

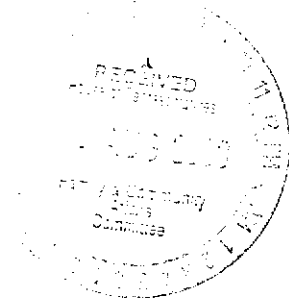
Submission No: 165

Date Received: 2-8-03

Secretary: .....

1 August, 2003

Committee Secretary  
Standing Committee on Family & Community Affairs  
Child Custody Arrangements Enquiry  
Department of the House of Representatives  
Parliament House  
CANBERRA ACT 2600  
AUSTRALIA



To the Secretary,

We are the parents of children affected by the current legislation, and wish to advise of our own experience with regard to the above enquiry.

I am the stepmother (of 7 years) of a 10 and a half year old girl. My husband has asked me to write on his behalf due to his anger at his own situation, (and perceived lack of penmanship). He has fully authorised this information, and is hopeful his case and others like this will be heard, and changes will soon be made to current legislation.

The child's mother (ex - defacto) left my husband when the child was very young for another man. This was before my husband and I had met, so I can only state what he tells me. He lives in Sydney, and at the time, her mother took the child and relocated to Narromine, in country NSW. (some 5 hours away). He did not see the child until some 9 months later, and only spoke on the phone occasionally.

Nine months passed before her mother returned to Sydney for a period of some 7-8 months as she was now pregnant to the man she had left my husband for. However, this man had now deserted her, and she expected that as my husband was the father of her first child, that he would help her.

All he wanted was to see his child again so he agreed to assist in anyway he could, but made it clear that the relationship was now over. He and I had only recently met at this point. His Child was about 2 by this stage and spent a lot of time with him during this period. In July 1995, his ex-partner gave birth to her second child, and in August, only some 4 weeks later, she packed her things again and returned to Narromine where her mother lived, for family support.

My husband often took bus trips to [REDACTED] to see his daughter when she lived there, and when she was about three, he and I were married.

There were never any access, custody or contact orders made as this had never been an issue, and we would 2 or 3 times per year drive to [REDACTED] (the half – way point) to pick his daughter up from her mother and bring her home with us for some time in Sydney. Usually these visits lasted for 10-14 days. When she was 5 and able to fly as an unaccompanied minor, we would just put her on a Hazelton Airlines 30 minute flight and she was here.

She was due to come and stay with us for the January holidays in 1997, as her mother had accepted a teaching job in Eden on the NSW south coast. We were happy about this as it was a little closer than [REDACTED], and we believed a much nicer place.

Her mother had gone to [REDACTED] to spend Christmas with her sister and the arrangement was that when she flew into Sydney to change flights to [REDACTED], we would pick up the child and have her for a few weeks as usual.

The night before she was due to arrive, (New Years Eve), her mother rang us and said she had checked out [REDACTED] and the job situation and liked it so much she might stay there for a while. As she had been rather unsettled in the past, we took it to be a “flash in the pan” situation and my husband said he did not mind, as we always believed she would return to NSW at some point. However, the issue of airfares was a new ballgame as our costs of contact had now increased some 5-600% to what they had been.

However, as we ourselves now had a young baby son, some 7 months old and another on the way, we had not considered the possibility of it ever being permanent and if so, the future impact it would have on all our lives.

In April of that year, 1997, our second child was born, a daughter, who was actually born with Down Syndrome. When this occurred, my newborn daughter spent the first 6 weeks of her life in hospital having surgery to repair duodenal atresia, screening, tests etc. with myself, whilst my husband cared for our 10 month old son. Life was so hectic at this time, and her medical issues were the foremost in our lives. I had had to give up work myself to care for our child, so we then went to a single income family.

My husband requested that due to the circumstances that her mother fund the airfare for his eldest daughter to come to Sydney to see her new sister. Her mother at this time was in a relationship with a [REDACTED] who provided the frequent flyer points for this visit. That was in 1997

We did not get to see her again until 1999.

After the 1999 visit, her mother insisted that we in future, pay half the airfare, we verbally disputed this, stating that she should use the maintenance she receives to provide access as she had chosen to go so far away, and we were not in a financial position to provide half of such a high airfare (\$500-600), due to the costs involved with our disabled child and one income.

Her mother dug her heels in on this issue, and would not relent, and the time finally came, where the child had been begging so long to come to Sydney that as I myself had a small amount of funds accessible, I decided to pay half the airfare for her to come for Christmas in Dec 2001. On this visit she stayed for some 19 days and returned home in January.

Since that time, the same situation has been played out, and after 18 MONTHS this time, we agreed to pay half the airfare as we had not seen her for so long. She came this year on 17 July and stayed till the 27<sup>th</sup> July.

It was a fantastic time for all of us, as my son who is now 7, had a big sister for the first time that he could relate to, on a different level to his younger sister, who is disabled. My young daughter also had another sibling, who adored her, and spent quality time with her, assisting her whenever it was needed.

