

Submission No: 763

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Secretary:

From: Truter, Richard
Sent: Friday, 8 August 2003 5:23 PM
To: Committee, FCA (REPS)
Subject: Inquiry into joint custody

I wish to make the following submission for the inquiry into joint custody:

I am a divorced father with 3 sons who live their natural mother. They are 13, 11, and 8 years respectively.

They do not intend to stay with their mother when they reach the age where they can decide whom they should spend the majority of their time.

I wish to make the following two points.

1. Joint and rebuttable custody.

This concept is currently applied incorrectly. Joint Custody should mean 50 - 50 shared custody. It does not mean this in its current format. The family court does not apply this in a fair manner.

What is required is the presumption that every father has equal custody upon divorce and that the mother should not get the majority of custody by virtue of the fact that she is the mother. Both parents have the right to share the custody. Rebuttable custody should be employed in all cases to enable the fair allocation of custody based on equal rights if each parent.

Shared custody would improve the wellbeing of men who would then have a fairer distribution of child support which in turn would mean that more mothers would be able to work in the workforce and in turn reduce the current burden on the welfare system.

2. Child Support formulae.

The CSA does not apply this formulae fairly and this of course is due to the custody arrangements being unfair.

Fathers should have greater flexibility to be able to start again and pay child support, which is fair. It is often the case that mothers remarry, as well get child support and also Centrelink payments as well as other allowances which make the income of mothers far more than fathers. This is unfair and unequitable.

It is my hope that the system can be made more fair and that children's needs to see live with their fathers on a shared and equal basis would become a reality.

Regards

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