with child care for under 5's is that the parent is home and does not work at all.*

- **References**

Branigan, E. (2004), His Money or Our Money: Financial Abuse of Women in Intimate partner Relationships, Coburg, Coburg-Brunswick Community Legal and Financial Counselling Centre.

Evans, I. (2007), Battle-scars: Long-term effects of Domestic Violence, Centre for Women's Studies and Gender Research, Victoria, Monash University.

McInnes, E., 2008 'Taking Money from Children: Child Support Resistance and Financial Abuse.' Paper submitted to *Communities Families and Children Australia*.



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# How Fathers Can Win Custody to Avoid Paying Child Support

A condensed version of a book-in-progress, courtesy of Intellectual Conservative.com.  
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But why pay child support when it's so much cheaper to just get custody of the kids -- so, let's learn "The Rules of Winning Child Custody."

## 1. Get an aggressive lawyer

When you consider how much money you have to lose in child support over the years until your child turns 18 or 21, and the amount of emotional stress you will go through all of those years if your ex wins custody, and the fact that the court system is stacked against fathers, do you really think it's wise to handle your case without the assistance of an attorney?

Sure, lawyers are expensive, but think of all the money you'll save by not having to pay child support.

I hear you ask, "Doesn't it actually cost money to raise kids, so that if I do get custody, I'll still have to pay for their upkeep?"

Heck no! You can send them out to work as chimney sweeps, and actually make money on the deal!

## 2. Use the court system to wear down your ex

Whether you are representing yourself or have hired an attorney, keep in mind the more work you create for your ex, the more you will wear down her resolve to fight you and keep full custody of the kids. If your ex's main reason for retaining full custody of your children is to collect free child support from you, it will vanish fast once all of the child support is going to pay her attorney to fight you in court.

And if, because of your aggressive use of the court system, she is forced to use all her child support funds to pay lawyers, will your kids suffer? Who cares. The important thing is preventing your ex from benefiting from your dough. (The best interests of the children never really come up in this piece, oddly enough.)

## 3. Keep the playing field uneven

If your ex does not have an attorney, consider yourself fortunate - this gives you a huge advantage. The less she knows about the legal system, the better chance you have that she will do something in the eyes of the court that will hurt her chances of getting custody. If she asks for your opinion on

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whether she needs an attorney, try to convince her that she does not need one and emphasize the cost to her.

In fact, tell her that lawyers charge a billion dollars an hour, so you certainly aren't going to use one. Say that you don't want to make this process adversarial, and that you don't see why the two of you can't work out a joint custody arrangement that will make things as easy as possible for the kids. ... And if your ex believes you, then you and your lawyer (the most blood-thirsty one in the state) can use it as evidence that she's mentally incompetent.

#### **4. Harrass your ex, both in person and via the court system**

When you talk to your ex, such as when you are arranging to exchange the children for your visitation, be sure to bring up issues with her raising your children that bother you. The more you point out ways she needs to change her behavior in order to be a better parent and maintain custody, the more you will bother her. You know your ex - will she eventually give in if you continue to bring up issues that bother her and continue to take her to court?

You know your ex -- can you cause her to have a mental breakdown if you keep harping on what a bad mother she is, and how the courts are going to take away her kids?

#### **5. Cause your kids to bond with people in your camp, so the judge will think twice about taking them away from their new loving relationships**

What you can do: Get remarried first, then file for custody. If you have relatives nearby, pay them to baby sit so they become a big part of your child's life.

You can dump the new wife and the paid relatives once you have custody.

#### **6. Make it look like your kids' lives suck**

If you have not yet split up physically, try to remain in the house with the children and have your ex move out. If you have left the home, start building a case as to why the child is not doing well living at the house, attending the nearby school, etc. Do research on the school or daycare the child is attending to obtain evidence of why that particular facility is bad for your child. Information on schools can be found on the state department of education websites, and information on daycares is generally also available from the state, usually from the department responsible for welfare.

Start building a case about why the house the kid has always lived in, and the school he's always attended, are bad for him, even though you evidentially thought they were just fine when you were with his mother.

#### **7. Make your ex look crazy**

Collect any records you have on the mental instability of your ex or her family, including medical records, and any police reports or convictions of their physical violence. Have a tape recorder handy to tape her if she has angry outbursts.

And how do you collect medical records on your ex and her family? Well, use your imagination on that one.

And try to provoke her, so you can tape her angry outbursts -- it will not only help your case, it's also good, sadistic fun!

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### **8. Make the mother of your children appear to be a shiftless, drunken, drug-crazed slut**

If there is no substantial change in circumstances, you will need to provide the court with a composite of reasons why your ex is unfit. For example, a strong case might provide evidence that your ex abuses alcohol, drugs, sleeps around and goes from boyfriend to boyfriend who use drugs in front of the children, cannot maintain a stable residence, leaves the children excessively in daycare, which is a substandard daycare, smokes in the house and in the car although the children are asthmatic, cannot maintain a steady job, and frequently withholds visitation from you.

This would be a "strong case," hint, hint. Surely you've got reason to believe that your ex does most of the things on that list.

### **9. Take a tip from Coppola's [The Conversation](#), and "Record All of Your Phone Conversations With Your Ex and Your Children"**

Some states permit you to record phone conversations without the other party knowing. There is a list of all 50 states and their laws on recording phone calls located at <http://www.rcfp.org/taping/>. If you live in one of the states where it is legal, you should start automatically recording every conversation you have with your ex or your kids when they are at her house.

And, through selective editing, you can use these conversations to prove all kinds of stuff..

### **10. At custody evaluation time, get a hired-gun psychology to counter the court's feminazi social worker**

When you file for a change of custody, the court will probably order a custody evaluation. These are assessments by a social worker that usually end up favoring the mother. The type of person that is attracted to this type of job are low income women with a chip on their shoulders; they are not going to be predisposed to making a determination that children should be with their fathers. [...] One way to combat these custody evaluations is to preempt them with a psychological evaluation of your own. Find a child psychologist who has a reputation for being favorable to fathers, and preferably also one on the court's approved list of psychologists, if the court has one, and have him do a preliminary evaluation of your child.

Social workers are poor, man-hating lesbians -- that's the only reason they would think that a fine father like yourself shouldn't have custody of your two adorable children, little, um, "Boy" and "Other Kid."

### **11. Get your hired psychologist to ask your kids "leading questions" about how unfit their mom is**

You may want to give the psychologist leading questions to ask your child, such as whether your child would rather live with you, if mother abuses drugs, alcohol, or smoking in front of the child, if people close to the mother abuse or sexually touch the child, etc. - whatever bad things your child has indicated to you about living with your ex.

If your child has indicated that the worst thing about living with his mother is that she makes him do his homework, then have the shrink ask him if his mother is damaging his mental health by pushing him too hard. If he's complained about how she withheld his allowance because he didn't clean up his room, then suggest that the psychologist ask him if she is an obsessive control freak with a cleanliness obsession. And so on.

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Anyway, those are just a few of tips on "How Fathers Can Win Custody." And do your best to win custody, because otherwise you'll have to pay child support, and that can really put a crimp in your lifestyle. Plus, your ex, whom you hate, will have control of that money. And that's what winning custody is all about: spiting your ex.

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