

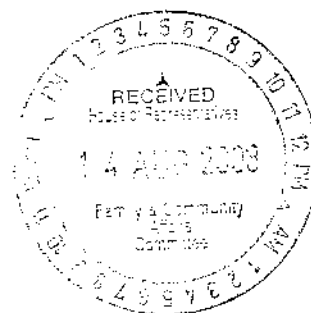
Committee Secretary
Standing Committee on Family and Community Affairs
Child Custody Arrangements Inquiry
Department of the House of Representatives
Parliament House
Canberra ACT 2600
Australia

Email: fca.reps@aph.gov.au

8 August 2003

House of Representatives Standing Committee on Family and Community Affairs	
Submission No:	592
Date Received:	14 - 8 - 03
Secretary:	

Contribution to the
House of Representatives
Child Custody Arrangements Inquiry
By Nuance Exchange Network
Friday 8 August 2003



Nuance requests that all of this submission remain confidential

A representative from Nuance is available to attend a public hearing, principally in Melbourne, but possibly in other cities.

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Summary & Recommendations

- Children and fathers have been actively denied meaningful relationships after family breakdown in Australia. It is in the best interests of the child to have a parent-child relationship with his or her father.
- A rebuttable presumption of shared parenting should be introduced in Australia.
- This should involve both legislative and organisational and systemic changes within the Family Court of Australia and the Child Support Agency.
- Systems and safecheck measures need to be implanted to prevent those opposed to shared parenting re-gaining control of the process and redefining it away, as the Family Court of Australia has done past 28 years.
- Greater provisions should be made for grandparents to have access and visitation with their grandchildren after family breakdown.
- A rebuttable presumption of equal child support should be introduced, whereby each parent provides for the child on a day-to-day basis and financially. Centrelink, the Family Court of Australia and the Child Support Agency should be prevented meddling and forcing one parent to pay another when there is equal shared care.

Endorsements

Nuance Exchange Network endorses the submissions of the Shared Parenting Council of Australia, the Lone Fathers Association of Australia, the Men's Rights Agency, and the Family Law Reform and Assistance Association. Additionally, the Langeac Declaration and the National Men's Council of Ireland Shared Parenting Legislation Review 2003 are endorsed and attached as Appendices.

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Introduction

This contribution to the Child Custody Arrangements Inquiry is provided from the Nuance Exchange Network.

Nuance is a peer support network of separated parents with concerns arising from and related to family law issues.

Nuance supports a rebuttable presumption of and for shared parenting and residency.

Nuance believes the current default presumption of maternal sole custody, with visitation by fathers, has deleterious consequences and outcomes for children, and is unjust for separated fathers and their children.

This current default presumption, for maternal custody, operates in the shadow of the law, as practiced by the Family Court of Australia. The result is that many fathers who seek to continue their parenting are excluded from parenting and are redefined as little more than a source of income for the mother and/or an occasional 'uncle' to their children.

There are many opposed to the notion and reality of fathers continuing as equal parents of their children after family breakdown and separation. Some of these include the Family Court of Australia, the Children Support Agency, Centrelink and various 'academics', 'professionals' (including legal (family law specialists), medical, psychological, psychiatric, etc.) and anti-father activist groups (such as Women's Electoral Lobby, National Council of Single Parents and THEIR Children, Sole Parents Union and the recently formed and disingenuously named ANTI-shared parenting alliance: the Positive Shared Parenting Alliance).

Best Interests of the Child

(a) Given that the best interests of the child are the paramount consideration

The phrase "the best interests of the child" is a truism that all support and none deny. However it is open to very wide interpretation driven by self-interest. Most in the family law industry operate on the basis that "the best interests of the child" is the latest in a succession of justifications for mother custody. Previous justifications have been those of "the primary caretaker" (women care for children) and the earlier "tender years doctrine" or "doctrine of maternal care" (children naturally belong to women).

Children have two parents. It is in the best interests the child to maintain a relationship with both parents.

Poisoning and/or denying a child a relationship with his or her father is a serious form of child abuse and is not in the best interests of the child.

Allegations of abuse or neglect should not be permitted to prevent shared parenting unless and until proven. Shared parenting would be rebutted in the few situations where there is real and proven (verified) abuse (including denigration and alienation of the other parent) or neglect.