My stepdaughter had received a scholarship from her school in Perth 3 years ago, to learn to play the violin, and 3 years on is quite accomplished. As I myself play piano and cello, my stepdaughter was thrilled to have someone to accompany her, and we went and performed a string duet concert together at the local school that my children attend, to rave reviews.

She was also able to be here for not only her brother's 7<sup>th</sup> birthday party, (where she played a mean fiddle in musical statues), but also her Nanna's 71<sup>st</sup>. It is situations like this, and having her present, that my husband and his parents take on a new life and seem so happy and complete.

Sadly, she returned home again last Sunday, to the usual tears and goodbyes. I spoke to her on the phone and she told me that she cried all day Monday, and was still sad (Wed), as she wanted to be back in Sydney. I explained that if she was here, she would probably miss Perth just as much. She stated that she needed to come back much much sooner next time, that 18 months was far too long, and could she come in the Christmas holidays next time and stay for "at least a month" as 10 days was just not long enough. We naturally agreed immediately and vowed we would somehow find the cash for the airfare, even if it was not available at the time.

Today we went to the letterbox and opened the mail. It was a new adjustment from The Child Support Agency for my husband's daughter in Perth. Her mother is a High School teacher and has earned some \$50,000 or more for last few years. She has put in a new estimate of \$32,000 and as a result my husband's child support has increased by \$30 per week. (1560 per year). He has no qualms about his responsibilities and supporting his daughter, but we do not spend this much money on our other children and feel the estimate is excessive. We believe she has taken up a job share situation for lifestyle reasons at our expense. Furthermore as my husband did a lot of overtime last fin year, when he puts his tax return in the amount will increase by a further \$28 per wee.

He feels as if he's paying out all this money for a memory. The last time we seen her was the first in 18 months. Her mother will not budge on the airfare issue, and as we have just purchased a home, and have a huge mortgage, we feel we are being duped once again, as paying out this much additional child support will not allow us to fund half the airfare to see her.

We cannot force her mother to relocate, as the child is settled there, (her mother has also purchased property in WA) and has been there for 5 years now, and if we went to court to get formalized access arrangements, we have been told that they would probably say we can see her every holidays and pay half the costs. (Nothing different financially to existing arrangements – except that we can't afford it).

How just is it for a man to be paying so much money to a woman with a greater earning capacity than he, but who chooses not to exercise that capacity and play the system instead, at his and my family's expense?

It irritates my husband even more, when you consider how the mother has used the system to her advantage in the past. As the father of her second child deserted her, she made a conscious decision to put "father unknown" on the birth certificate of that child, as first and foremost, she knew she would have trouble getting child support from him, and could instead claim it from the government by doing this, and secondly, did not want him in the child's life. We knew who he was as did many others, but never had access to his surname to pursue the matter. My husband feels that the child support he is providing to his child is also funding the other child, and the other paternal father is getting off scott free. The mother has made all these decisions for no one's benefit but her own. The Government should not fund people unless a mother is forced to name possible paternal fathers and testing carried out in such situations.

We have been told we can apply for an adjustment on the grounds of increased costs for our disabled child, but when you add up optical and multiple therapy costs net of health fund reimbursements and all the other additional costs, and they then factor in the \$80 or so per fortnight that we get for her disability allowance, it almost negates the whole exercise.

He feels he has no recourse in this matter and does not think it just, to be paying the level of maintenance that he now is, for a child he has only seen **3 times in the last 5 years**, and has no concrete recourse, financial or otherwise, to make contact/access easy.

The system is all in favour of the care giving parent, and the paying parent has no say or no rights. **If a parent takes a child away from the other parent and half siblings, and the other parent is making sufficient and regular financial contribution to that child, there should be strict laws in place that place the onus back on the payee to fund access and contact** with the child for the other parent/payer, as the decision the caregiver has made is selfish to all other parties involved. Alternatively, **the child support formula should be adjusted, in cases of minimal contact with the child - which is forced by the caregiver** through relocation from one side of Australia to the other !!

**The CSA is so caught up on the "financial responsibilities" of non care-giving parents that they fail to see the unjust emotional damage to the parties involved that this system causes in many situations such as ours.**

**Children have a right to a relationship with both parents and all half siblings** and it is not financially feasible in situations such as this to maintain, nor to fight for this right, when it is all sided one way.

There should be drastic changes in legislation for non care giving parents that willingly pay maintenance, but are forced out of contact with the child by the other parent, to claim a higher contribution from the payee to fund fair and reasonable access to the child.

If this were the case, perhaps payee's would think twice about exercising their own rights of relocation, and would force them to think seriously of the emotional difficulty to the child and to them financially, if the onus of funding contact was placed back on them.

**How dare someone BE LEGALLY ALLOWED to claim financial support from another person, for the care of a child that they deliberately remove from their life to this extent, for no good reason other than self - indulgence.**

We look forward with interest to hearing of the outcome of this enquiry.

Yours Sincerely,

\_\_\_\_\_  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]