

From: [REDACTED]
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[REDACTED]
>Subject: Submission
>Date: Tue, 05 Aug 2003 09:45:10 +1000

>
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>
>
>5th August 03

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6 AUG 2003
FAMILY AND COMMUNITY AFFAIRS
COMMUNICATIONS
UNIT

>
>To The Committee Secretary
>Standing Committee on Family and Community Affairs
>Child Custody Arrangement Inquiry
>Department of the House of Representatives
>Parliament House
>Canberra ACT 2600
>Australia.

>
>
>SUBMISSION

>
>It is my experienced and informed opinion that the current Child
>Support
>Formula in relation to care and contact does not, never has and never will
>work but instead, for the majority of parents no matter their individual
>circumstances, continues to cause additional and compounded heartache,
>frustration and bitterness between the parties, which in turn effects the
>very ones needing protecting...our children:
>
>Much of what is occurring has been caused by blatant, biased,
>judgmental
>attitudes and a lack of understanding on the part of staff towards of the
>frailties and volatile situations of individual cases. You may think this
>is dramatising or embellishing the facts but I assure you, from my own
>personal experience I can attest to the fact that I have been treated badly
>by my case managers over time, to such a degree I have lost my temper and
>in complete frustration hung up. Other times they have hung up on me!
>
>There is a 'gender' and 'position of parenting' issue apparent which
>comes
>into play when dealing with the agency. It is the most frustrating and
>dangerous aspect I've had to deal with in this whole sorry saga. There is
>the tendency on the agencies part to make 'assumptions.' Assumptions that
>box me as a male non custodial parent and automatically I am treated as a
>'dead beat dad' which I take exception to, for I am not and never have been
>a dead beat dad! Such treatment would be considered as grounds for

>discrimination in any other arena. Combine the assumptions with
>preconceived 'attitudes' and you can begin to see how difficult
>communication becomes. Communication therefore becomes threatened, the
>communication which is vital to the well being of our children,
>
>
>

>Points of Contention

>

>1. Attitude of Staff & Case Managers in general.

>

>As I've explained above, this area needs rectifying immediately. It is
>plain to see from advertisements found in newspapers, that there is little
>if any experience required to work in this field. (a certified copy of
>the advertisement can be supplied if required)
>

>Proposed Suggestion of Change

>

>Every employee of the Child Support Agency be schooled and coached
>professionally in the perplexities of dealing with the public in general
>and more over the emotional volcano attached to parents involved in custody
>and other matters pertaining to their children.
>

>They need to be taught the skill of impartiality when dealing with
>either
>side while maintaining an attitude of committed interested in all parties.
>

>Attitudes, unproven assumptions and disrespect exhibited to any persons
>should be grounds for dismissal.
>

>2. Accountantability

>

>Currently there is no accountantability on the part of custodial
>parents
>therefore frustration mounts on the part of the non custodial parent when
>it can be proven that maintenance is not always being spent on the child.
>

>Proposed Suggested Change

>

>Custodial parents be made accountable, similar to an action of Power of
>Attorney for maintenance spent. A log of receipts be maintained, produced
>and taken into consideration as part of the non custodial parent's
>assessment calculation. Where there is a blatant misuse of maintenance,
>custodial parents need to either pay back the sum in question or have it
>deducted from the next assessment.
>

>2. Existing Child Support Formula.

>

>While the current 18% for one child etc., is deemed acceptable to a degree,
>the current calculation of that maintenance is extremely unfair. eg
>A non custodial parent is assessed 'before tax' and further penalised
>if

>any initiatives have been undertaken, in the way of an extra job, overtime,
>bonus's, shift penalties etc.
>

>In addition to maintenance, many non custodial parents pay the 'extras'
>which are not taken into consideration by the agency. The attitude is 'you
>don't have to'. Try explaining that to a young son or daughter when they
>ask where their pocket money is this week or the hair cut you promised
>etc!!!!!!
>
>
>
>

>Proposed Suggested Change

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>Maintain the percentages current, however change the assessment based on
>'after tax' and do not include 'initiatives' such as overtime etc. If the
>non custodial parent is facing their financial responsibilities as deemed
>by the agency, why should they be penalised further? If they are prepared
>to work hard and rebuild their lives, with no hand outs from the
>Government, wouldn't it stand that they are proven contributors to society,
>responsible adults and that the child will benefit from their labours and
>happier emotional standing in the long term??