Shared Parenting Presumption Factors

(i) What other factors should be taken into account in deciding the respective time each parent should spend with their children post separation, in particular whether there should be a presumption that children will spend equal time with each parent and, if so, in what circumstances such a presumption could be rebutted.

Information is important. It is vital that people know about shared parenting and that both the fact and examples be promoted. It is currently possible to have shared parenting, but the Family Court of Australia tends to hide this as much as possible (instead seeing it's role to implement a form of feminist jurisprudence and thus privilege women at the expense of men).

Accordingly, information about shared parenting and residency and examples and samples of joint custody parenting plans should be available at all Family Courts, Child Support Agency and Centrelink locations and websites and made available to family law practitioners, mediators and counsellors.

In the past the only examples of parenting plans provided by the Family Court of Australia (Dandenong Court, 1997) were for mother custody, with paternal visitation and financial support.

As much as is possible family and parenting arrangements should be dealt with by the parents themselves, with input from children themselves as they grow older.

Agreement, once reached, may be informal and unwritten, put in writing (in a parenting plan) and, if desired, registered with an agency established for the purpose, such as the Federal Magistrates Court.

Where agreement cannot be reached, a process involving firstly education, then mediation and finally arbitration and orders (court) should be established.

Where mediation and judgement are required, consequent shared parenting plan agreements should be registered. Where shared parenting is rebutted by a court all reasons would be explicitly provided to both parents. Additionally, the judgment should also be published and made available (with or with anonymity as appropriate, on the internet and via a publicly accessible family law library). The important issue is to publish judgements and remove the cloak of Section 121 of the Family Law Act behind which Family Court of Australia judges hide.

Where a parent chooses to rebut the presumption of shared parenting and residency, and argue for sole custody, that requesting parent would have to prove that joint custody would be detrimental to the child and not in his or her best interests. Where there is more than one child, the process should be separate for each child.

In temporary custody hearings, judges should order as near to equal parenting time as is possible if requested by either parent. This is to forestall the arguments of 'status quo' and 'routine' being used to preclude subsequent shared parenting and residency. The current procedure of denying shared parenting, where one parent objects, should cease immediately.

It is important to make automatic sole custody a thing of the past. From trends in other jurisdictions, separation and divorce rates drop when parents can no longer count on automatic custody and the other parent's income. Continued family life is ultimately good for the children, the parents (many 'rough patches' resolve themselves) and the state (in terms of less social services costs).

Out of-wedlock births and children should also be covered by a rebuttable presumption of shared parenting.

Where one parent is unwilling to work with shared parenting, either initially, or during its operation, that parent should lose their shared custody, with sole custody being given to the other parent.

Children should be able to remain in one area and be able to go to the same school, church and other facilities and be able to attend family, social and sporting events. If a parent chooses to move, perhaps more than an hour away, with the children, then that parent should be prepared to forfeit shared parenting and in lieu provide financial child support for the time the child(ren) are with the other parent. Movements should not impact shared parenting and residency if and when the moving parent is willing and able to continue parenting in the child's home area (eg. he or she might commute back every other week).

Opponents of shared parenting and residency, make much of the few selected dysfunctional fathers and arrangements. However, it should be understood that such cases are small in number and that it is neither logical nor fair to base a whole system of exclusion of fathers on the actions of a very small number. It would be no more logical nor fair to exclude mothers on the basis of the few who abuse and neglect their children and partners. Indeed, these few cases, for both mothers and fathers, are prime examples of legitimate reasons for rebuttal of shared parenting.

A parenting plan should include, but not be limited to:

- (a) the financial and legal responsibilities of each parent;
- (b) a weekly parenting schedule;
- (c) a holiday and vacation parenting schedule;
- (d) a schedule for special occasions, including birthdays;
- (e) a description of any specific decision making areas for each parent; provided, however, that both parents shall confer and jointly determine major issues affecting the care and welfare of the child including health, education, discipline and religion;
- (f) if applicable, the need for any and all of the parties to participate in counselling;
- (g) any restrictions on either parent when in physical custody of the child(ren); and
- (h) provisions for mediation of disputes.

In making an order of shared parenting, a court should specify the right of each parent to the physical custody of the child in sufficient detail to enable a parent deprived of that control to enforce the court order and to enable law enforcement authorities to implement laws for relief of parental kidnapping and custodial interference.

Grandparents

(ii) in what circumstances a court should order that children of separated parents have contact with other persons, including their grandparents.

