



Australian Government

Australian Institute of Family Studies

Post-separation parenting, property and relationship dynamics after five years

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This work was commissioned and funded by the Australian Government Attorney-General's Department. Views expressed in this publication are those of individual authors and may not reflect those of the Australian Government or the Australian Institute of Family Studies.

Suggested citation:

Qu, L., Weston, R., Moloney, L., Kaspiew, R., & Dunstan, J. (2014). *Post-separation parenting, property and relationship dynamics after five years*. Canberra: Attorney-General's Department.

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Acknowledgements

This report was commissioned by the Australian Government Attorney-General's Department (AGD), with additional funding provided by the Australian Government Department of Human Services (DHS).

We are very grateful for all the support and assistance provided by AGD staff, especially Cathy Rainsford, throughout the study. We would also like to acknowledge the valuable support we received from the team at the DHS Child Support Program in providing the sample and providing feedback on some questionnaire items in the child support module.

We particularly extend our special thanks to all the parents who participated in the Longitudinal Study of Separated Families (LSSF). The development of this report would not have been possible without their generous contribution of time and their willingness to share their experiences. There was also significant input provided by AGD and DHS Child Support Program staff.

Many staff members at AIFS also helped to shape this report. Our special thanks go to Professor Alan Hayes AM, Director of AIFS, for his advice, insightful comments and unflagging support. Likewise, we extend our gratitude to Dr Daryl Higgins, Deputy Director (Research), for the significant support he provided during the course of the project.

In addition, we are very grateful to the AIFS Web team for all their assistance with web design and accessibility support; to the Publishing team, who provided invaluable assistance throughout the many stages of the study, including editing this report; and to members of the Library and Information and Communications Technology teams who provided invaluable assistance relating to their specialist areas during the course of this project.

Notwithstanding the generous assistance from many people, we are responsible for any shortcomings or errors in this report.

Executive summary

The 2006 family law reforms introduced a series of significant changes to the family law system. The key objectives of the reforms were to strengthen family relationships, prevent parental separation where possible, encourage both parents to remain involved in children's lives after separation, protect children from violence and abuse, and support families to avoid court proceedings in making parenting arrangements. In 2006, the Attorney-General's Department (AGD) and the then Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) commissioned the Australian Institute of Family Studies (AIFS) to undertake an extensive evaluation of the early effects of the reforms. As part of this work, AIFS developed the Longitudinal Study of Separated Families (LSSF), in consultation with AGD and FaHCSIA, with findings from the first wave feeding into the AIFS evaluation report (Kaspiew et al., 2009). The second wave was carried out around 12 months later, with key results being reported in 2010 (Qu & Weston, 2010). The AGD commissioned the collection of data for LSSF Wave 3 in order to facilitate an ongoing understanding of the experiences, behaviours and circumstances of parents and their children about five years after parental separation. The fieldwork for this study took place between September and November 2012. This report not only focuses on the results from Wave 3, but also provides a longitudinal perspective.

The LSSF is a national study of parents with a child under 18 years old who separated after the 2006 reforms were introduced and who were registered with the Child Support Program (now in the Department of Human Services) in 2007. Some 10,000 parents participated in the first survey wave. Interviews were conducted in late 2008, on average 15 months after separation. The second wave of data collection was conducted between September and October 2009, with 70% of the original parents being interviewed again.

The third wave of data collection took place between September and November 2012, with 9,028 parents interviewed (comprising 5,755 members of the original sample and a "top-up" sample of 3,273 parents). Both the original and top-up sample members had been separated for an average of five years. In all three waves, almost all child-related questions asked of parents focused on one child born of the separated relationship. In Wave 1, nearly 60% of these children were under 5 years old, and by Wave 3, two-thirds were 5–11 years old (i.e., of primary school age). The analyses outlined in this report were based on the reports of all parents who participated in Waves 1, 2 and/or 3 (taken separately), as well as on parents who participated in all three waves (the "continuing sample").

Key findings

Perceived quality of the inter-parental relationship

Whether they participated in one, two or all three waves, most fathers and mothers described their inter-parental relationship in positive terms; that is, as either friendly or cooperative. Less positive relationships were more likely to be perceived as distant rather than highly conflictual, and least likely to be seen as fearful.

Close to half of the parents who participated in all three waves held the same views in each survey wave, with positive views being the most likely to be repeated across the survey wave. This was by far the most common of all possible scenarios. Revised assessments were equally

likely to suggest that relationships had improved or deteriorated, though some assessments fluctuated across the waves.

Frequency of inter-parental communication

Frequency of communication tended to fall with each survey wave, though nearly half of the fathers and nearly two in five mothers in Wave 3 indicated that they were communicating with the other parent about their child at least once a week. This is not surprising given that a substantial proportion of the children were under 5 years old in Wave 1 and that the fine-tuning of care-time arrangements may take considerable time. Of all three scenarios—decreases, increases or no change in frequency of communication—decreases were the most apparent in the continuing sample, followed by no change in frequency. Decreases in communication frequency were apparent regardless of the age of the child, though this trend was stronger for older than younger children.

Experience of emotional abuse or physical hurt and safety concerns

Parents were asked whether they had experienced various specific forms of abuse and whether their child's other parent had hurt them physically. The specific forms were classified as "emotional abuse" even though some may have involved offensive physical contact (an issue not addressed in the survey), for such contact may well have generated apprehension in the victim. The concept of "violence or abuse" (or "violence/abuse") is used in this report to refer to general subject matter covering both emotional abuse and physical hurt.

The Wave 1 questions focused on experiences of emotional abuse before or during separation and physical hurt before separation, while the other two survey waves asked respondents about their experiences during the 12 months prior to their interview. Ten forms of emotional abuse were asked about in Waves 1 and 3, and seven formed the focus of Wave 2. These seven items were asked in all survey waves.

By Wave 3, the proportions of parents reporting the experience of emotional abuse had fallen considerably, but remained substantial, nonetheless. In total, nearly two in five fathers and slightly more mothers in Wave 3 indicated that they were recipients of some form of emotional abuse. Humiliating insults represented the most common form of emotional abuse experienced, with the circulation of defamatory comments being the second most common form experienced, and monitoring the whereabouts of the respondent being third. In addition, most respondents who were recipients of the three most common forms of emotional abuse also indicated that these behaviours occurred sometimes or often.

One in four mothers and one in six fathers said that the other parent had hurt them physically before separation. However, only 4–5% of parents reported having been hurt in the 12 months before Wave 2, and only 2% reported such experiences for the 12 months before Wave 3.

Of parents who participated in all three survey waves, one-quarter of parents indicated that they experienced violence/abuse in all three periods, with the proportion being higher among mothers than fathers. Another one-quarter indicated that they had not experienced any of the forms of violence/abuse examined in any wave, with fathers being more likely than mothers to indicate no experience of violence/abuse.

Safety concerns

Parents were asked whether they held any safety concerns for themselves or their child as a result of ongoing contact with the other parent. Close to one in five mothers and slightly fewer fathers in each wave (taken separately) said that they held safety concerns for their child and/or themselves associated with ongoing contact with their child's other parent, with the proportion falling slightly in Wave 3. Most of the fathers were concerned about their child's safety alone, while much the same proportions of mothers indicated having concerns about their child alone or about both themselves and their child.

Most of those who held safety concerns (especially mothers) attributed their concerns to their child's other parent, but fathers were more likely than mothers to hold safety concerns about the other parent's new partner or another adult.

In Wave 3, "emotional abuse or anger issues" formed the most common reasons for safety concerns, followed by "mental health issues" and "violent or dangerous behaviour", then "neglect or lack of supervision". The majority of parents with safety concerns in Wave 3 (over 80%) said that they had reported their concerns to an authority or service.

Around two in three parents who participated in all three survey waves indicated that they held no safety concerns in any wave. Any safety concerns were most commonly expressed in one survey wave alone, followed by two waves. Around 5% of all parents in the continuing sample expressed safety concerns in all three waves.

Consistent with the findings based on the data of first two waves (Kaspiew et al., 2009; Qu & Weston, 2010), strong links emerged between the holding of safety concerns in Wave 3 and concurrent perceptions of the quality of the inter-parental relationship, experiences of violence/abuse in the preceding 12 months, and reports in Wave 1 that mental health or alcohol/substance abuse were issues in the relationship before separation.

Service use

In Wave 3, around one-third of separated mothers and fathers (taken separately) made use of services in the two years prior to the Wave 3 interviews, with the most common service used being a Family Relationship Centre (FRC). The majority of parents who had used a service in the last two years indicated that the purpose was to sort out issues relating to parenting arrangements. This was the most common reason mentioned by parents attending the various services examined, especially by those who used FRCs.

Other issues (e.g., property arrangements, child support, violence/abuse or safety issues and so on) were much less common. Lawyers were used for the resolution of property arrangements more commonly than other services.

In terms of underlying needs, the majority of parents indicated that they went to services for information or advice. Dispute resolution was also commonly sought, but to a lesser extent. Information or advice was sought by a majority of parents attending all services except the courts. Dispute resolution was most commonly mentioned by parents who went to FRCs.

Many parents of both genders held positive views about the services they received to help settle their issues after separation. Eight in ten parents considered the service they received to be very helpful or somewhat helpful to them and the remainder reported that the services they used were not helpful at all to them. Views varied across type of services used. The proportion considering the service used as being very helpful was highest among parents who used a lawyer, followed by those who used a Legal Aid Commission, and it was lowest among those who used FRCs, community legal centres and women's legal services. It should be noted that for some parents, engagement with these latter services was likely to have resulted in some advice or referral, rather than direct assistance, as their requests may have been outside the scope of the respective services' capacity for assistance. For example, while the issue of an s 60I certificate provides parents with the option of taking the matter to court, it also signals that a resolution was not appropriate or not possible via FDR. Such an outcome may be perceived as frustrating, disappointing and "not at all helpful".

Sorting out parenting arrangements

In each wave, the majority of parents reported that they had sorted out their parenting arrangements. In Wave 3, over two-thirds of parents said that they had sorted out their parenting arrangements and around one-fifth were in the process, while over one in ten indicated that nothing had been sorted out. Findings from the three LSSF waves demonstrate that "sorting out" parenting arrangements is a dynamic process. For example, of those parents who believed that they had sorted out their parenting arrangements in Wave 1, three-quarters claimed this in Wave 3. But of those who reported in Wave 1 that they were in the process of sorting out matters or that nothing had been sorted, just over one-half indicated that they had sorted out

matters by Wave 3. Of parents who participated in all three waves, around 8% reported in all three waves that nothing had been sorted about, with about half of this group indicating that no agreements about parenting had been developed at any time after separation.

At each wave, inter-parental discussions and “it just happened” were easily the most common main pathways for parents who indicated that they had sorted out or were in the process of sorting out their parenting arrangements (77% in Wave 1 and 70% in Wave 3). The next most common main pathway was counselling, mediation or dispute resolution, followed by lawyers and then courts.

The longer the time it took for parents to first sort out arrangements, the more likely they were to report the use of a professional intervention as their main pathway. Parents who took a longer time to reach parenting agreements were also more likely than other parents to have experienced ongoing violence/abuse and/or safety concerns.

Most parents who had sorted out arrangements held positive views about the process of the pathway used. However, those still sorting things out at each wave provided less favourable views about the process. With respect to particular main pathways, fathers and mothers who sorted arrangements out through discussions were the most positive about the process, and other pathways were less often seen to provide a satisfactory process. These patterns were consistent with the findings of the first two waves.

Family dispute resolution

Over the three waves, the proportion of parents who attempted FDR reduced from 31% in Wave 1 to 15% in Wave 3. In each wave, about four in every ten parents who attempted FDR reached agreement as a direct part of the FDR process itself. Section 60I certificates were issued to a little over two in ten parents in Wave 1 and a little over four in ten parents in Wave 3. This may suggest that the cases presenting for FDR were becoming more difficult over time or may signal that FDR practitioners had changed their approaches.

Of those parents who had reached agreement through FDR in Wave 1, just over half (54%) reported that parenting arrangements had remained sorted out at all three waves. By contrast, of those who were issued with a certificate, less than a quarter (23%) reported that parenting arrangements were sorted out at all three waves. Dealing with family violence/abuse is clearly “core business” for FDR practitioners. Parents who indicated in Wave 1 that they had reached agreement were less likely than those who were issued with a certificate to report having experienced violence/abuse before and/or after separation and to express safety concerns in one or more waves. Overall, parents who were issued with a certificate showed signs of greater distress. They were considerably more likely than other parents to have expressed safety concerns at all three waves.

The analysis also suggests that there is a sub-group of families with multiple issues (i.e., conflictual/fearful inter-parental relationships, safety concerns, violence/abuse) who continue to experience significant difficulties well into the post-separation period covered by this report.

Care-time arrangements

Most children were in the care of their mother for the majority of nights or all nights per year (i.e., 66–100% of nights) in each wave, with around three-quarters being in such an arrangement in Wave 3. Nevertheless, such care-time arrangements appeared to have declined slightly. On the other hand, the proportion of children in shared time or in paternal care for most and all of the time increased slightly. Care-time arrangements comprising children who saw their father during the daytime fell from over one in five children in Wave 1 to one in ten in Wave 3.

Consistent with the reports based on the first two waves, care-time arrangements in Wave 3 varied according to children’s age. Shared care-time was more prevalent for children of primary school and early secondary school age than for either younger or older children. It was not common for children across all age groups to be in the care of their father for most or all of the time. Nevertheless, this arrangement was more prevalent for older children than younger children.

Six in ten children who were still under 18 years of age by Wave 3 had experienced some change in their care-time arrangements across three waves. Children were more likely to experience an increase in paternal than maternal care time, with 30% having increased time in the care of their father and 20% increased time in the care of their mother. Around one in ten children experienced a fluctuation of changes across the survey waves.

Change in care-time arrangements was influenced by the dynamics of the inter-parental relationship, experience of violence/abuse and safety concerns. Parents with improved relationships were more likely than other parents to report increases in paternal care time. Care-time arrangements were more likely to be subject to change if parents indicated experiencing violence/abuse both before/during separation and after separation or if they held continuing safety concerns.

Property division

There was a wide spread of wealth levels reported by separated parents. One-fifth of parents said that they had nothing to divide, nearly one-fifth reported a low level of assets (here defined as being under \$40,000) and one in ten parents reporting a high level of assets (here defined as more than \$500,000). The remainder were spread across ranges defined here as “low–medium”, medium, and medium–high. A very small proportion (less than 2%) reported debts outweighing assets.

Parents who separated from cohabiting relationships had less wealth compared with formerly married parents. For example, just over one-half of former cohabiters reported having either no assets to divide or the lowest level of assets (less than \$40,000), compared with less than one-fifth of formerly married parents.

Of parents with property to divide, nearly one-half (45%) said these matters were resolved on separation or in less than twelve months, and about a quarter said the division had concluded between one and two years after the separation. The remainder (30%) took at least two years. Longer resolution timeframes were associated with higher asset levels.

Four in ten parents indicated that they had worked out their property division through discussions with their child’s other parent, and nearly one-fifth reported doing so without using any specific mechanism. A substantial minority, nearly three in ten, indicated using lawyers, and small minorities used courts or mediation. Lawyers and courts were more likely to be used by parents who had significant amounts of assets to divide, and also by parents in a negative net financial position.

Consistent with previous research, parents appeared to under-report the share that they received in the property division and over-report the share that went to the other parent. On average, based on both fathers’ and mothers’ reports, mothers received 57% of assets and fathers received 43%. The most common division reported was a share for the mother of between 40% and 59% (one-third), and about a quarter of parents reported a higher share for the mother of between 60 and 79%. Care-time arrangements were associated with property division, with parents who had the minority of care time receiving a lower share of the property.

The majority of parents considered that the property division was fair, both at the time it was finalised and at the time of Wave 3 interviews. Significant minorities, however, considered it to have been unfair. Fathers were more likely than mothers to express a view of unfairness. Insights from qualitative data reinforced the subjective nature of perceptions of fairness. There were three main themes from parents’ comments of unfairness: the perception that a fair outcome required an even split; inadequate consideration of the respondents’ contributions during the relationship, with many comments suggesting values attaching greater weight to income-earning and financial contributions than homemaker contributions; and inadequate apportionment of liability debts and the inclusion of resources provided by the parents’ own families (e.g., their own parents or grandparents) in the asset pool. Other comments include the assertion that the system is biased against men (fathers’ reports), and that it is unable to handle one party behaving dishonestly in disclosures relating to property and financial resources.

Child support

In each survey wave (taken separately) about four in five parents reported that the father was required to pay child support. Of the remainder, the next most common liability was the mother being required to pay. Fathers as payers represented the most stable of these situations. Of parents who participated in all three waves, two-thirds of all fathers were payers and nearly three-quarters of all mothers were payees across all three waves. Around a quarter of all fathers and mothers had experienced a change in their liability status by Wave 3, the most common outcomes being mothers becoming payees and fathers becoming payers.

The payers claimed that they were required to pay higher amounts than the payees claimed they were to receive, though both mothers and fathers reported higher liability amounts where the father rather than mother was liable to pay. In Wave 3, the average amount that father payers said they were liable to pay was \$131 per week, whereas the average amount mother payees claimed that they should receive was \$20 less (i.e., \$111 per week). The average amount that mother payers said they were liable to pay was \$78 per week, while father payees claimed that they should receive \$61 per week. .

According to all parent groups, payments were most often made in full (including more than the required amount) and on time. The proportion of father payers reporting full compliance varied little according to care-time arrangements. The reports of mother payees suggest that fathers who never saw their child were considerably less likely than other fathers to fully comply with their liability. Mother and father payees who experienced violence/abuse were less likely than those without such experiences to report that they received child support both in full and on time.

There was a substantial agreement from payers that they could afford the payments and very high levels of agreement from the payees that their former partners had the capacity to pay. However, nearly half the father payers and over one-third of mother payers thought that the amount they were paying was more than their children needed. A significant minority of father and mother payers agreed that there was resentment with respect to paying because they had no say in how the money was spent and given the amount of time they spent with their child. On the other hand, a significant minority of father and mother payees believed their former partners would prefer not to pay in order to make their (the receiving parent's) life difficult. The data also reveal a clear affiliation between this view and the quality of the post-separation relationship.

Children's wellbeing

Across all three survey waves, parents in general provided favourable assessments of their child's wellbeing across all areas examined, including general health, and progress in learning, peer relationships and overall development. The analysis of the extent to which parents' assessments of their child's wellbeing had changed (and the direction of this change) between Waves 1 and 3 revealed that few parents provided unfavourable assessments in both occasions, which were four years apart. This trend was apparent in all measures examined. Where parents' assessments had changed between Waves 1 and 3, the change was more likely to suggest wellbeing had improved rather than worsened.

The analysis suggests no strong link between care-time arrangements and children's wellbeing. There was no apparent link between change in children's overall wellbeing and change in care-time arrangement according to mothers' reports.

Changes in children's wellbeing between Waves 1 and 3 were associated with changes in family dynamics, specifically, the experience of violence/abuse, having safety concerns and the quality of inter-parental relationships. Parents who had not experienced violence/abuse in either wave, held no safety concerns on either occasion, or consistently reported a positive inter-parental relationship were more likely to report consistently high or improved child wellbeing. On the other hand, consistently low or worsened child wellbeing was more likely to be reported by parents who reported experiencing violence/abuse, holding safety concerns, or having a negative inter-parental relationship in both waves, compared with other parents.

Concluding thoughts

On the whole, the findings in this report paint a positive picture of separated families in the LSSF study some five years after separation. Nevertheless, a minority of parents continued to face significant problems. These include experiencing violence/abuse, holding safety concerns, and having highly conflictual or fearful inter-parental relationships. In Wave 3, one-fifth of mothers and a lower proportion of fathers (16%) reported that they had at least two or three such problems. Each of these was also related to parents' views that mental health and/or addiction issues existed in the relationship before separation. Although only a minority of mothers had re-partnered, some fathers cited this new partner or another adult as a source of concern about their child's safety. All these negatively affect the ability to manage parenting agreements. Such difficulties are in turn likely to compromise the wellbeing of the children caught in the middle.

The findings in this report are supportive of the work of existing services and intervention strategies and also highlight ongoing challenges with respect to the delivery and management of more intensively focused and more coordinated professional interventions.

There is evidence in the present report that sustained problems experienced by some families are at the expense of the wellbeing of children and parents. This reinforces the need for the development of service models designed to specifically address the multiple needs of families affected by concerns relating to family violence/abuse, safety concerns, conflicted and/or fearful relationships, and their frequent correlates: mental ill health and/or substance misuse.

It has become increasingly clear that each of the mainstream professions in the family law system has a potentially constructive role to play in helping to untangle the serious predicaments in which a minority of family law clients find themselves. Successive waves of longitudinal data are contributing to a growing understanding of the characteristics and needs of these families. These understandings can in turn inform the efforts being made within and between the legal and family relationships sectors to work together more effectively in the service of their clients.

More broadly, there is strong evidence that the services linked to the 2006 reforms have the potential to assist a large number of separated parents and their children in ways that were simply not possible previously. Continued realisation of that capacity relies on an ongoing commitment to continue to support and further develop services and interventions that match the needs of these families.

This report outlines key findings from the third wave of the Longitudinal Study of Separated Families (LSSF), conducted between September and November 2012. The first wave of data collected in 2008 made a major contribution to the *Evaluation of the 2006 Family Law Reforms* report prepared by the Australian Institute of Family Studies (AIFS; Kaspiew et al., 2009). The report was completed on behalf of the Australian Attorney General's Department (AGD) and the then Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA; now Department of Social Services [DSS]). Results from the second wave of data collection in 2009 were published by AIFS a year later (Qu & Weston, 2010). AGD commissioned the collection of data for LSSF Wave 3 in order to facilitate an ongoing understanding of the experiences, behaviours and circumstances of parents and their children in the subsequent two years (years 3 and 4) after parental separation.

1.1 Background

The 2006 family law reforms introduced a series of significant changes to the family law system. The key objectives of the reforms were to strengthen family relationships, prevent parental separation where possible, encourage both parents to remain involved in children's lives after separation, protect children from violence and abuse, and support families to avoid court proceedings when making parenting arrangements.

Earlier reports (Family Law Pathways Advisory Group, 2001; House of Representatives Standing Committee on Family and Community Affairs, 2003) had highlighted concerns about the uncoordinated nature of family law services as well as an over-reliance on legal processes in family law. The 2006 reforms responded to these concerns by establishing and expanding alternative community-based and relationship-focused pathways. In particular, 65 new Family Relationship Centres, a telephone dispute resolution service, a national advice line and an online service were established, and existing early intervention and post-separation relationship services were expanded.

Recommendations and observations from the Family Law Pathways Advisory Group (2001) and the Standing Committee on Family and Community Affairs (2003) were based largely on the views of professionals, interest groups and members of the public. What was lacking at the time, however, were empirical data from a large representative sample of separated parents about their post-separation relationships, the connection between those relationships, the pathways used to resolve disputes about children, the satisfaction levels and "success rates" attached to each of those pathways, and the stability of arrangements reached.

The three waves of LSSF provide a longitudinal dataset from a national sample of separated families that is without precedent in Australia.¹ Although cross-sectional studies are useful, they can be misleading when considered in isolation. For example, a focus on the cross-sectional data on the rates of agreement about parenting arrangements would suggest that they were similar in Waves 1 and 2. But the longitudinal nature of the study reveals a more dynamic process, whereby some arrangements that had been sorted out in Wave 1 were in the process

¹ The sample is representative of the population of parents who had separated after 1 July 2006 and whose case was registered in the Child Support Agency database in 2007.

of being re-negotiated in Wave 2, while others that had not been sorted out in Wave 1 were resolved at the time of the Wave 2 interview. In addition, even among those arrangements that had been sorted out at both points in time, a large minority had changed the details of their agreements in the year or so between waves.

Longitudinal studies such as the present one make it possible to identify interactive factors that promote or interfere with the development of positive post-separation trajectories. The data reveal a more complex picture of post-separation relationships and negotiations than that which was assumed to be the case in the 2001 and 2003 reports referred to above. The dynamic nature of these relationships and the decision-making processes revealed in the Wave 1 and Wave 2 data and reinforced in the present report, has important implications for the evaluation and planning of existing and future services.

Some of the key issues examined in the analyses of the first two waves were family dynamics, the development of parenting plans, and any services used to assist this process. The Wave 1 and 2 data showed a strong association between the quality of relationship between former partners and their capacity or willingness to sort out parenting arrangements. Broadly speaking, those with friendly or cooperative relationships were the most likely to have sorted out parenting issues and the least likely to have relied mainly on services, lawyers or courts to achieve this.

At the same time, despite the short time span (one year) between Waves 1 and 2, it was not uncommon for participants to have reported a change in the quality of their relationships with their ex-partners. For example, although the AIFS evaluation report (Kaspiew et al., 2009) and the Wave 2 report (Qu & Weston, 2010) suggested that roughly three in five parents had described their relationships as being either friendly or cooperative, it was found that about 20% of those who provided this description in Wave 1, had changed their assessments in Wave 2. And while fewer than one in five parents in both the 2009 and 2010 reports described their relationships as being highly conflicted or fearful, only about half of those who provided this assessment in Wave 1 continued to feel this way in Wave 2. Overall, about a third of the parents interviewed provided a different assessment of their relationship in Wave 2, with similar percentages of parents reporting improved and deteriorated relationships.

Reports of family violence/abuse in the form of emotional abuse or physical hurt were common in both waves. Not surprisingly, the experience of family violence/abuse was also linked to service use and the capacity or willingness to sort out parenting matters. Thus increasing rates of violence/abuse were reported by those relying mainly on each of “counselling mediation or family dispute resolution”, lawyers and the courts to assist them in sorting out post-separation parenting. In addition, the more formal the intervention (with courts being at the most formal end of the spectrum), the less likely it was that parenting issues had been sorted out.

The proportion of parents reporting emotional abuse declined only slightly between Wave 1 and Wave 2, but the proportion reporting having been physically

hurt declined markedly. The most common form of emotional abuse identified was that the child’s other parent had engaged in humiliating insults, with other forms of emotional abuse less commonly reported in each of the first two waves.

These data could be seen to suggest that for *some* parents separation results in a diminution or cessation of family violence/abuse, particularly physical hurt. However, for a substantial minority, family violence/abuse, particularly emotional forms, are sustained well beyond separation. Despite reports of a decrease in physical hurt between waves, it was found that around one in five parents in each of the two waves reported that they held safety concerns for their child and/or themselves as a result of ongoing contact with the other parent. Not surprisingly, safety concerns were linked with negative inter-parental relationships and reports of emotional abuse or physical hurt.

Although the data from each of the first two waves indicated that at least seven in ten parents said they had sorted out their parenting arrangements at the time they were interviewed, comparison between the two waves again reveals a more dynamic process than information from either wave in isolation might suggest. For example, about one in eight parents who said they had sorted arrangements out in Wave 1, reported that they were in the process of sorting out things in Wave 2 or that nothing was now sorted out. In addition, among those parents

who said that parenting arrangements were sorted out at both waves, a substantial minority had changed the nature of those arrangements and others were in the process of doing so.

Overall, nearly one-third of children had experienced changes in their care-time arrangements between waves, although most of these changes were fairly modest in scope. At one level, such findings should not be surprising. Whether in separated or “intact” families, children’s needs and parents’ circumstances change. The findings serve as a reminder, however, that families of whatever type are dynamic institutions; and that long-term rigid adherence to a particular parenting arrangement may indicate parental reluctance to engage with each other in the service of meeting their child’s needs.

How parents manage (or don’t manage) these negotiations, their use of services, the main pathways they employ to arrive at parenting arrangements, and the stability of care time across the three waves of the LSSF (or over the five years post-separation) are a major focus of the present report.

Like all parents, separated parents also have an obligation to continue to provide for the financial needs of their children. In the first two waves, nearly nine in ten parents reported that they were liable to pay or receive child support. In each survey wave, nearly three-quarters of the father payers reported that their child support payment was met in full and on time (here called “full compliance”). In contrast, full compliance with child support obligations was reported by only half the mother payees in Wave 1 and even fewer in Wave 2. The present report provides an update on these data.

As noted, a central aim of the 2006 family law reforms was to protect and promote the wellbeing of families at all stages. The first two waves of LSSF suggested that most parents provided favourable assessments of their child’s wellbeing. The Wave 2 report indicated that most parents either gave consistently favourable assessments of their child’s wellbeing or indicated improvements. Family dynamics (e.g., quality of inter-parental relationships, a history of family violence/abuse, safety concerns) appeared to be important in shaping children’s wellbeing. The present report continues to monitor how the children were faring in the medium term following parental separation, as well as the factors interfering with their wellbeing.

