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House of Representatives Standing Committee  
on Family and Community Affairs

Submission No. 254

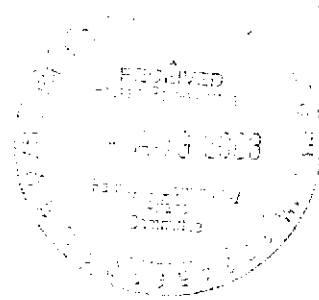
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Committee Secretary  
Standing Committee on Family and Community Affairs  
Child Custody Arrangements Inquiry  
Department of the House of Representatives  
Parliament House  
CANBERRA ACT 2600



SUBJECT: INQUIRY INTO CHILD CUSTODY ARRANGEMENTS IN THE EVENT  
OF FAMILY SEPARATION

Dear Sir/Madam

**Background:**

I am a Father of two estranged young children 5 and 1 years old at time of separation in 1995. In my case there are no custody orders or any other orders against me in relation to contact and relationships with my children.

My children have been isolated from both myself, and my entire side of the family ie., their half sister, uncles, aunties, grandparents, cousins etc. by my ex wife. We all send letters, gifts etc but there is never any response. We don't even know if they ever receive anything

I have obviously sought legal advice on the matter to be advised by Family Law Solicitors that although I do have some rights to see my children, the Family Court is weak in enforcement of orders. It is very difficult to prove unco-operation of the mother, therefore a lot of money would be spent to no satisfactory outcome for my family.

I sincerely believe that my children are suffering as direct result of inadequate Family Law. The present system virtually by default deems the female to be the sole or main custodian of the children if separation occurs. This is, as in my case and many others, abused by the women involved as a means of revenge or vindictiveness against the fathers and our family.

Damage is occurring to the children as they grow up without their fathers not just because of the lack of nurturing, love and security, but also the degree of guilt and abandonment that they may feel depending on what the dominating mother wants them to believe.

If both parents were deemed to be on equal custodial footing upon separation, which seems obvious to be the right and just thing, there would be no grounds for the female to automatically assume custody and therefore domination. They need to be forced into co-operating with default laws that insist that the children be raised and cared for as equally as possible by both parents and extended family. Only in the cases where it can be proven in a court that the children's well being would be endangered by living with one or both parents should custodial intervention occur.

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In my case, I am in a much better position to raise my children as I am a stay at home father to a child of a second relationship of 8 years. My Ex wife works full time and I am sure that the children also suffer as a result, therefore equal time between parents would help to provide normality to their lives. I am also a much more fair minded person than she.

**I sincerely and strongly believe that there should be a presumption that in post separation children will spend equal time with both parents as their legal right.**

**This situation should only be rebutted where:**

- An interested party can prove to a Court that the children would be endangered.
- Due to genuine reasons for distant living, causing impracticality. (You would assume that the children would default to the parent not moving away in this case). This provision would hopefully discourage parents moving just to obtain full custody.
- It can be proved in a Court that one or the other parent is not acting in the best interests of the children by not respecting the default equality law. Some penalties need to be enforced where parents repeatedly fail to meet their sharing obligations such as:
  1. Not providing adequate care and shelter and suitable environment.
  2. Not observation of smooth and trauma free change over situations.
  3. Not being positive and encourage respect of the other parent in front of the children.

Note:

Irresponsible parents who deliberately poison the minds of their children about their alternate parent, need to be severely dealt with mandatory counselling and with repeated offences need to face the reality of losing equal custody.

I also strongly believe that children must have a close relationship with other extended family such as grandparents. My father unfortunately died without knowing his grandson and grand daughter and visa versa, My mother is still alive but I fear that she may never see them either before she dies, because of inadequate Family Law.

I feel that generally Grandparents should not suffer this problem as much, if equal custody is occurring due to the more normal visitation that occurs within families.

If however Children are unnecessarily being isolated from grandparents, there definitely needs to be a simple inexpensive legal process for grandparents to follow to seek meaningful orders and or to counsel or enforce custodians to meet their responsibilities.