It is manifestly and grossly unfair for children not to have an ongoing relationship with loving grandparents. The relationship and bond between grandparent and grandchild is both different to that of parent and child and often remembered fondly in later years by the grandchild.

Mechanisms and systems should be introduced to facilitate and allow this, without frustration by one of the parents. Without reason, perhaps rebuttable, one parent should not be permitted to stop a child seeing his or her grandparents by the other parent.

Child Support

(b) Whether the existing child support formula works fairly for both parents in relation to their care of, and contact with, their children.

The current child support formula and its enforcement by the Family Court of Australia and the Child Support Agency do not work fairly for both parents. At present the system works to move money from fathers to mothers (in what appears to be some form of feminist payback for perceived injustices to unrelated women in the past).

In April 1998 the Social Welfare Research Centre prepared the Budget Standards Unit report. This report was published and handed to the then Department of Social Security. This extensive report (633 pages) demonstrates that the actual costs of raising children fall far below the arbitrary figure of 18% set, and used, by Child Support Agency.

A rebuttable presumption of equal child support should be introduced, whereby each parent provides for the child on a day-to-day basis and financially. Centrelink, the Family Court of Australia and the Child Support Agency should be prevented meddling and forcing one parent to pay another when there is equal shared care.

Given shared parenting and residency, each parent would provide financial child support for their child(ren) while in their care. There should be no expectation nor reason to pay child support to the other parent. Joint costs, such as school and major medicals costs, should be shared 50:50.

Child support payments should be calculated on after-tax income, not on the gross pre-tax income.

Child support payments should be reduced or withheld from sole custody parents who refuse children contact with the non-custodial parent.

Subsequent partners of a sole custody parent, in receipt of child support, should be required to contribute financially to the support of children in their household and care. Additionally, in such situations, the income of the new partner should be taken into consideration during calculations and before child support is determined.

Recipients of child support should be held accountable for how the money is spent, and that it is indeed spent on the child(ren), and not on personal products and services for the parent and others. Such accounting should be regular and open to scrutiny by the 'paying parent' and any involved agencies or courts. Child support should cease where there is a failure to expend the money only on the child(ren) and where there is non-compliance with accountability requirements.

Where child support does have to be paid, it should be set at a fixed (indexed) rate and not be tied to a percentage of the paying parent's income. As a maximum, the formula and amount should be similar to that used to pay for children in foster care and the like.

The Child Support Agency should be held to base any calculations and determinations on a person's actual, as-at-now income, and stopped from deeming (or manufacturing) a capacity to earn a certain income.

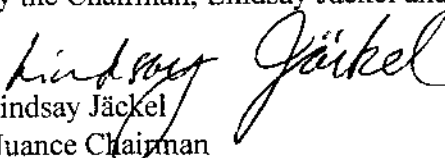
The tyranny of the 109 night "standard care" for non-custodial parents should be ceased. This arrangement is 'fixed' systemically by the Family Court of Australia, the Child Support Agency, Centrelink and family law lawyers to ensure that a child's contact with his or her father will not jeopardise the 'income' received by the mother for what is termed "child support" but in reality is effectively spousal maintenance.

Mary's Plan: A Example Shared Parenting Plan (Appendix 1)

Included for your information, as Appendix 1, is an example of a shared parenting plan involving week about shared residency. This plan is an anonymised version (in accord with Section 121 of the Family Law Act) of a real parenting plan registered with the Family Court of Australia in Melbourne in 1997. It has been successfully operating for the care and welfare of the child for six years. It covers many of the practical issues needed to be considered and included for shared parenting and is offered as a worthwhile guide and starting point for others.

Authorisation

This contribution to the Child Custody Arrangements Inquiry has been a collaborative effort by members of the oversight team of the Nuance Exchange Network. It is approved and authorised by the Chairman, Lindsay Jäckel and submitted by Lee Nifin (Memberships).