Although the AIFS evaluation and Wave 2 reports provided a generally positive picture with respect to separated families in the first two to three years of separation, the data also revealed the extent to which negative family dynamics as well as mental health, substance misuse or other addictions existed in the relationship prior to separation, and how relationship dynamics evolved over time. The LSSF Wave 3 data has provided an opportunity to examine the extent to which positive relationships and agreements over parenting are sustained in the medium term after separation and the extent to which negative family dynamics decrease, persist or increase over time.

Finally, it should be noted that a new module on property division was introduced in the third wave of the LSSF. This is in response to the fact that the *Family Law Act 1975* (Cth) (*FLA*) has undergone important amendments in relation to property matters after separation during the last decade or so. Amendments introduced in 2002 allowed superannuation to be treated as part of a couple’s property. In addition, since March 2009, couples not legally married (i.e., de facto couples) have been able to access the legislation with regard to property distribution. LSSF Wave 3 examined how separated parents divided their property and their views about property outcomes.

1.2 Structure of this report

Before the Wave 3 data are presented, Chapter 2 outlines details of the design and implementation of the third wave and basic characteristics of the sample. Chapter 3 discusses family relationship dynamics, while the status of parenting arrangements, main pathways followed, and use of family dispute resolution (FDR) are examined in Chapter 4. Chapter 5 focuses on care-time arrangements, and the links between these arrangements and family relationship dynamics. How parents divide up their property after separation and their sense of fairness regarding the outcomes are examined in Chapter 6. Chapter 7 directs attention to child support issues, while Chapter 8 focuses on issues relating to child wellbeing. Chapter 9, the final chapter, summarises key findings of the report.

As outlined in Chapter 1, this report explores the experiences of parents who separated after 1 July 2006. The sample was drawn from the database of the Department of Human Services Child Support Program (DHS CSP)² in 2007. Wave 1 was conducted between August and October 2008, with 10,002 participating parents. The second wave of data collection was conducted between September and October 2009; 7,031 parents participated in a follow-up interview. The third wave of data collection, approved by AIFS' Ethic Committee, took place between September and November 2012, with 9,028 parents being interviewed.

2.1 Sample

LSSF Wave 3 involved two groups of parents: the “follow-up” sample, comprising the participants who were interviewed in Wave 1, regardless of whether they participated in Wave 2; and a new sample of parents (referred to as the “top-up” sample) to supplement the total number of Wave 3 participants, due to sample attrition in Waves 1 and 2.³

Of the 10,002 parents who participated in the first wave, 9,874 parents agreed to be re-contacted for future waves, and 7,031 of these parents were interviewed in Wave 2. In light of this sample loss in Wave 2 and the longer duration between Wave 2 and Wave 3 (three years) relative to the duration between first two waves (one year), which may have resulted in further loss of the original sample, LSSF Wave 3 introduced a new sample. This approach compensated for anticipated loss of original LSSF sample and ensured that separated parents in different circumstances were appropriately represented in further analyses (e.g., fathers who never see their children; families with equal care time; parents who hold safety concerns about their child seeing the other parent; and parents who have used the court system at some stage).

In Wave 3, the average interview length was 27 minutes for the follow-up sample and 35 minutes for the top-up sample. The longer interviews for the latter component were due to additional questions being asked of these new participants that had already been asked of parents in Wave 1.

Follow-up sample

All 9,874 parents from Wave 1 who agreed to be re-contacted in the future waves were eligible for Wave 3 (regardless of whether they participated in Wave 2). However, parents who wished not to be re-contacted in Wave 2 interviews were excluded, along with those who opted out of LSSF through other means at any stage prior to the commencement of Wave 3 interviews. Overall, less than 2% of original respondents were *not* contacted for Wave 3 interviews.⁴

2 Formerly known as the Child Support Agency.

3 The sample extraction criteria for the top-up sample were identical to the LSSF Wave 1 sample (e.g., the date of separation was between July 2006 and December 2007) with the exception that the date of registration with the Child Support Program was from January to March 2008, in order to avoid duplication of sample extraction from LSSF Wave 1.

4 Including a small number of parents who were in jail or deceased.

A range of measures was adopted prior to Wave 3 in order to maintain up-to-date contact information for follow-up participants. Similar to LSSF Wave 2, all follow-up participants were sent a “study update” newsletter in June 2012 (approximately three months prior to the commencement of Wave 3 fieldwork), which reminded them about the study and provided some key findings from the research so far. The newsletter also provided participants with a contact number should they wish to update their contact details, find out more about the study or withdraw their participation. Participants were also sent an approach letter one week prior to being contacted by telephone, which included a 1800 number and the LSSF study website address, both of which provided parents with an opportunity to find out further information or update their contact details. Other measures were used during the course of fieldwork to make contact with as many sample members as possible. For example, “buddy” contact details⁵ collected in Wave 1 were used if necessary, voicemail messages were left on mobile phones and emails were sent.

As Table 2.1 shows, 5,755 parents in the follow-up sample were interviewed in Wave 3, of which 4,859 were also interviewed in Wave 2 and 896 participated in Wave 1 only. The main reason for loss of the original Wave 1 sample was that the parents couldn’t be re-contacted (26%), while only 10% withdrew from the study. A small proportion of parents didn’t participate due to other reasons (e.g., away or unavailable during the fieldwork period, study child or parent deceased).

Table 2.1: Retention status in Wave 3, original participants in Wave 1 (follow-up sample)

Retention status in Wave 3	Numbers	%
Exclusions	162	1.6
No contact ^a	2,606	26.1
Refusal	966	9.6
Out of scope ^b	513	5.1
Interviews	5,755	57.5
Wave 1 sample	10,002	100.0

Notes: Data have *not* been weighted.^a Includes phone numbers that were disconnected, or by the end of fieldwork were engaged, answering machine, no answer etc. ^b Includes parents who were overseas or in institutions.

Top-up sample

The selection of the top-up sample generally followed the same protocols as the original LSSF sample for Wave 1 (separation date between July 2006 and December 2007, registered with DHS CSP, at least one child under 18 years old, etc.). However, the top-up sample was drawn from cases that registered with the DHS CSP between 1 January and 31 May 2008. The main reason for drawing the sample from cases registered in the first five months of 2008 instead of cases registered in 2007 was due to difficulties in drawing another sample from the remaining cases from 2007 after excluding those that had been drawn for LSSF Wave 1. That is, the remaining cases would have been insufficient to achieve the expected number of interviews, especially for cases where the mother paid child support and the father received it. By extracting the sample from cases registered in early 2008 where separation took place in the same period as in the follow-up sample, it was anticipated that the experiences of separated parents in the top-up sample would be similar to those in the follow-up sample.⁶ Indeed, parents in the follow-up and top-up samples were found to be similar in their experiences after separation (e.g., family dynamics, pathways to parenting arrangements, care-time arrangements, etc.).

Consistent with the procedures for the follow-up sample, all potential participants for the top-up component were given opportunities to opt out of the study on multiple occasions prior to being contacted for an interview. In addition to an initial letter sent from DHS about the study

5 That is, participants were asked to provide the first name and telephone number (and relationship to participant) of another person who lived elsewhere and who might be able to assist the fieldwork company to contact the participant should he or she relocate.

6 The top-up sample extraction excluded cases where there was no date of separation registered, whereas the follow-up sample included cases with no date of separation. The omission of these cases was due to the logistic difficulties (e.g., cleaning cases and interview screening) during the fieldwork operation.

prior to the sample being released to the fieldwork agency, top-up sample participants were also sent an approach letter and participant information brochure one week prior to being contacted by an interviewer. This brochure was similar to the brochure provided to all follow-up participants in Wave 1, including a detailed explanation of the study and providing contact details for both the fieldwork agency and the AIFS Ethics Committee if they had any queries or concerns. Table 2.2 summarises the final call outcomes for the top-up sample. Of 10,032 sample records that were initiated during fieldwork, an interview was achieved with one in three records.

Table 2.2: Call outcomes for top-up sample

Call outcome	Total	%
No contact ^a	3,249	32.3
Out of scope	1,686	16.8
Refusals	1,824	18.2
Interviews	3,273	32.6
No. of records	10,032	100.0

Notes: Data have *not* been weighted. ^a Consists of phone numbers that were disconnected, or by the end of fieldwork were engaged, answering machine, no answer etc.

2.2 Survey contents

Many of the modules from Wave 2 remained relatively unchanged for the follow-up and top-up questionnaires, with the latter incorporating key demographic sections from Wave 1 (already collected for the follow-up participants). New areas for focus in the Wave 3 questionnaires included an expanded section on experiences of family violence/abuse to examine frequency and any injuries caused, as well as a new section on property division. Table 2.3 provides an overview of the modules in the LSSF Wave 3 questionnaires.

Table 2.3: Questionnaire modules, follow-up and top-up samples

Module	Follow-up	Top-up
Reconciliation	Yes	No
Current household	Yes	Yes
Labour force status	Yes	Yes
Focus parent relationship status	Yes	Yes
Separation pathways	No	Yes
Child wellbeing	Yes	Yes
Parenting arrangements	Yes	Yes
Use of family law services	Yes	Yes
Parental relationships and parent wellbeing	Yes	Yes
Finance	Yes	Yes
Property settlement	Yes	Yes
Background demographics	No	Yes
Child support	Yes	Yes

2.3 Sample characteristics

Table 2.4 (on page 8) describes selected characteristics of parents who participated in Wave 3 (both the follow-up and top-up components). The mean age of fathers was 39 years, while for mothers it was 36 years. The most common age bracket for both fathers and mothers was 35–44 years (43%). A higher proportion of fathers than mothers were 45+ years (27% vs 18% of mothers). Conversely, a higher proportion of mothers than fathers were less than 35 years old (39% vs 30% of fathers).

Table 2.4: Demographic characteristics of separated parents by gender, Wave 3

Demographic characteristics of participant	Fathers	Mothers	All parents
Gender (%)	50.5	49.5	100.0
Age			
< 35 years (%)	29.5	39.2	34.3
35–44 years (%)	43.2	42.7	42.9
45–54 years (%)	22.9	17.4	20.2
55+ years (%)	4.4	0.8	2.6
Mean age (years)	39.3	36.6	37.9
Duration of separation (mean years)	5.2	5.2	5.2
Marital status at the time of separation (%)			
Married	55.2	52.6	53.9
Cohabiting	34.3	32.5	33.4
Other (incl. separated before & never lived together)	10.5	14.9	12.7
Mean duration of living together (years)	9.8	9.9	9.8
Born in Australia (%)	83.2	85.0	84.1
Aboriginal or Torres Strait Islander (%)	2.9	2.8	2.9
Education level (%)			
Bachelor's degree or above	14.5	16.5	15.5
Other post-secondary qualification (incl. trades etc.)	40.4	33.6	37.1
Year 12 (no post-secondary qualification)	16.2	19.8	18.0
Year 11 or below	28.9	30.0	29.5
Employment status (%)			
Full-time employed	74.2	27.1	50.9
Part-time employed	9.7	37.8	23.6
Employed (hours not reported)	0.6	0.3	0.4
Not employed	15.5	34.9	25.1
Income (\$ '000s)			
Median personal income	52.2	35.0	42.0
Median household income	65.0	43.2	51.3
Housing tenure (%)			
Own or purchasing	38.8	36.7	37.8
Private rental	43.9	49.3	46.6
Living with family	9.2	6.1	7.7
Public housing	1.7	5.4	3.5
Other	6.3	2.5	4.5
No. of participants	4,614	4,414	9,028

Notes: Data have been weighted. Excludes a small number of parents who did not know or refused to answer (< 1%). Percentages may not total 100% due to rounding.

Parents in Wave 3 had been separated for an average of five years. They had lived together on average for 10 years before separation.⁷ Just over one-half of parents (54%) had separated from marital relationships and one-third from cohabiting relationships, while 13% had separated before the study child was born or had never lived together.

The vast majority of responding parents (84%) were born in Australia. A small proportion (3%) identified as Aboriginal or Torres Strait Islander.

Just over half the parents in Wave 3 of LSSF had a post-secondary qualification, with 15% of fathers and 17% of mothers having a bachelors degree or higher. Almost one-third of the parents had not completed secondary school.

⁷ Among parents who were married prior to separating, this includes time spent living together before marriage.

Most parents were employed, though the hours that fathers and mothers worked varied considerably. Seventy-four per cent of fathers worked full time compared with 27% of mothers, whereas 10% of fathers worked part time compared with 38% of mothers. Sixteen per cent of fathers and 35% of mothers were not working at the time of the interview.

Fathers' income was notably higher than mothers', with a median personal income of \$52,200 per year compared with mothers' median personal income of \$35,000. Similarly, the median household income was higher among fathers than mothers (\$65,000 vs \$43,200 among mothers).

The most common housing arrangement among parents in Wave 3 was living in a rental property (44% of fathers and 49% of mothers). A further 39% of fathers and 37% of mothers owned or were purchasing their own home. Eight per cent of parents reported that they lived with family members, and the remaining parents had other arrangements such as public housing or company accommodation, or were boarding.

As shown in Table 2.5, the average age of the study children by Wave 3 of the LSSF was 9 years, with two-thirds aged between 5 and 11 years (67%). By Wave 3, 5% of the study children were 18 years or over, which, given the time that had passed since Wave 1, is not unexpected. Study children were relatively evenly divided between boys and girls (51% and 49% respectively).

Table 2.5: Age and gender of study children, Wave 3

Characteristics of study child	Fathers (%)	Mothers (%)	All parents (%)
Age			
< 5 years	3.7	3.9	3.8
5–6 years	32.2	35.3	33.7
7–11 years	34.7	32.7	33.7
12–14 years	14.1	13.1	13.6
15–17 years	10.5	10.3	10.4
18+ years	4.8	4.7	4.8
Mean age	9 years	9 years	9 years
Gender of study child			
Boys	50.6	51.4	51.0
Girls	49.4	48.7	49.0

Notes: Data have been weighted. Excludes a small number of parents who did not know or refused to answer (< 1%). Percentages may not total 100% due to rounding.

2.4 Sample attrition from Wave 1

As mentioned above, 58% of the original responding parents in Wave 1 were interviewed in Wave 3 (the follow-up component). Table 2.6 (on page 10) outlines the retention rates of the follow-up parents by selected characteristics recorded in Wave 1.

Retention rates differed according to the gender of the parents and their age, with slightly higher proportions of mothers than fathers participating in Wave 3 (59% vs 56%) and older parents being more likely than younger parents to be followed up in Wave 3.

Retention rates were similar between mothers born in Australia those born overseas (59–61%); however, retention rates were slightly lower for fathers born overseas (51%) than those born in Australia (57%).

Higher levels of education and employment were linked with higher retention rates. The majority of parents with a degree participated in Wave 3 (67% of fathers and 76% of mothers), compared to fewer than half the parents who had not completed secondary school (47% of fathers and 49% of mothers). Parents who were employed had higher retention rates than those who were not employed (fathers: 58% vs 44%; mothers: 67% vs 49% respectively).

Table 2.6: Retention rates for Wave 3 by demographic characteristics of parents and children and care-time arrangements in Wave 1, follow-up sample

Characteristics	Fathers (%)	Mothers (%)	All parents (%)
Gender	55.8	59.3	57.5
Age of parent in Wave 1			
< 35 years	44.2	50.5	47.9
35–44 years	61.6	68.3	64.9
45+ years	65.0	71.2	66.9
Country of birth			
Australia	57.0	59.1	58.0
Other country	50.9	60.8	55.4
Education level in Wave 1			
Bachelor's degree or above	67.0	76.3	71.9
Other post-secondary qualification (incl. trades etc.)	60.5	62.2	61.3
Year 12 (no post-secondary qualification)	51.5	57.8	55.1
Year 11 or below	46.9	48.8	47.9
Employment status in Wave 1			
Employed	57.8	66.8	61.4
Not employed	44.2	49.4	48.1
Marital status at the time of separation			
Married	62.4	67.8	64.9
Cohabiting	47.6	50.8	49.2
Other (incl. separated before & never lived together)	41.7	46.5	44.5
Age of study child in Wave 1			
< 5 years	49.4	54.0	51.9
5–6 years	56.1	60.9	58.4
7–11 years	62.8	68.7	65.6
12–14 years	63.7	65.3	64.5
15–17 years	63.8	62.5	63.2
Care-time arrangement of study child in Wave 1			
Father never sees child	47.0	56.5	52.9
Father sees in daytime only	52.2	54.3	53.5
66–99% with mother (1–14% father)	56.8	63.0	60.0
53–65% with mother (35–47% father)	58.7	68.4	62.2
48–52% with each parent (i.e., equal care time)	63.7	64.5	64.1
35–47% with mother (53–65% with father)	56.8	60.5	57.7
1–34% with mother (66–99% with father)	56.7	56.1	56.5
Mother sees in daytime only	50.4	38.4	47.6
Mother never sees child	60.0		54.7

Notes: Data have been weighted. Excludes a small number of parents who did not know or refused to answer for each variable (< 1%).

Retention rates were also higher for parents who were legally married at the time of separation than for those who were cohabiting at the time of separation and those who separated before the child was born or never lived with the other parent of their child. This pattern was apparent for both fathers and mothers. The group with the highest response rates in Wave 3 were those who were formerly married (62% of fathers and 68% of mothers). In contrast, around half of the formerly cohabiting parents participated (48% of fathers and 51% of mothers). Parents who separated before their child was born or never lived with the other parent had the lowest response rates of the three groups (42% of fathers and 47% mothers).

The retention rate also varied with the ages of the study children. Specifically, parents with older children were more likely than parents with younger children to participate in Wave 3.

The pattern was apparent for both fathers and mothers. For example, 49% of fathers whose children were under 5 years in Wave 1 were interviewed in Wave 3 while 64% of fathers whose children were at least 12 years old were interviewed in Wave 3. This is consistent with higher retention rates for older parents.

The retention rate in Wave 3 was also linked with care-time arrangements. For both fathers and mothers, those with shared time were the most likely of all care-time groups to have participated in Wave 3, while parents who had the majority of nights or all nights had higher retention rates than those who had a minority of nights or no time at all.

2.5 Technical notes

The analyses presented in this report are based on weighted data. The sample data for parents were first weighted to take into account the unequal probability of sample selection of participants with different characteristics. Separate parent weights were developed for the top-up and follow-up samples. The method for weighting the Wave 3 data was as similar as possible to the methods and variables used in Waves 1 and 2,⁸ with only a slight simplification of the response propensity model to allow for the smaller cell sizes in Wave 3. This change to the weighting method does not affect the comparability of the datasets from each wave. The tables and figures presented in this report show weighted data, but where the number of observations is provided within a table or in a figure note, these are unweighted.

For the majority of the data items reported in the remainder of this report, the proportions of “don’t know” or “refused” responses were low (less than 5% of the combined total in most cases) and therefore, for simplicity, the “don’t know” and “refused” responses have been excluded from almost all of the reported analyses. In both Waves 2 and 3, parents who had reconciled or were attempting reconciliation were omitted.

The analyses in this report are for the most part based on two samples—all parents who were interviewed in any wave (including the top-up sample for Wave 3 data, unless otherwise specified), and parents who were interviewed in all three waves. The specific sample on which an analysis is based is noted at the end of each caption. Unless otherwise specified, “continuing sample” represents those parents who participated in all three waves. Further clarification is provided where analyses were based on specific sub-groups.

⁸ Weighting variables used included participant gender, age group, income, and child support payer type.

3

Family dynamics

A key focus of the 2006 reforms and post-separation relationship services has been to encourage and support former couples in their efforts to detach interpersonal tensions from discussions regarding future parenting arrangements. This focus is consistent with strong evidence suggesting that an important factor linked to child wellbeing after separation is the level and persistence of parental conflict (Cummings & Davies, 2010; Emery, 2012). How to create and maintain child-focused dialogues against a background of high levels of emotion, disappointment and anger has been recognised as an important challenge for family dispute resolution practitioners and service providers (see McIntosh, Long, & Wells, 2009; Moloney & McIntosh, 2006). Approaches that involve greater collaboration between lawyers and less adversarial processes within courts have also been developed as steps in the direction of discouraging the conflation of interpersonal difficulties and the resolution of parenting disputes.

Wave 1 of the LSSF provided the first reliable empirical evidence of post-separation parental relationships in Australia. Clinicians and many family law professionals who work with the more problematic end of the parental separation spectrum were probably surprised to find that roughly 15 months after separation, about three in five parents rated their relationship as either friendly or cooperative. A further one in five mothers and fathers, however, described their relationship as “distant”, while a little over one in eight reported “lots of conflict”. At the most extreme end of the spectrum, 7% of mothers and 3% of fathers described their relationship at this point in time as being “fearful”.

These Wave 1 findings helped to clarify the task that faces the family law system. On the one hand, the evidence suggested that most separated parents were relating to each other fairly well. Data on service use and main pathways towards sorting out arrangements for their children suggest that, at most, these parents needed only modest assistance from facilitative, therapeutic or advisory services (including of a legal nature).

On the other hand, there was evidence that a substantial minority of parents were experiencing inter-parental relationships in the negative categories (lots of conflict or fearful). Many of these parents reported a history of dysfunctional behaviours associated with family violence/abuse, not infrequently accompanied by mental health and/or addiction issues. They were considerably less likely to have sorted out post-separation parenting and considerably more likely to be making or have made use of services, lawyers and courts.

Subsequent analyses of Wave 2 data, gathered some twelve months later, suggested that many relationship dynamics continued to reflect such earlier experiences. Although these broad patterns remained, and while the proportions in the relationship categories described above had not changed appreciably in Wave 2, the longitudinal nature of these new data was able to demonstrate the more dynamic aspects of post-separation relationships. Although some parents had moved towards more positive relationships with each other, similar numbers reported that relationships had deteriorated. For some, living through a subsequent year of separation appeared to have a healing effect, whereas for others, this was not the case.

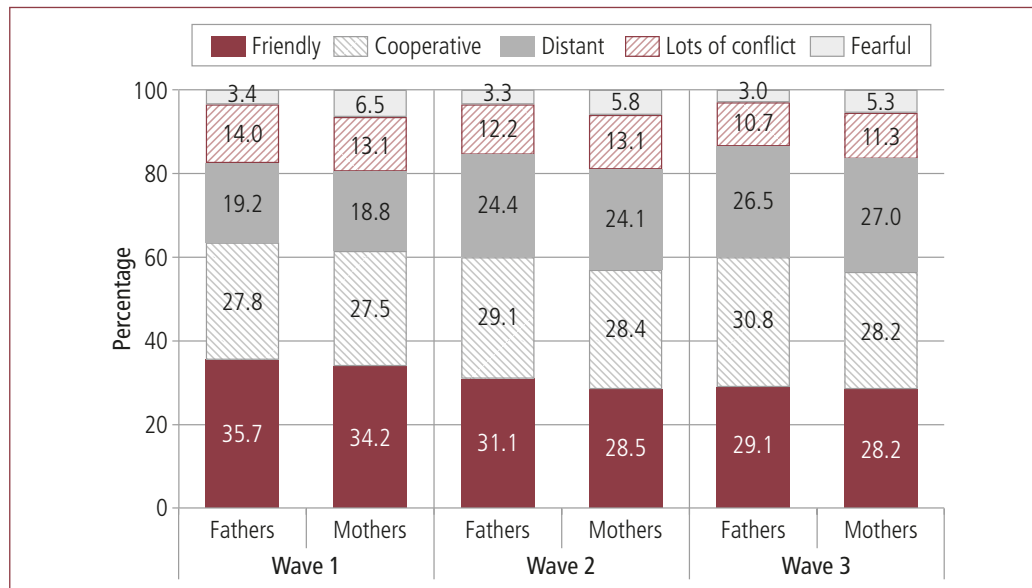
The Wave 3 data permit further analysis of the evolution in parental relationships some five years after separation. They reveal, for example, what proportion of parents maintain, develop or lose a cooperative working relationship with each other after about five years of separation. They provide clues about the extent to which dysfunctional behaviours apparent before or

during the separation period continue to pose problems for the relationship,⁹ and the extent to which the stresses and strains associated with post-separation life events also contribute to a possible deterioration in inter-parental relationships.

This chapter focuses on the parents' perceptions of the quality of their relationship with their child's other parent, how often they communicate with each other about their child, their experiences of emotional abuse or physical hurt, and any safety concerns they held for themselves and/or their child as a result of ongoing contact with their child's other parent. The analyses in each section below begin with an outline of trends for all participants in each survey wave and then focus on changes apparent for the continuing sample; that is, for the parents who participated in all three waves. The former (cross-sectional) approach provides insight into the prevalence of experiences at different points in time. The latter approach highlights the nature of evolving experiences and associated trajectories across the three waves.

3.1 Quality of inter-parental relationships

In each survey wave, respondents were asked to indicate whether their relationship with their child's other parent was mainly friendly, cooperative, distant, entailing "lots of conflict" or fearful. Figure 3.1 shows the patterns of answers provided by all fathers and mothers who participated in any of the survey waves.¹⁰



Notes: Data have been weighted. Sample sizes of fathers and mothers across the three waves vary (fathers: $n = 3,203$ – $4,860$; mothers, $n = 3,355$ – $4,927$). Excludes a small number of parents who did not know or refused to answer (1–3% across all 3 waves). Percentages may not total 100% due to rounding.

Figure 3.1: Perceived quality of inter-parental relationship by gender and wave

The following trends were apparent in each survey wave (taken separately):

- Most respondents described their relationship as either friendly or cooperative (fathers: 60–64%; mothers 56–62%). In Wave 1, a slightly higher proportion considered their relationship to be friendly rather than cooperative, but little or no difference was apparent in subsequent waves.
- A distant relationship was the third most common description, followed by one entailing a great deal of conflict.¹¹
- Few parents described the relationship as fearful (fathers: 3% in all waves; mothers: 5–7%).

⁹ Parents' views about whether mental health or addictions were issues in the relationship were only asked for the pre-separation period.

¹⁰ Trends for the continuing sample can be found in Appendix A.

¹¹ In Wave 3, virtually the same proportions of mothers described the relationship as distant or highly conflictual (27–28%).

Overall, then, a similar pattern of results emerged in each survey wave.¹² There was no evidence that parents who had been separated for an average of five years were any more likely to see their relationship as being friendly or cooperative than when they had been separated for some 15 months.

Indeed, friendly relationships were marginally more likely to be reported by respondents in Wave 1 than Wave 3 (fathers: 36% vs 29%; mothers: 34% vs 28%), while the proportions describing their relationship as cooperative were very similar (28–31%).

An even smaller difference between Waves 1 and 3 was apparent in the proportions reporting either highly conflictual or fearful relationships—here classified as negative relationships (fathers: 17% in Wave 1 vs 14% in Wave 3; mothers: 20% vs 17%).

The proportion of parents reporting distant relationships was higher in Wave 3 than Wave 1 (27% in Wave 3, compared with 19% in Wave 1, for both fathers and mothers).

The above findings are based on all respondents represented in the survey waves, including the top-up sample in Wave 3. A better idea of the effect of duration of separation on quality of the inter-parental relationship can be obtained through the assessment of patterns of answers provided by the continuing sample. Table 3.1 categorises parents into three groups according to whether they viewed the relationship in Wave 1 as positive (i.e., friendly or cooperative), distant, or negative (i.e., marked by conflict or fear), and shows their appraisals of the relationship in Waves 2 and 3.

Table 3.1: Perceived quality of inter-parental relationship in Waves 2 and 3, by quality of relationship reported in Wave 1				
Quality of relationship in Waves 2 and 3		Quality of relationship in Wave 1		
		Friendly/cooperative (positive) (%)	Distant (%)	Lots of conflict/fearful (negative) (%)
Quality of relationship in Wave 2	Positive	79.4	33.1	18.1
	Distant	13.3	46.3	30.5
	Negative	7.3	20.6	51.4
	Total	100.0	100.0	100.0
Quality of relationship in Wave 3	Positive	73.9	38.6	32.2
	Distant	17.9	45.6	37.4
	Negative	8.2	15.9	30.4
	Total	100.0	100.0	100.0
No. of participants		2,489	957	843

Notes: Data have been weighted. Excludes a small number of parents who did not know or refused to answer in one or more waves (6%). Percentages may not total 100% due to rounding.

Table 3.1 reveals that across most comparisons, the descriptions provided in Wave 1 tended to be repeated in Waves 2 and 3 (taken separately). However, this repetition was far more likely where parents described their relationship as being positive in Wave 1, than where they considered it to be distant or negative. Most parents who described their relationship in a positive light also expressed this view in Wave 2 (79%) and Wave 3 (74%), and very few of these parents described the relationship as negative in Waves 2 or 3.