>
>And lastly, have the non custodial parent keep records and receipts of
>'additional expenses' shoes, clothing, medicines etc., incurred on access
>visits, which in turn need to be taken into consideration when making the next
>assessment.

>3. Privacy

>
>To date there has been no 'written proof' presented by the custodial
>parent
>to instigate additional proceedings and a form of 'harassment' against the
>non custodial parent. A phone call will suffice to engage the sympathies
>of the agency. The custodial parent is not subjected to inspection of
>records, income etc to the same degree of scrutiny and invasion of privacy.

>
>On the other hand, the non custodial parent is obliged to show any and all
>proof, of allegations, which is not always accepted or acted upon. All
>areas of their private & financial life (even to costs of hair cuts)
>is
>scrutinized for the sake of an accurate (?) assessment which becomes a
>total invasion of privacy!

>Proposed Suggested Change

>
>Each party should be subjected to the same scrutiny, that is to say
>that
>the Child Support Agency should be forced to take all documentation into
>consideration, including incomes of both parties and where the custodial
>parents income and/or work/relationship situation changes, the agency
>should be notified of same.

>
>The custodial parent should be subjected to review on a regular basis
>as is
>the non custodial parent.

>
>All phone calls of hearsay, which are very damaging in themselves,
>should
>be disregarded .

>
>Where any written proof is submitted it should be investigated and
>followed
>up with calls informing the party of any progress being made.

>4. DNA Testing

>
>There have been cases over the last five years or so which have been
>brought
>to the public's attention through the media in regard to proof of DNA,
>maintenance and the Child Support Agency. Sadly there have been situations
>presented where non custodial parents and naturally I speak of men in this
>circumstance who have been subjected to harassment by the custodial parent
>and have suffered emotionally and been made to pay maintenance when all the
>while one or more in some cases, of the child or children have not been
>his. This act of betrayal has dire consequences for all parties concerned
>and although it is not our position to sit in judgement of the
>circumstances, in the area of maintenance it becomes an issue.

>Proposed Suggested Change

>
>In order to elevate the suffering of all concerned and the
>embarrassment
>of the agency itself, I would suggest that DNA testing become mandatory
>wherever maintenance and custody become an issue. Testing will weed out as
>it were some of the problems before they are compounded by the actions of
>outsiders ie The Child Support Agency, again sparing the child the upset
>and emotion attached.

>5. High Income Earners

>
>While the attitude from the agency "you can afford to pay it" prevails
>and
>has been said to me on many occasions, may be correct to a degree, it is no
>less presumptuous and out of line to say so. In my case I have worked
>very hard to obtain the degree of education in my field and the income
>attached however, I take exception to the current attitude displayed
>towards myself and no doubt others in my situation.

>Proposed Suggested Change

>
>I am the first to admit that through my achievements and sacrifice I am
>in
>a position to pay and that is not an issue for me. My issue lies with the
>displacement of those funds.

>Hence my proposal would be to suggest that in the case where extreme
>sums
>of money are paid for the child's upkeep and welfare, a portion be allotted
>to a trust account to be held until the child is of a legal, responsible
>age. This would ensure that the child then has the financial backing
>needed for further education, business etc if required, which would not be
>there, given the current custodial's flippant attitude towards finances.

>6. Relationships

>
>It would be erroneous to believe that relationships do not have a
>bearing
>on the payment of maintenance. Given the current policies of the
>Government, there is no flexibility concerning 'new and future
>relationships' and their responsibilities as such, if any.

>
>eg. If the non custodial parent is to remarry, the stepparent's income
>becomes a part of the calculation of maintenance but if the custodial
>parent remarry's the stepparent is not bound legally to support the child
>and obviously benefits from the maintenance paid by the non custodial
>parent. In some cases, that same stepparent may or may not be paying
>maintenance to their custodial parent and subsequent children and so it
>goes.

>
>A further example, although it is not maintenance related, of the
>imbalance
>of the current system is: If the stepchild is requiring a study, the
>stepparent's income is taken into consideration and may cause the child to
>be disqualified from obtaining benefits. Whereby in reality, the
>stepparent may not be contributing to the child's need at all and the non

>custodial parent may be one of many who do not pay the maintenance
>assessed.

>

>Proposed Suggested Change

>

>Wherever maintenance has been assessed and is being paid by the non
>custodial parent, the stepparent's income is not to be included in any way
>in the assessment. However, if they wish to contribute in any way they see
>fit, they do so without fear of coming under the scrutiny of the agency.