Many children and parents, grandparents suffer non contact under the present inadequate Family Law because it is financially too expensive to fight in court, and generally, not winnable anyway due to the long term bias toward mothers in the Family Court. The whole culture of the Courts thinking needs to change, because they have this one parent or the other mentality instead of realising in most cases sharing custody will work very well particularly once women realise that they don't have the default custodial power any more. I know that it will work very well in my case given the opportunity, and my ex wife being told that she has no option but to co-operate.

The issue of Child Support (money) would to be to a large degree cease to be an issue as both parents would by default need to contribute equally toward their children's needs. I am sure that there is a natural paternal instinct that forces mothers and fathers to provide for their children as best you can, but this mainly occurs when you actually have adequate contact with them. If you can never see them it is hard to be happy about financially contributing only.

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I have to say that the current and past Child Support formula is totally inadequate for families and children in particular. It is purely money based and has nothing to do with the well being of the child. Because there is money in it, two situations are automatically created for usually the woman who abuses:

Mainly, because **the more time the children spend with the mother the more money she gets** so she is not going to let the children stay with dad too much as she will lose money. She can use the child support as emotional blackmail as in my case I am aware that my ex wife has told my children that "because your father pays no child support he doesn't care about you", and it gets worse.

For example I have in the past pleaded with my ex wife to participate in equal custody only to be told by her "no way your getting out of child support". So she figures that if I have some time with my children I would get a reduction in child support, and that is just not on is it? Take consideration that she probably earns over \$50k.PA  
She has basically used and abused the child support system as a means of revenge.

If parents for whatever reason forgo their responsibilities as equal custodians they should then be reasonably compelled to financially assist the custodial parent. This should only occur when the non participating parent has made it clear to authorities that they can not provide equal custody and a suitable support arrangement can be made or enforced. However this should always remain flexible so that if a parents circumstances change they should be able to revert to equal custody arrangements

Once equal custody happens so should equal financial responsibilities, we are not living in the dark ages for goodness sake. Women now have at least equal employment opportunities than men and in part time work, perhaps more opportunities. Many of the employment positions for which I have sought, have been occupied by women. My ex wife is a teacher on good pay.

The Child Support Agency could be dramatically downsized as there would be just no reason to collect, enforce or interfere with ones finances.

I personally, and any other separated fathers that I know of, would not hesitate in providing for their children as best as they can afford once they have equal custody. It is a very basic instinct.

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**Summary:**

- This is a fundamental step toward Equality for children to have their rightful access to both of their natural parents.
- Therefore I strongly support default equal custody of children after separation.
- This is definitely achievable in most cases with strong community/legal support.
- I agree that this should be rebutted only in extreme circumstances decided by a court.
- Grandparents need an inexpensive means of gaining contact if being isolated.
- Parents need an inexpensive but effective means of grievance & dispute settling mediation.
- I believe that the current and past child support formula has been destructive to relationships between fathers and children when regularly abused by mainly custodial women.
- Women now have an arrogant attitude about custody of their children mainly due to current inadequate laws. They assume, and just take the children. When men do it its kidnapping. You've all seen the crying mother on TV when dad runs off with the kids in desperation
- Custody battles should become a thing of the past except in extreme cases of neglect or abuse ( Solicitors won't like this )
- Abused Dads far less likely to take drastic actions in trying to get justice in vain.

**Some Basic Issues:**

- Parents need to be aware of their responsibilities in relation to proximity for easy changeovers and access for schools and activities etc.
- Parents need to be enforceably supportive of the principles of equal custody.
- This is a major cultural change and would have to be widely publicised.
- Custodial women generally will fight this all the way.
- Higher incidence of abuse by dad claims from mothers as means of obtaining custody.
- Women may try to purposely move away to create travelling difficulties for fathers.
- Custodial mothers may try to sabotage the success of such arrangements.
- Child support payments need no longer apply in many cases.

**I believe this has to be done for the children's sake and whatever issues come up can be dealt with along the way. I am worried about my children but sadly I no longer know them**

**The male hating female lobby will fight it all the way but with fair and good minded people working to make it happen, I am convinced that there will be a lot of tearfully happy children, fathers, and grandparents who can be once again united.**

**Good Luck in your endeavours, and thankyou for considering my submission.**

Kind regards,

John L Cardno