Nearly one half who believed in Wave 1 that their relationship was distant also held this view in the two subsequent waves; however, they were more inclined to view the relationship more

¹² The general pattern of results is also consistent with those in the Survey of Recently Separated Parents (SRSP) 2012, undertaken some 12–18 months after separation. In this survey, 30–32% of fathers and mothers described their inter-parental relationship as friendly, another 30–32% said it was cooperative, 19–23% considered it to be distant, 12–13% said it entailed “lots of conflict”, and 3% of fathers and 6% of mothers described it as fearful (De Maio, Kaspiw, Qu, Smart, Dunstan & Moore, 2013). The SRSP was funded by AGD and had many features in common with the first wave of LSSF. The same sampling frame was used (i.e., the sample was drawn from the Child Support Program database), the sample was stratified in the same ways, and parents had generally been separated for a similar length of time. However, the parents in SRSP 2012 had never lived together or were not together when the child was born were not included in the SRSP 2012, unlike in the LSSF sample.

positively over time rather than more negative, especially in Wave 3 (Wave 2: 33% positive vs 21% negative; Wave 3: 39% vs 16%).

Where parents described their relationship in Wave 1 as negative, around one half (51%) expressed the same view in Wave 2, 31% saw the relationship as distant, and only 18% as cooperative or friendly. In Wave 3, only 30% assessed their relationship in this negative light, while 37% now saw it as distant and 32% considered it to be friendly or cooperative.

In general, then, about three-quarters of the parents who described their relationship in a positive light in Wave 1 tended to also view it positively some four years later (in Wave 3); of those who described their relationship in a negative light in Wave 1, a little under a third viewed it in a positive light some four years later, while a little over a third saw it as distant. A little under half of those who saw the relationship as distant in Wave 1 held the same view in Wave 3, while a majority of the remainder had moved into the positive category.

Table 3.2 highlights the level of consistency and nature of the changes that occurred across all three waves. However, it needs to be stressed that some people who repeated the same views in adjacent survey waves may have revised and then re-instated these original views during the interval between the two waves.

Table 3.2: Changes in perceived quality of inter-parental relationship reported in Waves 1, 2 and 3, by gender

	Fathers (%)	Mothers * (%)	All parents (%)
Same	51.5	48.3	49.9
Positive, all three waves	43.5	38.1	40.7
Distant, all three waves	4.7	5.6	5.2
Negative, all three waves	3.3	4.7	4.0
Improved	17.1	19.3	18.2
Negative in Wave 1 → distant or positive in Wave 3	10.4	12.1	11.3
Distant in Wave 1 → positive in Wave 3	6.7	7.1	6.9
Worsened	18.5	17.0	17.8
Positive Wave 1 → distant in Wave 3	10.6	9.3	9.9
Positive or distant in Wave 1 → negative in Wave 3	8.0	7.7	7.8
Fluctuated across three waves	12.9	15.4	14.2
Total	100.0	100.0	100.0
No. of participants	2,086	2,203	4,289

Notes: Data have been weighted. Excludes a small number of parents who did not know or refused (6%). "Negative" = lots of conflict or fearful; "positive" = friendly or cooperative. Percentages may not total accurately due to rounding. * $p < .05$; statistically significant relationship emerged between gender and changes in perceived quality of inter-parental relationship.

The broad patterns of responses of fathers and mothers were very similar. Around half provided the same descriptions of their inter-parental relationships in all three survey waves. About 18% of parents indicated that their relationship had improved, and another 18% reported that their relationship had worsened. The remaining 14% provided a picture of relationship quality that had changed in inconsistent ways across the survey waves.¹³

The most common trajectory, especially for fathers, was one of positive relationships experienced in all three survey waves, although this was by no means the majority view. Overall, two in every five parents described their relationship as being either friendly or cooperative in all survey waves.

All other trajectories were reported by fairly small minorities. For example, as noted above, 14% provided descriptions that suggested a fluctuating relationship quality; 11% saw the relationship as negative in Wave 1 but apparently improved by Wave 3; and 10% considered it to be friendly

13 This is, of course, an over-simplistic characterisation. The measure itself is very crude and appraisals provided by some respondents would have been more affected by current mood, views about the most recent communication with the other parent, the children's behaviour and so on. In addition, the study could not capture the "highs and lows" in relationship quality that may have taken place between survey waves.

or cooperative in Wave 1 but distant by Wave 3. Only 5% described the relationship as distant in all three survey waves, and only 4% consistently saw the relationship as being negative.

Further analysis focused on the extent to which parents maintained the same general appraisals of their relationship with the other parent in all three waves, using their descriptions provided in Wave 1 (i.e., positive, distant or negative).

The majority of parents who viewed their relationship positively in Wave 1 continued to hold this view in both of the later waves (64%). Nevertheless, 24% reported that their relationship had worsened since then, while 12% reported that their relationship had changed inconsistently.

Parents who provided a negative picture of their relationship with the other parent in Wave 1 also tended to indicate that their relationship had improved since Wave 1 (66%), while a substantial minority (23%) held the same description consistently in both of the later waves. The remainder (11%) reported inconsistent changes in the quality of their relationship with the other parent.

Of parents who in Wave 1, described their relationship as distant, just over one-quarter (26%) consistently held this view in the later waves. A higher proportion of these parents reported that their relationship had improved compared to those whose relationships had worsened (35% vs 13%). One-quarter indicated inconsistent change in later waves.

In short, most respondents evaluated their inter-parental relationship in a positive light in the wave(s) in which they participated, and those who did not do so in Waves 2 and 3 were more inclined to see the relationship as distant rather than negative at the time. The data for the continuing sample suggest that parents most commonly evaluated their relationship positively across all survey waves, though this was by no means the majority view. Changes in relationships that were deemed to be positive in Wave 1 were more likely to be subsequently viewed as distant rather than negative. Similarly, changes in relationships that were described in negative terms in Wave 1 were more likely to be described as distant rather than positive in subsequent waves. On the other hand, changes in relationships that were perceived as distant in Wave 1 were more likely to be deemed positive rather than negative subsequently.

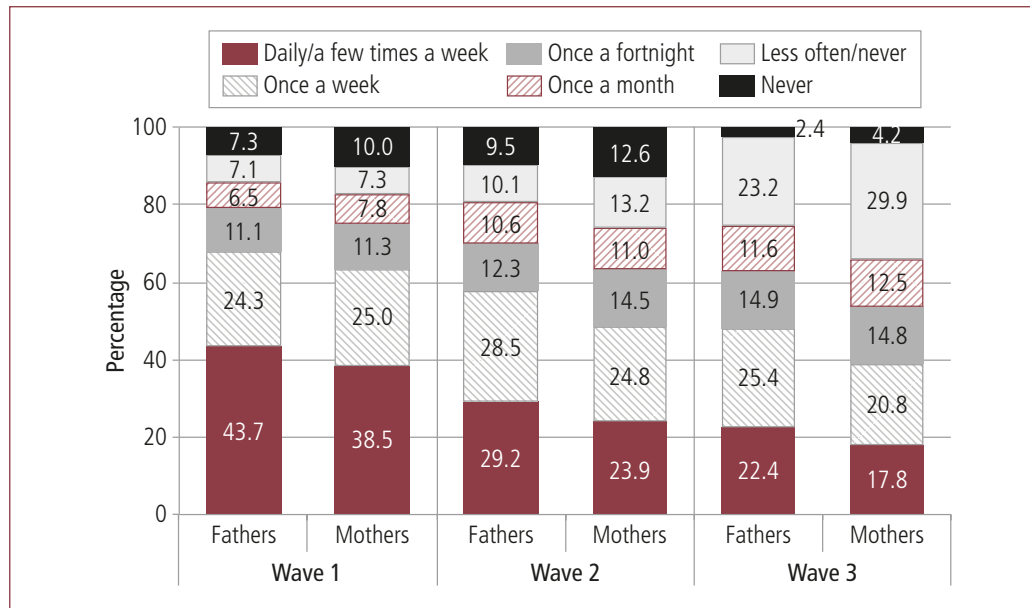
3.2 Frequency of child-focused communication between parents

In each survey wave, respondents were asked to indicate how often they communicated with the other parent about their child, with Wave 1 focusing on the period since separation (covering 15 months, on average),¹⁴ and Waves 2 and 3 focusing on the previous 12 months. The response options and patterns of answers provided by fathers and mothers are presented in Figure 3.2 (on page 18).

In Wave 1, fathers and mothers most commonly reported that communication occurred daily or a few times a week, with the second most common response being that communication occurred at least once a week. In total, around two-thirds indicated either of these two circumstances; that is, that they communicated with the other parent about their child once a week or more frequently (68% of fathers and 64% of mothers). Only 7–11% of fathers and mothers provided each of the other responses, ranging from at least once a fortnight to never.

Compared with the Wave 1 trends, respondents in Wave 2 were considerably less likely to indicate that they were in touch on a daily basis or a few times a week with their children. Nevertheless, more than half of the fathers (58%) and nearly half of the mothers (49%) indicated that they communicated at least once a week or more frequently.

¹⁴ For 95% of the sample, Wave 1 interviews took place between 6 months and 2 years after separation.



Notes: Data have been weighted. Sample sizes of fathers and mothers across the three waves vary (fathers: $n = 3,212-4,882$; mothers, $n = 3,212-4,935$). Excludes a small number of parents who did not know or refused to answer (1–3% across all 3 waves). Percentages may not total 100% due to rounding.

Figure 3.2: Frequency of inter-parental communication, by gender and wave

In Wave 2, 23–26% of fathers and mothers said that they communicated at least once a fortnight or at least once a month (up from 18–19% in Wave 1), and 20–26% indicated that they communicated even less frequently or never (up from 14–17%).

The trends emerging in Wave 2 continued in Wave 3, with frequency of communication appearing to be considerably lower than that reported by respondents in Wave 1. For instance, in Wave 3:

- 48% of fathers and 39% of mothers said that they communicated once a week or more frequently (down from close to two-thirds in Wave 1)
- 27% of both fathers and mothers either said that they were in contact at least once a fortnight or at least once a month (up from 18–19%); and
- 26% of fathers and 34% of mothers either said that communication occurred less frequently than once a month, or that it never took place (up from 14–17%).

Consistent with the results based on the reports of all respondents, Figure 3.3 (on page 19) shows that parents in the continuing sample most commonly indicated that communication diminished in frequency as duration of separation increased.

According to their responses in each survey wave, 44–48% of fathers and mothers communicated less frequently in Wave 2 than Wave 1; much the same proportions indicated this to be the case between Waves 2 and 3; and by Wave 3, nearly 60% were apparently communicating less frequently than in Wave 1.

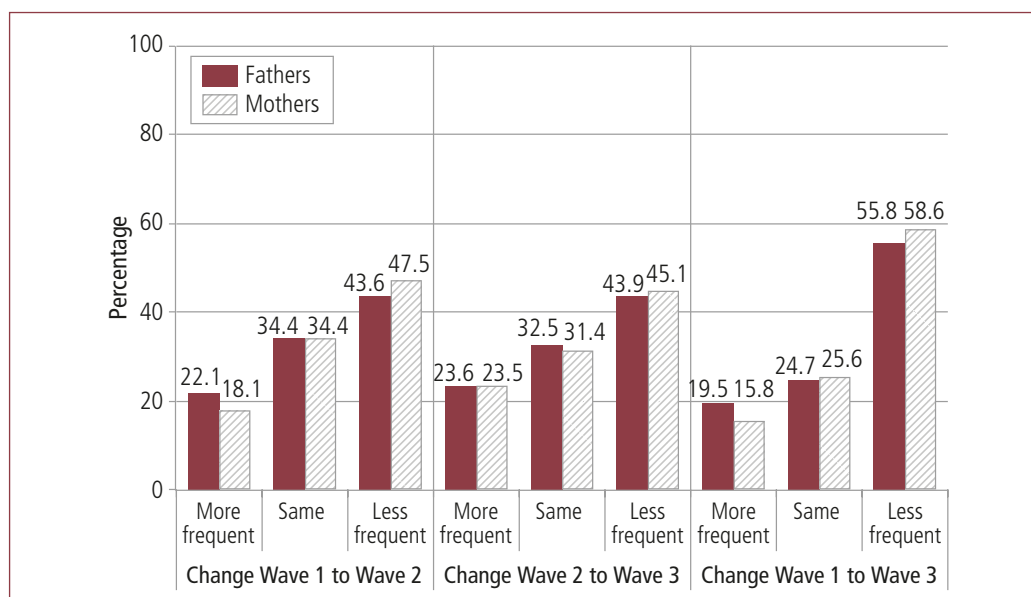
The second most common scenario was that communication levels remained the same. This was indicated by around one-third of parents between Waves 1 and 2, and Waves 2 and 3, and around one-quarter of parents between Waves 1 and 3.

Increased frequency of communication appeared to be the least common of the three courses, with 20–24% of fathers and 16–24% of mothers indicating this in the three sets of comparisons. Nevertheless, the proportions apparently experiencing increased communication were by no means negligible.

Given the newness of the situation and the fact that the children tended to be quite young in the early period of separation (in Wave 1, one-quarter of the children were under 2 years old), it is understandable the communication levels would be relatively frequent in earlier rather than

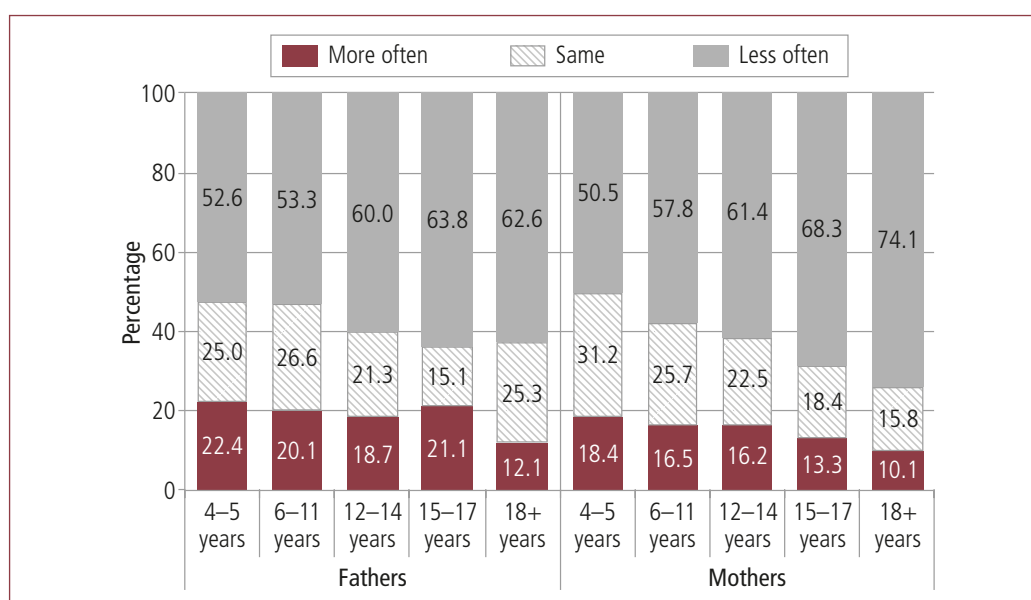
later periods, when the children had grown older. But to what extent are changes in frequency of communication related to the age of the child?

Figure 3.4 sheds light on this issue. The fathers and mothers are each classified into five groups according to the age of their child in Wave 3, from under 6 years old to at least 18 years old. Children who were under 6 years old in Wave 3 would have been under 2 years old at the time of the first survey, and those who were at least 18 years old in Wave 3 would have been 15–17 years in Wave 1. Based on their reports in Waves 1 and 3, the results show the proportions of respondents whose frequency of child-related communication appeared to be higher, lower, or the same in Wave 3 compared with Wave 1.



Notes: Data have been weighted. Sample sizes: fathers, $n = 2,111$; mothers, $n = 2,271$. Excludes a small number of parents who did not know or refused to answer in one or more waves (4%). Percentages may not total 100% due to rounding.

Figure 3.3: Change in frequency of inter-parental communication, by gender



Notes: Data have been weighted. Excludes a small number of parents who did not know or refused to answer in one or more waves (4%). Percentages may not total 100.0% due to rounding. The relationship between child age and fathers' reports is statistically significant ($p < .05$), as is the relationship between child age and mothers' reports ($p < .001$).

Figure 3.4: Change in frequency of inter-parental communication between Waves 1 and 3, by study child age in Wave 3, reports of fathers and mothers

Overall, the course that the frequency of such inter-parental communication took varied according to the age of their child. Although the most common change in communication across all age groups was to be less frequent, the extent to which this occurred tended to rise with increases in the age of child. For example, diminished communication in Wave 3 was reported by:

- 50–53% of fathers and mothers whose child was under 6 years old;
- 60–61% of fathers and mothers whose child was 12–14 years; and
- 63% of fathers and 74% of mothers whose child was at least 18 years old.

The alternative two courses (increased frequency of inter-parental communication or no change) tended to become less common in Wave 3 with the increasing age of the child, although this trend was weaker according to the reports of fathers than of mothers.

For virtually all age groups taken separately, an increase in inter-parental communication frequency was the least likely of all three alternative courses. This was especially so for parents whose child was at least 18 years old: only 10–12% of parents in this group indicated that communication had increased.

In short, frequency of contact mostly diminished, regardless of the age of the child, with this trend strengthening for children who were already older rather than younger.

3.3 Experience of emotional abuse or physical hurt

In each survey wave, parents were asked questions concerning whether they had been abused in various specific ways or physically hurt by their child's other parent. The time frame referred to in the questions varied. In relation to specific forms of abuse, parents were asked in Wave 1 whether they had experienced various behaviours before or during their separation, while the question on physical hurt focused on the pre-separation period only. In subsequent waves, they were asked about their experiences of specific forms of abuse and physical hurt in the 12 months prior to the interview. In Wave 3, this was, on average, during the fourth year of separation. Other questions asked on these issues are outlined in the discussion of results.¹⁵

It should be pointed out that while useful and informative, the presentation of data in this format has significant limitations. For example, none of the specific forms of abuse tapped gauged whether they involved physical contact. Regardless of whether it causes hurt, any direct physical assault on the body, even if initially perceived by the victim as accidental or marginally intentional, can also signify that such behaviour may well re-occur. Repeated episodes would be likely to reinforce this expectation. There may also be evidence or concerns that the behaviour is becoming increasingly severe, and perhaps diversifying in form, leading victims to spend much of their time in a state of hyper-vigilance (sometimes described as “walking on eggshells”). The fear or actual threat of continued physical abuse therefore can harm the victim's psychological state and may be treated as also constituting emotional abuse. The fact that maintenance of strong control over the victim may require no further infliction of direct physical assault means that in such circumstances, the phenomenon is likely to be under-reported. For these reasons, we have referred to the specific forms of abuse tapped as “emotional abuse”, even though some may well have also involved physical abuse.¹⁶

Experience of emotional abuse

The following seven forms of emotional abuse were asked about in each survey wave: belittling insults; threats to harm the child (or children), other family/friends, you or themselves, or threats or actual harm to pets; and actual property damage/destruction (see Table 3.3 on page 21). These were the only forms of emotional abuse that were asked about in Wave 2, but in the first

¹⁵ Most of the questions were based on items in the national Personal Safety Survey, conducted by the Australian Bureau of Statistics (ABS) in 2005.

¹⁶ While threats regarding issues that may harm a person's physical, social or emotional wellbeing may be treated as emotional abuse in the sense that they have the potential to generate a sense of foreboding and distress, threats of physical harm are often treated as a form of physical abuse or physical assault (e.g., ABS, 2013).

and third survey waves, ten forms were examined, though the three additional issues asked about in Wave 1 differed from those asked in Wave 3. The Wave 1 set concerned attempts to prevent the respondent from engaging in certain activities, while in Wave 3, respondents were asked whether the other parent had monitored their whereabouts, circulated defamatory comments, or tried to force them into any unwanted sexual activity.

Table 3.3: Types of emotional abuse participants were asked about in each wave of LSSF

Did [study child's other parent] ...	Wave 1 (before/during separation)	Wave 2 (in last 12 months)	Wave 3 (in last 12 months)
try to prevent you from contacting family or friends	✓		
try to prevent you from using the telephone or car	✓		
try to prevent knowledge of or access to family money	✓		
insult you with the intent to shame, belittle or humiliate	✓	✓	✓
threaten to harm the child/children	✓	✓	✓
threaten to harm other family/friends	✓	✓	✓
threaten to harm you	✓	✓	✓
threaten to harm themselves	✓	✓	✓
threaten to harm or actually harm pets	✓	✓	✓
damage or destroy property	✓	✓	✓
tried to force you into any unwanted sexual activity			✓
monitored your whereabouts (e.g., followed you, made constant phone calls etc.)			✓
circulated defamatory comments about you with the intent to shame, belittle or humiliate (incl. social media)			✓

Notes: Wave 3 includes both the follow-up and top-up samples.

All the emotional abuse items listed in Table 3.3 were also included in the AIFS Survey of Recently Separated Parents 2012 (De Maio et al., 2013). Parents in the latter survey were asked whether they had experienced the various forms of emotional abuse: (a) before/during separation, and (b) since the separation, and if so, how frequently such abuse occurred. The LSSF results are also compared with those of the SRSP 2012 in the following discussions.

The concept of “attempted force”, asked in relation to unwanted sexual activity in Wave 3, may well imply direct bodily assault, though some respondents may have been referring exclusively to intense arguments or threats of harm. However, because the question on this issue was embedded within those of emotional abuse, the results are discussed in this section. Given that very few respondents reported such experiences (outlined below), its classification as emotional abuse does not alter the gist of results. As explained above, all forms of direct assaults on the body, including those that resulted in physical hurt, may also be treated as forms of emotional abuse in that they can signify that such behaviour could re-occur.

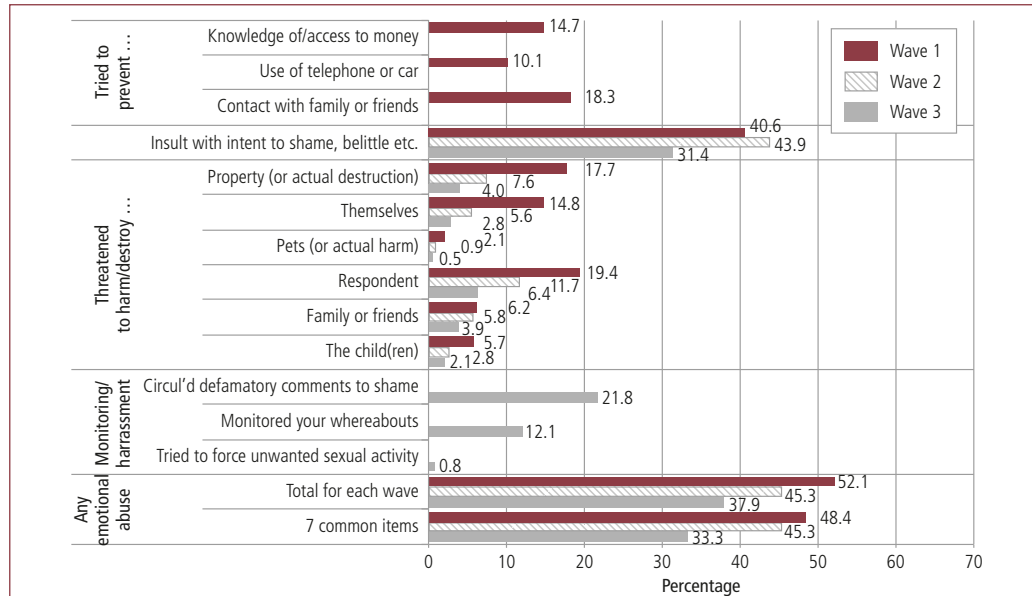
Some attempts to prevent engagement in certain activities (tapped for the pre-separation and separation period) may have also been accompanied by direct physical assault. The same applies to threats to harm the respondent (tapped in all survey waves), for such threats may take the form of physical force (e.g., pushing the respondent) under the pretence of “rough play”.

Wave 3 also examined whether each of the behaviours experienced had occurred “often”, “sometimes” “rarely (but more than once)” or “once only” in the previous 12 months. In other words, the sample would have, on average, been reflecting on their fourth year of separation, though some would have been focusing on the fifth year.¹⁷

The proportions of fathers and mothers who reported having experienced the various emotionally abusive behaviours in each survey wave (taken separately) are depicted in

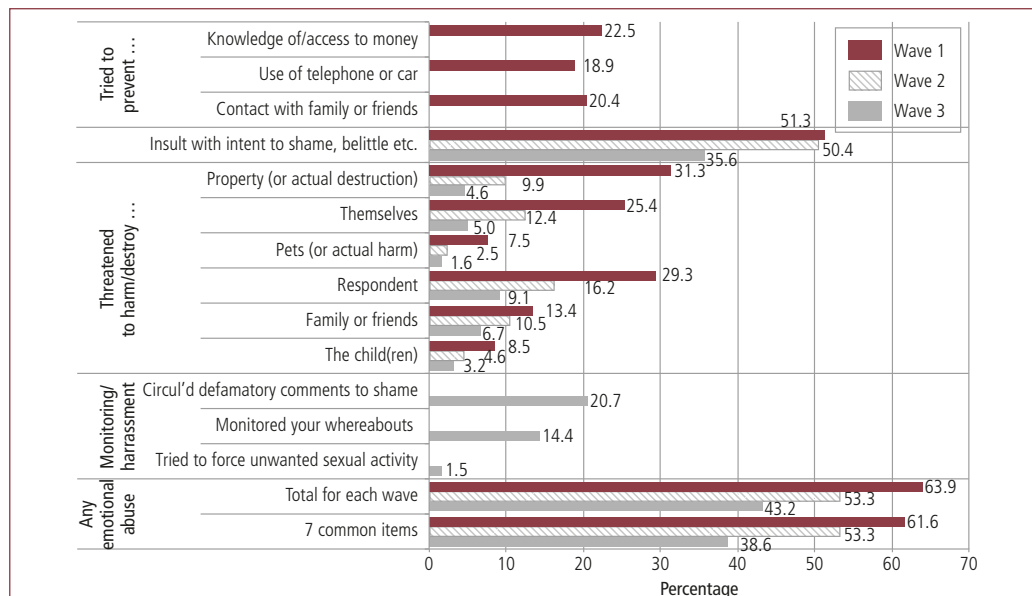
¹⁷ As noted in Chapter 2, the Wave 3 sample had been separated for an average of five years, with 95% having been separated for 4.5 to 6.0 years.

Figures 3.5 and 3.6 respectively. These figures also show, for each survey wave taken separately, the proportions of fathers and mothers who said that they had experienced: (a) at least one of the forms of emotional abuse at the time, and (b) at least one of the seven forms of emotional abuse that were asked in all three waves. These results are based on all respondents who participated in any survey wave.



Notes: Data have been weighted. Sample sizes of fathers across the three waves vary ($n = 3,212$ – $4,935$). Excludes a small number of fathers who did not know or refused to answer (less than 2% for each wave). Wave 1 focused on experiences occurring either before or during separation, while Waves 2 and 3 focused on experiences occurring in the 12 months prior to interview. Multiple responses accepted, therefore sum of percentages may exceed 100%. Although referred to as emotional abuse, some of these forms of emotional abuse may have entailed direct physical assault.

Figure 3.5: Fathers' reports of emotional abuse, by wave



Notes: Data have been weighted. Sample sizes of mothers across the three waves vary ($n = 3,212$ – $4,935$). Excludes a small number of mothers who did not know or refused to answer (less than 2% for each wave). Wave 1 focused on experiences occurring either before or during separation, while Waves 2 and 3 focused on experiences occurring in the 12 months prior to interview. Multiple responses accepted, therefore sum of percentages may exceed 100%. Although referred to as emotional abuse, some of these forms of emotional abuse may have entailed direct physical assault.

Figure 3.6: Mothers' reports of emotional abuse, by wave

Comparison of survey waves and gender differences

The across-wave trends for fathers and mothers were similar, with the proportions reporting the various forms of emotional abuse tending to decrease with increasing duration of separation. Nevertheless, even in Wave 3, a substantial minority reported the experience of some form of emotional abuse.

Mothers were more likely than fathers to report the experience of at least one form of emotional abuse, and where gender differences were apparent in relation to specific forms of emotional abuse experienced, mothers were more likely than fathers to indicate that they had experienced them.

The gender-related percentage point differences were for the most part greatest in Wave 1 and smallest in Wave 3, given that the likelihood of experiencing the forms of emotional abuse examined diminished substantially across survey waves.