>

>7. Access

>

>Although access may be obtained through the Court, very often because
>it is

>not enforced, it is abused by the custodial parent and/or held as a tool of
>manipulation to avenge and inflict pain on the non custodial parent which
>in turn causes unnecessary additional hurt and confusion for our children.

>

>Proposed Suggested Change

>

>Where Access has been determined by a Court and we would appreciate
>that

>the determination would be at all times in the child's best interested,
>then it must be enforced and adhered to. Where it is not, there would be a
>notification issued to the offending custodial parent and a subsequent cost
>deducted from the maintenance assessed.

>

>It is my firm belief that while the calculation of money is an issue of
>contention and admittedly a very necessary part of the child's existence,
>it is the child itself that is sadly and irresponsibly used to hurt or get
>back at the non custodial parent.

>

>8. Access Time

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>If a time was to be set for access with no flexibility attached then we
>would see a misuse of the system. Albeit there is currently a misuse in
>that so many days/nights are allotted to the non custodial parent and any
>time after and including that allotted access results in a decrease of
>payment, thus allowing a payment of such to the non custodial parent as
>recompense.

>

>Often the misuse applies in that the custodial parent will allow the
>allotted access in order to be able to be free to do what they need or want
>to do on a personal basis but when it comes to stepping over the time limit
>into the 'recompense' area, the access is within drawn, with no
>compensation for the length of time the non custodial parent has been
>placed out of pocket in addition to the normal payment.

>

>In other cases access is denied in order again to cause mischief and
>mayhem, thus depriving the child and parent the association of a somewhat
>continual 'normal, parental relationship'.

>Proposed Suggested Change

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>Where it is difficult to police such actions, it is not impossible. A
>non

>custodial parent would need to contact the agency in writing, relating
>their concerns. The agency in turn would need to investigate to see if
>indeed there is a pattern of behaviour showing this form of misuse then
>follow up with action to be determined.

>

>Where a mischief is seen to be deliberate through continuing actions
>and

>patterns formed over a length of time, then again the custodial parent
>would need to be relieved of a portion of the maintenance paid or an
>adjustment of the following assessment made to compensate the non custodial
>parent.

>
>In regard to flexibility of access, an impartial assessment needs to
>be
>made by the agency were the non custodial parent if it is found to be of
>ill health or working. In the case of employment it must not be forgotten
>that the very work commitments that are required to fund the maintenance
>payments, may also at times restrict the non custodial parent from having
>as much access as they would like. It is not to be taken as an indication
>of the degree of commitment and concern in regard to their children.

>
>In the case of immediate family and I refer to non custodial
>grandparents,
>not aunts, uncles, cousins, etc., it would stand to reason that if the
>child is treated well, looked after and loved by the grandparents, then it
>would most definitely be in the child's best interest to allow and
>encourage access to the non custodial grandparents, thus ensuring the
>family link and connection remain strong and beneficial for the overall
>good of the child.

>
>
>
>And in closing, it is understandable that unfortunately, due to the
>amount
>of cases current in Australia, we find there has become an increased
>workload and subsequent pent up frustration on the part of all concerned.
>This is made very clear by the ongoing eruption of calls and emails to
>Talk Back Radio and Current Affairs Programs when the subject is broached.
> But there is also a corresponding loss of communication, flexibility,
>respect and people skills exhibited by staff of the agency when dealing
>with the personal issues of each individual case which in turn affects the
>very fabric of the lives of all concerned.

>
>Admittedly and annoyingly for those of us who are responsible parents,
>there are many non custodial parents who are lacking in their actions and
>responsibilities, who deliberately mislead or refuse to pay for their
>children's needs. This type of action is inexcusable and intolerable and
>must be dealt with harshly. However, it is totally and utterly unfair to
>suggest that all non custodial parents fit this category.

>
>Overtime, due to the irresponsible actions of many, the Child Support
>Agency has become somewhat unbalanced in their assessment of cases and they
>seem to be very rigid in their thinking and dealings with non custodial and
>custodial parents. For there are many custodial parents who are
>dissatisfied with the system as it stands and cannot gain any satisfaction
>or attention to their plights.

>
>The personal factor has been subtracted and parents and their children
>have
>been reduced to a 'number' and whilever the system continues to treat
>families like a production line and overlook the fact that they are
>personal, individual families with differing circumstances, emotions and
>personalities attached, the system will not work!

>

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