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To: Committee, FCA (REPS)
Subject: Child Custody Review

House of Representatives Standing Committee on Family and Community Affairs	
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Secretary:	

The Child Custody Review is necessary and welcome given that more than one in five Australian families are sole parents.

It is important that there should be a presumption that children will spend equal time with each parent post separation. The family court has sufficient parameters and powers to prevent this from occurring where the child/ren's needs would not be met appropriately.

However, the review should also consider that not all parents are prepared to take advantage of a more equal distribution of care. The review needs to consider what options will be considered in the event that a parent chooses not to take advantage of this equal parenting and the impact on the residential parent and on the children when this occurs. It is this aspect that I wish to respond to and hope that the review will take these points on board.

The Review should look at research and studies conducted on the real value and cost of raising children and should make judgements based on the real emotional, physical and financial costs of being the primary carer or residential / custodial parent.

In the event that a parent chooses NOT to spend equal time with their children, the review should consider :

1. financial compensation to the residential/custodial parent either through a fairer child support formula or through increased tax incentives (Family Tax Benefits) and reduced cost of child care which is work or study related
2. reduced decision making abilities of the parent who chooses not to spend time with their children

The current Review regarding Child Custody needs to be expanded to incorporate a number of issues:

- Responsible versus Convenience Parent
- Obligations of non residential parent to contribute to the financial well being of the children should not be limited by the residential parent's income
- Measures in place when a parent does not spend reasonable amount of time with the children that
 1. financial contribution to offset increased expenditure of the residential parent
 2. the residential parent is able to make decisions on the long term care, education, social and emotional well being without the interference of the non-residential parent

There is a need to coin the term Responsible Parent – this is a parent who proves to be involved in the children's emotional, social, educational well being. They take an active role to provide either time or if this is not possible due to geographical or other reasonable limitations, financial support so that the children's needs are being met by both parents.

Decision making responsibilities should reflect the time and support given to the children. It is abhorrent that absent or convenience parents have equal rights in making decisions regarding the children's schooling, religion, passports and other long term interests.

Currently, the residential parent is expected to provide for all the needs of the children, and that in the event that their income increases, the non-residential parent is abrogated from his/her financial contribution. One would imagine that this is reasonable in the case that the non-residential parent has an equal share in the rearing and caring of the children. However this is not acceptable if the non-residential parent spends minimal time with their children.

It seems that the Responsible Parent is currently not supported, and rather penalised.

Responsible Parents should receive:

1. increased child support to reflect the true nature of being carers of their children
2. increased child care benefit if the care is used to enable the parent may work or study.
3. increased decision making responsibilities given that they are more knowledgeable and aware of the children's desires, needs and wants.

Unfortunately the existing child support formula does not reflect the true amount of cares and costs associated with being the Responsible Parent. The formula tends to penalise parents who are PAYE and abrogate parents who are self-employed. This causes a great deal of hardship for PAYE earners and allows self-employed to pay the minimum in child support.

There must be a formula which acknowledges the efforts made by responsible parents so that they are supported emotionally and financially; equally non-responsible parents should be given more financial responsibility to compensate for their absence and lack of support to both their children and to the responsible parent. This absence should also be reflected in a lesser decision making role.

The Responsible Parent's income should not be considered in child support formulae, rather a more accurate costing of the care and support required by children should be undertaken and reflected in Tax benefits or increased child support.

The Child Support Formula should also consider the re-marriage or partnering of non-residential parents and the fact that this results in a double income and halved costs of living (rent, food, amenities etc) and therefore more disposable income to provide for their children, until of course they other children borne from the new relationship.

There also needs to be a more stringent review of self employed people; the review should reflect their costs of living and their lifestyle. The ATO and CSA Compliance sections should be given more resources to audit and examine the real income of self-employed parents.

I hope that these points are considered in the review. There are many parents (both men and women) who are the responsible parents who are suffering under the current system and arrangements. Their added responsibilities are currently not acknowledged either in child support or in decision making abilities. There are equally many convenience parents (both men and women) who are able to disrupt the lives of their children and responsible

parents in a bid to exercise their "rights" and exercise "power" despite their proven disregard for the best interests of the children.

As a responsible parent, I hope the review begins to acknowledge the role we play in caring for and raising our children in spite of the absence and disregard of the convenience parent. I believe if the review is to progress the debate in the best interest of the children, these points will be considered.

Yours sincerely,

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