These various trends were also apparent when the analysis focused exclusively on the parents who participated in all three waves (see Appendix A).

Experience of any form of emotional abuse

In Wave 1, nearly two-thirds of mothers (64%) and more than half of the fathers (52%) said that they had experienced some form of emotional abuse. By Wave 2, on average 28 months after separation, this applied to 53% of mothers and 45% of fathers, while in Wave 3, some five years after separation, 43% of mothers and 38% of fathers mentioned experiencing at least one form of emotional abuse.

These trends fail to take into account the fact that the number of emotionally abusive behaviours examined varied across the survey waves. However, much the same results emerged when the analysis was restricted to the experience of any of the seven forms of emotional abuse that was asked in each survey wave.¹⁸

The most common forms of emotional abuse reported across survey waves

Humiliating insults represented the most commonly reported experience of all those assessed. This type of emotional abuse was asked about in all three waves, and the proportions of parents reporting it were similar in the first two waves, but had fallen by Wave 3 (fathers: 41–44% in Waves 1 and 2, and 31% in Wave 3; mothers: 50–51% in the first two waves, and 36% in the third).

Threats of self-harm and of harming the respondent and property damage were among the other most commonly mentioned forms of emotional abuse mentioned. These were also assessed in all three waves. The proportions mentioning these types of emotional abuse diminished successively and substantially across the waves. They were reported by 15–18% of fathers in Wave 1 and 3–4% in Wave 3, and by 25–31% of mothers in Wave 1 and 5% in Wave 3.¹⁹

The three activities asked in Wave 1 only were also among the most commonly mentioned forms of emotional abuse experienced by parents either before or during separation:

- 18% of fathers and 20% of mothers reported that the other parent had tried to prevent them from contacting family or friends; and
- a higher proportion of mothers than fathers mentioned the other two behaviours (attempts to prevent use of telephone or car: 19% vs 10%; attempts to prevent access to family money: 23% vs 15%).

¹⁸ Figure 3.5 and Figure 3.6 show that, when the focus for Waves 1 and 3 switched from the full set of items examined in these waves to the seven repeated items, the proportions reporting the experience of any emotional abuse changed as follows—fathers: from 52% (all items) to 48% (repeated items) in Wave 1 and from 38% to 33% in Wave 3; mothers: from 64% to 62% in Wave 1 and from 43% to 39% in Wave 3.

¹⁹ It needs to be kept in mind that a longer timeframe was used in Wave 1 (experiences before and during separation) than in the subsequent survey waves (experiences in the 12 months prior to interview).

Circulating defamatory comments, and monitoring the respondent's whereabouts (asked in Wave 3 only) also appeared to be relatively common forms of emotional abuse experienced—an issue discussed below.

Experiences in the 12 months prior to Wave 3

Although the proportion of respondents reporting humiliating insults had fallen by Wave 3, this form of emotional abuse remained the most common, applying to around one in three fathers and mothers.

The next two most commonly mentioned forms of emotional abuse were circulating defamatory comments, and monitoring the respondent's whereabouts, with much the same proportions of fathers and mothers reporting them: 22% of fathers and 21% of mothers said that the other parent had circulated defamatory comments in the previous 12 months, while 12% of fathers and 14% of mothers indicated that the other parent had monitored their whereabouts.

While the latter two issues were only asked in Wave 3, data from the SRSP 2012 suggest that these forms of emotional abuse would have been considerably more prevalent in the first year or so after separation:

- 39% of fathers and 36% of mothers in the SRSP 2012 said that their child's other parent had circulated defamatory comments since their separation (covering a period of around 12–18 months); while
- 26% of fathers and 33% of mothers indicated that the other parent had monitored their whereabouts (De Maio et al., 2013).

Property damage and threats of self-harm or harming the respondent or family/friends were reported by only 3–6% of fathers and 5–9% of mothers. Attempts to force unwanted sexual activities were reported by close to 1% of fathers and 2% of mothers.²⁰

The SRSP 2012 study suggested that around 3% of fathers and 4% of mothers would have had such experiences some 18–24 months after separation (De Maio et al., 2013).

Forms of obsessive harassment?

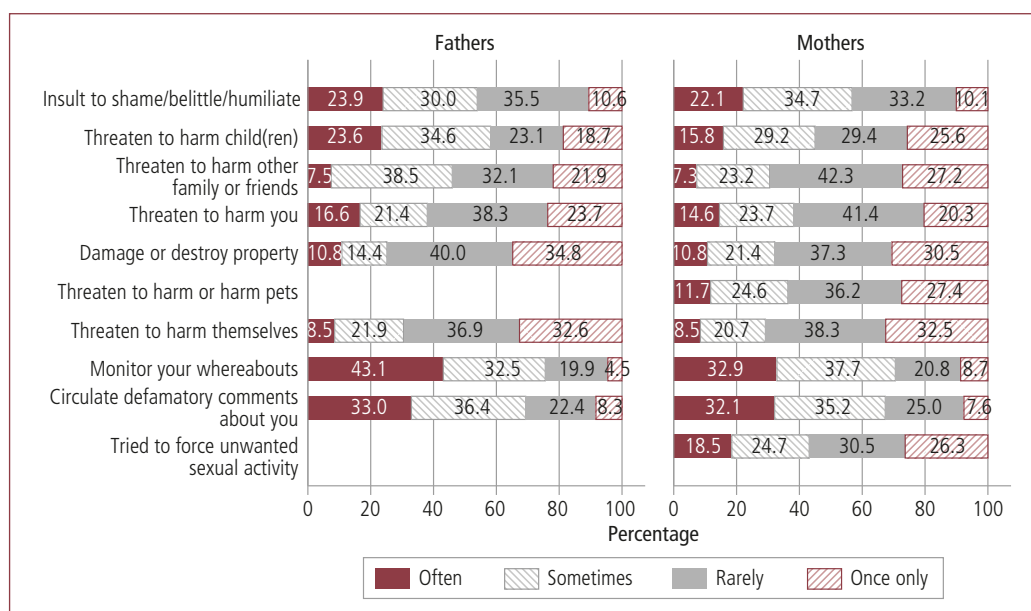
While all forms of emotional abuse may be considered to entail harassment, the fact that some were occurring so long after separation may suggest an obsessive preoccupation with the other parent resulting in repeated harassment—unless the emotional abuse had been triggered by recent events (e.g., disagreements about changing care-time arrangements or child support liability). The very nature of monitoring another's whereabouts and circulating defamatory comments suggests obsessive harassment, though in some cases, the behaviour could have been triggered by some recent events (e.g., re-partnering of the other parent).

Incidence versus frequency

In Wave 3, parents who reported the experience of each specific form of emotional abuse in the previous 12 months were asked whether the behaviour had occurred “often”, “sometimes” “rarely (but more than once)” or “once only” during the same period. The patterns of responses are shown in Figure 3.7 (on page 25).

Most parents who said that they had been monitored or had been the victim of defamatory comments indicated that it occurred sometimes or often (monitored: 71–76%; defamed: 67–69%). Of all parents in Wave 3 (not just those who reported such forms of emotional abuse), 8% of fathers and 9% of mothers had been monitored sometimes or often and 13% of fathers and 12% of mothers had sometimes or often been the victim of defamatory comments.

²⁰ Of the small number who said that the other parent had tried to force them to engage in unwanted sexual activity (24 fathers and 46 mothers), a majority (18 fathers and 38 mothers) also said that the other parent had not hurt them physically during the 12 months prior to Wave 3.



Notes: Data have been weighted. Excludes a small number of parents who did not know or refused to answer (fathers: 0–6%; mothers: 0–5%). Data for some items not presented due to small sample size (fewer than 25). Although referred to as emotional abuse, some of these forms of abuse may have entailed direct physical assault.

Figure 3.7: Frequency of each form of emotional abuse, by gender, Wave 3

More than half those who experienced humiliating insults also said that such behaviour occurred sometimes or often (54–57%, or 16% of all fathers and 20% of all mothers). Unlike monitoring behaviour and the circulation of defamatory comments, humiliating insults require interaction (face-to-face or other forms) between the parents and may arise over parenting or other disputes.

While only 2–3% of respondents reported that the other parent had threatened to harm the children, it is noteworthy that, among those who experienced such threats, 58% of fathers and 45% of mothers said that such threats were sometimes or often made (i.e., 1% of all fathers and mothers).

Of the small proportions of fathers and mothers (4% and 7% respectively) who said that they had been recipients of threats to harm family or friends, nearly half of the fathers (46%, i.e., less than 2% of all fathers) and nearly one-third of the mothers (31%, i.e., 2% of all mothers) said that this occurred sometimes or often.

Even fewer parents (1–2%) indicated that the other parent had attempted to force them into any unwanted sexual activity, but a substantial minority of mothers who were victims of these attempts (43%, i.e., 0.3% of all mothers), indicated that such attempts occurred sometimes or often.²¹

For those who experienced them, each of the other forms of emotional abuse were reported to occur sometimes or often by one in four to almost two in five parents. Specifically, this level of frequency was reported by:

- 38% of fathers and mothers in relation to being personally threatened with harm (i.e., 2–3% of total sample);
- 36% of relevant mothers regarding threats to harm the pets (or 0.6% of all mothers);²²
- 29–30% of fathers and mothers about the other parent threatening self-harm (i.e., 1% of total sample); and

21 There were too few fathers reporting experiences of attempts to force unwanted sexual activity to derive reliable estimates concerning their apparent frequency.

22 There were too few fathers reporting experiences of threats to harm the pets to derive reliable estimates concerning their apparent frequency.

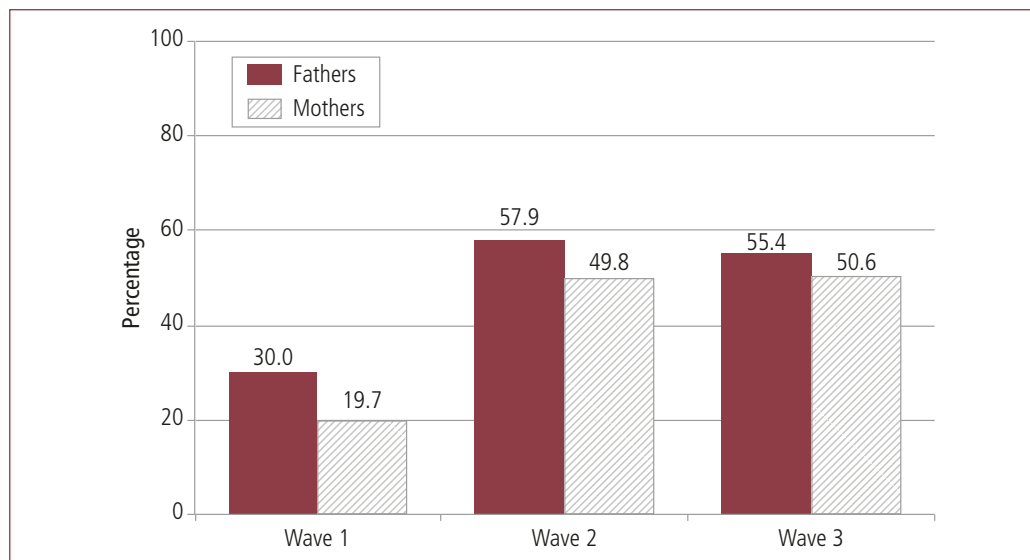
- 25% of fathers and 32% of mothers in relation to damaging or destroying property i.e., 1% of total sample).

In short, the three most common forms of emotional abuse experienced in Wave 3 (humiliating insults, circulating defamatory comments and monitoring one's whereabouts) were among the most likely to have occurred repeatedly—with monitoring and defamatory comments being the most likely to be seen as often occurring. This may reflect an element of obsessiveness on the part of the other parent. Furthermore, even among the forms of emotional abuse that were experienced by very small proportions of parents, some had occurred repeatedly to a substantial minority of victims.

Humiliating insults: Isolated experiences or accompanied by other forms of emotional abuse?

To what extent was the experience of emotional abuse restricted to the most prevalent form: receipt of humiliating insults? Was there any evidence that the experience of emotional abuse became increasingly concentrated on humiliating insults as the duration of separation increased? By asking these questions, we are in no way suggesting that the experience of humiliating insults is a minor matter.

In order to address these questions, attention was first directed to the seven forms of emotional abuse asked in each wave. The assessment is only rough, given that the timespans referred to in Waves 2 and 3 covered a 12-month period, while that for Wave 1 covered a less specific period: before or during separation.²³ Figure 3.8 focuses on those who reported the experience of at least one of the seven forms of emotional abuse asked about in each survey wave and shows the proportions of these respondents who indicated that they had experienced humiliating insults and none of the other six forms of emotional abuse asked about in each wave.



Notes: Data have been weighted. Sample sizes of fathers and mothers across the three waves vary (fathers: $n = 1,477$ – $2,656$; mothers, $n = 1,817$ – $3,277$). Some of the forms of behaviour classified as “emotional abuse” may have also entailed direct physical assault.

Figure 3.8: Parents reporting experiences of humiliating insults and no other emotional abuse, respondents experiencing at least one of seven types of emotional abuse, by gender and wave

In Wave 1, a minority of parents who experienced at least one of the seven types of emotional abuse assessed in each wave indicated that humiliating insults were the only form experienced, with fathers being more likely to indicate this than mothers (30% vs 20%). However, in Waves 2 and 3, 55–58% of fathers and about half the mothers reported that humiliating insults represented

²³ Parents’ interpretations of the timeframe covering “before separation” may have varied, from the entire period during which the couple lived together to the last few weeks or months prior to separation.

the only one of these seven types of emotional abuse experienced. This form of emotional abuse is perhaps the most likely of all forms to be triggered by ongoing negotiations about parenting issues. Such negotiations, for example, may centre on transfers of financial support for the children, changing care-time arrangements, looking after the children in responsible ways, and deciding on issues relating to the children's long-term welfare (e.g., schooling). Nevertheless, it is important to note that even by Wave 3, a substantial proportion of parents who were recipients of humiliating insults also indicated that they had experienced at least one other of the seven forms of emotional abuse in the preceding 12 months (45% of fathers and 49% of mothers).

In order to examine further the extent to which parents who were recipients of humiliating insults also experienced other forms of emotional abuse, we focused on all ten forms of emotional abuse asked about in Wave 3. Of the parents in Wave 3 who indicated that they had been recipients of humiliating insults in the 12 months prior to their interview,²⁴ around two-thirds of fathers and mothers (taken separately) reported that they had also experienced at least one of the additional nine forms of emotional abuse asked in Wave 3. Specifically, among parents who had been recipients of humiliating insults in the preceding 12 months:

- 30% of fathers and 26% of mothers reported experiencing one of these additional nine forms of emotional abuse;
- 36% of the fathers and 39% of the mothers said they had experienced at least two additional forms of emotional abuse; and
- 34–35% of fathers and mothers had not experienced any other type of emotional abuse.

In short, when attention was directed to all forms of emotional abuse asked in Wave 3, humiliating insults were typically accompanied by other types of emotional abuse. Experiences of humiliating insults seem therefore likely to represent an aspect of a serious set of behaviours rather than simply “bickering”.

Further analysis suggests that being the victim of circulated defamatory comments often went hand-in-hand with the receipt of humiliating insults. In total, 83% of both fathers and mothers who reported that the other parent had circulated defamatory comments about them also said that this parent had engaged in humiliating insults. Of those who said that they had experienced humiliating insults, on the other hand, 59% of fathers and 49% of mothers indicated that the other parent had also circulated defamatory comments about them.

Experience of physical hurt

In Wave 1, respondents were asked whether, before separation, they had ever been physically hurt by their child's other parent, while in the subsequent waves, they were asked whether they had ever been physically hurt in the 12 months prior to their interviews. In all three waves, those who said they had been physically hurt were asked whether any violence or abuse had been seen or heard by the children.²⁵

In addition, Wave 3 respondents who said they had been hurt were asked to indicate how often they had been hurt (in the previous 12 months) and the type of injuries sustained.²⁶

²⁴ The analysis based on 1,435 fathers and 1,578 mothers who experienced humiliating insults during the preceding 12 months.

²⁵ The growing awareness of the importance of this issue (see Richards, 2011), is reflected in the *Family Law Legislation (Family Violence and Other Matters) Act 2011* (Cth), which amended the *Family Law Act 1975* (Cth) to, among other matters, address in more detail than previously what is meant by “exposure to family violence” (s 4AB(3) and (4)), and to recognise that where such exposure results in the child sustaining “serious psychological harm”, it amounts to child abuse.

²⁶ De Maio et al. (2010) pointed out that physical hurt may result from purposeful aggression or defence against potential aggression. It may also result from “rough play”, which may in turn entail elements of purposeful aggression; that is, the line between “accidental” and “intentional” harm can be obscure.

Incidence of physical hurt in the three periods assessed

In Wave 1, mothers were more likely than fathers to indicate that their child's other parent had hurt them physically before separation (26% vs 17%).²⁷ Physical hurt was considerably less likely to be reported by parents in Wave 2 (4–5%), and Wave 3 parents (around 2%) were the least likely of all three groups to report such experiences. Unlike Wave 1 respondents, parents in Waves 2 and 3 reported only on the previous 12 months.

Reports on whether children witnessed any violence/abuse

The following proportions of respondents who experienced physical hurt during the specified period also reported that at least one of their children had seen or heard (i.e., “witnessed”) some violence/abuse: 68% in Wave 1, 80% in Wave 2 and 67% in Wave 3.²⁸ In Wave 2, much the same proportions of fathers and mothers who had been physically hurt (79–81%) believed that their children had witnessed some form of violence/abuse. In the other survey waves, mothers were more likely to believe this than fathers (Wave 1: 72% vs 63%; Wave 3: 80% vs 48%).²⁹

Frequency of episodes of physical hurt in the 12 months prior to Wave 3

Of the Wave 3 parents who said that they had been physically hurt in the preceding 12 months, around one-quarter (26%) said that this had occurred sometimes or often, and the remaining 74% said that it had occurred rarely or only once during this period (i.e., 0.4% of total sample).³⁰

Injuries sustained in the 12 months prior to Wave 3

Parents in Wave 3 who had been physically hurt were asked whether they had sustained various types of specified injuries. These are listed in Table 3.4 (on page 29), along with the proportions of fathers and mothers who had been injured in these various ways. The parents were also given the opportunity to describe other injuries that had not been mentioned by the interviewer (listed as “Other” in Table 3.4). These questions were also asked in the SRSP 2012 and, as De Maio et al. (2013) pointed out, they could represent aggressive or defensive behaviour.

Bruises or scratches represented the most common forms of injuries sustained during this period (reported by more mothers than fathers who said that the other parent had physically hurt them: 69% vs 56%). Cuts (other than stab wounds)—the second most common injury—was mentioned by similar proportions of relevant fathers than mothers (21% and 18% respectively). Taken separately, each of the other types of injuries specifically listed was reported by considerably fewer parents. A variety of injuries not asked about were reported (in total by 12% of fathers and 25% of mothers who said that they had been physically hurt). These included psychological trauma and head injuries.

Of those who reported that they had been physically hurt, 28% referred to more than one type of injury, and 31% reported that no injuries were sustained.

It should be kept in mind, however, that less than 2% of fathers and around 2% of mothers had reported the experience of physical hurt in the 12 months prior to Wave 3.

²⁷ These results are very similar to those in SRSP 2012, where 16% of fathers and 24% of mothers said that they had been physically hurt before or during separation. (Note that the question asked in the SRSP 2012 extended the timeframe to cover the separation period.)

²⁸ Such trends should be taken to reflect parents' views rather than reality, for there is evidence that parents tend to underestimate their children's exposure to domestic violence (see Richards, 2011).

²⁹ In Wave 3, 45 fathers and 71 mothers answered this question. Only three fathers and one mother who experienced physical hurt in 12 months prior to interview did not answer the question.

³⁰ Fathers who said they had been physically hurt were more likely than mothers reporting such hurt to indicate that this occurred sometimes or often (46% vs 19%). However, these percentages (especially that for fathers) are based on small numbers who reported physical hurt (39 fathers and 71 mothers) and results may not be reliable.

Table 3.4: Type of injuries experienced by parents who had been physically hurt in the previous 12 months, Wave 3

Type of injury	Fathers (%)	Mothers (%)	All parents (%)
Bruises or scratches	56.1	69.3	64.6
Cuts (other than stab wounds)	20.5	18.0	18.9
Fractured or broken bones	9.3	4.1	6.0
Broken teeth	1.7	4.4	3.4
Gun shot/wound, stab wounds, burns	0.8	0.0	0.3
Miscarriage for female respondents	–	2.8	–
Other	11.5	25.0	20.2
No. of participants	39	71	110

Notes: Data have been weighted. Excludes a small number of parents who did not know or refused to answer. Multiple responses allowed, therefore percentages may exceed 100%.

3.4 Overall rates of violence/abuse assessed

Experience of types of violence/abuse

Of parents who had been physically hurt in each wave, at least 95% also reported that their child's other parent had engaged in emotionally abusive behaviours. For this reason, we derived the proportions of parents who reported experiencing physical hurt or emotional abuse alone.³¹

Table 3.5 focuses on reports of experiences of physical hurt, emotional abuse alone or neither in the three survey waves. The emotional abuse experiences refer to all forms asked in each survey wave (taken separately). The overall pattern of trends did not change when attention was restricted to physical hurt and the seven forms of emotional abuse items asked in each survey wave (see Appendix A).

Table 3.5: Reports of experience of physical hurt and/or emotional abuse, by gender and wave

	Wave 1			Wave 2			Wave 3		
	Fathers (%)	Mothers *** (%)	All (%)	Fathers (%)	Mothers *** (%)	All (%)	Fathers (%)	Mothers *** (%)	All (%)
Physical hurt ^a	16.8	26.0	21.4	3.9	4.7	4.3	1.5	2.2	1.8
Emotional abuse (any form) and no physical hurt ^b	36.4	39.0	37.7	41.6	48.7	45.2	36.4	41.4	38.7
Neither physical hurt nor emotional abuse	46.8	35.0	40.9	54.5	46.6	50.5	62.1	56.4	59.5
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Physical hurt &/or emotional abuse	53.2	65.0	59.1	45.5	53.4	49.5	37.8	43.6	40.5
No. of participants	4,918	4,959	9,877	3,227	3,407	6,634	4,448	4,215	8,663

Notes: Data have been weighted. Excludes a small number of parents who did not know or refused to answer (1%). Wave 3 data are based on the combined reports of the continuing and top-up samples. The number of parents represented in each survey wave varies. ^a Includes a small number of parents who had been physically hurt but did not report whether they received any emotional abuse. ^b Some of these forms of emotional abuse may have included direct physical assault that did not cause physical hurt. Percentages may not total 100% due to rounding. *** $p < .001$; statistically significant relationship emerged between gender and experiences of violence/abuse.

³¹ As suggested above, all forms of physical hurt would also represent emotional abuse, assuming that victims would generally appreciate that the perpetrator is capable of repeating such behaviour. Indeed, some may conclude that the perpetrator might well inflict new forms of abuse than any so far experienced and/or that the frequency and severity of abuse experienced could escalate. It should also be noted that some parents may not appreciate that certain behaviours are abusive. On balance, it was decided to classify the Wave 3 question on attempts to force unwanted sexual activities as emotional abuse, even though such behaviour may have involved bodily assault. As noted above, more than half of those who reported experiencing these attempts also indicated that the other parent had never hurt them physically. Some of the other behaviours, here classified as emotionally abusive, may have also entailed direct physical assault (e.g., attempts to prevent use of telephone or car).

It has already been shown that the experience of physical hurt appeared to diminish with time and was far greater before separation than during the post-separation periods examined. This means that the violence/abuse reported in the second and third waves was overwhelmingly in the category of emotional abuse alone, though as noted above, some forms of emotional abuse tapped in this survey may have also entailed physical contact that did not result in bodily harm. The “changes” outlined below are inferred from trends based on a different number of parents in each survey wave. However, the precise extent of change is better identified through a focus on the experiences of the continuing sample; that is, parents who participated in all three survey waves (outlined subsequently).

As expected, the experience of emotional abuse alone appeared to be more common in the 12 months prior to Wave 2 than before or during the separation period. This trend appeared to be more marked for mothers than fathers. That is, the proportion of mothers reporting emotional abuse alone appeared to increase from 39% to 49%, while that for fathers appeared to increase from 36% to 42%. These gender differences are not surprising, given that the apparent fall in the proportions reporting physical hurt across these two time periods was greater for mothers (from 26% to 5%) than fathers (from 17% to 4%).

The proportion of Wave 3 respondents reporting the experience of emotional abuse alone did not differ much from that of Wave 1, even though physical hurt seemed more unusual during the fourth year after separation than before separation. While for Wave 3 respondents any experience of family violence/abuse almost always took the form of emotional abuse alone, it is noteworthy that even then, close to four in ten parents (38% of fathers and 44% of mothers) were experiencing emotionally abusive behaviour of some form. And even though only 2% of parents had been physically hurt so long after separation, these proportions nevertheless translate into large numbers of parents dealing with such behaviours.

It is worth noting that there was a strong association between reports of experiencing violence/abuse and the quality of inter-parental relationships. For example, in Wave 3, 78% of fathers and 73% of mothers who described their relationship with the other parent as positive reported neither emotional abuse nor physical hurt in the 12 months prior to the Wave 3 interview. By contrast, 81% of fathers and 82% of mother who reported negative relationships with the other parent experienced violence/abuse in the preceding 12 months.

Experience of violence/abuse over time

Table 3.6 (on page 31) throws some light on this issue. This table presents the proportions of parents in the continuing sample who reported the experience of some form of violence/abuse in the various combinations of survey waves (e.g., in Wave 1 only, in all three survey waves, etc.), and the proportion reporting no such experiences at all. The majority of these fathers (69%) and mothers (80%) indicated that they had experienced violence/abuse during at least one of the periods assessed. Conversely, 31% of fathers and 20% of mothers indicated that they had not experienced violence/abuse in any of these periods.

The summary in the lower panel of Table 3.6 indicates the following trends:

- The most common scenarios entailed violent/abusive experiences both before/during separation and during one or both post-separation periods investigated (reported by more mothers than fathers).
- The second most common scenario was a lack of any experience of violence/abuse during the periods investigated (reported by more fathers than mothers).
- The other two scenarios applied to much the same proportions of mothers and fathers (close to 15%); that violence/abuse was experienced: (a) before/during the pre-separation but not in either of the post-separation periods examined, and (b) during one or both post-separation periods but not before/during separation.

Of all the specific combinations of experiences outlined in the upper section of Table 3.6, the most commonly reported ones were the experience of some form of violence/abuse: (a) in all three periods examined; (b) before/during separation and in one of the two post-separation periods examined; and (c) in no period examined.

Table 3.6: Reports of experience of physical hurt and/or emotional abuse before/during separation (Wave 1) and since separation (Waves 2 and 3), by gender, continuing sample

	Fathers (%)	Mothers *** (%)	All (%)
Violence/abuse experiences			
Indicated in all survey waves (Waves 1–3)	21.4	28.5	25.1
Indicated in Wave 1 only	13.6	15.8	14.7
Indicated in Wave 2 only	6.0	5.4	5.7
Indicated in Wave 3 only	5.3	4.6	4.0
Indicated in Wave 1 and Wave 2, but not Wave 3	18.8	21.3	20.1
Indicated in Wave 1 and Wave 3, but not Wave 2	6.3	5.1	5.6
Indicated in <i>either</i> Wave 2 or Wave 3, but not Wave 1	11.2	10.0	10.6
Indicated in <i>both</i> Waves 2 and 3, but not Wave 1	4.2	4.1	4.1
Not indicated in any survey wave	30.8	20.3	25.3
Total	100.0	100.0	100.0
Summary			
Both before/during separation and since separation	40.2	49.8	45.2
Before/during separation, not since separation	13.6	15.8	14.7
Not before/during separation, but since separation	15.4	14.1	14.7
No violence/abuse reported in any wave	30.8	20.3	25.3
Total	100.0	100.0	100.0
No. of participants	2,136	2,304	4,440

Notes: Data have been weighted. Excludes a small number of parents who did not know or refused to answer in at least one wave (2%). Percentages may not total 100% due to rounding. *** $p < .001$; statistically significant relationship emerged between gender and experiences of violence/abuse across survey waves.

Mothers most commonly reported experiencing violence/abuse across all periods examined (29%) and fathers most commonly indicated that they did not experience violence/abuse during any of these periods (31%). Around one in five parents reported that they had experienced violence/abuse before/during separation as well as in one of the two later waves. Where violence/abuse commenced after separation, such experiences were more likely to be reported for one rather than both post-separation periods examined.