Lindsay Jäckel
Nuance Chairman

8 August 2003

APPENDIX 1 - EXAMPLE SHARED PARENTING PLAN (MARY'S PLAN)

FAMILY LAW ACT 1975

IN THE FAMILY COURT OF AUSTRALIA
AT SYDNEY

No. SY 1234 of 1997

IN THE MARRIAGE OF:

DANIEL PETER *JONES*

and

VANESSA LEE *JONES*

(Husband/Father)

(Wife/Mother)

Address for Service:

Address for Service:

17 Botanic Grove
Waverley
New South Wales 3150

13 High Street
Epping
New South Wales 3150

Telephone: 9123 1234

Telephone: 9987 9876

PARENTING PLAN

This Parenting Plan will operate for the benefit and in the best interests of the only child of the marriage of Daniel Peter Jones and Vanessa Lee Jones:

Mary Elizabeth Jones

born on 28 March 1989.

PARENTING PLAN

By consent the parties agree:

Introduction

- a. That Mary Elizabeth Jones (Mary), born 28 March 1989, has a right to enjoy the love, care and affection of both her mother and her father and to experience this in equal time spent with each of them; and
- b. That this will contribute to the maintenance and enhancement of Mary's self-esteem, social development, academic performance, Christian faith, personal empowerment, adjustment to and satisfaction with life, the management and treatment of her diagnosed condition of Asperger's Syndrome, and the development of positive and realistic interactions with both parents and the like.

1. Residence/Residence

- a. That the daughter of the marriage of Daniel Peter Jones and Vanessa Lee Jones, Mary Elizabeth Jones (Mary), born 19 February 1990, reside alternately, one week with Daniel and one week with Vanessa;
- b. That the commencement of each week (of residency) start on the Friday afternoon after school at the River Valley Primary School (No. 1234), Whites Lane, Riverview, New South Wales, with the residential parent meeting Mary at either her classroom at 3:30pm or subsequently at the After School program prior to 6:00pm;
- c. Where 'residential parent' is defined as "the parent with whom Mary is currently residing in terms of this parenting plan, particularly in relation to the alternate weekly residence" and 'non-residential parent' is defined as "the parent with whom Mary is not currently residing in terms of this agreement, particularly in relation to the alternate weekly residence";
- d. That a diary be jointly purchased, by Daniel and Vanessa, and used to maintain a record and notice of Mary's residency, activities, commitments, health and the like, and that that diary accompany Mary between her two homes;

- e. That Mary not reside for more than two days with a third party on behalf of either Vanessa or Daniel without the consent of the other parent, except in the case of a legally married spouse of either Daniel or Vanessa, in accord with the Marriage Act 1961 of the Commonwealth of Australia as amended, or as otherwise agreed for contact as specified in this parenting plan;
- f. That in the event of the death of both Daniel and Vanessa, it is intended that Mary reside with the family of one of Daniel's brothers (Alan Samuel Jones or Andrew Ross Jones) in the order outlined in this paragraph or as otherwise determined by them, and after consultation with Mary and due regard for her stated wishes, and that Mary not be excluded from contact with her maternal family;
- g. That there be scope for variation of Mary's time residing with either parent following agreement (preferably written agreement but not limited to written agreement) between both parents, and allowance for flexibility and goodwill in living arrangements, in order to maximise the attainment of Mary's best interests, on such other terms as agreed between both parents; and
- h. That this residency order commence on or before, but no later than, the afternoon of Friday 25 April 1997, with Mary residing with Vanessa for the week so commencing.

2. Residence/Contact

- a. That Mary reside alternately, one week with Daniel and one week with Vanessa, and have contact with the non-residential parent during the course of each week to allow for her participation in ongoing activities and arrangements, both current and new (such as swimming lessons, German language classes, family, social, music and sporting activities and the like);
- b. That the non-residential parent be entitled to be the primary provider of childcare for Mary, and be primarily offered the first option to care for her, when the residential parent requires care for her at any time, particularly in respect to occasions requiring overnight stays;
- c. That both Vanessa and Daniel encourage and facilitate Mary's contact with the non-residential parent via telephone calls, written correspondence, occasional non-scheduled visits and the like on a regular basis, and that each parent may initiate reasonable such contact with Mary;

