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

Dear Sirs and Mesdames,

I wish to lodge this letter as a submission to the Child Custody Arrangements Inquiry and address the Terms of Reference.

1.

**(a) given that the best interests of the child are the paramount consideration.**

It is with great personal distress that after 14 years of separation from a confused "de facto" relationship and being granted legal custody of my now near 15 year old daughter that I keep hearing the above phrase which does not address in reality the best interest of the child.

The "system" allows absolute rights to biological parents but does not address debilitating influences that one parent may place on the child. Each case is not viewed individually and because of this the child suffers dreadfully

Without going into 14 years of Family Court personal issues, **those that make the decisions on this highly emotive issue and changes made to the Family Law Act must first live the situation first hand, day to day.**

The percentage is very low of those that are mutually reasonable upon separation and have no need of the Family Court. However, the majority (mostly women) are faced with inferior legal representation (because of legal aid limitations on cost) and in my case no legal representation at all on two occasions.

It is disgusting what transpires at the Family Law Court where people stand in stairwells or in corners discussing their cases. Barristers "wear the floor out" as they stride between parties and do deals of "he will give you this, if you give him that".

**(i) It needs to be recognised that when you have two parents that have entirely different philosophies in child rearing and highly different responsibility levels regarding the raising of the child, you cannot possibly think of introducing joint custody. Children suffer enormously with having to learn two separate routines, groups of friends, activities.**

(ii) It is debilitating for the child being torn from their environment and have their normal development stunted, limited opportunity of hobbies that occur on a weekly basis, nutritional routine altered, spontaneity of time with friends, etc. To burden a child further between 50-50 joint custody. and then to be "Court Ordered" to allow time for grandparents, family friends, cousins etc., is not considering their natural development and plain unreasonable for the child. Who are we considering here, the child or everybody else that is supposedly adult? This is using a child as a tool. How thin do we have to spread a child in its formative years?

If a parent and grandparents do not have a reasonable relationship and the grandparents are to be granted a Contact Order to the child, how thin can we spread the child? Certainly not the child and the child's rights to stability, nurturing, balance in their environment, right to consistent social interaction with peers and community, opportunity for growth and development in a stable environment.

**"The best interest of the child", forgive me, but I don't think so.**

I know from experience that my baby was taken from me, her mother, at 10 months of age. This was for access supposedly with her father who passed her on to his mother for care on the weekends while he lived a single life. PARENTS have the onus and should be made to be responsible for their child and place the child foremost in their lives. If this is not occurring, I don't consider that a grandparent should have a right by proxy. By allowing this practice, it is disrupting the nurturing process between the parent that is responsible for the child day to day and can give the child the best practices at the child's home environment.

(b) Joint custody presumes that both parents would share equally the cost of maintaining the child. There will always be disputes over the cost of basic health, dental and educational costs. Whether one parent chooses to assert vengeance upon the other parent and uses the child as the tool not to pay their half of costs, how are we to police this matter? I have a Court Order for maintenance as we separated prior to October 1, 1989 when the Child Support Agency was introduced. For the amount that my daughter's father earns including the company car of 14 years, he pays a minimal amount, as I have to go back to Court for any alteration. This of course, is a cost to me, which I cannot afford.

I pay for my daughter to attend an independent school, dentistry, orthodonty, clothing, everything she requires. I told my solicitor in 1989 that I did not want maintenance as money to my daughter's father is his existence and I knew if I took any monies from him for her care that my daughter and I would be made to suffer enormously. I was made to take the maintenance and we have not had a peaceful day since.

My daughter and I have lived in absolute fear because of his aggressive and violent nature and to this day he does not know our home telephone number or address.

I take my daughter out of the area for contact visits and collect her after the event. I was made to do this because my daughter and I moved from a convenient area for him for access. We suffered 9 years of living near him in a place with no opportunity for my daughter's future.

"In the best interest of the child" does not take into account a father that has had "supreme" access conditions and has not taken advantage of the opportunity to sow a relationship with his child as he has always lived a "single" life and placed my child with who ever could accommodate her. They do not have a father/daughter relationship, yet my daughter is still made to see him by a Court Order, which she wants freed. How much of a child's life has to be determined by a Court Order?

**NO ONE IN 14 YEARS HAS COME TO MY DOOR AND ASKED MY DAUGHTER IF THINGS ARE GOING ALL RIGHT FOR HER AND HER DEVELOPMENT.**

**JOINT CUSTODY WILL NOT WORK**

**Academics cannot presume to make the laws; you have to experience it to know the farce of the existing Family Law Act. Joint Custody is not the right way to go. It would be trying to band-aid an already poor system.**

**Think of the further drain on police called to more domestic situations. More imbalances placed on the child's already detrimental life, further violence and indeed more court cases. This is the wrong way to go. The system requires major overhaul.**

Our children are born unconditioned. It is society and its Laws that incarcerate them into Court Orders for Contact that are detrimental to every aspect of their lives. They suffer at school, with friendships, loneliness, feelings of isolation and general lack of freedom of movement in their lives. These Laws place the first 16 years of their lives in a living nightmare.

If this submission appears emotive I make no apology as we live as has been determined by Law and I fear for the younger and unborn children that would have to live this horror if this Law is passed.

I thank you for the opportunity of presentation.

Yours sincerely

Jillian Sullivan