3.5 Safety concerns

Safety concerns and limiting contact

In each survey wave, parents were asked whether they had any concerns about their own or their child's safety as a result of ongoing contact with the other parent (see Table 3.7 on page 32). Those who expressed concerns were asked whether they had ever tried to limit contact because of these concerns. (Given that the question didn't specify any time period for their attempts in Waves 2 and 3, some parents may have referred to the attempts that had already been reported in Wave 1.)

Across the three waves, a large majority of parents did not express safety concerns for either themselves or their child (84–87% of fathers; 80–82% of mothers).³² The proportions expressing safety concerns appeared to decline slightly over time.

³² Appendix A shows that the overall trends change little if attention is restricted to the continuing sample; that is, to respondents who participated in all three survey waves.

Table 3.7: Reports of current safety concerns and attempts to limit the child's contact with the other parent, by gender and wave

	Wave 1			Wave 2			Wave 3		
	Fathers (%)	Mothers *** (%)	All (%)	Fathers (%)	Mothers *** (%)	All (%)	Fathers (%)	Mothers *** (%)	All (%)
Yes	16.4	20.4	18.4	14.6	19.6	17.1	12.9	18.1	15.4
for both self & child	2.6	8.1	5.4	2.9	8.1	5.5	2.3	7.3	4.8
for self	1.6	3.4	2.5	1.7	2.6	2.2	1.4	2.4	1.9
for child	12.2	8.8	10.5	10.0	9.0	9.5	9.2	8.3	8.7
No concerns ^a	83.6	79.6	81.6	85.4	80.4	82.9	87.2	82.0	84.6
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Had concerns: attempted to limit child's contact with other parent	23.3	50.1	38.6	33.7	61.2	49.4	43.7	69.4	41.4
No. of participants	4,871	4,949	9,790	3,220	3,399	6,619	4,375	4,141	8,516

Notes: Data have been weighted. Excludes a small number of parents who did not know or refused to answer in at least one wave (had concerns: 1–3%; limited contact: up to 1%). ^a Respondents whose child never saw one parent are here deemed to have no safety concerns regarding ongoing contact. The percentages shown for Wave 1 therefore differ slightly from those in the AIFS evaluation report (Kaspiew et al., 2009). Percentages may not total exactly due to rounding. *** $p < .001$; statistically significant relationships emerged between both gender and expression of safety concerns, as well as gender and attempts to limit the child's contact with the other parent across survey waves.

Very few parents in any survey wave expressed concerns about their own safety alone (1–2% of fathers and 2–3% of mothers). Safety concerns held by fathers tended to relate to their child alone; however, much the same proportions of mothers expressed safety concerns for their child alone and for both self and child. For example:

- in Wave 1, 12% of fathers said they were concerned for their child alone, and only 3% indicated concerns for both self and child, compared to 9% and 8% of mothers respectively;
- in Wave 3, the proportions reporting safety concerns for child alone as opposed to both self and child were: fathers: 9% vs 2%; mothers: 8% vs 7%.

Taken together, only a small difference emerged in the proportions of fathers and mothers expressing concerns about their child's safety (i.e., whether alone or together with concerns about their own safety). The difference was especially small in Wave 1 (expressed by 15% of fathers and 17% of mothers). By Wave 3, 12% of fathers and 16% of mothers expressed concerns about their child's safety.

The extent to which safety concerns engendered attempts to limit the child's contact with the other parent varied according to gender and the survey wave in which they were apparent. The proportions of relevant fathers and mothers reporting such attempts were lowest in Wave 1 and highest in Wave 3. In each survey wave, safety concerns were more likely to prompt mothers than fathers to try to limit contact with the other parent.

Safety concerns across all three waves

Table 3.8 (on page 33) focuses exclusively on parents who participated in all three waves, and shows the proportions of parents who expressed safety concerns (in relation to self and/or child) in the various combinations of survey waves.³³ This approach highlights, for example, the extent to which safety concerns held in Wave 1 were also held subsequently, and the extent to which having safety concerns had emerged by a subsequent survey wave. However, it is important to point out that any sense of mistrust may be tenuous; some safety concerns may be

³³ The above-noted finding that fathers' concerns tended to relate to their child alone, whereas much the same proportions of mothers expressed concerns for their child alone or for themselves together with their child was also apparent for the continuing sample (see Appendix A).

short-lived and some may arise then disappear between survey waves. It is therefore important to keep in mind that absence of safety concerns in adjacent survey waves does not necessarily mean that such experiences never arose during the interval between waves. Similarly, safety concerns expressed in adjacent survey waves do not necessarily mean that they had been held continuously between survey waves. Nor do they imply that the concerns in adjacent waves relate to the same issues.

Table 3.8: Reports of safety concerns for self and/or child, by gender, continuing sample

Safety concerns	Fathers (%)	Mothers *** (%)	All (%)
All three waves	3.9	5.5	4.7
Two waves	7.8	12.0	9.9
Wave 1 & Wave 2	3.8	6.2	5.0
Wave 1 & Wave 3	2.1	2.6	2.3
Wave 2 & Wave 3	1.9	3.2	2.6
One wave	15.1	19.6	17.4
Wave 1 alone	5.9	7.6	6.8
Wave 2 alone	4.4	6.2	5.3
Wave 3 alone	4.8	5.8	5.4
None of the three waves	73.3	62.9	67.9
Total	100.0	100.0	100.0
No. of participants	2,049	2,209	4,258

Notes: Data have been weighted. Excludes a small number of parents who did not know or refused to answer in at least one wave (6%). Percentages may not total exactly due to rounding. *** $p < .001$; statistically significant relationship emerged between gender and expression of safety concerns across survey waves.

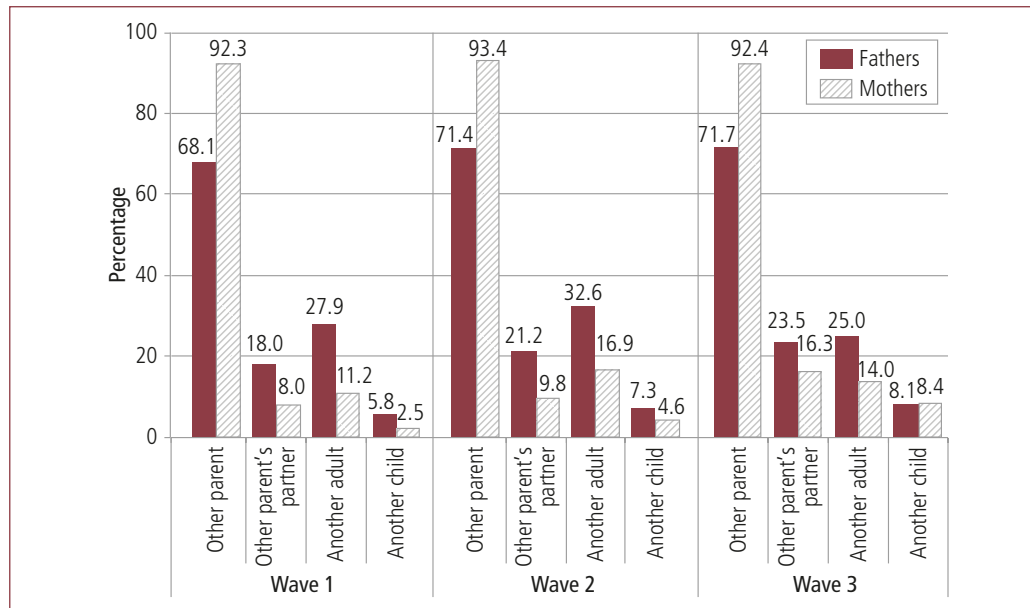
Overall, 73% of fathers and 63% of mothers did not express safety concerns in any survey wave. Parents most commonly indicated safety concerns in a single survey wave (15% of fathers and 20% of mothers), followed by two waves (8% and 12% respectively). Only 4% of fathers and 6% of mothers expressed concerns in all three waves.

Sixteen per cent of fathers and 22% of mothers expressed concerns either in Wave 1 alone or in Wave 1 and at least one other survey wave. For 11% of fathers and 15% of mothers, safety concerns emerged after Wave 1.³⁴ In most of the latter cases, the concerns were expressed in only one of the two survey waves (i.e., in either Wave 2 or Wave 3). Safety concerns emerging after Wave 1 may occur where, for example, respondents believe that the environment to which their child is exposed when in the care of the other parent is no longer safe, or where issues have come to light that have led them to believe that, contrary to their earlier assumptions, the child's safety had always been at risk. In addition, safety concerns expressed in any survey wave may reflect "fear of the unknown".

In each survey wave, parents who expressed safety concerns were asked whether their concerns related to contact with their child's other parent, the other parent's new partner, another adult, and/or another child (Figure 3.9 on page 34). In most cases, parents' concerns focused on only one of these alternatives.

Across the three waves, most parents who expressed safety concerns indicated that some or all of their concerns related to their child's other parent, although mothers were considerably more likely than fathers to indicate this (mothers: 92–93%; fathers: 68–72%). Fathers, on the other hand, were more likely than mothers to express concerns about the other parent's new partner (18–24% of fathers; 8–16% of mothers), and/or another adult (25–33% of fathers; 11–17% of mothers). No information was derived about who this other adult may be (e.g., gender, age, whether related in any way to the child). Fewer than 10% of parents indicated that some or all of their concerns related to another child.

³⁴ Of course, some parents who did not express safety concerns in Wave 1 may have held them previously.



Notes: Data have been weighted. Sample sizes for fathers and mothers across the three waves vary (fathers: $n = 833, 471$ & 575 ; mothers, $n = 1033, 696$ & 773). Excludes a small number of parents who did not know or refused to answer in each wave. Multiple responses allowed, therefore percentages for each wave may exceed 100%.

Figure 3.9: Persons perceived as being responsible for parents' safety concerns, by gender and wave

In addition, the proportion of parents who nominated the other parent's partner as responsible for the safety concerns was greater among participants in Wave 3 than among those in Wave 1. This is not surprising, given that more parents would have re-partnered by this stage. Indeed, the proportion of fathers who were living with a partner increased from 10% in Wave 1 to 33% in Wave 3, while the relevant proportions for mothers were from 6% to 27%. The proportions of fathers who said that their child's mother was living with a partner in Waves 1 and 3 were 17% and 39% respectively, while the proportions of mothers who said this of the child's father were 19% and 40% respectively.

Sources of safety concerns

Further probing designed to identify the nature of respondents' safety concerns was included in Waves 2 and 3, but not in Wave 1. In Wave 2, parents were asked whether their concerns related to any of the following: alcohol or substance abuse; mental health issues; gambling problems; violent or dangerous behaviour; emotional abuse or anger issues (e.g., getting angry easily); or something else (the nature of which was then ascertained). The latter issues most commonly related to: neglect or lack of supervision/responsibility; road safety or other physical safety issues; and sexual issues. The latter three issues, volunteered in Wave 2, were specifically asked about in Wave 3. In addition, respondents in Wave 3 were asked whether their concerns related to unknown adults. The patterns of answers are summarised in Table 3.9 (on page 35).

The first five items listed in Table 3.9 were specifically asked about in each survey wave. The results in relation to these items are therefore comparable across survey waves. Patterns of answers were roughly similar in the two surveys, but varied somewhat according the gender of respondent.

Most mothers and fathers expressing safety concerns referred to emotional abuse or anger as sources of these concerns (mentioned by 71–78% of fathers and by 80–83% of mothers). Mental health issues formed the second most commonly endorsed issue for fathers (61–70%), and the third for mothers (56–62%). Violent or dangerous behaviour, on the other hand, represented the third most commonly mentioned issue for fathers (50–58%), and the second for mothers (60–66%). The fourth most commonly mentioned concern was alcohol or substance abuse (44–48% of fathers and 55–56% of mothers), while the fifth—gambling problems—was mentioned by considerably fewer parents (7–9% of fathers and 13–14% of mothers).

Table 3.9: Behaviours/mental health state generating concerns among parents who held safety concerns, by gender, Waves 2 and 3

Behaviours/mental state	Wave 2			Wave 3		
	Fathers (%)	Mothers (%)	All (%)	Fathers (%)	Mothers (%)	All (%)
Emotional abuse or anger issues	70.7	79.9	75.9	77.9	83.1	80.9
Mental health issues	60.5	55.6	57.7	70.3	61.8	65.4
Violent or dangerous behaviour	50.0	60.0	55.7	57.8	66.4	62.8
Alcohol or substance abuse	44.2	56.4	51.2	48.3	55.0	52.2
Gambling problems	7.0	12.7	10.2	8.5	13.9	11.7
Neglect or lack of supervision	–	–	–	57.9	59.0	58.5
Road safety or other physical issues	–	–	–	34.7	44.1	40.2
Sexual issues	–	–	–	16.0	17.7	17.0
Concerns about unknown adults	–	–	–	1.4	0.6	0.9
Other issues ^a	7.5	6.7	7.1	5.3	3.7	4.3
No. of participants	471	696	1,167	575	773	1,348

Notes: Data have been weighted. Responding parents across waves are not the same. Excludes a small number of parents who did not know or refused to answer in each wave (taken separately). The lightly shaded data refer to issues that were volunteered by parents rather than asked about directly (i.e., concerns about unknown adults was not raised by parents in Wave 2). In Wave 3, parents were asked specifically about these various issues (except about unknown adults).^a "Other issues" in Wave 2 omits those who volunteered the issues represented by the light shading and did not volunteer any other issues. Multiple responses allowed, therefore percentages may exceed 100%.

While relatively large differences between survey waves in the proportions reporting concerns were apparent, the proportions tended to be higher in Wave 3 than Wave 2. It is not possible on the basis of only two survey waves to identify whether such differences reflect increases or fluctuations in any tendency for these matters to become sources of safety concerns as the duration of the separation increases.

The relevant results of the SRSP 2012 (De Maio et al., 2013), based on parents who had been separated for 12–18 months, throw further light on such matters. These results closely approximate those derived in Wave 2 (where 95% of parents had been separated for 18–36 months). Such trends are consistent with the notion that, as the duration of separation increases to an average of five years (represented by those in Wave 3), safety concerns may well increasingly derive from such factors as violence/abuse or dangerous behaviour and emotional abuse or anger issues.³⁵

Table 3.9 also lists other issues that were asked in Wave 3 but not in Wave 2, though some parents in Wave 2 volunteered such responses (data not shown).³⁶ In Wave 3, most fathers and mothers (nearly 60%) who held safety concerns indicated that neglect or lack of supervision was a source of their concerns. This issue, then, formed one of the most commonly mentioned concerns. Road safety or other physical safety issues were mentioned by a substantial minority (35–44%), while sexual issues were mentioned by 16–18%.

While similar proportions of fathers and mothers with safety concerns referred to neglect or supervision issues and to sexual issues, more fathers than mothers referred to mental health issues (especially in Wave 3), and more mothers than fathers mentioned all other commonly nominated concerns.

³⁵ De Maio et al. (2013) showed that the proportions of parents in the SRSP 2012 with safety concerns who nominated the specific matters as the source of their concerns were as follows: emotional abuse or anger issues (71% of fathers and 81% of mothers); mental health issues (55–56%); violent or dangerous behaviours (48–52%); alcohol or substance abuse (39% of fathers and 48% of mothers); and gambling problems (4% of fathers and 10% of mothers).

³⁶ These additional questions were not asked in the SRSP 2012. That is it is not possible to gain insight into the prevalence of such concerns among parents who had been separated for only 18–24 months.

Reporting concerns to authorities

In Wave 3 only, parents were asked whether they had reported their concerns to any authorities or services. The authorities/services specifically asked about are listed in Table 3.10, along with the proportions indicating that they had done so.

Table 3.10: Authorities/services to which parents reported their safety concerns, parents who held safety concerns, Wave 3

	Fathers (%)	Mothers (%)	All parents (%)
Did not report safety concerns	17.3	15.1	16.1
Reported safety concerns to:	82.7	84.9	83.9
Dispute resolution service	50.1	60.2	55.9
A legal service	43.6	50.9	47.8
Police	41.9	50.9	47.1
Child protection authority	42.6	31.8	36.4
Domestic violence service	10.2	27.1	19.9
Other	17.3	12.0	14.3
No. of participants	571	768	1,339

Notes: Data have been weighted. Excludes a small number of parents who did not know or refused to answer (0.6%). Among those who reported concerns, multiple responses allowed and therefore percentages may exceed 100%.

Most parents (83–85% of fathers and mothers) indicated that they had reported their concerns to at least one authority, with a dispute resolution service being the most commonly mentioned, followed by a legal service, the police and a child protection authority.

While fathers were more likely than mothers to have reported their concerns to a child protection authority, mothers were more likely than fathers to have reported their concerns to all the other services listed. This gender difference was greatest in relation to use of a domestic violence service (17 percentage points).

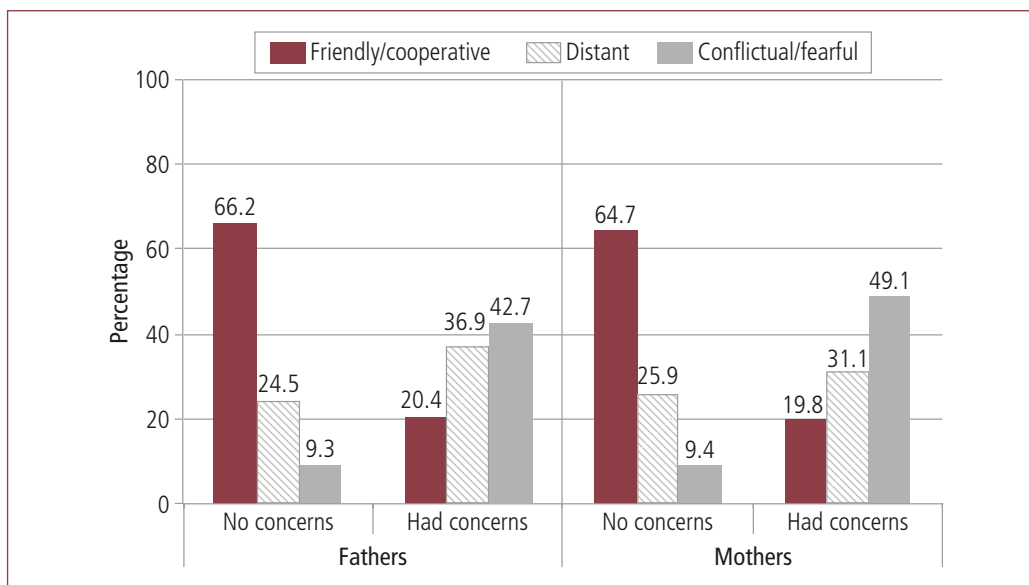
Links between safety concerns and other aspects of family dynamics

In this section, we examine the extent to which safety concerns were related to the perceived quality of the inter-parental relationship, the experience of violence/abuse, and beliefs held in Wave 1 that mental health or addiction problems were issues in the relationship before separation. There were apparent links between these various issues in both the first and second waves (as reported by Kaspiw et al., 2009, and Qu & Weston, 2010, respectively). Figure 3.10 (on page 37) shows the extent to which, in Wave 3, the perceived quality of the inter-parental relationship varied according to whether parents held safety concerns.

Around two-thirds of the fathers and mothers with *no* safety concerns in Wave 3 described their relationship with the other parent as either friendly or cooperative, with about a quarter considering it to be distant. Close to one in ten with no safety concerns described their relationship in negative terms (i.e., lots of conflicts or fearful). Those *with* safety concerns, on the other hand, were most likely to view their relationship as highly conflictual or fearful, and least likely to describe the relationship in positive terms.

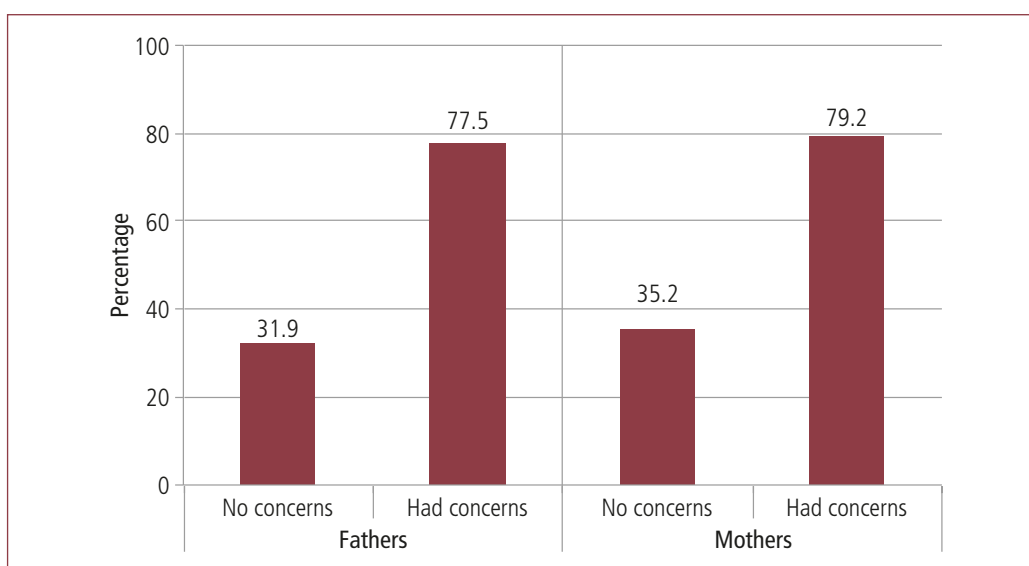
Figure 3.11 (on page 37) shows the extent to which experiences of violence/abuse within the preceding 12 months varied according to whether fathers and mothers held safety concerns in Wave 3.

More than three-quarters of fathers and mothers with safety concerns in Wave 3 reported that they had experienced at least one of the forms of violence/abuse in the preceding 12 months. On the other hand, around two-thirds of fathers and mothers without safety concerns indicated that they had *not* experienced any of these forms of violence/abuse for the preceding 12-month period.



Notes: Data have been weighted. Excludes a small number of parents who did not know or refused to answer (< 6%) for each panel (regarding inter-parental relationship and safety concerns). Percentages may not total 100% due to rounding. Relationship between safety concerns and quality of inter-parental relationship is statistically significant ($p < .001$).

Figure 3.10: Quality of inter-parental relationship, by whether parent held safety concerns and gender, Wave 3



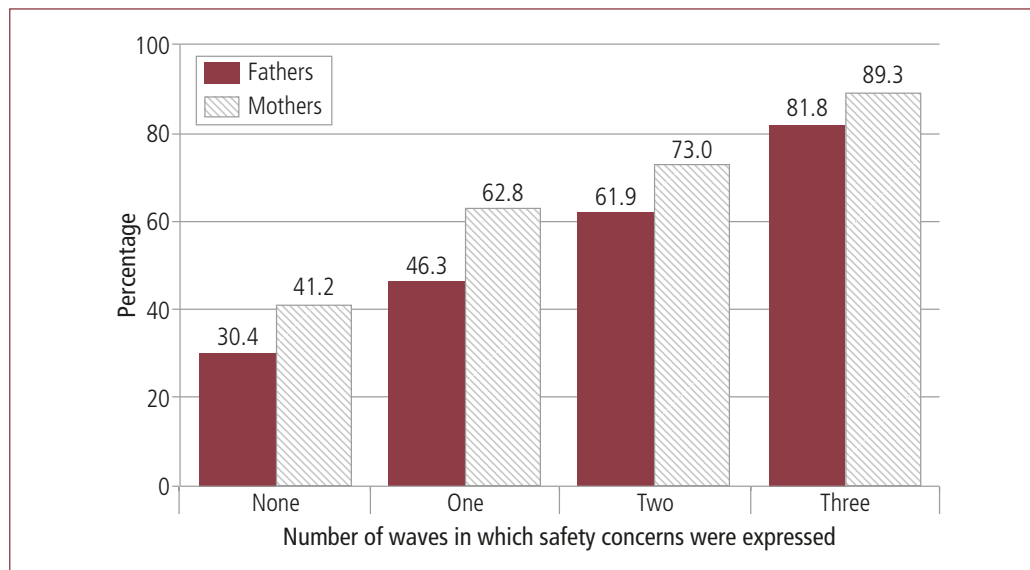
Notes: Data have been weighted. Excludes a small number of parents who did not know or refused to answer (< 6%) for each panel (regarding inter-parental relationship and experience of violence/abuse).

Figure 3.11: Experience of violence/abuse in the preceding 12 months, by whether held safety concerns and gender, Wave 3

The obverse of these findings are also worth noting: around one-third of parents without safety concerns had experienced at least one form of violence/abuse during the preceding 12 months, while one in every four or five with safety concerns had not experienced any form of violence/abuse.

Again, in both the AIFS evaluation and follow-up studies, most fathers and mothers who held safety concerns indicated in Wave 1 that mental health problems or addictions were apparent in the relationship prior to separation. To what extent did the same apply to parents in Wave 3 who had participated in the previous survey waves? Figure 3.12 (on page 38) focuses on parents in the continuing sample and classifies the fathers and mothers according to the number

of survey waves in which they expressed safety concerns (from none to all three waves). The figure shows the proportions in each of these subgroups that maintained that mental health and/or addiction issues were present in the relationship prior to separation (reported in Wave 1).



Notes: Data have been weighted. Statistically significant relationship emerged between gender and the number of waves in which safety concerns were expressed ($p < .001$).

Figure 3.12: Perceived presence of mental health or addiction issues in the relationship before/during separation, by number waves where safety concerns indicated and gender, continuing sample

Figure 3.12 shows that the greater the number of waves in which safety concerns were expressed, the more likely were the fathers and mothers to state in Wave 1 that mental health and/or addiction issues existed in the relationship prior to separation.

The vast majority of parents who expressed safety concerns in all three waves had indicated the belief in Wave 1 that mental health and/or addiction issues existed in the relationship prior to separation. Nevertheless, it is also worth noting that a substantial minority of parents who consistently indicated that they did not have any safety concerns believed in Wave 1 that mental health and/or addiction issues were apparent in the pre-separation relationship. In addition, some respondents who reported these pre-separation issues may have been attributing the problems to themselves rather than to the other parent.

Across all four sub-groups represented in Figure 3.12, a higher proportion of mothers than fathers indicated in Wave 1 that mental health and/or addiction issues existed in the relationship.

Further analysis examined the extent to which parents still had complex issues by Wave 3, some five years after separation. Here, complex issues are indicated by the number of problems that parents reported having—violence/abuse, safety concerns for self and/or child, and conflictual or fearful inter-parental relationships. In Wave 3, 57% of fathers and 51% of mothers did not report any of these issues (or problems), and 27% of fathers and 28% of mothers referred to one of them alone. In addition, 11% of fathers and 13% of mothers mentioned two problems, and the remaining 5% of fathers and 7% of mothers reported having all three problems. In total then, 16% of fathers and 20% of mothers mentioned experiencing at least two problems.

3.6 Summary

The importance of cooperative parenting for children's wellbeing is well recognised in policy, research and practice. This chapter examined the perspectives of parents on matters of relevance to this issue. Most of these matters were examined in each survey wave, allowing identification of levels of stability of trends—and directions of any change—as duration of separation

increased. The analyses focused on all parents represented at each survey wave (entailing different numbers of respondents in each wave and providing a cross-sectional perspective), as well as on the “continuing sample”—the parents who were represented in all three waves (providing the longitudinal perspective necessary for identifying trajectories).

Perceived quality of the inter-parental relationship

Whether they participated in one, two or all three waves, most fathers and mothers described their inter-parental relationship in positive terms; that is, as either friendly or cooperative. Less positive relationships were more likely to be perceived as distant rather than highly conflictual, and least likely to be seen as fearful.

Among the continuing sample, close to half the parents held the same views in each survey wave, with positive views being the most likely to be repeated across waves. This was by far the most common of all possible scenarios.

Revised assessments among the continuing sample were equally likely to suggest that relationships had improved or deteriorated, though some assessments fluctuated across the survey waves.

Frequency of child-focused communication between parents

In each survey wave, respondents were asked to indicate how frequently they spoke to their child’s other parent about matters relating to their child. Given that a substantial proportion of the children were under 5 years old in Wave 1 and that the tweaking of care-time arrangements for younger children may take considerable time, it is not surprising that most parents in Wave 1 indicated that they were in touch with each other daily or at least once a week. Frequency of communication tended to fall with each survey wave, though nearly half of the fathers and nearly two in five mothers in Wave 3 indicated that they were communicating with the other parent about their child at least once a week.