- d. That Mary have contact with each parent for half of each school term holiday period and for half of the Christmas school holiday period of each year, subject to paragraphs (e) and (f) below, or other such arrangements as agreed between both parents;
- e. That Mary have contact with both Daniel and Vanessa on Christmas day for half a day each, with Mary spending the Christmas morning of 1997 with Vanessa and the afternoon with Daniel (with a change over at 2pm, or as agreed), and alternately in subsequent years, or other such arrangements as agreed between both parents;
- f. That Mary continue contact with her paternal grandparents (Peter James Jones and May Alice Jones, who currently reside on a farm at Bathurst, New South Wales) for a period of one week over the Christmas school holidays of each year, or other such arrangements as agreed between both parents;
- g. That Mary have contact with her maternal grandparents (Patricia Robyn Newman and Richard Henry Newman who reside in Epping, New South Wales) via ongoing and regular short term visits whilst with the residential parent, and that these visits include no more than seven full nights of residential care with them, either in their domicile or any other domicile, except as agreed otherwise after discussion between both parents;
- h. That consideration be given for Mary to have contact with the families of her cousins during school holidays, and at other times, as determined from time-to-time by the agreement of both parents;
- i. That consideration be given for Mary to attend camps during school holidays, and at other times, as determined from time-to-time by the agreement of both parents;
- j. That in the event of Mary's birthday occurring whilst she is residing with Vanessa then she shall, if her birthday occurs on a school day, spend three hours after school with Daniel, or, if her birthday occurs on a weekend or holiday, spend the morning with Daniel, or such other amount of time as agreed by Daniel and Vanessa. Wherever practicable a joint birthday celebration shall be organised at which both parents can attend and participate;
- k. That in the event of Mary's birthday occurring whilst she is residing with Daniel then she shall, if her birthday occurs on a school day, spend three hours after school with Vanessa, or, if her birthday occurs on a weekend or holiday, spend the morning with Vanessa, or such

other amount of time as agreed by Vanessa and Daniel. Wherever practicable a joint birthday celebration shall be organised at which both parents can attend and participate;

- l. That Mary shall spend a minimum of three hours with Daniel, or such other amount of time as agreed by Daniel and Vanessa, when Daniel's birthday occurs whilst Mary is residing with Vanessa, and that Daniel shall meet and return with Mary to Vanessa;
- m. That Mary shall spend a minimum of three hours with Vanessa, or such other amount of time as agreed by Vanessa and Daniel, when Vanessa's birthday occurs whilst Mary is residing with Daniel, and that Vanessa shall meet and return with Mary to Daniel;
- n. That Mary shall spend time with Vanessa on Mother's Day from 10:00am until 5:00pm, or such other amount of time as agreed between Vanessa and Daniel, and that if Mary is residing with Daniel, Vanessa shall meet and return her to Daniel;
- o. That Mary shall spend time with Daniel on Father's Day from 10:00am until 5:00pm, or such other amount of time as agreed between Daniel and Vanessa and that if Mary is residing with Vanessa, Daniel shall meet and return her to Vanessa;
- p. That travelling for the purposes of contact be shared equally between Vanessa and Daniel, and that in situations of both regular and ad hoc contact that this be primarily on the basis of the non-residential parent seeking contact being responsible for meeting and returning with Mary at the home of the residential parent, with, for example, Daniel returning Mary to Vanessa's residence on the Monday evening of Mary's residence with Vanessa, after German language classes, and Vanessa returning Mary to Daniel's residence on the Thursday evening of Mary's residence with Daniel, after swimming lessons, or otherwise as agreed;
- q. That in the event of illness and/or medical treatment of Mary, Daniel or Vanessa that Mary's place of residence be varied by agreement between Vanessa and Daniel to flexibly manage the situation for Mary's best interests;
- r. That consideration and allowance be made, as agreed by Vanessa and Daniel, for Mary to have contact on public holidays (eg. Australia Day, Moomba, Anzac Day, etc. commemorations and celebrations), Show Days and the like, with either or both parents, flexibly for varying amounts of time, regardless of residency, allowing for, but not mandating, joint participation of both Daniel and Vanessa, and for ad hoc contact for special days and events, and family, party, and social activities and outings of either Vanessa or Daniel;

- s. That allowance be made, by prior agreement, for Mary to spend compensatory contact time with one parent in situations where she has spent additional time with the other parent; and
- t. That contact be exercised equally, flexibly and with goodwill overall, and at such other times and on such other terms as agreed between both parents.

