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Submission No: 300

Date Received: 5-8-03

Secretary

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Committee Secretary
Standing Committee on Family and Community Affairs
Child Custody Arrangements Inquiry
Department of the House of Representatives
Parliament House
CANBERRA ACT 2600

SUBMISSION

RE: Inquiry into child custody arrangements in the event of family separation.

This may seem to be a straightforward issue of encouraging parents to have equal time with their children after family separation, however this is not so

Many non-custodial parents desire to spend more time with their children and while joint custody may give them that right on paper the physical and actual events are quite different.

The proposed changes introducing automatic joint custody of children in the event of family separation address a serious imbalance in the upbringing of those children. Children need to know their heritage and except in a limited number of cases no one loves and cares for those children like their biological parents. The presumption that children spend equal time with each parent is the best case scenario for children of a family separation.

This may not be possible in a large number of family separations due to outside factors, which are difficult to resolve. i.e parent movement due to work commitments or family support. Whilst all efforts should be made to resolve these issues other proposals need to be in place.

While introducing these changes one important other step should be considered. Removing the adversarial role of the Family Court. This I feel is where a large proportion of the hate and anger is generated as opposing parents are set against one another just for the right to spend time or not spend time with their children. The residential parent at this time has the ability to comply or not comply with any orders for the other parent to spend time with those children simply by not taking phone calls, being out or moving away. The cost of custody, and access legal cases is exorbitant. This money could be better allocated to the caring of the children and also allowing the parents to help build a nest egg for the future. There are going to be many separated families who will face retirement in very poor financial state because of the cost of legal battles fought over custody and access, from which it is very hard to recover.

Many non custodial parents cannot afford the cost of legal representation to fight to spend time with their children and are in turn are thought/seen to be disinterested in their care and welfare when this is not so. Often after winning the right to see their children How ridiculous does that sound - the right to see their own children - the non residential parent cannot afford the cost of going to wherever the children may be living or the cost of bringing them to the non residential parents place of residence, as they have to pay massive legal bills with very little left over.

At time of separation both parents should be compelled to attend a tribunal - could be an off shoot of the Family Court. - no legal representation allowed for either of the parents This is where joint

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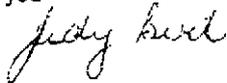
custody is awarded and any non-straightforward details ironed out. Ie. Interstate parents visitation rights etc. A charge could be made for this service dependent on income and means and all details would be determined by a panel of Family Court personnel.

Children would benefit greatly from a caring sharing relationship from both parents and would less likely be left wondering what they had done wrong for the missing parent not to be interested in their wellbeing.

Many non-custodial parents would accept the child support formula more readily if they were treated as equals in the custody and time sharing arrangement with their children. At the moment many see a large chunk of their earnings being taken from them and they have no say in where or what the money is spent on, or even if their children are benefiting from this money. It is essential that both parents know that they are contributing to the financial wellbeing of their children so the child support system needs to be in place for those who do not support readily.

Perhaps a more balanced approach to the levelling of the child support would be in everyones interests. The real ability for people to pay and a more flexible approach in judging assets etc.

Thank you



Judy Birt

Grandmother of children from a separated family
And
Child of separated parents