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House of Representatives Standing Committee on Family and Community Affairs	
Submission No:	189
Date Received:	11-7-03
Secretary:	

To Whom It May Concern

I am a concerned father, I'm 34 years old and I have a little boy aged 8 in November this year. His Mother and I were together for 13 years. Back in 2001 his mother left us for another man. After being with this man for about 5 months she wanted her son back in her care. On advice from her lawyer she took out a domestic violence restraining order on me, which was given to me on the weekend she had taken our son. Which allowed her to keep him as state police can not get involved, also giving her time to take me to court for residence of him. She lost and the courts gave me back my son full time, except the courts gave her every second weekend from Thursday after school till Monday beginning of school so that she wouldn't have to see me.

After a few weeks she called me and we started talking again. She didn't want Thursday's nights with our son and said she couldn't drop him off at school on Mondays. She would often come around to my house to pick up extra things of our son and borrowed things from me, like CD's, Dvd's, speakers, video camera and anything else she needed in her life. She called me and asked if she could have a workbench that a friend of mine was looking after till I found a place for it, she got everything she asked for from me, as I saw that it was better for my son that we got along. Even swapping of the weekends to help her out with her partner's children, we must have swapped weekend at least 4 times. When she came over on a Sunday to drop our son off, she said that she had time and if it was ok, she would help our son clean his room, which she did. As its my sons mother I never stopped her from seeing him or spending time with him.

In February 2003 after the school holidays she asked if she could have more time with him, I agreed to a short time and she said she would get the paper work ready so that she could get family assistance and cheaper before and after school. I signed the paper work without reading it, as I trusted her. That was my biggest mistake of my life. What I had signed was residency paper. My thoughts where, I handed my son over to her, in trust, so it was my lost.

When I signed I did not see my son for almost 3 months. I spoke to a man in the family courts he told me the paperwork had not yet gone through and to write a letter saying that I didn't agree to what I had signed. The family courts struck out her application for residency. She still would not return him even though the courts had struck her out. I tried everything in my power to retrieve my child. Even finding out which school she had put him in and going to that school to retrieve him, but they would not allow me to take him. His mother then kept him out of school for 2 months and she got her doctor to write a certificate for her, even though the doctor did not see my son.

In April I took her to court for the recovery of my son. In court when I was trying to recover my son she applied for residency at the same time, so I lost the court case and custody of my son. The family courts gave me Thursday 5pm to Sunday 5pm. When I was in court, the courts said that I would have half the school holidays as well, but when I got the paper work there was no mention of school holidays, therefore I will not get to have him for that time.

She wont let me ring him because of the domestic violence order and he can't ring me because she will not allow him. My son doesn't want to live with his mother. She has changed him from school, which he doesn't like and she has put him into the wrong grade where he gets picked on.

The part I don't understand is, why did she end up with him when her application was struck out? Why didn't I get half the school holidays? Why doesn't my son get to have a say in what he wants? Is this how children should be treated? Did anyone from the family courts ask him what he wanted??

For the time I had my son she never paid child support, it was never about money for me. Why is she making it about money for her and not what her son wants and how to make her son happy?? Every weekend I drop my son of he begs his mother not to go with her. It takes us at least 15 to 30 mins to calm him down, talk to him about courts and that we will fight to the end to get what he wants to make him happy.

I think the family court system is disgusting that they can let a parent break a court order and reward that parent with custody. And that state police have there hands tied when it come to children. Why can a doctor help a parent break a court order? What I don't understand is that she left us and my son has never wanted to live with her permanently, why didn't the court just question my son and save the courts a lot of time and money. If the courts are meant to be looking after the child's best interest, why shouldn't it be up to the child decision with that parent's agreement?

I have had stable work for the last seven years, I do not have a criminal record, (unlike his mother) and why should my son and I be punished for the courts decisions.

How many other people are in my position?? Where their partner leaves and takes the child without them even having a say, and through the family courts get treated like a criminal and only get visitation right?

So far to see my child it has cost me \$10,000 and who knows how much more it will cost, when this isn't over yet and it is not what the child wants. Where does a single parent get this money and where is the justice in that?

Yours hopefully,

Marcelo Villafane