

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

Tel: (02) 6277 4566
Fax: (02) 6277 4844
Email: FCA.REPS@aph.gov.au

Tony Watkins
383 Shannon Ave
Newtown
Geelong, VIC. 3220

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

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Secretary:

Content Summary

- Neither parent should be given default majority care - and therefore full power to wield this in a potentially destructive manner
- Provable current parent flexibility (Not historical) should be considered in parenting access time
- Grandparents should be given additional avenues to apply for access/care
- Child Support Agency *should* consider the Child's best interests where appropriate
- Shared parenting should *not* be based on parental amicability unless clearly appropriate

August 4, 2003

I commend the committee on investigating the difficult issue of shared parenting and the government for their courage in probing a very emotive and difficult area.

I do not agree that the existing child support formula works fairly for both parents in relation to their care of, and contact with, their children. Since separation I have spoke with many single father, single mothers and support groups that seem to have the following similar issue.... Give 'full' power to one parent by default, and you will often ensure that they will use this power **against** their ex-partner, **regardless** of the best interests of their children. (Particularly when the parent with this power is in an extremely emotional state, and heavily coerced by the legal society to do so).

Given that the best interests of the child are the paramount consideration then surely the best result for the children **MUST** be shared parenting **STARTING** with a default 50% time with each parent and rebuttals to the balance of that time and care.

That way neither parent can try and use this as a bargaining chip over the other (which seems so prevalent), and further entice it's corruption and unsavory use in financial settlement negotiations. There should be a presumption that children will spend equal time with each parent. This should be rebutted only where a case can be clearly made about any child abuse (physical or emotional), excessive neglect, child or parent drug or sexual abuse or the parent demonstrating clear historical cases where the children's best interest(s) were not clearly the paramount consideration.

I had a fully flexible job for several years, and worked for a full year from home full time prior to separation. This allowed me to have great care and interaction with the daily upbringing of my daughter. Even so, I do not agree that a default of 50% shared parenting default should be discounted based *solely* on the time that a parent currently, or previously, spent with their children versus working. I have seen that many parents can work substantially harder and longer-hours prior to separation. This is for the good of their entire family.

I believe that once separated, parents should be given the opportunity to discuss alternative working arrangements, flexibility and hours with their employer along with assistance and flexibility from involved family members. This *is* in the best interests of their children because if that parent can substantiate a change, then their children will benefit with the time of that parent. My daughter is my greatest investment I could ever make. I can lose time, money and recognition, but I gain something much more. In my case my ex wife tried to say that I traveled too much and tried to use any forms of challenge available in a disgusting means to try and give me less time with my daughter. I know that this was from an emotional and angry feeling alone and not in any genuine concern for my daughter. The access history should **not** be used as any form of challenge to shared parenting, but the **current** nature of both parent's availability, time, flexibility and support of grandparents and friends of the parent. This is a time of change for the children but also a rearrangement for the parents in many areas of their lives.

My daughter has also been used as a pawn in custody and intervention order areas of family law which also involves her grandparents. Her grandparents have been refused access by my ex-wife for no reason. It would be great if they could rest easy and request their own time and access by default as part of these potential changes with the granddaughter they love so much. They are worried that if anything ever happened to me then they may not get to see their granddaughter because of her mother. I believe that there should be some additional routes that grandparents could take if they felt the need and wished to be involved in the long-term care and welfare of their grandchildren.

I am concerned that apparently (by law) the Child Support Agency does NOT consider the 'best interests of the child'. I understand that it may be very difficult in determination of these best interests, however removing any authority has put me in the situation where my ex wife has told a senior CSA representative (Provable by phone recording) that she would breach any family orders and keep my daughter because my maintenance was late by several days that she would remove my daughter from school and I would not be allowed to see her. This is the power that she can use when one knows the system.

I believe the resolution to this is that the CAS should be able to explain that unless she follows some obvious guidelines, and does not intimidate the CSA as well, then they have the power to **not** pay her that current maintenance.

I also believe that shared parenting **must not** be based on amicable arrangements. I have shared custody of my daughter in a Non-Amicable arrangement and it works perfectly - where the orders are very clear and specific.

If the new proposals were to ever be based on how amicable the parents were between themselves, then the entire proposal would be condemned.

ie: If I were a solicitor working for a woman I would (and this WILL happen) tell her that her husband would get the new default joint care of 50%, UNLESS it were **not** amicable.

The solicitor's solution.... MAKE it un-amicable - before it goes to court! That way he'll probably get back only 10-20% of the time with the children at best!.... Hardly ideal.

This is obviously an amazing situation but one that I believe will be the result of any investigation into the amicability of parents for the shared care proposal.

I have shared custody in a totally un-amicable situation, to the point where I even have an intervention order against my ex wife that will last until July 2004. The time with my daughter has been fantastic. and it works just great for me and my daughter. We **wish** it could be different, but for the moment, it cannot be. In consideration of circumstances where a clear history of violence or excessive neglect is shown then I would suggest a safety valve.

I thank-you for taking submissions and input for such an emotional and difficult area. I sincerely trust and hope that parents will see more the investment they have in their children, the time needed to

nurture their children and not the spite, anger and duress that comes from shared parenting discussions.

I am happy to be contacted at anytime about these issues [REDACTED]
Best regards,

Tony Watkins