Of all three scenarios—decreases, increases or no change in frequency of communication—decreases were the most apparent for the continuing sample, followed by no change in frequency. Decreases in communication frequency apparent for the continuing sample were also the most likely of the three scenarios regardless of the age of the child, though this trend was stronger for older than younger children.

Experience of emotional abuse or physical hurt

Parents were asked whether they had experienced various forms of abuse and whether their child’s other parent had hurt them physically. While all the specific forms of abuse examined were here classified as “emotional abuse”, on the grounds that all abuse may be taken as a warning that it could re-occur, some may well have entailed physical assault. The Wave 1 questions focused on experiences of emotional abuse before or during separation and physical hurt before separation, while the other two survey waves asked respondents about their experiences during the 12 months prior to their interview, with Wave 3 focusing on the fourth year (on average) of separation.

Seven forms of emotional abuse were asked about in all survey waves, with an additional three being introduced in Waves 1 and 3. In Wave 1, the three additional items covered attempts to directly control the respondent, while in Wave 3, they concerned the other parent circulating defamatory comments about the respondent, monitoring the respondent’s whereabouts, and attempting to force the respondent into engaging in unwanted sexual activity.³⁷

³⁷ Very few parents indicated that they had experienced attempts to force them into unwanted activities in the 12 months prior to Wave 3, and most of those who reported such experiences said that the other parent had not hurt them physically in this 12-month period.

Emotional abuse

By Wave 3, the proportions of parents reporting the experience of emotional abuse had fallen considerably, but remained substantial, nonetheless. In total, nearly two in five fathers in Wave 3, and slightly more mothers by this stage, indicated that they were recipients of some form of emotional abuse.

Where gender differences emerged regarding the experience of a specific form of emotional abuse, mothers were more likely than fathers to indicate that they had experienced it. In all three waves, humiliating insults represented, by a considerable margin, the most common form of emotional abuse experienced. In Wave 3, the circulation of defamatory comments represented the second most common form experienced, and monitoring the whereabouts of the respondent was the third.³⁸

Even where a form of emotional abuse was experienced by a small minority of parents, substantial proportions of such victims indicated in Wave 3 that the emotional abuse had occurred sometimes or often (rather than rarely or only once) in the 12 months prior to interview. In fact, most respondents who stated that the other parent had engaged in humiliating insults, monitored their whereabouts, or circulated defamatory comments also indicated that these behaviours occurred sometimes or often. After about five years of separation, the monitoring of a person's whereabouts may be particularly likely to reflect obsessive harassment, unless such monitoring has been instigated by genuine concerns about personal safety or the safety of others, including the children.

Physical hurt

One in four mothers and one in six fathers said that the other parent had hurt them physically before separation. However, only 4–5% of parents reported having been hurt in the 12 months before Wave 2, and only 2% reported such experiences for the 12 months before Wave 3.

Around one-quarter of parents who had been physically hurt in the 12 months before Wave 3 said that they had been hurt sometimes or often (rather than rarely or only once) in the 12 months prior to Wave 3 (or 0.4% of total sample).³⁹ During the latter period, bruises or scratches were the most common forms of injuries sustained by those who had been physically hurt, though some parents mentioned cuts (other than stab wounds).

Violence/abuse across the three survey waves

Not surprisingly, the proportion of parents who experienced some form of violence/abuse fell across the survey waves, though close to two in five fathers and mothers who participated in Wave 3 said that they had been recipients of at least one form of violence/abuse in the previous 12 months.

One-quarter of parents in the continuing sample indicated that they had experienced violence/abuse in all three periods, while another one-quarter indicated that they had not experienced any of the forms of violence/abuse examined in the various survey waves. Mothers were more likely than fathers to indicate that they had experienced violence/abuse in all three waves, while having no experience of violence/abuse in any of the three waves was more likely to be reported by fathers than mothers.

Safety concerns

Parents were asked whether they held any safety concerns for themselves or their child as a result of ongoing contact with the other parent. It is important to point out that trends emerging

³⁸ The latter two forms of emotional abuse were not asked in the previous survey waves, but data from the SRSP 2012 suggests that these forms of emotional abuse were more commonly experienced some 18–24 months after separation (De Maio, et al., 2013).

³⁹ The estimate of 0.4% represents the number of parents who reported being hurt sometimes or often as a percentage of the total number of respondents in the sample. That is, this estimate was not derived from the above-quoted percentage of parents who experienced physical hurt coupled with the percentage of these parents who had reported that such experiences occurred sometimes or often, for these percentages contain slight errors associated with having been rounded to whole numbers.

reflect parents' views, which may be based on a variety of circumstances, including suggestions or evidence of threats to personal or child wellbeing of varying degrees of certainty.

For each survey wave (taken separately), close to 20% of mothers and 13–16% of fathers said that they held safety concerns associated with ongoing contact with their child's other parent. Reports of safety concerns appeared to fall slightly from Wave 1 to Wave 3. Most of these fathers were concerned about their child's safety alone, while much the same proportions of mothers indicated concerns about their child alone or about both themselves and their child.

Parents in the continuing sample most commonly expressed safety concerns in one survey wave alone, followed by reporting concerns in two of the three waves. Around 5% expressed safety concerns in all three waves, and nearly three-quarters of fathers and nearly two-thirds of mothers indicated that they held no safety concerns in any survey wave.

Most of those who held safety concerns (especially mothers) attributed their concerns to their child's other parent. In each survey wave, higher proportions of fathers than mothers attributed at least some of their concerns to the other parent's new partner or to another adult.

In Wave 3, four sets of circumstances were each cited as reasons for safety concerns by at least three in five fathers and mothers (taken separately) who held safety concerns. Emotional abuse or anger issues formed the most common reason, followed by mental health issues and violent or dangerous behaviours, then neglect or lack of supervision. Nearly half the fathers and slightly more mothers expressed concerns about alcohol or substance abuse. Around two in five parents gave road safety and other physical issues as a reason for their concerns, while around one in six referred to sexual issues. Similar trends were apparent in Wave 2 for those issues that were specifically asked about in both waves.⁴⁰

Fathers were more likely than mothers to nominate mental health issues as the reason for their safety concerns, and with two exceptions mothers were more likely to nominate the other issues. The exceptions concerned neglect or lack of supervision and sexual issues: fathers and mothers were almost equally likely to refer to these matters.

Over 80% of parents with safety concerns in Wave 3 (the only wave in which the matter was raised) said that they had reported their concerns to an authority or service, and of those services focused on in the survey, a dispute resolution service was the most commonly mentioned, followed by a legal service, the police and a child protection authority.

While fathers were more likely than mothers to have reported their concerns to a child protection authority, mothers were more likely than fathers to have reported their concerns to all other services tapped, with the largest gender difference emerging in relation to use of a domestic violence service.

Links between safety concerns and other aspects of family dynamics

As was apparent in the analyses of Waves 1 and 2 (Kaspiew et al., 2009; Qu & Weston, 2010), strong links emerged between the holding of safety concerns in Wave 3 and concurrent perceptions of the quality of the inter-parental relationship, experiences of violence/abuse in the preceding 12 months, and reports in Wave 1 that mental health or alcohol or substance abuse were issues in the pre-separation relationship.

In Wave 3, eight in ten parents with safety concerns described their relationship as negative or distant (with the former being the more prevalent), while most parents without safety concerns considered their relationship to be positive. In addition, nearly eight in ten with safety concerns indicated that they had experienced violence/abuse in the 12 months prior to interview, compared with around one in three without safety concerns.

In addition, the greater the number of survey waves in which safety concerns were held, the more likely it was that the parents in the continuing sample had said in Wave 1 that mental health or addiction problems were issues in the relationship prior to separation. Such problems

⁴⁰ The circumstances giving rise to safety concerns were not identified in Wave 1.

were mentioned by the vast majority of fathers and mothers who held safety concerns in all three survey waves.

While these results derive exclusively from parents' reports, the strength of links between their beliefs concerning mental health or addictions and repetitive or continuing safety concerns indicate that such pre-separation matters should be given particular attention when parenting arrangements are made. This principle would hold for education programs such as the child-focused sessions that typically occur before FDR, as well as for FDR itself (or similar facilitated processes), legal advice and court adjudications.

4

Family law pathways

Providing separated parents with easy access to services that are capable of helping them reach agreement on post-separation parenting arrangements was an important objective of the 2006 family law reforms. The report by the Family Law Pathways Advisory Group (2001) concluded that for many separated parents, the experience of navigating a pathway through the family law system was a bewildering and stressful process. It likened the system to a “maze” that had no clear entry points and offered services that were largely disconnected from each other. The authors also suggested that litigation pathways should be embarked upon as a last resort or used when emergencies or difficulties such as family violence/abuse were alleged.

The subsequent *Every Picture Tells a Story* report (House of Representatives Standing Committee on Family and Community Affairs, 2003) supported these views and made various recommendations about improving parents’ access to services designed to assist them in developing child-focused and cooperative parenting plans. The authors of that report recommended that parents undertake “mediation”⁴¹ before being permitted to make an application for a parenting order, except in urgent cases or cases such as those entailing entrenched conflict, family violence/abuse or other potentially dangerous or damaging behaviours.

Following these reports, a suite of family law pathway initiatives was introduced as part of the 2006 reforms. They included the establishment of new service types—65 Family Relationship Centres (FRCs), a telephone dispute resolution service, a national advice line and an online service—as well as the expansion and integration of existing early intervention and post-separation relationship services. These initiatives, along with more specific changes in the legislation, aimed to bring about a “cultural shift” in the ways in which separation and post-separation child-related issues were managed. The shift entailed a proactive diversion of cases where appropriate, from litigation and litigation-driven strategies, to community-based processes that encouraged and supported cooperative approaches to parenting. These relationship services were to be the default “port of call” when parents required assistance in negotiating appropriate arrangements for their children. The present chapter continues the task of understanding the circumstances in which these services are used, as well as their effectiveness.

Data from Waves 1 and 2 have revealed that while a majority of separated parents made use of post-separation services and were generally satisfied with these services, most who reached agreement about their children believed that this came about mainly as a result of their own efforts. The data demonstrated that successful post-separation negotiations over children were linked to good post-separation relationships between former couples. But while the post-separation parenting story was a generally positive one (with roughly three in five parents in both waves reporting cooperative or friendly relationships with each other), data from the first two waves reveal that the quality of the relationships and the parenting arrangements themselves were by no means static.

The data also suggest that the more problematic the post-separation relationship was reported to be—especially if dysfunctional behaviours such as family violence/abuse had been experienced—the more parents were likely to report having relied mainly on relationship-

41 The report recognised family mediation as the predominant form of family dispute resolution, but also recognised that variations of this process needed to be evaluated with regard to applicability for particular cultural groups. The 2006 legislation adopted the generic term, “family dispute resolution”, to cover the range of “mediation” processes.

focused services, lawyers or the courts, to assist them to resolve matters. Importantly, these data have taken us beyond the more provisional insights and the useful but non-randomised empirical information that contributed to the framing of the 2006 reforms.

We now know, for example, that most former couples are able to reach agreements about post-separation parenting arrangements with relatively little input from facilitative, therapeutic or advisory services or from the courts. While some of these parents may be responding to the child-focused and self-help messages that were central to both the 2006 and the 1995 reforms, the Wave 1 and 2 data suggest that reaching agreement is also strongly correlated with friendly or cooperative post-separation relationships. Most parents who reported such relationships suggested that “discussions between themselves” or “it just happened” were the main pathway towards reaching agreement about their children. This was an important finding. It suggests, for example, that the most appropriate service responses for families in this category need to be drawn from strengths-based models rather than deficit-oriented approaches that focus primarily on conflicts and problems.

But the Wave 1 and 2 data also reveal that though the majority of separated families make some use of professional input but rely on themselves as the main pathway towards resolution, a minority of parents—who see themselves relying *mainly* on services, lawyers or courts to assist them to resolve parenting disputes—are more likely to have distant, highly conflicted or fearful relationships. In addition, these relationships generally reflect a history of dysfunctional behaviours before, during or after the separation, many of which involve family violence/abuse. Reports of family violence/abuse are, in turn, frequently associated with mental health problems or addiction issues. These findings from Waves 1 and 2 challenge those involved in the family law system to continue to find ways of delivering the right intervention to separating families at the right time.

The present chapter adds to the knowledge gained through analysis of Waves 1 and 2 data by considering services use by parents during the two years prior to the Wave 3 interview (roughly the third and fourth year after separation), as well as the reasons given for attending the service and the perceived outcomes. The chapter then considers the extent to which parents appeared to have sorted out or be sorting out their child-related disputes and their perception of the main pathways used to achieve these results. In particular, the use and immediate and longer term outcomes of FDR over three waves are reviewed. This is followed by a summary of and discussion relating to some of the key findings.

4.1 Service use

Unlike the previous survey waves, parents in Wave 3 were asked to indicate whether they had used any services in the previous two years in relation to either parenting arrangements for their child or in relation to additional issues concerning their child’s other parent. Table 4.1 lists the services read out to respondents and shows the proportions of fathers and mothers who reported using them.

Table 4.1: Use of services for parenting arrangements or additional issues relating to child’s other parent, previous two years, by gender, Wave 3

Services	Fathers (%)	Mothers (%)	All parents (%)
Counselling, mediation or FDR service	22.8	22.3	22.6
Domestic violence service	1.5	5.0	3.2
Lawyer	20.1	20.2	20.2
Legal service (incl. legal advice, private or legal aid)	12.3	16.7	14.5
Courts	14.0	13.4	13.7
Other	1.6	1.9	1.8
Didn’t use any services	66.4	64.6	65.5
No of participants	4,511	4,258	8,769
Used two or more services	13.9	13.6	13.8

Notes: Data have been weighted. Excludes a small number of parents who didn’t answer the question (< 0.3%). Multiple responses allowed, therefore percentages may exceed 100%.

Around one-third of parents indicated that they had used services (for either of the above purposes) in the previous two years, with 14% of all parents reporting the use of two or more services. The broad patterns of service use for fathers and mothers were similar. The most common services that parents used were counselling, mediation or dispute resolution (23% of fathers and 22% of mothers) and those provided by lawyers (20% of fathers and mothers). Legal services (such as legal advice line and private or legal aid) were mentioned by 12% of fathers and 17% of mothers, while 13–14% said they had used the courts. A small proportion of fathers and mothers indicated that they had sought help from a domestic violence service (2% and 5% respectively) or referred to other services not specifically asked about, such as child support or police (2% of fathers and mothers).

Parents who indicated that they had used counselling, mediation or dispute resolution, a lawyer or legal services were then presented with a further list of services, noted in Table 4.2. As the table reveals, more than two in five of these parents appeared to be unable to recall the specifics of the service type they had used. It may be that parents are more focused on the issues themselves and on the helpfulness of the assistance received, and less likely to be concerned about the service description.

Table 4.2: Types of services used by parents who used counselling, mediation or dispute resolution service, a lawyer or legal services, previous two years, by gender, Wave 3

Services	Fathers (%)	Mothers (%)	All parents (%)
Family Relationship Centre	46.0	37.9	41.9
Legal Aid Commission	18.8	26.8	22.9
Community legal centre	8.6	11.8	10.2
Women's legal service	–	6.8	3.5
Aboriginal & Torres Strait Islander legal service	1.0	0.4	0.7
<i>Aboriginal & Torres Strait Islander parents (n = 188)</i>	<i>11.0</i>	<i>4.4</i>	<i>7.7</i>
Other ^a	2.6	4.3	3.5
Did not know/could not remember	41.3	40.0	40.6
No. of participants	1,429	1,487	2,916
Used at least two types of services listed	14.7	20.6	17.7

Notes: Data have been weighted. Excludes parents who did not answer the question (< 0.2%).^a "Other" services nominated include community-based services (e.g., Anglicare), government-based services (e.g., Centrelink, child protection authorities) and telephone help services (e.g., Lifeline). Multiple responses allowed, therefore percentages may exceed 100%.

Among the parents who were able to recall the specific type of service received, a Family Relationship Centre represented the most commonly mentioned service used by these parents, followed by the Legal Aid Commission. Although these ranked highest in use by both fathers and mothers, fathers were more likely than mothers to indicate use of a Family Relationship Centre (46% vs 38%) and less likely than mothers to report use of the Legal Aid Commission (19% vs 27%). A community legal centre ranked third, while 7% of the mothers said that they went to a women's legal service. Of the Indigenous parents, 8% used an Aboriginal and Torres Strait Islander legal service, representing less than 1% of all parents in this group.⁴² A few parents nominated services such as Anglicare, Centrelink and child protection authorities that were not specifically asked about. Finally, it was found that 21% of mothers in this group and 15% of fathers had used more than one of these services.

Table 4.3 (on page 46) examines the specific services listed with respect to all parents in the sample. It reveals that 81% of parents used none of these services. Family Relationship Centres were used by 14% of all parents, while the Legal Aid Commission was accessed by 8%, a community legal centre by 3% and a women's legal service by 1%. Only 8% of the Indigenous parents used an Aboriginal and Torres Strait Islander legal service. Mothers were somewhat more likely to use the mainstream legal services specified in this list, though in the case

⁴² In Wave 3, 3% of parents were Aboriginal or Torres Strait Islanders.

of Aboriginal and Torres Strait Islander legal services, the situation was markedly reversed.⁴³ Mothers were also a little more likely to use more than one service.

Table 4.3: Types of services used by all parents, previous two years, by gender, Wave 3

Services	Fathers (%)	Mothers (%)	All parents (%)
Family Relationship Centre	14.7	12.7	13.7
Legal Aid Commission	6.0	9.0	7.5
Community legal centre	2.8	4.0	3.4
Women's legal service	–	1.2	0.6
Aboriginal & Torres Strait Islander legal service	0.3	0.1	0.2
<i>Aboriginal & Torres Strait Islander parents (n = 188)</i>	<i>11.0</i>	<i>4.3</i>	<i>7.7</i>
Other ^a	0.8	1.4	1.1
No. of participants	4,511	4,258	8,769
Used at least two types of services listed	4.7	6.7	5.7

Notes: Data have been weighted. Excludes parents who did not answer the question (< 0.2%).^a "Other" services nominated include community-based services (e.g., Anglicare), government-based services (e.g., Centrelink, child protection authorities) and telephone help services (e.g., Lifeline). Multiple responses allowed, therefore percentages may exceed 100%.

4.2 Reasons and needs for attending services and perceived helpfulness

Parents who had used any of the broad categories of services outlined in Table 4.1 (including "other") were asked further questions in relation to their only or most recent service used, in order to examine their reasons for using the service (e.g., to sort out parenting arrangements), their precise service needs (e.g., for information, advice, dispute resolution), and perceived effectiveness of the service in helping them resolve their issues (see Box 1). For parents whose most recent service was one of those specified in Table 4.2, then this service was focused upon, rather than its broader category, as listed in Table 4.1.

Box 1: Questions on aspects of services used

- Did you use the <service> to help sort out: parenting arrangements; property arrangements; child support; family violence/abuse or safety issues; or other?
- Did you use the <service> for any of the following: information; advice; dispute resolution (or resolving issues with <name of the other parent>; preparing an application for consent order in court; preparing an application for a court case; support in preparing a court application for you; advice on your court case; duty service at court; other?
- How helpful was the service to you? Very helpful; somewhat helpful; not helpful at all?

Table 4.4 (on page 47) sets out the only or most recent service that formed the focus of the questions presented in Box 1, and the proportions of parents who were asked about the different services. Looked at from this perspective, counselling mediation or dispute resolution services were used most frequently (46% of all parents who had used a service), followed by legal interventions (43%) and domestic violence services (7%). Mothers were a little more likely than fathers to have made use of a legal intervention (46% vs 40%) and more likely to have made use of a domestic violence service (9% vs 5%).

Table 4.5 (on page 47) shows the issues parents were seeking to resolve when using the (most recent) service in the two years prior to Wave 3. The table reveals that around three-quarters of the fathers and nearly two-thirds of the mothers indicated that they did so to sort out issues relating to parenting arrangements.

⁴³ Of course, the absolute numbers in the ATSI sample are quite small.

Table 4.4: Type of (only or most recent) service used, parents who used services in the previous two years, by gender, Wave 3

Service	Fathers (%)	Mothers (%)	All parents (%)
Counselling, mediation or dispute resolution			
Family Relationship Centre	31.2	20.6	25.8
Counselling, mediation or FDR service (unspecified)	19.9	19.6	19.8
Domestic violence service	5.4	8.9	7.2
Legal service, lawyer, the courts			
Legal Aid Commission	6.8	10.3	8.6
Community legal centre	0.8	2.1	1.5
Women's legal service	–	1.6	0.8
Legal service (unspecified)	3.4	5.9	4.7
Aboriginal & Torres Strait Islander legal service	0.4	0.0	0.2
Lawyer (other than in legal service listed above)	18.6	17.3	17.9
The courts	9.6	8.5	9.0
Other service not listed above	4.0	5.1	4.5
Total	100.0	100.0	100.0
No. of participants	1,518	1,578	3,096

Notes: Data have been weighted. Percentages may not total 100% due to rounding.

Table 4.5: Issues to be resolved through service use, parents who used services in previous two years, by gender, Wave 3

Issues	Fathers (%)	Mothers (%)	All parents (%)
Parenting arrangements	75.9	62.5	69.1
Property arrangements	13.2	13.7	13.5
Child support	12.7	16.1	14.4
Family violence/abuse or safety issues	12.4	21.5	17.0
Other	11.0	15.7	13.4
No. of participants	1,518	1,578	3,096
Had two or more of issues listed	22.8	25.8	24.3

Notes: Data have been weighted. Excludes parents who did not answer the question (< 0.2%). Multiple responses allowed, therefore percentages may exceed 100%.

Other issues were less commonly mentioned. A higher proportion of mothers than fathers (22% and 12% respectively) reported that they had used services because of family violence/abuse or safety issues. Similar proportions of fathers and mothers said they had sought help in resolving property arrangements or child support (13–16% for each issue taken separately), while 11% of fathers and 16% of mothers referred to matters not specifically asked about. These included finalising divorce, the development of relationship skills, and counselling for other matters.

Finally, around a quarter of fathers and mothers nominated more than one issue. The most common combination concerned parenting arrangements and family violence/abuse (28%), and parenting arrangements and child support (25%).

Table 4.6 (on page 48) classifies parents according to the reason they went to the most recent service. Parents may have sought help with several of these issues. This table reveals that the sorting out of parenting arrangements was again easily the most commonly mentioned reason for attending a service. This was especially the case for parents who attended a Family Relationship Centre (reported by 89% of such parents), but also common (51–74%) for parents who used other services.

Table 4.6: Issues to be resolved through service use by type of service used, parents who used services in previous two years, Wave 3

Service	Parenting arrangements (%)	Property arrangements (%)	Child support (%)	Family violence/abuse or safety issues (%)	Other (%)	No. of participants
Family Relationship Centre	89.2	3.2	12.7	10.3	8.8	814
Legal Aid Commission	73.5	5.9	15.5	23.1	8.8	217
Community legal centre and women's legal service	50.7	21.2	17.6	20.7	7.8	67
Counselling, mediation or FDR service (unspecified)	67.8	3.2	13.4	13.8	20.3	604
Domestic violence service	68.5	6.9	11.6	41.1	10.8	193
Lawyer (unspecified)	57.3	39.5	18.7	12.9	10.5	619
Legal service (unspecified)	60.7	17.5	18.2	23.6	9.1	136
Court	57.2	24.2	7.8	17.5	20.0	285

Notes: Data have been weighted. Excludes parents who did not answer the question (< 0.2%). Multiple responses allowed, therefore percentages may exceed 100%.

For property matters, legal services and courts (other than Legal Aid Commissions) were the services most used. Forty per cent of parents who saw lawyers were seeking advice about property, compared with smaller but nonetheless significant proportions of those who used courts (24%), community legal centres and women's legal services (21%), and unspecified legal services (18%).

Not surprisingly, parents who attended a domestic violence service were the most likely of all groups to indicate that they went to the service (at least partly) to sort out family violence/abuse or safety issues (41%). Nevertheless, substantial minorities of parents also indicated that they went to the courts or the various legal services to deal with such issues (18–24%). This reason was offered by only 10–14% of parents who used a Family Relationship Centre, some other unspecified counselling, mediation or dispute resolution service, or a lawyer.⁴⁴

Finally, it will be seen that child support matters did not feature strongly as a reason for using any of the services listed. It was cited most commonly by those who used a lawyer, Legal Aid Commission, community legal centre/women's legal service, or unspecified legal service (by 16–19%), and by 12–13% of the users of other services. Only 8% who used the courts indicated that they did so at least partly to deal with child support matters.

The most commonly mentioned reason for attending the services was to sort out parenting arrangements. However, the service most recently used was not necessarily the pathway by which parents achieved or were achieving parenting arrangements. For example, of parents who most recently went to an FRC, 33% indicated that their main pathway for sorting out parenting arrangements was counselling, mediation or dispute resolution. Similar proportions (31%) reported that a lawyer or the courts were their main pathways, while 22% sorted out parenting arrangements through discussion. Among those who most recently went to a lawyer, 28% reported a lawyer as being their main pathway of sorting out parenting arrangements, 14% used the courts and 36% sorted matters out through discussions. Just over one-quarter (33%) of parents who went to the courts reported the courts as their main parenting arrangements pathway, while 36% did this through discussions.⁴⁵

Table 4.7 (on page 49) addresses questions related to the *service needs* that underpinned the particular issues noted above. In practice of course, needs frequently overlap or are not clearly distinguished from each other. For example, nine in ten parents who sought information also

⁴⁴ Of course this does not mean that violence was not an issue or not discussed when these parents were using such services. We know from other LSSF data, for example, that substantial numbers of parents who attempt FDR also report the existence of family violence.

⁴⁵ This analysis excludes parents who described their parenting arrangements as “nothing sorted out”, given that the question on main pathways was not asked of these parents.

reported that they sought advice as well, while nearly eight in ten parents who sought advice also indicated that they went for information.

Table 4.7: Specific service needs relating to service use, parents who used services in previous two years, by gender, Wave 3

Service needs	Fathers (%)	Mothers (%)	All parents (%)
Information	64.0	70.8	67.5
Advice	54.5	61.4	58.0
Dispute resolution	60.4	48.3	54.3
Application for consent order in court	24.6	22.6	23.6
Application for a court case	21.7	18.8	20.3
Preparing a court application against self	20.8	18.6	19.7
Advice on your court case	20.8	21.7	21.3
Duty service at court	9.5	9.2	9.3
Other	6.0	9.3	7.7
No. of participants	1,518	1,578	3,096
Multiple service needs			
Two or more types	69.8	72.3	71.0
Two types	19.7	24.7	22.2
Three or more types	50.1	46.5	48.8

Notes: Data have been weighted. Excludes parents who did not answer the question (< 0.2%). Multiple responses allowed, therefore percentages may exceed 100%.

The table reveals that parents typically indicated that they went to services for information (68%), advice (58%) or dispute resolution (54%). Considerably lower proportions (20–24%) indicated that their needs were linked to court-related matters, while 9% indicated that they used duty services at court, which provide advice and assistance at court that the parents can access on the day their matter is being heard. The table also suggests possible gender differences in the ways in which mothers and fathers framed their needs, with somewhat more mothers than fathers seeking information (71% vs 64%) and/or advice (61% vs 55%), whereas more fathers than mothers identified a need for a dispute resolution service (60% vs 48%). In addition, the majority of parents who went to services identified multiple service needs (70% of fathers and 72% of mothers), and often three or more types of service needs (50% of fathers and 47% of mothers).

Table 4.8 (on page 50) reports on which service needs were met by which services.⁴⁶ The table reveals that information or advice was sought by a majority of parents attending all services except the courts. Dispute resolution was most commonly mentioned by parents who went to Family Relationship Centres (78%), followed by those who went to counselling, mediation or FDR services (61%). In addition, 39% of parents also saw going to court as fulfilling this purpose.

Assistance with a consent order was cited most frequently as a reason for engaging with a domestic violence service (47%), Legal Aid Commission (40%) and lawyer (36%). Consent orders were cited less commonly as a reason for seeking assistance by those who went to court (23%) and even less by the other service users (17% or less). The survey question did not distinguish between different types of courts or consent orders with different purposes, so these answers may relate to family violence/abuse matters in state and territory systems or parenting or property matters in the family law system.

Court-related service needs (i.e., application for a court case, preparing a court application against you, advice on your court case) were most likely to be sought from a Legal Aid Commission, domestic violence service or lawyer:

- application for a court case: 36%, 41% and 33% respectively for these three services;
- preparing a court application: 36%, 42% and 33% respectively; and
- advice on court case: 42%, 50% and 37% respectively.

