

House of Representatives Standing Committee
on Family and Community AffairsSubmission No: 447Date Received: 8-8-03

Secretary:

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4th August 2003

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

RE: Child Contact Issues**Summary**

1. After a separation children need stability in their lives.
2. Equal contact- increases the instability in the child's life.
 - increases conflict in parental expectations and values which creates confusion in the child.
 - is a way of substantially reducing child support
3. Children should live with the parent who places the children's care as their first priority in life.
4. Extra contact for the non-custodial parent could be after school for a few hours each week where they participate in the daily activities by taking the child to sport or helping with their homework.

Dear Committee Members,

Family Law on child contact matters must be based on the needs and quality care of the children, not the 'wants' of the parents. My opinions outlined below are based on personal experience as a divorced parent with three children and as a witness to the effects of divorce on the children within the schools where I have taught.

In the turmoil of separation one of the most important factors children need is stability in their troubled lives. Children should spend the majority of their time with the parent who places the children's care and well being above their own individual needs or desires. The parent who provides a home where the children feel safe, free to express themselves and where their day to day needs are well catered for. This isn't the parent who has found a new partner before or immediately after the separation.

Equal time with each parent erodes any stability in the children's lives. When children move from one parent to another at equal, regular intervals they no longer have a place to call home. They experience different parental values, expectations and rules with every change in contact along with a new daily routine at each house. In many cases the children would be forced to live with a parent's new partner and children. Blended families rarely work successfully. The effect of this situation is a confused child who is disorganised, lacks self-respect and is in a constant state of conflict.

Equal contact is a convenient way of significantly reducing the child support of the paying parent. The main goal is increasing the amount of money to spend on themselves rather than acquiring quality time with their children.

Equal contact should only be considered in the smallest percentage of cases where;

- (i) the child is of an age where he/she is able to decide to live with each parent for equal time and a counsellor advises that such a move would not be detrimental to the child's well being.
- (ii) both parents are willing to ensure that the child's care is their first priority
- (iii) both parents live in the same neighbourhood so there is the least disruption to the child's life.
- (iv) both parents will encourage and participate in the child's education, co-curricula activities and social life.

Based on the experience of myself and many of my friends, most parents with new partners take little, if any, interest in the lives of the children from the marriage they left. Contact is usually when and if it suits them and, as in my case, in total disregard for the Court Orders. Quality time with their children and a genuine interest in their children's lives are non-existent. In many situations the parent's new partner dictates how the children from the marriage will be treated.

An associate of mine was granted equal contact by the Family Court for his two young sons. Within months of this decision the new partner, after having a baby, could not cope with the demands of all the children so the father resumed fortnightly weekend contact again with his two sons. How do children feel when their living arrangements are based on the changing whims and desires of their parents?

Contact could be increased from the usual weekend each fortnight for the non-custodial to include a few hours for one or two days per week. This is an opportunity for the parent to be involved in the daily life of their child by taking the him/her to after-school activities or helping them with homework. This contact should only be granted if it compliments the daily routine and does not interfere with it.

There are many opportunities for the non-custodial parent to be involved in their children's lives without having equal contact. Equal contact favours the parent, not the child.

Contact with Other Persons

Contact with other persons in the child's life should only be granted when contact with one of the parents has broken down and the child wishes to continue their relationship with these other people such as grandparents.

RE: CHILD SUPPORT

Summary

1. The formula and review process favours the payer.
2. A fair formula would use either the deductions or living expenses not both
3. The Child Support Agency needs to investigate thoroughly the allowable deductions, incomes and the place of employment of the non-custodial parent otherwise the children suffer.
4. Parents should be made to equally share the financial responsibility of their children.

From my experience with CSA over the past six years I have found it to always favour the paying parent. Firstly, the formula is based on taxable income not gross income. So the payer fabricates deductions and fails to declare other sources of income. The amount used by CSA is significantly different to the actual income earned by the payer.

Then this amount is further reduced by \$12 000 for living expenses before the percentage of child support is calculated. This can mean a reduction of hundreds of dollars per month in child support for the children.

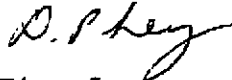
For example On a gross income of \$60 000 the child support for three children is \$19 200 per year with no decrease for deductions and living expenses. However on that same income with \$10 000 in allowable deductions and \$12 000 for living expenses the child support is \$12 160. A difference of \$590 per month. Who does the formula favour? Definitely not the children the money helps to support!

The CSA fails to thoroughly investigate income and deduction issues and this also favours the paying parent. From my experience the CSA acts immediately on the parent's declaration (without proof) of a pay reduction by cutting the child support. However, it takes months for a review to prove there was no pay reduction at all.

The child support calculation should reflect that :

BOTH PARENTS ARE TO EQUALLY SHARE THE FINANCIAL
RESPONSIBILITY FOR THEIR CHILDREN.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'D. Ley'.

Dianne Ley