

Friday, 27 June 2014

Mr George Christensen MP
Committee Chair
Parliamentary Inquiry into the Child Support Program
PARLIAMENT HOUSE
CANBERRA ACT 2600

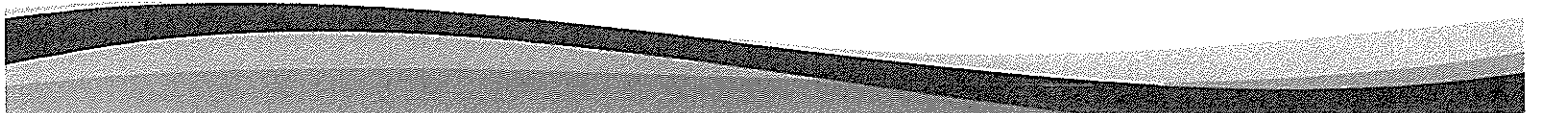
Dear Mr Christensen MP,

RE: Parliamentary Inquiry into the Child Support Program

Family & Relationship Services Australia (FRSA) welcomes the opportunity to provide input to the Parliamentary Inquiry. By way of background, FRSA is the national representative body for over 170 not-for-profit organisations that provide family and relationship support services to families in almost every community across Australia. Member organisations receive a mix of federal, state and territory and local government funds to deliver a range of services including

- Accommodation & Housing Services
- Children's Services
- Children's Contact Services & Parenting Orders Program
- Community Services & Playgroups
- Communities for Children
- Disability & Mental Health Services
- Family Relationship Counselling
- Family Support Services
- Family Violence Services
- Mediation, Family Dispute Resolution & Family Therapy
- Men & Family Services
- Youth Services

Child support is a complex area and was extensively reviewed by the Ministerial Taskforce on Child Support (2004-05). The ensuing child support reforms (2006, 2008) and the impact of these changes are the subject of ongoing work by leading academics across Australia, particularly at the Australian National University (Child Support Reform Study) and the Australian Institute of Family Studies. Rather than delve into the detail of this voluminous and highly specialised work, we wish to



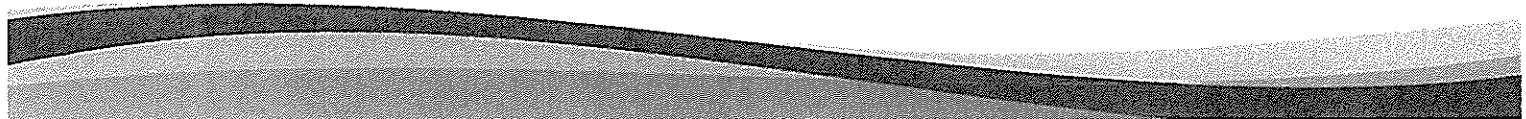
acknowledge the high calibre of research undertaken by these institutions and have made references to this work, where relevant.

The terms of reference for this Inquiry are extensive. As such, we have chosen to focus on the areas that are the most pertinent to our members namely "the effectiveness of mediation and counselling arrangements as part of the family assistance frameworks." In doing so, we have drawn on members' experiences and have conducted a survey of family dispute resolution (FDR) practitioners to determine their level of engagement with child support matters.

To understand the family dynamics, child support arrangements and children's wellbeing after the family's separation, we refer the Inquiry to the findings from a third wave of the Longitudinal Study of Separated Families, as published in *Post-separation parenting, property and relationship dynamics after five years* (Qu, L., et al., 2014). We note the following salient features:

Profile of post separation population and child support arrangements

- Most fathers and mothers described their inter-parental relationship in positive terms (either friendly or cooperative), while 14-17% of fathers and 17-20% of mothers described their relationship as either highly conflicted or fearful. (Qu, L., et al, p.xiii)
- Around two-thirds of parents who participated in all three survey waves indicated that they held no safety concerns in any wave. (Qu, L., et al, p.xv)
- Around 5% of all parents in the continuing sample expressed safety concerns in all three waves. (Qu, L., et al, p.xv)
- Most fathers identified as payers and most mothers identified as payees, consistent with the fact that the mother cared for the children most nights. (Qu, L., et al, p.xvi)
- Shared parenting arrangements are most likely to be in place where the inter-parental relationship is positive; and care time arrangements vary according to the child's age. (Qu, L., et al, p.xvi)
- Most parents provided favourable assessments of their child's wellbeing, with analysis suggesting no strong link between care-time arrangements and children's wellbeing. Low or worsened child wellbeing was reported by those experiencing violence/abuse, having safety concerns or a negative inter-parental relationship. (Qu, L., et al, p.xviii)