3. Specific Issues

- a. That Mary reside alternately, one week with Daniel and one week with Vanessa, and that Vanessa and Daniel share joint responsibility for decisions involving Mary's long term care, welfare and development;
- b. That Daniel, in consultation with Vanessa, as required, have responsibility for the daily care, health and welfare, development of Mary during periods in which she is in his care;
- c. That Vanessa, in consultation with Daniel, as required, have responsibility for the daily care, health and welfare, development of Mary during periods in which she is in her care;
- d. That Daniel and Vanessa participate in and share equally and flexibly Mary's activities, in particular her health and schooling activities and programs, including her appointments with medical practitioners, dentists, counsellors and the like;
- e. That both Daniel and Vanessa be informed of all matters of Mary's care, welfare and development, including such matters as friendships and social activities, church attendance and religious activity, education, extra-curricular activities (such music, language and swimming) health and wellbeing and the like, and have the opportunity to maintain an active involvement and ongoing role in caring for Mary, particularly in regard to her diagnosed condition of Asperger's Syndrome, or other such diagnoses as from time-to-time may be under consideration and in view;
- f. That both Vanessa and Daniel encourage and facilitate Mary's contact with the non-residential parent via telephone calls, written correspondence and the like on a regular basis, and that each parent may initiate reasonable such contact with Mary;

- g. That both Vanessa and Daniel be informed of, and have the opportunity to attend and participate in, the Program Support meetings conducted at Mary's school;
- h. That the non-residential parent be entitled to be the primary provider of childcare for Mary, and be primarily offered the first option to care for her, when the residential parent requires care for her at any time, particularly in respect to occasions requiring overnight stays;
- i. That both Vanessa and Daniel will keep each other informed (via the diary specified earlier in this document) of significant events occurring in Mary's life, in particular family, social, academic, health and medical, church, musical, sporting and the like;
- j. That Mary continue to attend, with each parent, a Christian church on Sunday morning and, if either parent is unable or unwilling to continue doing so, either in the short or the long term, then that non-attending parent will make arrangements for Mary to attend a Christian church with the other parent on the Sunday morning when Mary is residing with the non-attending parent;
- k. That changes of Christian belief and Christian church attendance, involving Mary, only occur after joint parental consultation and agreement, in writing, between both parents;
- l. That no major medical procedures or operations be undertaken in relation to Mary without joint parental consent, unless in the case of an emergency requiring immediate treatment (within 3 hours), as advised by a legally qualified medical practitioner, and that all reasonable efforts be made to contact the other parent;
- m. That Mary be permitted to attend the funerals of her close relatives, such as her grandparents (including her great grandmother), parents, uncles, aunts and cousins as a matter of course, and of her wider family, such as her parents' uncles, aunts and cousins by agreement between both parents;
- n. That Mary continue to attend the River Valley Primary School until the completion of Year 6 at the end of 2001, with any variation occurring only after Daniel and Vanessa have jointly discussed, agreed and affirmed their written consent to the change;
- o. That neither Daniel nor Vanessa relocate residence, in as far as this affects where Mary will reside and attend school, outside the Sydney metropolitan area or a distance of greater than thirty kilometres or thirty minutes travelling time in typical weekday non-peakhour traffic -

whichever is the lesser, without providing the other parent with three months prior notice, unless the moving parent undertake and fulfil all transport for the purposes of residency and contact of Mary to the non-moving parent, so that neither Mary nor the non-moving parent are disadvantaged, unless otherwise agreed to and affirmed by the written consent of both parents;

- p. That each parent inform the other, by providing the details, of changes of address and telephone number within 48 hours of such changes that affect where Mary resides and can be met for and returned from contact visits and contacted by mail and telephone;
- q. That no significant costs or fees be entered into that would be the responsibility of the other parent, either in part or in whole, without the written consent of the other parent;
- r. That Mary's full name shall not be changed, either by common usage or legally, without Mary's agreement and the written consent of both Daniel and Vanessa, or until the attainment of Mary's eighteenth birthday;
- s. That Mary not be adopted by another person associated with either parent, nor anyone else, while both parents are living;
- t. That neither Daniel nor Vanessa take Mary out of the State of New South Wales without prior consultation and the consent of the other parent;
- u. That neither Vanessa nor Daniel seek to obtain a passport for Mary, nor take her out of Australia, without prior consultation and the written agreement of the other parent;
- v. That both Daniel and Vanessa have equal entitlement to and share all originals and copies of Mary's achievement, educational, medical and other similar certificates, reports, school photographs and the like, with copies being made for the other parent where the original is held and, if any dispute arises relating to the location and ownership of such items, that a third person (such as a solicitor or trusted mutual person) hold them in trust for Mary until she is twenty one years of age, whilst allowing necessary access to both parents;
- w. That both Vanessa and Daniel agree to speak respectfully of one another with Mary, to encourage her to understand that both her parents love her and to not discuss parental relationship issues with her, without the prior agreement of both parents, and that if there are such issues, both parents attend joint counselling with the aim of resolving the issues in

