

From: [REDACTED]
Sent: Wednesday, 23 July 2003 10:38 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Inquiry into child custody arrangements

House of Representatives Standing Committee on Family and Community Affairs	
Submission No:	123
Date Received:	23-7-03
Secretary:	[REDACTED]

Hi

I would like to put my submission forward regarding the inquiry into child custody arrangements.

Submission points.

1. Fair distribution of parenting visiting rights
2. Accountability for managing child's support allowance
3. Fair distribution of child support contribution

1. Fair distribution of parenting visiting rights
I am writing first hand on my recent separation from my wife. I have tried to contact my wife in order to see the children but she avoids me and is using the children as vindictive tool to deny me the right to see my children. I think we need to look at a system that sets rules of engagement with regard to separation. Parents should be clearly explained their responsibility with regard to custody rights giving equal share of custody for the children. Equal share could mean the father having the children on weekends, school holidays or appropriate time that accommodates both parents.

There should also be a department or government body that polices the system so that parents cannot use the children as a vindictive tool to get back at the other party after a separation. When these controls are in place parents will know that they are bound by rules or laws not emotions with regard to free will on custody of the children.

Also custody is automatically given to the mother, the system should look at who can provide the best care for the children in terms of financial support and upbringing. Custody should look at which parent can provide the best home environment being financial support, housing and education. Perhaps the system can look at giving the mother the sole parenting rights when the children are not going to school but once the children go to school the mother's parenting time is greatly minimized and child custody could be transferred to the father if the father can provide a better support structure to prepare the children for the later stages of life where they will really contribute to society. In this case we would be looking at the long term gain than the short term gain. Long term the children could contribute to the Australian economy if they are better educated and have a more secure future.

An example would be mothers often call on the social welfare system to provide housing and welfare support for the children when couples separate as often the mother is given sole custody of children. However when the children start school the mother maintains the primary custody but her role as a care giver is reduced significantly and the level of care changes to a more intellectually supportive care giving arrangement as apposed to a maternal supportive arrangement. The mother often is entrenched into a social welfare environment that lack the skills to prepare the children as they grow older with

the challenges of life such as schooling, communication skills, people skills and guidance on life.

As the child grows older the care required changes however the system fails to take this into account.

Measures should be put in place so that once the children go to school it should be the parent that can best support the children through education, housing and social support that should care for the child.

Perhaps once the children start school parenting rights could be transferred to the parent that is providing the largest financial contribution to the future development of the children taking into account that the parent is able to manage the care for the children after school either through child minding or a grand parent looking after the children while the custodian parent is at work. This would allow the mother the time to look for work if the father is willing to provide sole care of the children. In this way both parents would be obliged to add value and the burden on the welfare system is significantly reduced by the mother not relying on the welfare system to raise the children as is the current case. Currently sole parenting mothers rely on the welfare system until the children turn 18 years of age after which she is not equipped to cope with the future, often becoming long term unemployed. Also the children in most cases have not reached their full potential in terms of education and future support.

In most cases both parents want the best for the children so the system should make both parents contribute equally to the financial and social upbringing of the child. Single mother should be made to contribute financially to the upbringing of the child when the children go to school and not placing all the burden on the fathers who are often forced to pay child care for the children but never get to provide support for the contribution they are making. This is a very unfair system that creates an environment of discrimination on the fathers.

2. Accountability for managing child's support allowance

Often the father is left to provide child maintenance for the children, however the system does not allow for controls on how the allowance is being spent by the mother. There are no checks in place to monitor whether the children are receiving the child support allowance. This is very unfair because the parent providing the allowance is normally very happy to do so because they are his children but does not have control on how the allowance is being provided. Perhaps we could look at a system where the allowance is provided to a government body which oversees whether the money is really going to the children. This body could have a list of government suppliers and when the sole custodian parent wants to purchase something for the children they can go to this supplier which would verify the identity of the custodian parent to purchase supplies for the children. In this way the custodian is forced to identify what the child is receiving and if she does not purchase any goods the money is left in a safe place for the children and both parents can receive a report on where the money is being distributed. This system would be very similar to a biller code used by the banks.

3. Fair distribution of child support contribution

It is understandable that when the children are of a very young age they require a more maternal level of care and in this case the sole parent is unable to work and provide for the children. It would be fair for the working parent to provide the primary contribution. However when the children go to school the caring of the children changes where the sole custodian only has the children whilst they are not at school. Perhaps the system can take this into account so that the financial contribution is distributed more evenly where both parents are required to contribute financially as a percentage of the care they provide. Whilst the children are at school the primary custodian could be asked to work so that they can contribute to the financial support of the children instead of the primary working parent paying the full maintenance. This would encourage many single mothers to get away from relying on the social security system for a hand out till the children turn 18 years of age after which they have no skills to better themselves in life and end up becoming a burden on the welfare system.

In summary the current system lends itself to parents separating very easily with the mother receiving sole custody of the children often relying on social security payments till the children turn 18 years of age. With the current trend of 50% separation this figure is an alarming figure and something must be wrong because 40 years ago separation was 5%. After the children turn 18 years of age we are left with a mother who does not have the capacity to enter society as a productive member, a father often being resentful because he has provided for the children all their life but never had any say on the child's upbringing and how the maintenance is managed when in a normal family both parents have a say on where how the finances are distributed.

The strategy should be a system that manages both parents so that even if they breakup they are still held together in a joint decision making process for the upbringing of the children regardless of which parent provides sole custody. In the end both parents when managed correctly will do the right thing for the sake of the children. The key is the system must help hold them together in the upbringing without the need for endless legal battles which serve no purpose.

The child support agency is a very good example but the system is very one sided and purely targets revenue instead of managing the overall problem which is better children to better Australia. Using the father as a solution to simply provide for the children will not solve this problem. One must remember that if the family was together the father gives his life for his children freely and willingly. The system must insure that these feelings are kept regardless of both parents separating.

At the end of the day both parents must be accountable to the upbringing of the child.