

Submission No: 1441

Date Received: 18-8-03

Secretary:

18 August, 2003

Committee Secretary  
Standing Committee on Family and Community Affairs  
House of Representatives  
Parliament House  
Canberra ACT

Re: Submission to Child Custody/Residence Inquiry.

Dear Sir or Madam:

Please consider my submission in you committee determinations into Child support and custody arrangements.

#### Background

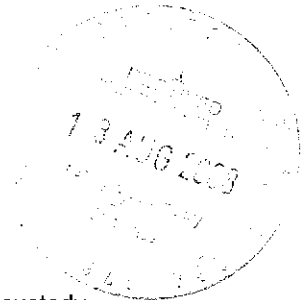
I would like to include a very brief background on my personal situation as I feel it is relevant to my submission.

Why I feel this inquiries findings and any resultant changes in Legislation will be too late for my own children (the emotional stress they have been subjected to as well as the long term emotional damage that has already been done), I am hoping that this inquiry may help other children and help slow the major issues that we are now seeing in our society as a result.

I am the father of two boys, aged [redacted] and [redacted] years. The mother & I separated when the children were aged [redacted] months and [redacted] years. There was absolutely no violence in the relationship on my part and during the time the children did live with both their parents, I played major role in their upbringing. Although I was the prime wage earner, I undertook most of the parenting duties while I was home to raise both a toddler and baby. Whether it was bathing, feeding, entertaining, or walking the floors all night when they were sick or upset. From the time I arrived home until the time I departed for work the next day and all weekend. Although not properly diagnosed at the time, I now know the mother suffered postnatal depression soon after the birth of the first son and continued on after we separated. It was a very stressful situation working all day, coming home to have two babies almost thrown at me with a very emotional depressed wife, and then working all night looking after the children whilst also trying to build extensions to our home for the expanded family. It is difficult to build when you have to climb down a ladder every 20 minutes to change nappies and make up bottles of baby formulae.

The stress of this situation caused the mother to move out, initially wanting me to take full care of the two children. As I was the prime wage earner I believed it would be in the best interest for the children financially if I maintained that role. I convinced the mother to continue to be the prime carer, however I would have the children as much as possible. I worked a 9 day fortnight at the time which gave me extra time with them. Picking them up on the way to work and dropping them off on the way to work. After some months the mother started to cope a little better and we moved to a mutually agreeable alternating weekends. I would visit them as much as possible outside this as well as ring the children every night. Although I could only talk to my oldest as the youngest was still only a baby.

The relationship with the mother ran hot and cold depending on how she was coping and I became the target for all her misery. I was to blame for her now being a single mother and she now had the best weapons to use against me. When things were going well, the children were happy and we had readily easy access to each other. When things weren't going so well, access became more



difficult. Nasty, spiteful little incidents directed at me, but generally through denying the children access to their father.

The mother met another partner and became engaged to be married. I believed at the time that this may have a stabilising effect on her and thus the access I would have to my children. This relationship fell apart after 12 months and things again soured. I then had my first serious relationship since we separated and I immediately found that I had to be punished via the children. When this relationship ended I immediately found that I had better access to my children.

Then when the children were aged [REDACTED] years, I moved into a serious relationship and I remarried. My wedding present from the children's mother was custody papers and a date to go to court. I went into this hearing somewhat naive and didn't contest a great deal due to not wanting to get into an expensive legal battle and solicitors advice.

As a result I now had very explicit and limited time that I could see the children. For the next 5 years the children endured the most spiteful and disgraceful incidents, directed at me, but impacting them. Many of these seem so insignificant and trivial in isolation, but it was the unrelenting nature of these incidents.

Some examples from a very long list –

- I was coaching several of my children's sporting teams over several years (soccer, cricket, baseball). The mother was OK with me coaching the team, but the children were not permitted get a lift to/from the sport when it was outside my access time. This was the case when the mother had other commitments and the children were forced to get a lift with other parents. On many occasions the other parents would come to me and apologise and say how awkward and sorry they felt, especially when either of my boys asked why can't we go with our dad.
- The children have been placed in vacation care during school holidays while the mother has been working, despite the fact that I have been on holidays and less than a kilometre away. The children ask "why couldn't we spend the holidays with you"
- I would ring the boys almost every night, and still do. A very common answer was the boys are having dinner, ring back in 10. I ring back and no answer. Night after night.
- I have been involved with school excursions where they require transport. The mother allowed this as I managed to have an order saying that I could be involved with any sport or school activity. However after the excursion, I would drop other children to their homes, and have my child in tears because I have to drop them back to after school care until their mother arrives home from work.

