

SUBMISSION- CHLD CUSTODY ARRANGEMENTS

Recommended changes to the Family law Act - sections to be amended or added to the Act

1) SECTION 60B BE AMENDED TO INCLUDE NEW SUB-SECTION

Parents to have

- *Joint Custody of the child/children*
- *Joint responsibility for the long term care and development and welfare of the child/children.*
- *Joint responsibility for the day to day care of the child/children.*

Joint custody - options :-

- a) equal time with each parent, Week about, with children attending the same school.
- b) equal time with each parent, 6 months of the year with each parent, this may involve the children attending a different school. Or even year about with regular weekend and holiday contact with the other parent.
- c) The child/children spending long weekends and more holiday time with the parent they don't reside with.

1) SECTION 65 (PARENTING ORDERS - WHAT THEY ARE AND WHAT THEY ARE INTENDED TO DO) BE AMENDED TO

Parenting orders to be used if necessary (where parents can not agree) to

- *decide where the child/children attend school*
- *what medical attention the child/children may need*
- *other similar such orders*

Parenting orders not to be used to (to be added to the Act)

- *deny Joint Custody of the child/children*

- *deny a parent joint responsibility for the long term care and development and welfare of the child/children.*
- *restrict, remove or extinguish a parents role or involvement.*

2) SECTION 68F BE AMENDED TO INCLUDE NEW SUB-SECTION

unacceptable conduct by a parent

- *continued interference with contact*
- *refusal to supply information regarding the activities, development and/or problems that the child/children may be involved in or have*
- *to encourage the child/children not to have contact with the other parent*
- *to deny telephone contact between the child/children and the other parent*
- *failure by a parent to take positive action to address problems that the child/children have or may have. (medical, schoolwork or other)*
- *refusal to co-operate with the other parent*
- *instruct third parties not to supply information to the other parent*
- *obstruct or exclude the other parent in their role and involvement as a parent*
- *the making of false or unsubstantiated allegation (DVO, Child abuse)*
- *or any other action by a parent designed to interfere in the relationship between the child/children and the other parent.*

Such parents not to be granted

- *sole Custody or residency of the child/children*
- *sole responsibility for the long term care and development and welfare of the child/children.*
- *sole responsibility for the day to day care of the child/children.*
- *unless by consent of both parents*

3) A NEW SECTION TO BE ADDED TO THE ACT

Third parties (education and health institutions other entities thier employee,s and or people) do not have the right to

- *deny a parent (custodial, non custodial or any other parent) access to information regarding their child/children.*
- *interfer or obstruct a parent in the exercise of their parental responsibilites.*

Penalties for such action

- *by an individual \$1000*
- *by an enttity \$10000*

Note: Such a section as this one should also be added to both the Privacy Act at and the Anti-Dicrimination Acts, and be binding on both the Fedral and State Governments.

4) BEST INTERESTS OF THE CHILD/CHILDREN

Actions which are not in the best interest of the the child/children

- *continued interfrenc with contact*
- *refusal to supply information regarding the activities, development and/or problems that the child/children may be involved in or have.*
- *to encourage the child/children not to have contact with the other parent*
- *to deny telephone contact between the child/children and the other parent*
- *failure by a parent to take positive action to address problems that the child/children have or may have.*
- *refusal to co-operate with the other parent*
- *instruct third parties not to suply information to the other parent*
- *obstruct or exclude the other parent in their role and involvement as a parent*
- *the making of false or unsubstantiated allegations (dommestic violence, Child abuse)*

- *or any other action by a parent designed to interfere in the relationship between the child/children and the other parent.*

Such parents not to be granted

- *sole Custody or residency of the child/children*
- *sole responsibility for the long term care and development and welfare of the child/children.*
- *sole responsibility for the day to day care of the child/children.*

5) ENFORCEMENT PROCEEDINGS

Enforcement Administration- filing of Application

- *Applications to be files immediatley upon being presented in person*
- *Applications mailed or faxed to be filed within 24 hours of reciept of documents.*

Enforcement Administration- filing of Application

- *Applications to be heard within 28 days of filing*

6) CONDUCT OF INDUSTRY PROFESSIONALS

Children's Representatives who recommned or suport unacceptable conduct by a parent to be

- *denied legal Aid funding*
- *to be removed as a child Repesantative*

Summary

7) The intensions of these recommendations is to ensure

- *that the current situation, of the Non-Custodial Parent being sidelined, restricted and or even removed from involvement or even contact with their chiild/children is not acceptable and is removed.*

- *to ensure that third parties (government departments, business, other entities and people do not conduct acts of discrimination against parents, no matter what their status.*
- 8) To reduce the chances that the current non-custodial parent will simply give up and walk away,
- *because of the harassment, stress and obstruction met in dealing with a difficult parent.*
 - *and the support given to such recalcitrant parents by the courts and professionals working in the industry.*
 - *and the entrenched attitudes and discrimination encountered in dealing with third parties.*
- 9) to place restrictions on the use of discretionary powers of the Family law Court, which allows Family law Court to circumvent the intentions of the Act.
- *This is extremely important considering the Public stance of the Chief Justice of the Family law Court. (will not support Joint Custody)*
 - *It would appear that the discretionary powers of the Family law Court are being used to determine and formulate public policy.*
 - *to prevent the use of the "Best interest of the children" being used as an excuse to conduct acts of discrimination.*
 - *such discriminatory use of the "Best interest of the children" by the Family law Court and the professionals in the industry, is in itself a violation of the child/children's rights and destructive to the child/children involved.*
- 10) This is unacceptable from an institution where the people in Authority are unelected officials, who are accountable to no-one.

This sub-mission was prepared by

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