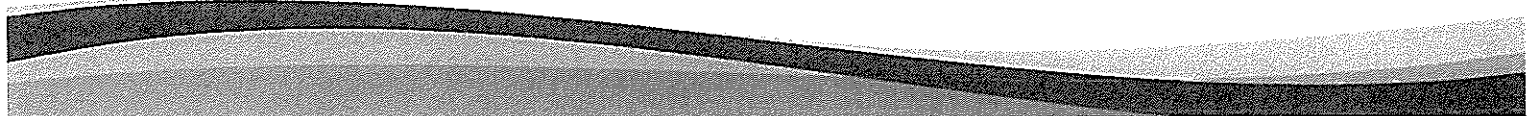
Getting assistance

- Around three to four years after separation, one-third of separated mothers and fathers made use of counselling, mediation, FDR, a lawyer, courts, legal services, and domestic violence services. Of these, around 40% used a Family Relationship Centre (FRC) to sort out parenting arrangements. Information, advice and dispute resolution were also commonly sought. (Qu, L., et al p.64)
- Lawyers were more commonly used for the resolution of property arrangements.
- Feedback on the value of these services varied, with lawyers and legal aid commissions rated most helpful and community legal centres, FRCs and women's legal services less useful. (Qu, L., et al, p.xv)
- Sorting out parenting arrangements is a dynamic process - the degree to which arrangements are 'sorted' changes over time.
- Most parents (around 70%) sorted out parenting arrangements themselves; the next most common pathway was counselling or dispute resolution. (Qu, L., et al, p.xvi)
- The use of family dispute resolution services reduced from 31% to 15% over the three survey waves. On average, 40% of parents reach agreement, and more s60I certificates have been issued (from 20% to 40%) suggesting that cases may be more difficult or practitioners have changed their approach.(Qu, L., et al, p.xvi)
- Dealing with family violence is 'core business' for FDR practitioners and there is a sub-group of families with multiple issues. (Qu, L., et al, p.xvi)

The research surmises that feedback on the value of services is likely to be influenced by the outcome. For instance, if a FRC refers a client or issues a 60I certificate, clients are likely to be frustrated and this, in turn, influences their view on the value of the service. (Qu, L., et al., 2014, p.xv). Caution should therefore be exercised when interpreting a question that simply asks whether a counselling or mediation service was useful, without any other contextual data (as per the Inquiry's online survey).

The dynamic nature of parenting arrangements aligns with anecdotal feedback and is not surprising given the changing needs of children as they age, which is often accompanied with a change in the relationship status of one or both parents. For this reason, practitioners recommend regular review of parenting arrangements.

Overall the research paints a positive picture of separated families five years after separation. However, a minority of parents face significant problems that require intensively focussed and coordinated interventions to address family violence/abuse,



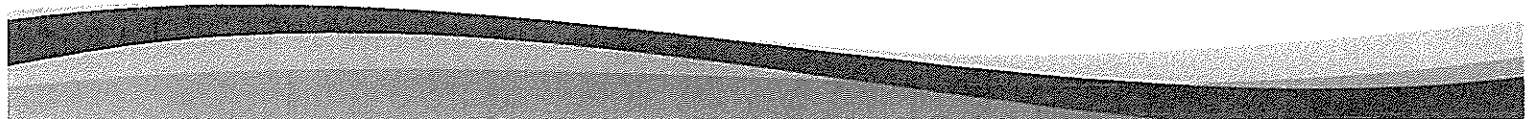
safety concerns, conflicted relationships and associated issues such as mental health and/or substance abuse. (Qu, L., ,p.xix)

FRSA survey of FDR practitioners

FRSA conducted a survey of Family Dispute Resolution (FDR) practitioners in June 2014 because these practitioners are more likely to see clients with child support issues. The survey does not capture the extent to which clients with child support issues seek other types of assistance (such as counselling).

We received 69 responses and summarise the findings as follows:

- Three quarters of respondents indicated that their organisation conducted FDR information sessions and that of these, approximately one-third provided general information (brochures, contact details) on the CSA. One organisation conducts dispute resolution on financial matters and another has started providing a workshop on child support issues.
- The CSA does not participate at any of the pre FDR information sessions.
- Child support matters commonly arose during FDR cases. Only 12% of respondents indicated that child support matters arose in less than a quarter of their annual case loads. About one third of respondents indicated that child support arose in 50% or more of their annual case loads.
- Respondents ranked the most to least frequently used methods by clients to resolve child support matters as: Child Support Agency, private arrangements, FDR, legal and other.
- Two thirds of respondents indicated that FDR clients would benefit from dealing with child support matters during FDR. The comments provided fall into two 'camps' namely that in suitable cases and with appropriate training, discussion on finances/child support could be managed within a FDR setting. The alternative view was that finances should be kept separate - the job is hard enough as is, finance escalates conflict and detracts from the child's best interests and getting parents to be child-focussed. Some also expressed concern about compromising the mediator's neutrality.
- Approximately 40 percent of respondents felt confident about providing assistance with child support matters. Around the same percentage were uncertain of their ability and approximately 20 percent lacked confidence.
- When asked what was needed to meet clients' needs, the majority (85%) identified training. Other suggestions included additional funding, more direct involvement with CSA officers (outposting), direct phone links (although the Operational Framework for FRCs refers to a CSA-FRC link) and specialist