⁴⁶ Separate analyses for fathers and mothers were not presented due to the small numbers seeking some types of services.

Table 4.8: Service needs by type of service used, parents who used services in previous two years, Wave 3

Service needs	Family Relationship Centre (%)	Legal Aid Commission (%)	Community legal centre/women's legal centre (%)	Counselling, mediation or FDR service (unspecified) (%)	Domestic violence service (%)	Lawyer (unspecified) (%)	Legal service (unspecified) (%)	Court (%)	Other (%)
Advice	60.0	68.6	74.1	50.7	70.2	69.1	65.1	20.6	52.4
Information	66.6	79.4	69.0	66.4	78.8	80.6	76.6	22.1	63.7
Dispute resolution	77.6	44.3	32.8	60.9	50.3	43.3	21.2	39.0	39.1
Application for consent order in court	17.2	40.3	12.8	11.9	46.8	36.2	12.7	22.7	12.5
Application for a court case	11.1	36.0	15.2	8.3	40.5	32.9	11.7	26.3	13.2
Support in preparing a court application against self	9.6	35.5	20.8	9.1	41.5	33.0	14.7	18.1	14.3
Advice on a court case related to self	7.5	41.8	25.6	9.6	50.4	36.9	13.2	18.0	13.6
Duty service at court	2.3	13.8	11.5	2.8	28.6	18.7	4.6	8.6	7.8
Other	4.2	4.4	0.8	7.2	2.0	6.9	7.1	23.1	22.0
No. of parents	814	217	67	604	193	619	136	285	160

Notes: Data have been weighted. Excludes parents who did not answer the question (< 0.2%). Multiple responses allowed, therefore percentages may exceed 100%.

Interestingly, relatively small percentages (though not insignificant absolute numbers) of parents believed that Family Relationship Centres and counselling, mediation or FDR services were also offering direct assistance or advice with respect to court-related matters. This may suggest that some parents perceived the information available at these services as “advice”. It could also refer to the fact that under the Family Relationship Centres/Legal Assistance Partnerships Program, announced by the Attorney-General in 2009, lawyers were assigned to centres for the purpose of providing “access to early and targeted legal information and advice when attending Family Relationship Centres” (McClelland, 2009).

Table 4.9 (on page 51) suggests that many parents—both mothers and fathers—held positive views about the services they received to help settle their issues after separation, with about 80% reporting that the services were very or somewhat helpful. At the same time, nearly one-fifth (19% of fathers and 20% of mothers) reported that the services they used were not helpful at all to them.

Table 4.10 (on page 51) presents parents' views about the specific type of services used. While parents who used services in the two years prior to Wave 3 interviews were generally positive about the services they received, views varied across type of services used.

The proportion of parents considering the service used as very helpful was highest among parents who used a lawyer (51%), followed by those who used a Legal Aid Commission (44%). It was lowest among those who used Family Relationship Centres (29%), community legal centres/women's legal services (30% each), and those who went to court (35%).

The proportion of parents considering the service used as somewhat helpful was highest among parents who went to community legal centres/women's legal services (50%) and lowest among those who went to lawyers or a domestic violence service (37% each). The proportions having this view varied between 40% and 45% among parents who used other services.

The view considering the service used as not helpful at all was highest among parents who went to a Family Relationship Centre (26%) and lowest among parents who went to lawyers (12%). This view varied for the other services (15–22%).

Table 4.9: Views on helpfulness of services received, parents who used services in previous two years, by gender, Wave 3

Helpfulness	Fathers (%)	Mothers (%)	All parents (%)
Very helpful	41.7	36.8	40.0
Somewhat helpful	39.8	43.4	41.0
Not helpful at all	18.5	19.8	19.0
Total	100.0	100.0	100.0
No. of parents	1,683	1,340	3,023

Notes: Data have been weighted. Excludes a small number of parents who responded "don't know" or refused to answer (2%). Percentages may not total 100% due to rounding.

Table 4.10: Reports of helpfulness of services, parents who used services in previous two years, by type of services, Wave 3

	Family Relation- ship Centre (%)	Legal Aid Commission (%)	Community legal centre/women's legal centre (%)	Counseling, mediation or FDR service (unspecified) (%)	Domestic violence service (%)	Lawyer (unspecified) (%)	Legal service (unspecified) (%)	Court (%)
Very helpful	29.2	43.9	30.3	41.6	41.7	51.1	44.1	35.3
Somewhat helpful	44.6	41.3	49.9	40.2	36.5	37.4	43.7	42.8
Not helpful at all	26.2	14.8	19.8	18.1	21.8	11.5	12.2	21.9
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
No. of participants	800	213	66	589	191	602	133	270

Notes: Data have been weighted. Excludes a small number of parents who responded "don't know" or refused to answer (2%). Percentages may not total 100% due to rounding.

4.3 Sorting out parenting arrangements

In Waves 1 and 3, parents were asked whether they had sorted out their parenting arrangements. The response options included "everything sorted out", "still in process of sorting out", and "no, nothing sorted out". In Wave 2, the question depended on whether they had indicated that the time the child spent with each parent had changed since the first interview.⁴⁷ The responses to the question across three waves are shown in Table 4.11.

Table 4.11: Whether parenting arrangements had been sorted out, by gender and wave

	Wave 1			Wave 2			Wave 3		
	Fathers (%)	Mothers ** (%)	All (%)	Fathers (%)	Mothers *** (%)	All (%)	Fathers (%)	Mothers *** (%)	All (%)
Sorted out	71.2	73.2	72.2	76.2	77.8	77.0	64.9	70.8	67.8
In process	19.0	16.4	17.7	15.4	11.9	13.7	20.8	17.2	19.0
Nothing sorted out	9.8	10.4	10.1	8.4	10.3	9.3	14.3	11.9	13.1
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
No. of participants	4,942	4,963	9,905	3,201	3,364	6,565	4,438	4,159	8,597

Notes: Data have been weighted. Excludes a small number of parents who responded "don't know" or refused to answer (1–2% across three waves). In Wave 2, parents whose children had overnight care with each parent and who reported no change in care-time arrangements were not asked whether their parenting arrangement had been sorted out, and they were considered as sorted out. Percentages may not total 100% due to rounding. ** $p < .01$; *** $p < .001$; statistically significant relationship emerged between status of sorting out and gender.

⁴⁷ In Wave 2, parents were divided into three groups according to the status of progress in sorting out parenting agreements in Wave 1 and whether overnight time had changed since Wave 1. These groups were: (a) arrangements developed by Wave 1, care time unchanged; (b) arrangements developed by Wave 1, care time changed by Wave 2; (c) arrangements not developed by Wave 1. The first group was asked whether either parent had tried to change the arrangement. The second group was asked whether they had sorted out their new arrangements. The third group was asked whether they had sorted out their parenting arrangements.

The table reveals that the majority of parents in each wave reported that their parenting arrangements had been sorted out, a significant minority in each wave were in the process of sorting out arrangements, while the remainder in each wave reported that nothing had been sorted out. Specifically, the proportions in each wave were:

- sorted out: 65–76% of fathers and 71–78% of mothers across three waves;
- in process of sorting out: 15–21% of fathers and 12–17% of mothers across three waves;
- nothing sorted out: 8–14% of fathers and 10–12% of mothers across three waves.

It is notable that the proportion of parents who had sorted out parenting arrangements didn't increase as the length of separation increased. While 71% of fathers and 73% of mothers reported in Wave 1 that they had sorted out parenting arrangements for their children, by Wave 3 this had been reduced slightly to 65% and 71% for fathers and mothers respectively. Conversely, slightly higher proportions of both fathers and mothers reported in Wave 3 that they were still in process of sorting out parenting arrangements or that nothing was sorted out. The following discussions will show that the majority of these parents had previously sorted out parenting arrangements.

In Wave 3, the parents who indicated that they were in the process of sorting things out or that nothing had been sorted out were asked whether there was ever a time when they and the other parent had a parenting agreement in place for the child. Over one-half of these parents (57%) confirmed they had had a parenting agreement for their children. Higher proportions of fathers than mothers reported having had a parenting agreement and the proportion was higher for those in the process of sorting out than those who had nothing sorted out. Specifically, 68% of fathers and 59% of mothers who said they were currently in the process of sorting things out also reported that at some time they had had an agreement in place, while 51% of fathers and 42% of mothers who said that nothing had been sorted out also reported that at some time they had had an agreement in place.

Although Table 4.11 shows the status of their parenting arrangements, the extent to which some parents had renegotiated their parenting arrangements is not clear. This issue is addressed in Table 4.12. The table shows the status of parenting agreements in Wave 3 according to the status of Wave 1 parenting agreements. The table also presents the extent to which parents who had not sorted out parenting agreements in Wave 1 had ever had parenting arrangements in place (i.e., either sorted out in at least one wave, or ever had agreements in place), by the status of Wave 1 parenting agreements. The table is derived based on the reports of parents who had participated in all three waves.

Table 4.12: Status of parenting arrangements in Wave 3, by status in Wave 1, continuing sample

Parenting arrangements in Wave 3	Parenting arrangements in Wave 1		
	Sorted out (%)	In process (%)	Nothing sorted out (%)
Sorted out	74.9	53.0	52.9
In process	16.9	28.4	16.8
Nothing sorted out	8.2	18.7	30.3
Total	100.0	100.0	100.0
No. of participants	3,132	860	365
Ever sorted out (i.e., sorted out in at least one wave, or ever had parenting agreement in place)	100.0	90.4	79.7

Notes: Data have been weighted. Excludes parents who did not know or refused to answer (< 1% in either wave). Percentages may not total 100% due to rounding.

Table 4.12 shows that three-quarters of the parents who had reported that they had sorted out parenting arrangements in Wave 1 provided the same report in Wave 3. Of the remainder, 17% were now in the process of sorting things out, but 8% now said that nothing had been sorted out.

The dynamic nature of post-separation parenting arrangements is further revealed in the table by examining the extent of change among those who in Wave 1 were in the process of sorting

things out and those who had nothing sorted out. By Wave 3, a little over a quarter (28%) of those who had been in the process remained in that category, and most (53%) had now sorted things out, but for almost one in five (19%), nothing was now sorted out. Thirty per cent of those who had sorted nothing out in Wave 1 remained in that category in Wave 3, while just over one-half (53%) reported that things had now been sorted out. About one in six of this group (17%) had moved from having nothing sorted to being in the process of sorting things out.

Some parents appeared to be at an impasse and were likely to have complex service needs. Indeed, by Wave 3, 20% of parents who had nothing sorted out in Wave 1 and 10% of parents reporting being in the process of sorting things out in Wave 1 had never had parenting agreements in place.

Table 4.13 summarises the reports of the extent to which parenting arrangements had been sorted out across all three waves. Overall

- nearly one-half of fathers and mothers (49% each) who had participated in all three waves had reported in all three waves that their parenting arrangements had been sorted out;
- over one-quarter (26% of fathers and 29% of mothers) reported having parenting agreements in two of three waves;
- 16% of fathers and mothers reported having sorted out parenting arranged in one wave; and
- 10% of fathers and 6% of mothers did not report having parenting agreements in any of three waves, with 4% of fathers and 3% of mothers having never had parenting agreements in place.

Table 4.13: Status of parenting arrangements across three waves, by gender, continuing sample

Status of parenting arrangements	Fathers (%)	Mothers (%)	All parents (%)
Sorted out at three waves	48.6	49.4	49.0
Sorted out at two waves	26.0	28.6	27.3
Wave 1 & Wave 2	14.2	12.5	13.3
Wave 2 & Wave 3	7.8	10.4	9.2
Wave 1 & Wave 3	4.0	5.6	4.8
Sorted out at one wave	15.9	16.3	16.1
Wave 1	4.4	5.0	4.7
Wave 2	6.5	4.9	5.7
Wave 3	5.0	6.4	5.7
Nothing sorted out	9.5	5.7	7.6
Had agreement in place at some time	5.2	2.7	4.0
Have never had agreement in place	4.3	3.0	3.6
Total	100.0	100.0	100.0
No. of participants	2,123	2,234	4,357

Notes: Data have been weighted. Parents are not the same across three waves. Excludes parents who did not know or refused to answer in at least one wave (< 1% for each wave). Percentages may not total 100% due to rounding.

4.4 Pathways for development of parenting arrangements

In each wave, parents who had sorted out their parenting arrangements or were in the process of doing so were asked about the main pathway they had used to reach the agreements. Responses in each of three waves are presented in Table 4.14 (on page 54). In each wave, parents most commonly reported that their parenting agreements had mainly been reached by discussions between themselves (49–62% across three waves) or in a manner described as “nothing specific, it just happened” (15–20%). Considerably smaller proportions of parents reported that their main pathways to have been counselling, mediation or FDR services (9–12%), or a lawyer (7–9%), or courts (5–11%). In addition, a small number of respondents said that

the parenting agreements were mainly decided by their child (1% or less) or through other means (2%).

Table 4.14: Main pathways used for parenting arrangements, parents who had sorted out or in process of sorting out, by wave

Pathways used or using	Wave 1 (%)	Wave 2 (%)	Wave 3 (%)
Counselling, mediation or FDR services	8.5	12.2	10.2
A lawyer	7.4	8.5	9.0
The courts	4.8	10.6	8.2
Discussions with focus parent	61.5	48.8	50.8
Nothing specific, it just happened	15.0	17.1	19.5
Focus child decided	0.4	1.3	0.5
Other	2.4	1.6	1.8
Total	100.0	100.0	100.0
No. of participants	8,873	3,764	7,482

Notes: Data have been weighted. Parents are not the same across three waves. Excludes parents who did not know or refused to answer (< 1% for each wave). Percentages may not total 100% due to rounding.

Table 4.15 shows the main pathways used by parents in Wave 3, according to whether they had reached or were in the process of sorting out parenting agreements.⁴⁸ The table reveals that discussions between parents themselves was again the most common main resolution pathway, both for those who had sorted out or were in process of sorting out arrangements (53% and 44% respectively). The next most common main pathway, “nothing specific, it just happened”, was also arrived at by the parents themselves (19% and 21% respectively).

Table 4.15: Main pathways used for parenting arrangements, by status of sorting out, Wave 3

Pathways used or using	Sorted out (%)	In process *** (%)
Counselling, mediation or FDR services	9.7	12.1
A lawyer	8.9	9.4
The courts	7.4	11.1
Discussions with focus parent	52.6	44.4
Nothing specific, it just happened	19.1	20.9
Focus child decided	0.5	0.4
Other	1.8	1.7
Total	100.0	100.0
No. of participants	5,960	1,522

Notes: Data have been weighted. Excludes parents who did not know or refused to answer (< 1%). Percentages may not total 100% due to rounding. *** $p < .001$; statistically significant relationship emerged between pathways and status of sorting out.

Results for the three professional pathways were counselling, mediation or FDR services (10% for sorted out and 12% for in process), lawyers (9% for both), and courts (7% and 11% respectively). Professional intervention was a little more likely among parents in the process than those who had sorted out arrangements, although proportions were similar with respect to lawyers. Decisions by the focus child or outcomes using other means again represented a very small proportion of the total sample of parents, with no difference regarding whether the end result was sorted out or in process.

Data from an analysis of the first two waves indicated that a protracted process of reaching agreements was linked with a greater use of lawyers or the courts (Qu & Weston, 2010). This finding is consistent with the data from all three waves. Table 4.16 (on page 55) illustrates the main pathways used according to which wave the parents first reported that their parenting arrangements had been sorted out.

⁴⁸ It should be noted that for parents who reported that they had sorted out parenting agreements in Wave 3, it is not clear when this took place. Some parents might have reached their parenting agreements by Wave 1 and their agreements had not changed since then. For these parents, main pathways would be the same as reported in Wave 1.

Table 4.16: Main pathways used, by wave in which parenting arrangements first reported as sorted out, continuing sample

Pathways used	Wave 1 (%)	Wave 2 (%)	Wave 3 *** (%)
Counselling, mediation or FDR services	8.9	16.8	16.2
A lawyer	5.7	12.6	15.2
The courts	2.9	13.5	20.9
Discussions	65.1	37.3	24.8
Nothing specific, it just happened	14.8	17.4	20.3
Other ^a	2.6	2.6	2.8
Total	100.0	100.0	100.0
No. of participants	3,120	673	253

Notes: Data have been weighted. Excludes parents who did not know or refused to answer (< 1% for each wave). ^a Includes “focus child decided”. Percentages may not total 100% due to rounding. *** $p < .001$; statistically significant relationship emerged between pathways used and wave in which parents reported sorting out arrangements.

Discussions between parents was most commonly reported as the main pathway by parents who had reached parenting agreements by Wave 1 (65%). In Wave 2, however, discussions were reported as the main pathway by 37% and in Wave 3 by 25%. This decrease was offset to a limited degree by an increase over time of arrangements that “just happened” (Wave 1: 15%; Wave 2: 17%; Wave 3: 20%). But of greater significance was that the longer that parents took to develop their initial parenting agreements, the more likely they were to rely mainly on formal services (legal and non-legal) and the courts:

- Use of courts accounted for the steepest increase, from 3% of the group reaching initial parenting agreements by Wave 1 to 14% in Wave 2 and 21% in Wave 3.
- Use of a lawyer increased from 6% among parents reaching initial parenting agreements by Wave 1, to 13% by Wave 2 and to 15% by Wave 3.
- Use of counselling, mediation or FDR services increased from 9% in Wave 1 to 17% in Wave 2, and remained similar at 16% in Wave 3.

Further analysis reveals that parents who took longer to reach parenting agreements were also more likely to have ongoing family violence/abuse and safety concerns. Thus, among parents who had reached parenting agreements for the first time by Wave 3, 35% reported the experience of physical hurt and/or emotional abuse in all three waves and 11% had safety concerns across all three waves. By contrast, of parents who had reached parenting agreements by Wave 1, 20% reported the experience of family violence/abuse in all three waves and 3% had safety concerns in all three waves. Parents who had reached initial parenting agreements by Wave 2 fell in respect to these experiences, with 35% reporting family violence/abuse at all three waves and 7% reporting safety concerns at all three waves.

4.5 Views about processes and main pathways

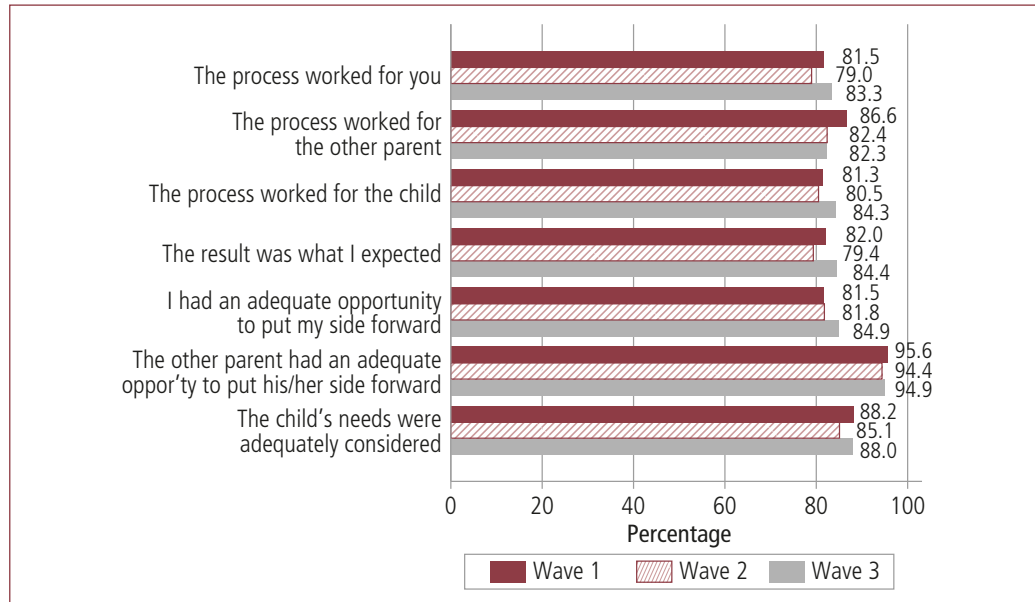
In each wave, parents who had sorted out or were in process of sorting out parenting agreements were asked whether they agreed or disagreed with the following aspects of their main pathways:

- The process worked/is working for you.
- The process worked/is working for the other parents.
- The process worked/is working for the child.
- The result was what I expected.
- I had an adequate opportunity to put my side forward.
- The other parent had an adequate opportunity to put his/her side forward.
- The child's needs were adequately considered.

The response options for each statement were “strongly agree”, “agree”, “neither agree nor disagree”, “disagree”, or “strongly disagree”.

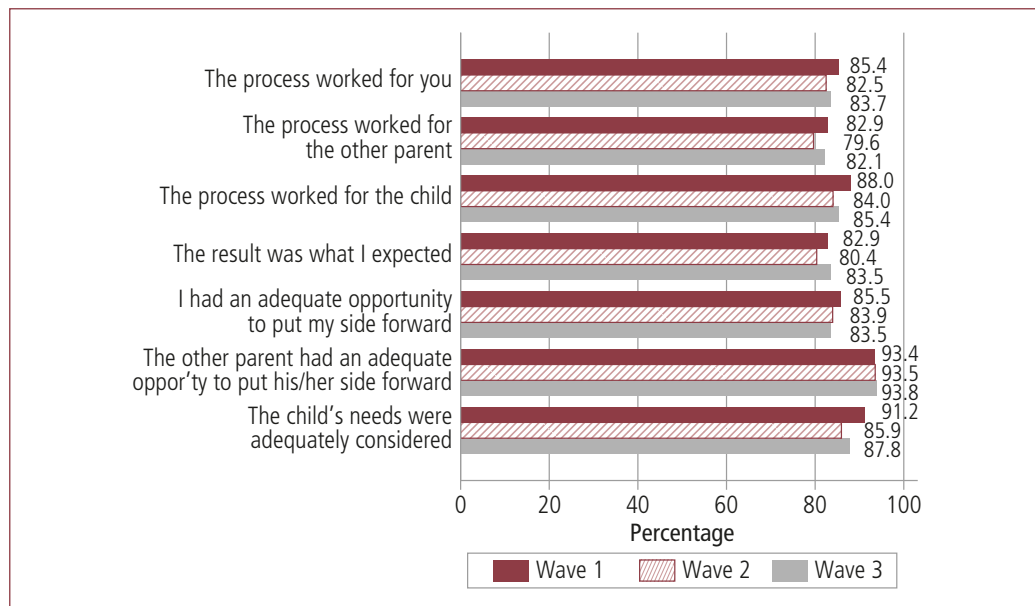
Figure 4.1 and Figure 4.2 reveal that at least four in five mothers and fathers who had sorted out their parenting arrangements at all three waves agreed or strongly agreed at each wave that:

- the process used to reach agreement worked for themselves, their child and the other parent;
- the result was as expected;
- they and their former partner had had an opportunity to put forward their sides of the dispute; and
- their child's needs were adequately considered.



Notes: Weighted data.

Figure 4.1: Proportion of fathers who agreed/strongly agreed with statements about the process of reaching parenting agreements, fathers who had sorted out agreement, by wave



Notes: Weighted data.

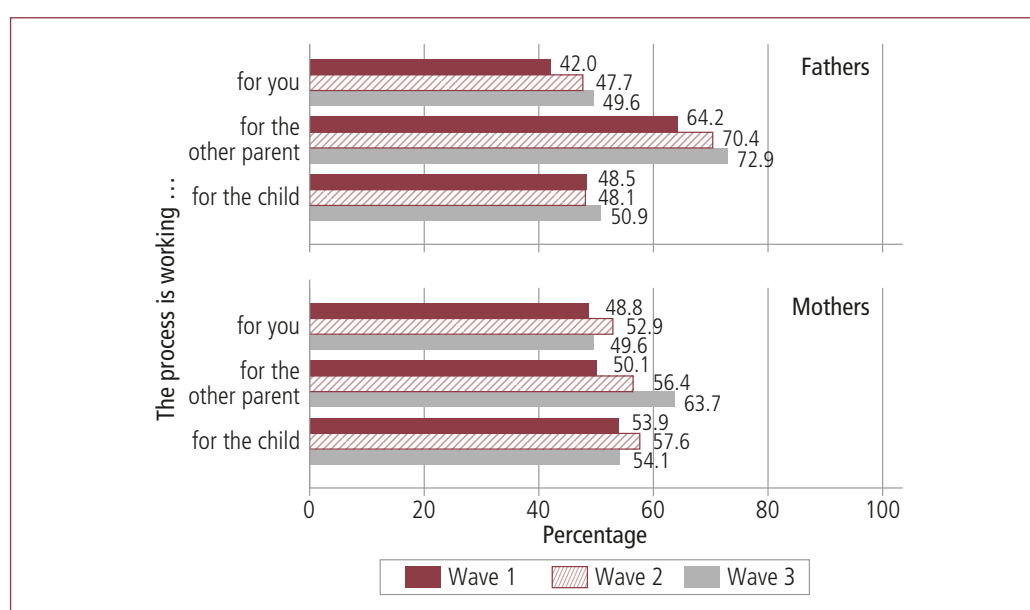
Figure 4.2: Proportion of mothers who agreed/strongly agreed with statements about the process of reaching parenting agreements, mothers who had sorted out agreements, by wave

Rates of agreement with these propositions were generally similar across waves. In all waves, gender differences were relatively small, except for responses to the statement about the opportunity to put one's own side forward. Across all waves, both fathers and mothers were more likely to believe that their former partner had had the advantage in this regard. Despite this exception, these are encouraging findings, suggesting that for a large majority of parents who had sorted out arrangements at each wave, the pathway towards reaching agreement was a satisfactory one. This suggests that for these parents the procedures used were experienced as being reasonably balanced and non-coercive, as well as child-focused.

Findings of levels of satisfaction (using various measures) with the process of sorting out of parenting agreements (Figures 4.1 and 4.2) suggest different patterns from the data on views of the "helpfulness" of different services reported in section 4.2. This may reflect the expectations parents have of what particular services can provide. In addition to the service perceived as the main pathway, parents might have used other services through which they received referrals or assistance with their progress in achieving parenting agreements. The discussion in section 4.2 included issues such as property and violence/abuse and a range of services needs (e.g., information, dispute resolution, etc.).

Compared to parents who had reached agreement, those who were still sorting out parenting agreements were considerably less enthusiastic about their current process. Figure 4.3 reveals that at each wave, 42–50% of the fathers agreed or strongly agreed that the process was working for them, compared to 64–73% who held the same view with respect to their former partner. Fathers were somewhat less enthusiastic about the efficacy of the processes for both themselves and their partners in Wave 1 compared to the later waves. Roughly half the fathers thought the process was working for their children at each wave.

Figure 4.3 also reveals that at each wave, about half the mothers still sorting out parenting agreements agreed or strongly agreed that the process was working for them, with only minor variations between waves. Between 50% and 64% agreed or strongly agreed that the process was working for their former partner. Like their male counterparts, mothers were least likely to see the process working for their former partners in Wave 1 compared to later waves. However, a little over half the mothers thought the process was working for their child, with only minor variations in agreement rates between waves.

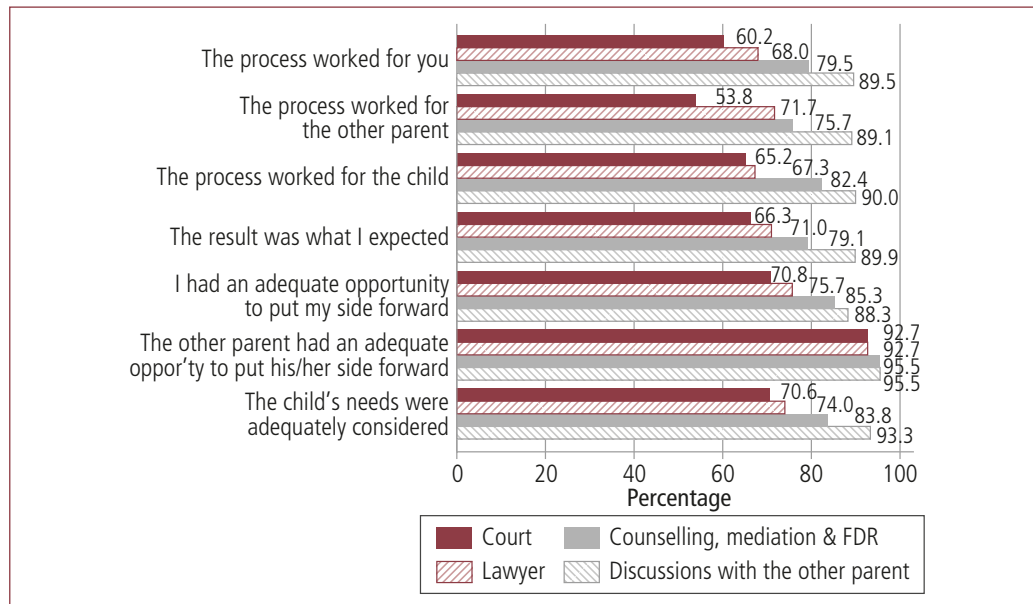


Notes: Weighted data.

