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House of Representatives Standing Committee on Family and Community Affairs	
Submission No.	111
Date Received:	20-7-03
Secretary:	

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

17 July 2003

Dear Sir/Madam,

In response to the letter received from Minister Anthony dated 11 July 2003 in relation to the inquiry into contact and child support arrangements for separated families, and in particular, the potential ☐ general rule ☐ that a child spend equal time with each parent I submit as follows:-

It should be taken into account that one or other parent has issues that do not and will not contribute to the best interests of the children - for example, in my particular case, it was found by a Court that my ex-partner had, whilst remaining in the relationship with myself and the children of our relationship, had had relations with other persons outside of our marriage (in person and via the internet), had taken the children to meet these persons and had therefore created in the children of the marriage a preconception that this type of behaviour was acceptable in society.

That one or other parent may take advantage of the fact that ☐ shared care ☐ arrangements with Centrelink will ensure that they receive a percentage of Family Tax Benefit entitlements, even though the other partner may in fact be forced or required to pay for educational and other expenditures involved with the children even whilst they are in the care of the other parent;

That one parent, as in my particular case, may live some substantial distance from the other parent so that, with school aged children in particular, it is not geographically possible that children live with each parent on an equal basis - the reason being that the children must, by necessity (in my view), attend the same school and educational/childcare facilities at all times to ensure that they have consistency and routine in their daily lives;

For long existing separations, children become used to the routine of living with one or other parent (and the contact arrangements put in place by Courts or by agreement between the parties) and ☐ suddenly ☐ altering those rules so that the children are then required to live with the other parent for substantial periods will result in ongoing trauma and uncertainty in the lives of those children;

If children are ☐ forced ☐ to move between parents on an equal basis, will child support payments then not, one would assume, be payable because of equal contact (whilst also considering my comments in relation to Shared Care above)? Will current CSA arrears payable by the non-custodial parent (the arrears currently owing to me on

behalf of the children is in excess of \$3,000) then have less emphasis and priority for collection purposes from the point of view of the Child Support Agency?

Will the wishes of the children be taken into account in considering ☐equal custody☐ of the children? My children in particular have emphasised to me on many occasions that they prefer living with me because of the uncertainty of ☐care☐ arrangements when visiting with the non-custodial parent (ie an aunt, grandparent, etc may be caring for them whilst the non-custodial parent is working full time).

Will the fact that the children may be forced to live with and be supervised by other persons (even elderly grandparents) because the other parent works full time and chooses not to contribute financially by placing young children in child care?

If a Court decides that a parent is to have custody based on any of the factors above, I do not believe that any ☐general rule☐ should oust that decision when all factors (relevant to the best interests of the children) have been considered by that Court of Law (as is the case in my situation).

My view is that if the Child Support Agency guidelines and protocols are to be changed - they should not be changed in relation to considering equal access to the children (although that may be warranted in some circumstances where both parents have an amicable separation and have the best interests of the children at heart - rather than financial or some other vexatious gain only).

I have had substantial contact with the Child Support Agency (CSA) since my separation from the childrens ☐ father in April 2000 which contact has been primarily based on my ex-partners ☐ failure to pay child support on an ongoing basis. The CSA DOES need to be looked at on the basis of their ability to attain information and thus ensure payment of child support to the custodial parent on an ongoing basis (eg self-employed payees who have trust accounts and companies into which their funds can be paid and which are unattainable via the CSA legislation).

The other parent of my children has failed to pay child support and I have had to consistently contact CSA to gauge the situation of my case but have had no success with that due to the nature of my ex-partner ☐s dealings. The CSA fails to contact me - it is my ☐duty☐ to contact them because they are too busy to follow up on my case and to contact me to advise of updates. They are clearly understaffed and, unfortunately, have limited legislative power to enforce payment of CSA arrears. If anything needs to be considered in relation to the CSA, it is the need for them to be more accountable to the children (and parents) for whom they are seeking to attain child support.

If you wish to contact me in relation to my submission I would appreciate that contact and be happy to assist.

Yours sincerely

SUSAN TAYLOR.

I would appreciate you considering my submission and if you require further information please do not hesitate to contact me.

Regards SUE TAYLOR.