

Submission No. **345**

Date Received **5-8-03**

Secretary

**INQUIRY INTO CHILD CUSTODY ARRANGEMENTS  
FAMILY SEPARATION :**

IN THE EVENT OF

To whom it may concern :

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3 August 2003.

Comments relating to:

- 1) Whether the existing child support formula works fairly for both parents in relation to their care of, and contact with, their children.
- 2) Whether the existing formula is based on the premise 'the best needs of the child is the paramount consideration'.
- 3) Grandparents and grandchildren need access to each other that has some security of tenure.

This submission is written from a personal family basis and relates to current custody/access problems that are occurring. I write as a grandma who has the experience of raising 6 children. This life experience also includes the realities of living as a single parent, 40 years teaching, and a lifetime's observation, learning and reading about child and people related subjects.

**"The heart of a fatherless child is like a little fountain choked with mud"**

... is a wisdom from the Bushmen desert people of the dry Kalahari.

The needs of a child are paramount. A child needs strong and loving relationships with both father and mother as an optimum foundation for life. A bank account is not enough but Mum and a bank account are what my beautiful tenth grandchild is getting. Dad is being shut out with a different excuse each week. We all try to "keep it nice" in the hope that we can work it through but need strong guidelines that we can wave around without having to go to court.

There is currently nothing to link a father's C.S.A. payments with a corresponding responsibility of the custodial mother to ensure a child's access to its father. In practice, my grandson [redacted] paternal needs are reduced to the economic rationalism of weekly payments of \$180.

C.S.A. legally (and morally) requires financial support from the wage earner.

What legal requirements need to be placed on the custodial parent? The existing moral ones are often ignored and worked around with subterfuge and excuses in our experience.

What requirements need to be placed to at least ensure parents' attendance at counselling to ensure that the needs of the child are the paramount factor in determining contact?

Does the "norm" need to be 50/50 as the basis on which to base access? With room for adjustment for individual circumstances?

There needs to be more focus on structures/models which ensure effective parenting contact that involves the sharing of daily life with all its highs and its lows... not just trips to the footy or the zoo.

The norm needs to be 50/50 as a starting point.

Parenthood brings responsibilities which often, of necessity, curtail personal freedom.

Father/child contact ought not to be based on the mother's convenience alone. When "a mother's withdrawal from facilitating situations that enhance the father/child relationship" occurs then the paramount needs of the child are compromised and damaged. This is occurring in our family unfortunately.

(Separate guidelines are required for Protective Services cases which require stringent individual evaluation and legality. It is of primary and urgent importance to effectively protect children in these awful situations but this must not set the standard for the rest of the community. Please see Appendix A)

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Existing child support/ contact formula is apparently not working well for my baby grandson and his Dad and their contact with each other. [REDACTED] the Dad – pays \$180. per week child support and is currently permitted to visit his son for only 4 hours a week - with the mother's supervision. The parents live within half a kilometre of each other. He is a loving, competent, responsible and supportive father. There are no reasons for denying father and son more access to each other. The mother alone has made all the decisions to date and has demonstrably "withdrawn from facilitating situations that enhance father/child relationships". Her excuses for non-contact proliferate and are based on her statement "they don't need it at this age" ( i.e. ' babies don't need contact with their fathers yet' – which is in contradiction to current research, common knowledge and accepted wisdom). She refuses professional counselling/mediation that could assist this situation.

Widowed at an early age, I saw my children grow without a Dad. Adults now, and parents themselves, they are articulate that it was a deprivation.( Actually, they are not verbally articulate because tears are always too close to enable discussion.) Some things must just be endured.

My present husband still cries on occasion, grieving for the loss of his father who died on the Burma railway. Another 65 year old friend states that his life long inability to relate to, or respect authority is based on the loss of his father who died when he was 6 months old . The father of another friend was shot down over Germany. She has never been able to have any sort of successful friendship or relationship with a male.

It is obviously possible to grow successfully without the benefit of a father but as all the above 'examples' agree, it is even better to have a Dad. This fact is supported by current research and professionals.

Reduction of a father's role to one resembling that of a sperm donor denies a child's rights and needs to receive fathering. It denies the rights of a man to act as a father to his offspring. Babies need and love the experience of being handled, spoken to, cuddled and cared for by the secure presence of a loving Dad. Children need fathering and mothering.

Many separated families need assistance in order to develop new, creative ways of facilitating emotionally generous solutions for the children involved.

This will sometimes require the encouragement and support of the law.

Thank you for this opportunity to comment.

Yours faithfully

## APPENDIX A.

Even in abusive situations, improvement or solutions can be achieved with competent, professional assistance, good will, hard work and hope.

Through no fault of his own, my eldest grandson was in an abusive parental situation many years ago and was declared a Ward of the State.

Serious problems were worked through (including Child Protection muddles and incompetence).

Family and government assistance eventually worked together for the benefit of this child and a professional of high calibre, [REDACTED] working with the family, achieved what experts had predicted was impossible – he was successfully returned to his mother's care and is now a 22 year old at university.

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