Mary's best interests, either with a mutually agreed counsellor or otherwise as directed by the Family Court of Australia;

- x. That in the event that issues arise concerning either parent's lifestyle, parenting style or other parent-related factors which may be detrimental to Mary's best interests that, after initial joint discussion, both parents attend joint counselling with the aim of resolving the issues in Mary's best interests, either with a mutually agreed counsellor or otherwise as directed by the Family Court of Australia; and
- y. That specific issues be exercised equally, flexibly and with goodwill overall, and on such other issues and on such other terms as agreed between both parents.

4. Financial Issues

- a. That Mary's day-to-day expenses for clothing and footwear, primary school education, (including Before and After School Childcare, with these childcare costs subject to review and negotiated and agreed change should the circumstances of either party change), extracurricular tuition (such as piano and swimming lessons), medical, dental and counselling, social activities (such as outings, parties and presents) and the like be shared equally by both Daniel and Vanessa and paid for jointly, with consideration made for any child support paid by either parent (as outlined in paragraph (b) below), and that such expenditure be discussed and agreed beforehand, as much as is practicable, or such other similar arrangements, as discussed and agreed in writing, as from time-to-time shall come into existence and operate for Mary's provision and welfare;
- b. That where child support is paid by either Vanessa or Daniel, on Mary's behalf, either through the Child Support Agency or otherwise, and received from the Department of Social Security or otherwise, these monies shall, in proportion, be first used to pay the day-to-day expenses outlined in paragraph (a) above, and then any other expenses incurred for Mary's provision and welfare;
- c. That, whilst Mary is eligible for a Child Disability Allowance, both Daniel and Vanessa have access to the Department of Social Security Health Care card issued on Mary's behalf, for the purpose of medical matters (eg. consultations, prescriptions, etc.) and to the funds, where required, for issues relating to Mary's health and welfare (eg. specialist appointments,

counselling, etc.), and that equal sharing of any similar allowances or benefits occur as and when they are operable; and

- d. That financial issues be considered and exercised with Mary's best interests in mind, and with equity, flexibility and goodwill overall, and on such other matters and on such other terms as agreed between both parents.

That liberty be granted to either party to apply for variation to this parenting plan order.

DATED THIS DAY OF 1997

Signed:

Father - Daniel Jones

Mother - Vanessa Jones

Signature of Witness

Signature of Witness

Printed Name of Witness

Printed Name of Witness

APPENDIX 2 - TERMS OF REFERENCE

<http://www.aph.gov.au/house/committee/fca/childcustody/index.htm>

Standing Committee on Family and Community Affairs

Committee activities (inquiries and reports)

Inquiry into child custody arrangements in the event of family separation

Terms of Reference

On 25 June 2003 the Minister for Children and Youth Affairs, the Hon Larry Anthony MP, and the Attorney-General, the Hon Daryl Williams AM QC MP, asked the committee to inquire into child custody arrangements in the event of family separation.

Having regard to the Government's recent response to the Report of the Family Law Pathways Advisory Group, the committee should inquire into, report on and make recommendations for action:

(a) given that the best interests of the child are the paramount consideration:

(i) what other factors should be taken into account in deciding the respective time each parent should spend with their children post separation, in particular whether there should be a presumption that children will spend equal time with each parent and, if so, in what circumstances such a presumption could be rebutted; and

(ii) in what circumstances a court should order that children of separated parents have contact with other persons, including their grandparents.

(b) whether the existing child support formula works fairly for both parents in relation to their care of, and contact with, their children.

(c) with the committee to **report to the Parliament by 31 December 2003.**

Submissions to the inquiry are sought by Friday 8 August 2003. Given the tight reporting time for this inquiry those making submissions are asked to keep their submissions concise. Contributors making submissions are advised to obtain guidelines on the preparation of a submission. These are available from the committee secretariat or from the committee's website.

If you would like your submission, or parts of it, to be made **confidential**, please indicate this clearly in your submission.

Submissions should be directed to:

**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**

Tel: (02) 6277 4566

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