

SUBMISSION



To the Social Services Committee on the Child Support Amendment Bill (No.4)

22 February 2006

Introduction

1. This submission is from the New Zealand Father and Child Society (office at 28 Saint Vincent Street, Nelson 7001.)
2. The Father and Child Society was established in March 1998 and formally incorporated in November 1998. It was created to give local father groups / organisations support in setting up and running initiatives, as well as to improve access to information and improve communication between these groups. It was also formed to represent fathers on a national level through the government's ongoing consultation process with the community. For further information see our website (<http://www.fatherandchild.org.nz/>)
3. We do not wish to appear before the committee to speak to our submission.

Comments

4. It is pleasing to see attention being given to problems faced by young fathers and by victims of sex crimes. However, the bill still gives a piecemeal approach to the issues. Even in these specific areas, a principle is set, but applied only in a narrow range of circumstances. Hence, if young fathers should be excused an obligation to pay child support because they should focus on educational achievements, should this principle not also apply to liable parents who have turned 16?
5. Similarly, if liability is waived if a result of a sex crime, should this principle not also apply in cases of paternity fraud? More generally, our Society has made submissions in the past that there should be DNA paternity testing should be more readily available. (Care of Children Bill Sept 2003)
http://www.fatherandchild.org.nz/Submissions/sub_careofchildren_250903.htm
6. Provision could be made for this when a man's child support liability is being established. This could well improve compliance, which is the first purpose of the Bill as listed in its Explanatory Note.

7. The Bill suggests flexibility in the penalty regime, but does not consider that the regime itself might have been draconian. Would it not be sensible to reduce the severity of penalties in the first place?
8. The Bill would allow the IRD to initiate determinations. While there are likely to be circumstances where this is justified, it would do little to prevent the impression that the aim is one-sided in terms of maximising revenue from liable parents. There are fundamental inequities in the child support formula resulting in unbalanced consideration of the circumstances of each parent in terms of income, expenditure and direct costs incurred in relation to children. If the basis of the legislation is inequitable, then this has to be addressed directly, rather than merely fine tuning the details.
9. In summary, while the Bill attempts to overcome some of the problems associated with child support, it fails to address the fundamental issues.

Recommendations

- a) Waive liability for child support for liable parents under 21 years old if they are studying full time.
- b) DNA paternity testing should be made available for men who are incurring a child support liability.
- c) There should be across the board halving in the rate for penalties imposed in cases of unpaid child support.
- d) There should be reconsideration of the child support formula to consider circumstances of both the caregiver and the liable parent and to recognise direct costs incurred by both parties in relation to the children.