

**From:** [REDACTED]  
**Sent:** Friday, 8 August 2003 12:19 AM  
**To:** Committee, FCA (REPS)  
**Subject:** Child Custody Arrangements Inquiry

House of Representatives Standing Committee  
 on Family and Community Affairs

Submission No: 1408  
 Date Received: 8-8-03  
 Secretary: .....

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

Dear Committee Members,

Sadly I have only just found out the this inquiry was being staged and that an opportunity existed for a submission. I would therefore like to put forward my concerns with the current state of the current arrangements.

### Background

My case is particularly distressful for both myself and my children. In brief, I sort custody of my two sons in opposition to my former wife. My sons had specifically made a request to reside with myself. The court ordered an interview of all the family by a court appointed councilor, my boys again requested that reside with me. I was interviewed by the councilor, who was hostile towards me from the moment I met her. The councilors whole interview was and subsequent report was completely unbalanced and not supported by the events that had taken place in the interview. My boys were asked who they wanted to live with and why and they clearly stated that they wanted to live with me. I was so distressed with the psychologist's interview, that I rang my lawyer immediately afterwards and asked my lawyer to subpoena the tape of the interview, because the psychologist had been so hostile towards me (not surprisingly the psychologist destroyed the tape 10 days after the interview, she said). I was asked many questions, but specifically whether I would agree to equal custody, to which I thought that would be a good idea, but did not have any knowledge of how that would work. The psychologist's report was damning towards me and then primarily recommended that my boys should reside with their mother and that I should have contact each Wednesday night and every second weekend.

When I broke the news to my boys, they were extremely distressed and asked the obvious question, "Why would the Judge ask us who we wanted to live with and then pay no regard to our wishes". To which of course there is no answer. I then appealed against the discussion and the boys and I were very hopeful that commonsense and the Law would prevail, but alas, the Family Court Appeal Judges would not rule against their colleagues. I broke the news to my boys and they packed up from home and left the next day, to come and live with me. Their mother called the police and they were force to return home that evening. 2 weeks later they again packed up to leave home and their mother threatened to call the police out on them again, so I then received the phone calls from my crying children. My started swearing abuse at his mother and my eldest son started throwing and breaking things around the house in frustration. I subsequently lost 75% percent of all my assets and earned the privilege of paying my former wife \$500 per week to look after my children who would spend as much time as they could with me in the place I had to rent. The financial burden of paying Child Support, Rent, Tax, Living Expenses and food, clothing and entertainment for my boys was too much, so I have had to leave the country and live overseas.

This may sound very dramatic, but its all true and it is not possible for me to live in Australia under the current circumstances. So now we have a situation where, I have no access to my children, I still pay and I can't afford to live in Australia. I regard the Child Support Agency as being on a parallel with Hitler's Gestapo and the Family Court would be one of the most corrupt discriminatory organizations in the country.

The facts of the present system are:

1. Children are a product of 2 parents, neither parent has exclusive right to care for, support or contribute to their children's development.

2. The Family Court process is badly flawed. They purvey a policy of ruling in favor of children's welfare but practice the opposite. They do an extremely bad job !
3. Parents are spending tens of thousand of dollars in order to get access to their own children and supporting a huge legal industry.
4. Child custody and property division are intrinsically linked, so that who ever gets the custody gets the spoils. The property division is so one sided that the losing parent will be so financially burdened that they could be forced into poverty or to leave their region or country.
5. No one in the government is investigating the consequences of the current situation. Once judgments are made, no one could care less what happens afterwards.

I therefore submit that:

- a. Child custody should be assumed to be equal, unless extenuating circumstances, justified otherwise. Therefore the custody issue would default to equal and would not require any judicial input.
- b. Child support should be based on the actual cost of child up bringing and not as a function of one of the parents gross income. Equal custody would mean far more balanced division of cost of support.
- c. Codes of conduct and parental expectations could be set as guidelines for parents to base their parenting by.
- d. Equal custody would mean, more balance parental responsibility to care and support of the children, as well as more balanced contact with extended families.
- e. Equal custody would more easily assist in the integration of second families.
- f. Children would be less inclined to seek to change homes as their circumstances changed and as they grew older.
- g. Children and parents would have a far better balance of responsibility and feel more in touch with their own children's lives. This in turn would lead to a far more stabile upbringing.

The current system has far too much legal and judicial intervention and this leads to extreme disputation between family members which is contrary to the welfare of children and builds resentment between parties that may never be healed.

The current Family Court system is a total failure and is adding to the social degradation of the nation.

Should you wish to make any enquiries about the circumstance surrounding my own case, I would be more than willing to elaborate, as it is a prime example of everything that is wrong with the current system.

Thanks and regards

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