My children are very intelligent, generally happy and appear well adjusted on the surface. I know they carry some extremely deep emotional scars from being under the long-term control of a very controlling emotional mother where they needed a balance from both a mother and a father. The children have grown up seeing their father as a weak male role model, manipulated by and continually conceding to the mother. It has been a continual power play by the mother using the children as her pawns against me. I can deal with this, but the damage has already been done to these two boys. I worry in particular how this will impact them with their own relationships later on in life. While the mother originally wanted me to have full custody, I supported and helped her while she overcame her depression and foolishly agreed to much of her custody orders at the advise of a solicitor. My biggest regret in life is not taking the children in the first place when it was originally offered.

## Submission

(a)

(i) **There should be an automatic 50/50 custody arrangement where there is a stable, loving mother and father.**

- Regardless of the 50/50 split, both parents must have the right to attend all organised sporting or school activities as well as the new partners of the mother and father.
- Where children are to be placed in long day care or vacation care, the other parent should be given first right of refusal to care for their children.

- Children must have the right to a balanced upbringing and to deny them equal access to both a mother and a father is denying the child their human rights
- Consideration must be given to extra-ordinary circumstances whereby either parent is abusive, either emotional or physical.
- There must be consideration where one parent needs to relocate away from the other parent, however the courts must decide what is in the best interest of the children and the relocation isn't being used as punishment by one parent over the other.
- Fathers are extremely important role models for both boys and girls and probably have a bigger impact on both sexes than does a mother. For little girls, a dad is her first boyfriend. A loving caring dad who is there for a you girl, has an enormous impact on that child's self esteem and self confidence and will effect that child for the rest of their life. For a young boy, mum is the most important up until about the age of 6 and I know from personal experience that a boy starts to crave more and more time with dad from that age on. He craves to learn how to be like dad. Boys particularly need and crave the firm control of dad to keep them in check.

**(ii) Children should have the right to access grandparents or other family members as they would if the parents had not separated.**

- The grandparents should not have rights over and above the mother and father (i.e. their own children) as per a normal relationship unless there are extra-ordinary circumstances. Eg – abuse, etc, determined by the appropriate agencies.
- Should either parent be deceased then the grandparents on the deceased side should be awarded some level of regular access, including regular phone, visit & holidays, etc.

**(B) Child Support**

Child support and the child support system is an absolute disgrace. The formulae, review system and administration are also scandalous.

- More consideration must be given to the custodial parent assets or less visible financial assistance. Do their parents own the house they are renting for example.
- Child support must be calculated on a per night basis.
- Child support should be a tiered system based on age. The amount should be reduced for younger children and increased as a child gets older. In my situation, I personally would have been saving/investing money while the children were younger to put towards their education when they were older. I am forced to pay a flat [REDACTED] per month wether it is a newborn or a 16-year-old. This does not make sense and is a joke.
- I have absolutely no issue paying child support, but I have a major issue having no say in how child support is spent. Giving 50/50 custody would reduce the amount of child support paid and therefore reduce this as an issue.
- Part of the child support is to cover the child's accommodation. Where the custodial parent is paying off a house, the non-custodial parent is now contributing to an asset that the other parent gets to keep after the child has left home. This is wrong.
- In my situation, my children perceive that mum has the money, mum buys us everything. Mum does, simply because of the [REDACTED] a month the children don't understand comes out of my pocket. This must have a subtle impact on the child, again seeing dad as week role model.
- Although I pay out a large some of money, I have to outfit the children with a separate wardrobe. This is not considered.
- I am in the IT industry and was retrenched when the IT bubble burst a few years back. I was dragged through the child support review system with claims that I was not looking for work.

- I am forced to provide details of my income and its' source which is then passed on to the other party. This is an invasion of my privacy to which she has no right. I have absolutely no issue declaring everything to the Tax office, CSA, or review board, however all details should be 100% confidential. All the other party should be provided with is the amount they will receive and nothing more.

Sincerely,

[REDACTED]