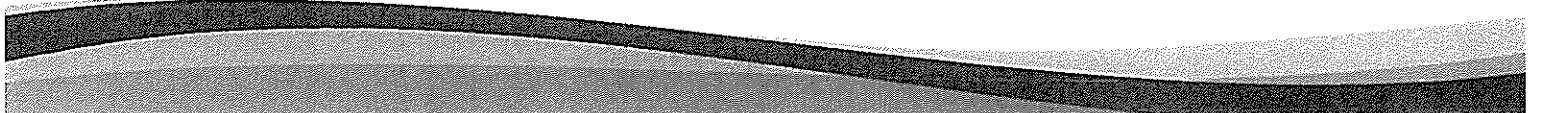


consultants. A minority (6%) stated that child support matters should be completely separate from the FDR process.

- The majority of respondents (almost 90%) indicated interest in assisting clients if resources were available.
- Approximately two-thirds of respondents indicated that the child support system is not working effectively. Common reasons included inconsistent/variable advice, unfairness with regard to the formula (not counting day time contact), attitude of CSA staff (clients feel 'judged'), complexity of the system resulting in confusion for many parents, lack of timeliness, and parents using contact with their child to either increase child support received or reduce the amount paid (ie the child's best interests is not the driver). Conversely, other comments ranged from "the system's effective" to "you're never going to get 100% satisfaction", as well as "there's a place for mediation to assist people to better understand the system, discuss their options and negotiate suitable arrangements."

Some authors have speculated on how discussion between parents about child support might be better facilitated. (Moloney L., et al, 2010, p.44). As is also evident in the FRSA survey, some practitioners hold philosophical reasons for not coupling parenting time and money. However, Moloney suggests that some parents might be suited to discussing issues of child support and how they would like to parent their children now that they have separated. In these instances, both parents would need access to good quality information delivered by informed but impartial professionals. Questions on the clients' intentions regarding child support could be asked at intake. Information could be provided at pre-FDR information sessions. As part of the child-focussed dialogue, parents could be asked to identify what specific information is needed and then supported in getting that information (eg through CSA or legal representatives (Moloney L., et al, 2010, p.44). Some of these steps have been adopted by FRCs and FDR programs but to varying degrees.

FRSA considers that FDR practitioners have the skill set required to set appropriate boundaries and model behaviours while maintaining a child-focus. Negotiation, containment and impartiality are all part of the FDR practitioners tool-kit. The survey results indicate that there is an interest amongst FDR practitioners to improve their financial literacy but only if appropriately trained and resourced. FRCs and FDR programs would also benefit from more direct involvement with the Child Support Agency. Moloney notes that ideally, FDR practitioners would need to be in a position to follow the discussion and know when it was appropriate to adjourn proceedings to enable one or both parents to seek further information (Moloney, L., et al, 2010, p.45). Reference is also made to client feedback which suggests a preference for dealing with one service, and preferably one key provider, rather than having a more



fragmented experience with multiple providers and practitioners (Moloney, 2010, p.45).

The evaluation of the Family Relationship Centre legal assistance partnerships program is a good example of how, with some additional resourcing, good will and commitment amongst service providers, a change in policy and service direction can extend the range of services available to benefit clients. When FRCs were first established, legal information was not available on-site. In 2009, funding was made available for FRCs to partner with legal services so that legal information, advice and assistance may be provided to FRC clients. The evaluation found that:

- providing legal services was rated by legal and family support practitioners and clients as effective in assisting clients to progress their case
- the program provided considerable benefits to meeting clients' needs
- cross-professional collaboration and understanding was improved
- the multidisciplinary approach was more client focussed and holistic
- an adversarial approach was reduced, and
- matters were prevented from inappropriately reaching court.

The challenges identified included acknowledging and working with the different disciplines and resources required (levels of demand for legal services at FRCs increased). (Moloney,L., et al, 2011, pp.E1-E3).

Greater collaborative practice and appropriate resourcing can improve outcomes for children of separating parents.

Thank you for this opportunity to provide input to the Inquiry. Please contact me if you require any further information on the material outlined in this submission.

Yours sincerely



Susan Holmes
Interim Executive Director



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