Figure 4.3: Proportion of fathers and mothers who agreed/strongly agreed with statements about the process of reaching parenting agreements, parents in the process of sorting out agreements, by wave

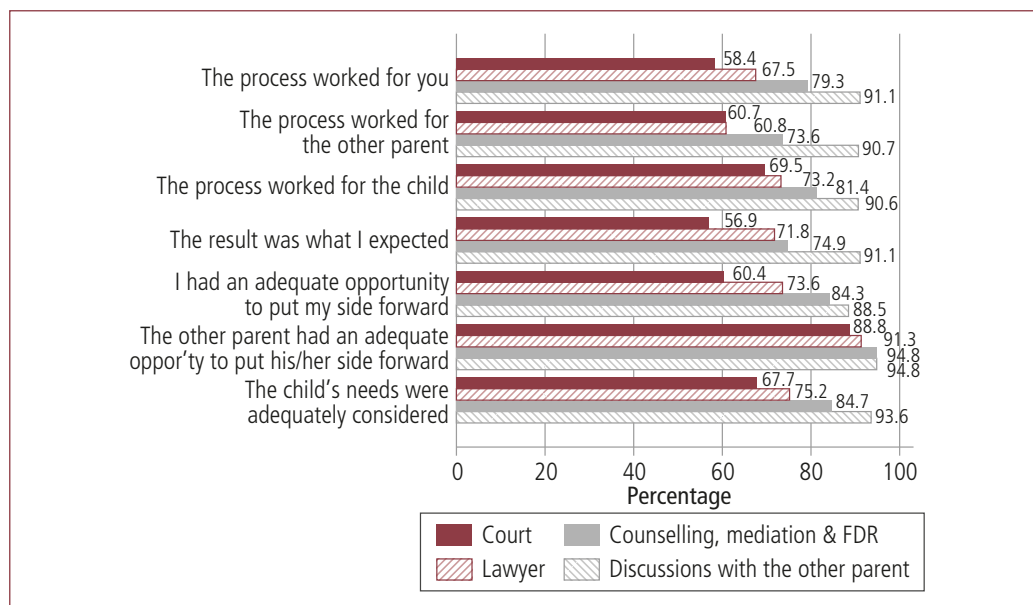
Figure 4.4 shows that a majority of fathers who had sorted out parenting arrangements in Wave 3 had positive views about each of the four main pathways used. The statement relating to the other parents' opportunity to put her side forward received the highest overall endorsement (93–96%). Of the remaining statements, courts were endorsed least often with respect to each of the processes outlined (54–71%), followed by lawyers (67–76%), counselling, mediation or FDR services (76–85%), and discussions (88–93%).

Figure 4.5 shows that the majority of mothers who had sorted out parenting arrangements in Wave 3 also had positive views about each of the four main pathways used. Again, the



Notes: Data have been weighted.

Figure 4.4: Proportion of fathers who agreed/strongly agreed with each statement about the process of reaching parenting agreements, by main pathways used, fathers who had sorted out agreements, Wave 3



Notes: Data have been weighted.

Figure 4.5: Proportion of mothers who agreed/strongly agreed with each statement about the process of reaching parenting agreements, by main pathways used, mothers who had sorted out agreements, Wave 3

statement relating to the other parents' opportunity to put his side forward received the highest overall endorsement (89–95%), with lawyers and courts once more receiving a slightly lower rate of endorsement than both counselling, mediation or FDR services and discussions on this dimension. The pattern of endorsement for the remaining statements was similar to that for fathers, with courts again being endorsed least often (57–70%), followed by lawyers (61–75%), counselling, mediation or FDR services (74–85%), and discussions (89–94%). There were no major differences with respect to the endorsement rates of fathers and mothers.

4.6 Family dispute resolution

FDR use and outcomes

As noted in the introductory comments in this chapter, the requirement to attempt FDR before lodging a court application, with certain exceptions, was a key strategy incorporated into the 2006 family law reforms. Table 4.17 summarises the use of FDR by both fathers and mothers, as reported at each wave. The table shows that, overall, use of FDR reduced over time (28% in Wave 1; 21% in Wave 2; and 15% in Wave 3) and that though both fathers and mothers made decreasing use of FDR across waves, at each point in time, fathers were significantly more likely to use this service than mothers (31% vs 26% in Wave 1; 24% vs 18% in Wave 2; and 17% vs 14% in Wave 3).

Table 4.17: Use of FDR, by gender and wave

	Wave 1			Wave 2			Wave 3		
	Fathers (%)	Mothers ** (%)	All (%)	Fathers (%)	Mothers *** (%)	All (%)	Fathers (%)	Mothers *** (%)	All (%)
Attempted FDR	30.6	26.2	28.4	24.1	18.0	20.9	16.8	13.6	15.2
Did not attempt	69.4	73.8	71.6	75.9	82.0	79.1	83.2	86.4	84.8
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
No. of parents	4,917	4,977	9,894	2,021	2,383	4,404	4,493	4,238	8,731

Notes: Data have been weighted. Excludes parents who did not know or refused to answer (< 1%). Responding parents were not the same across the three waves. ** $p < .01$; *** $p < .001$; statistically significant relationship emerged between parent gender and whether attempted FDR.

Table 4.18 summarises the data regarding location of FDR use at each wave. The table shows that FRCs were used significantly more often than other services for FDR and that the conduct of FDR at FRCs in each wave increased over time (67% in Wave 1; 71% in Wave 2; and 76% in Wave 3).

Table 4.18: Where parents reported attempting family dispute resolution, by gender and wave

Where attempted FDR	Wave 1			Wave 2			Wave 3		
	Fathers (%)	Mothers (%)	All (%)	Fathers (%)	Mothers (%)	All (%)	Fathers (%)	Mothers (%)	All (%)
FRC	68.7	65.3	67.1	72.6	69.7	71.3	75.8	75.6	75.7
Elsewhere	31.3	34.7	32.9	27.4	30.3	28.7	24.2	24.4	24.3
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
No. of parents	1,484	1,333	2,817	454	434	888	677	585	1,262

Notes: Data have been weighted. Excludes parents who did not know or refused to answer (< 1%).

Table 4.19 (on page 60) reveals that of the parents who attempted FDR in Wave 1, 39% reached agreement as a direct result of FDR. Of the remainder, 31% did not reach agreement but were not issued with a section 60I certificate.⁴⁹ A further 21% were issued with a section

⁴⁹ The 2006 reforms created two ways in which an individual can make an application to a family court with respect to a parenting issue. The first involves filing an application pursuant to one of the exceptions to the default position of mandatory FDR (see s 60I summarised in Kaspiew et al., 2009, pp. 93–94). The second involves obtaining a certificate, which an FDR practitioner is empowered to issue if a matter is deemed not amenable to resolution through FDR.

60I certificate, enabling one or both parents, should they wish, to take have their dispute adjudicated by a court. The outcomes for the remaining 9% were uncertain.⁵⁰

Table 4.19: Outcomes for parents who attempted FDR, by gender and wave

	Wave 1			Wave 2			Wave 3		
	Fathers (%)	Mothers ** (%)	All (%)	Fathers (%)	Mothers *** (%)	All (%)	Fathers (%)	Mothers *** (%)	All (%)
Agreement reached	39.0	39.8	39.4	39.8	41.7	40.7	36.9	36.4	36.7
No agreement reached									
Certificate issued	21.9	20.0	21.0	33.2	32.3	32.8	43.0	38.8	41.1
No certificate issued	30.0	31.4	30.6	23.5	24.6	24.0	18.3	21.8	19.8
Unsure whether certificate issued	2.7	2.5	2.6	3.0	1.5	2.3	1.5	2.3	1.9
Other outcome	6.4	6.3	6.4	0.5	0.0	0.3	0.4	0.7	0.5
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
No. of parents	1,410	1,208	2,618	385	370	755	608	523	1,131

Notes: Data have been weighted. Excludes parents who did not know or refused to answer (< 1%). Responding parents were not the same across the three waves. Percentages may not total 100% due to rounding. ** $p < .01$; *** $p < .001$; statistically significant relationship emerged between parent gender and outcome of FDR.

Table 4.19 also reveals that although agreement as a direct result of FDR remained roughly similar across waves (39% in Wave 1; 41% in Wave 2; and 37% in Wave 3), the proportion of certificates issued changed over time, rising from 21% in Wave 1, to 33% in Wave 2 and to 41% in Wave 3.⁵¹ The corresponding percentage of cases in which agreement was not reached as a direct result of FDR but no certificate was issued, fell from 31% in Wave 1, to 24% in Wave 2, and 20% in Wave 3.

The increase in the proportion of certificates issued could reflect a variety of changes from Wave 1 to Wave 3. For example, anecdotal evidence from FDR practitioners (not sampled in this report) suggests that they may be more likely to issue certificates as they become more experienced in the field and are able to make more informed assessments of the likelihood of reaching agreement through facilitated processes. Other informal feedback from FDR practitioners suggests that one parent's unwillingness to participate in FDR is more common in cases in which the parents have been separated for a considerable amount of time. Whatever the reasons, the higher rate of issuing certificates as disputes drag on is consistent with the findings in section 4.4 that parents in these circumstances were increasingly likely to see courts as their main dispute resolution pathway.

FDR outcomes, parenting and relationship dynamics over time

In order to obtain a better sense of the sustainability of FDR outcomes, comparisons were made with respect to the following consequences resulting from interventions in Wave 1:

- the sorting out of parenting arrangements across all three waves;
- reports of experiences of family violence/abuse across all three waves; and
- reports of safety concerns across all three waves.

As summarised in Table 4.20 (on page 61), the analysis focused on the three immediate Wave 1 outcomes: agreement reached, no agreement with no certificate issued, and no agreement with a certificate issued.

⁵⁰ It should be noted that as certificates can be issued up to 12 months after FDR concludes, this analysis might not have captured the total number of certificates issued to these parents.

⁵¹ A little of the variation between Wave 1 and the other two waves might be accounted for by the higher percentage of uncertain outcomes (including other outcomes) recorded in Wave 1 (9% vs less than 3%).

Table 4.20: State of parenting arrangements, family violence/abuse, and safety concerns for all waves, by Wave 1 FDR outcomes, continuing sample

	Outcomes of FDR, Wave 1		
	Agreement reached (%)	No certificate issued (%)	Certificate issued (%)
Whether parenting arrangements sorted out ***			
Sorted out in all three waves	51.4	45.0	23.0
Sorted out in two waves	28.3	30.3	29.1
Sorted out in one wave	13.5	16.4	34.3
Not sorted out in any wave	6.8	8.3	13.6
Total	100.0	100.0	100.0
No. of parents	533	417	293
Family violence/abuse ^a ***			
Violence/abuse in all three waves	57.2	59.7	74.2
Violence/abuse in Wave 1 but not Waves 2 or 3	11.2	16.6	14.0
Violence/abuse in Waves 2 and/or 3 but not Wave 1	15.5	12.3	9.7
Violence/abuse not indicated in any wave	16.2	11.4	2.1
Total	100.0	100.0	100.0
No. of parents	543	424	301
Whether had safety concerns ***			
Had safety concerns in all three waves	6.2	7.4	15.8
Had safety concerns in two waves	12.4	14.4	15.7
Had safety concerns in one wave	20.8	18.9	26.5
No safety concerns in any wave	60.7	59.3	42.0
Total	100.0	100.0	100.0
No. of parents	512	405	292

Notes: Data have been weighted. Excludes parents who did not know or refused to answer.^a Note in both Waves 2 and 3, the experience of family violence/abuse was considered in the 12 months prior to interviews, while Wave 1 focused on the experience before/during separation. Percentages may not total 100% due to rounding. *** $p < .001$; statistically significant relationship emerged between the response categories and the outcomes of FDR.

Once again, the dynamic nature of post-separation parenting arrangements is revealed in this table. Of those parents who had reached agreement in Wave 1, just over half (51%) reported that parenting arrangements had remained sorted out in all three waves. A further 28% reported this in two waves, while 14% gave the same report in one wave only. Only 7% of those who had reached agreement in Wave 1 reported that they had sorted nothing out in all three waves.

Of those who did not reach agreement as a direct result of FDR but who had not been issued with a certificate, 45% reported that parenting arrangements were sorted out in all three waves, 30% in two waves and 16% in one wave only. Only 8% of this group had sorted nothing out at all interviews.

By way of contrast, of those who were issued with a certificate, only 23% reported that parenting arrangements were sorted out in all three waves, 29% in two waves and 34% in one wave only. In addition 14% had sorting nothing out at all interviews.

The second part of Table 4.20 examines the effects of family violence/abuse on FDR outcomes reported in Wave 1 by parents who participated in all three waves. The table reveals statistically significant differences between the three outcome groups

Of those who had reached agreement by Wave 1, 57% reported in all three waves having experienced family violence/abuse. Only 16% reported no experience of violence/abuse at any of the three interviews. Violence/abuse at Wave 1 only was reported by 11%, while violence/abuse in Waves 2 and/or 3 but not Wave 1 was reported by 16% of parents.

Parents who were not issued with a certificate by Wave 1 were a little more likely (60%) than parents who reached agreement to have reported family violence/abuse in all three waves.

They were somewhat less likely (11%) to have reported no experience of violence/abuse at any of the three interviews and somewhat more likely (17%) to have reported the experience of violence/abuse in Wave 1 only. Finally they were somewhat less likely (12%) to have reported violence/abuse in Waves 2 and/or 3 only.

Compared to the other two outcome groups, the certificate group reported family violence/abuse considerably more often (74%) in all three waves and were much less likely (2%) to have reported no experience of violence/abuse at any of the three interviews. Reports of violence/abuse in Wave 1 only (14%) fell in between rates reported by the other two groups, while reported violence/abuse in Waves 2 and/or 3 only (10%) was somewhat lower than similar reports from the other groups.

The third part of Table 4.20, which focuses on safety concerns, reveals a pattern of FDR outcomes similar to that found when family violence/abuse was considered. The family violence/abuse variable covers a spectrum of concerns and contains no information with respect to perceived severity. Safety concerns is a more focused variable, and the smaller percentages of parents responding to this question suggests that, on average, a positive response is likely to be indicative of higher levels of violence/abuse or potential violence/abuse than the broader based variable of family violence/abuse.

The table reveals that 6% of parents who had reached agreement at FDR by Wave 1 had safety concerns at all three waves, while 12% had these concerns at two waves and 21% at only one wave. A majority (61%) expressed no safety concerns at any of the three interviews.

Those parents who were not issued with a certificate by Wave 1 were similarly likely to have expressed safety concerns at all three waves (7%), at two waves (14%), and at one wave only (19%). Similarly, a majority (59%) expressed no safety concerns at any of the three interviews.

Parents who were issued with a certificate by Wave 1 were considerably more likely than other parents to have expressed safety concerns at all three waves (16%) and at one wave (27%) and a little more likely to have expressed these concerns at two waves (16%). Only a minority of these parents (42%) expressed no safety concerns at any of the three interviews.

In summary, these data suggest that although the experience of family violence/abuse is common among those parents who attempt FDR, those who do not reach agreement but who are not issued with a certificate, are more likely than those who reach agreement to report this experience, while those who are issued with a certificate are the most likely of all to make such a report. A similar pattern can be seen when safety concerns are examined. Those who reach agreement are the least likely to report safety concerns; those who do not reach agreement but are not issued with a certificate are somewhat more likely to report safety concerns; and those who are issued with a certificate are the most likely to have such concerns.

FDR agreements, negative relationships and safety concerns over time

Around four in ten parents who attempted FDR reached agreement through this process in Wave 1. The extent to which these agreements were sustained in families where one parent reported one or more of three indicators of family complexity—safety concerns, family violence/abuse before or during separation, and negative inter-parental relationships—is examined on the basis of Wave 2 and 3 data in this section. (The three indicators are also here referred to as “negative dynamics”.) The analysis focuses on parents who had reached agreements through FDR in Wave 1, and examines their parenting agreement status as well as their experience of ongoing violence/abuse and safety concerns in the two later waves.

The analysis presented in this section is based on three groups of parents: Group 1 reported none of the three indicators of complexity in Wave 1 (here called the “comparison group”), Group 2 reported one of the indicators (also referred to as the “moderate complexity group”) and Group 3 reported two or more indicators in Wave 1 (referred to as the “high complexity group”).⁵²

⁵² The number of parents in the three groups were $n = 124$, $n = 224$, and $n = 202$.

This analysis produced the following findings on the status of arrangements in Waves 2 and 3, following agreements through FDR in Wave 1:

- *comparison group*: 6% reported not-settled arrangements in Waves 2 and 3, 27% reported that arrangements were settled at either Wave 2 or 3, and 66% had settled arrangements in both waves;
- *moderate complexity group*: 10% reported not-settled arrangements in Waves 2 and 3, 24% reported arrangements were settled in either Wave 2 or 3, and 66% had settled arrangements in both waves; and
- *high complexity group*: 20% reported not-settled arrangements in Waves 2 and 3, 32% indicated arrangements were settled in either Wave 2 or 3, and 48% reported arrangements were settled in both waves.

The analysis demonstrates that the high complexity group parents were much more likely to report unstable arrangements than the other parents. Interestingly, the analysis suggests the differences in the stability of FDR agreements were less marked between the comparison group and the moderate complexity group.

In relation to reports of experiencing family violence/abuse in Waves 2 and 3, even more striking differences emerged between the three groups:

- *comparison group*: 58% reported no family violence/abuse in either wave, 27% reported family violence/abuse in Wave 2 or 3, and 16% reported family violence/abuse in both waves;
- *moderate complexity group*: 23% reported no family violence/abuse in either wave, 40% reported family violence/abuse in Wave 2 or 3, and 37% reported family violence/abuse in both waves; and
- *high complexity group*: 8% reported no family violence/abuse in either wave, 37% reported family violence/abuse in Wave 2 or 3, and 53% reported family violence/abuse in both waves.

The consistent pattern of higher indications of sustained difficulty among the families who at the outset demonstrated greater complexity, is also strongly evident in the findings on parents' reports of safety concerns across the two subsequent waves:

- *comparison group*: 92% reported no safety concerns in either wave, 8% reported safety concerns in Wave 2 or 3, and none reported holding concerns across both waves;
- *moderate complexity group*: 76% of parents reported no safety concerns in either wave, 17% had concerns in Wave 2 or 3, and 7% had concerns in both waves; and
- *high complexity group*: 44% reported no safety concerns in either wave; 37% reported concerns in either Wave 2 or 3, and 18% reported concerns across both waves.

The findings of this analysis provide further reinforcement of the point emerging increasingly clearly throughout this report—that complex families pose significant challenges for the family law system. The Better Partnerships Program (Moloney et al., 2011; 2013) and the Coordinated Family Dispute Resolution project (Kaspiew, De Maio, Deblaquiere, & Horsfall, 2012) are two developments that have responded to these challenges. In addition, there continue to be multiple local initiatives—not infrequently linked to the work of Family Law Pathways Networks—that aim to respond to families' needs through the promotion of more joined-up responses from family relationship and legal services, working when necessary in conjunction with the courts. Focusing on issues of child protection in family law disputes, for example, Hannan (2013) has noted that,

FRCs [which have been progressively] prioritising FDR work ... have seen an increase in the complexity of families attending their services, including an increase in family violence, drug and alcohol, and mental health clients ... This work has meant that it is critical for social science professionals to be well trained and supported in developing a good understanding of local community services. (p. 276)

Clearly, the evidence of the higher instability of arrangements agreed to through FDR among families with complex issues in the early stage of separation—including the ongoing occurrence of family violence/abuse and the presence of safety concerns across at least two waves of data collection—points to the need for sophisticated and informed dispute management and

decision-making processes for these families. Parents in this category who attempt to resolve issues through FDR processes are particularly likely to need the support of legal and/or other advocates who can assist them to reflect carefully on the options available to them and to monitor the effects of decisions made with respect to themselves and their children.

4.7 Summary

This chapter examined aspects of the experiences of parents' use of services during the two years prior to the Wave 3 interview, including issues that they brought to the attended service and the perceived outcomes. The extent to which parents sorted out parenting arrangements, and the main pathways used to reach agreements across the three waves were also explored. In addition, the chapter looked into the longer term outcomes of FDR.

Service use

During their third and fourth year of separation, 34% of separated parents made use (in decreasing order of frequency), of the following services: counselling, mediation and FDR services; a lawyer; courts; legal services; and domestic violence services. Mothers and fathers made use of services to about the same extent, though mothers were more likely than fathers to use legal and domestic violence services. About 14% of both mothers and fathers used more than one service.

Of those who had used the above services (excluding domestic violence services and courts) 42% had gone to an FRC, 23% to a Legal Aid Commission and 10% to a community legal centre. Of the remainder, 41% did not respond to the question (suggesting that they were not sure where the service was delivered), while small numbers use a women's legal service or an Aboriginal and Torres Strait Islander legal service. Mothers were more likely to have visited a legal facility, while fathers were more likely to have attended an FRC. In addition, 21% of mothers and 15% of fathers used more than one of these facilities.

These figures translate into 14% of all respondents using FRCs, 8% using a Legal Aid Commission and 3% a community legal centre, with 6% using more than one facility. Small numbers again used a women's legal service or an Aboriginal and Torres Strait Islander legal service.

Reasons for attending services

Using the most recently attended service as the reference point, it was found that around three-quarters of fathers and nearly two-thirds of mothers who had used a service in the two years prior to Wave 3 indicated that their purpose was to sort out issues relating to parenting arrangements. The next most common reason for using a service was to deal with issues of family violence/abuse (12% of fathers and 22% of mothers), followed by resolving property arrangements (13% of fathers and 14% mothers) and child support issues (13% of fathers and 16% of mothers). Around a quarter of fathers and mothers nominated more than one issue, the most common combinations being parenting arrangements and family violence/abuse, and parenting arrangements and child support. A further 11% of fathers and 16% of mothers referred to matters not specifically asked about. These other matters included finalising divorce, the development of relationship skills, and counselling.

Sorting out parenting arrangements was again easily the most commonly mentioned reason for attending specific services—given by 89% of parents who attended a Family Relationship Centre and 51–74% of parents who used other services. The resolution of property arrangements was most commonly attended to by lawyers (40%) or by other legal services (18–24%).⁵³ Less than 7% of parents indicated using other services to deal with property issues.

Substantial minorities of parents indicated that they went to the courts or the various legal services to deal with family violence/abuse issues (18–24%). Parents who attended a domestic violence service were the most likely of all groups to indicate that they went to that service (at least partly) to sort out violence/abuse or safety issues (41%). Only 10–14% of parents who used

⁵³ Except the Legal Aid Commission.

a Family Relationship Centre, some other unspecified counselling, mediation or FDR service, or a lawyer nominated violence/abuse as reason for accessing the service. Child support matters did not feature strongly as a reason for using any of the services listed, being most commonly noted by those who used a lawyer or a community legal centre/women's legal service. Only 8% who used the courts indicated that they did so at least partly to deal with child support matters.

In terms of underlying needs, parents typically indicated that they went to services for information (68%), advice (58%) or dispute resolution (54%). Considerably lower proportions (19–25%) indicated that their needs were linked to court-related matters. There appeared to be a gender difference in the ways in which mothers and fathers framed their needs, with somewhat more mothers than fathers seeking information (71% vs 64%) and/or advice (61% vs 55%), while considerably more fathers than mothers identified a need for a dispute resolution service (60% vs 48%). In addition, the majority of parents who used the services identified multiple service needs (70% of fathers and 72% of mothers); often three or more types (50% of fathers and 47% of mothers).

Information or advice was sought by a majority of parents attending all services except the courts. Dispute resolution was most commonly mentioned by parents who went to Family Relationship Centres (78%), followed by those who went to counselling, mediation or FDR services (61%). The need for an application for consent order in court was most prevalent among those who went to a domestic violence service (47%), Legal Aid Commission (40%) and lawyer (36%), while it was less common for those who went to court (23%) and even less by the other service users (17% or less).

The service needs in relation to court cases (i.e., application for a court case, preparing a court application against you, advice on your court case) was more prevalent for parents who went to a Legal Aid Commission, domestic violence service or lawyer.

Experience of services

Many parents of both genders held positive views about the services they received to help settle their issues after separation. It was found that about eight in ten fathers and mothers considered the service they received was very helpful or somewhat helpful to them. At the same time, nearly one-fifth reported that the services they used were not helpful at all to them. However, views varied across type of services used. The proportion considering the service used “very helpful” was highest among parents who used a lawyer (51%), followed by those who used a Legal Aid Commission (44%). It was lowest among those who used Family Relationship Centres (29%) and community legal centres or women's legal services (30%), followed by those who went to courts (35%).

The proportion of parents considering the service used as being somewhat helpful was highest among parents who went to Family Relationship Centres (50%) and lowest among those who went to lawyers and a domestic violence service (37% separately).

The view of the service used being not helpful at all was highest among parents who went to a Family Relationship Centre (26%) and lowest among parents who went to a lawyer (12%) and legal service (unspecified) (12%). This view varied for other services (15–22%).

An issue that may have bearing on these patterns regarding views of helpfulness may be the expectations that parents brought to the services they approached and the limitations that some services—especially Legal Aid Commissions, Family Relationship Centres, community legal centres and women's legal services—have in providing sought after services in certain circumstances. For example, direct interventions by legal services are necessarily constrained by funding limitations, which may prove a source of frustration for potential clients who find themselves to be ineligible. In addition, the obligation of FRCs to engage in quite complex triage processes (not infrequently resulting in referral to other services) may also be interpreted by some parents as interventions that do not directly meet their needs or only meet the needs of their former partner.⁵⁴

⁵⁴ The Operational Framework for FRCs (FaHCSIA, 2009) stresses the position that FRCs occupy as “front doors to services that can assist families at all stages of their relationships” (p. 29). Client expectations on the other hand may often be for a “one-stop shop” that houses all services in the one building.

These broader obligations might also provide a partial explanation for why, compared with FRCs, counselling, mediation or FDR services are more frequently rated as being very helpful and less frequently rated as not at all helpful. Although there is clearly some overlap due to the fact that FRCs also provide FDR, parents may be more inclined to give a positive rating to a clearly defined service (counselling, mediation or FDR) than an intervention that spends a considerable time in screening, assessing and considering the possibility of referral. A further limitation with respect to FDR, whether provided by an FRC or another service, is the potential for one party to stymie the attempt by refusing to engage with the process.

Sorting out arrangements

The data exploring how parents sorted out their arrangements point to the complex and ongoing nature of decision-making about children following parental separation. A first level of analysis shows that 72% of former partners had sorted out their parenting arrangements in Wave 1, 77% in Wave 2, and 68% in Wave 3. Proportions of parents still in the process of sorting out arrangements varied between 18% (Wave 1), 14% (Wave 2) and 19% (Wave 3), while the equivalent figures for those for whom nothing was sorted were 10% (Wave 1), 9% (Wave 2) and 13% (Wave 3).

Sorting out parenting arrangements, however, is a more dynamic process than these figures might at first suggest, with the data revealing multiple movements between the three categories of resolution. For example, of those parents who had sorted out parenting arrangements in Wave 1, 75% were in this category in Wave 3. But of those who were in the process of sorting out matters and for those for whom nothing was sorted in Wave 1, a small majority (53%) had sorted out matters by Wave 3. Furthermore, slightly fewer than half of those who reported having sorted out their parenting arrangements, made this report at all three waves. About 8% of all parents reported at all three waves that nothing had been sorted out, though only about half of this group indicated that there had never been agreements about parenting at any time after separating. The changeability of arrangements demonstrated by these data points to the importance of understanding the pathways used to develop and continue to develop parenting arrangements after separation.

Main pathways for development of parenting arrangements

At each wave, discussions and “it just happened” were easily the most common main pathways for parents who had sorted out or were in the process of sorting out arrangements (77% in Wave 1, 66% in Wave 2, and 70% in Wave 3). The next most common main pathway was counselling, mediation or FDR services, followed by lawyers and then courts. Nomination of lawyers increased marginally with each wave (7% in Wave 1 and 9% in Wave 3). Nomination of counselling, mediation or FDR services and of courts was lowest in Wave 1 (9% and 5% respectively), highest in Wave 2 (12% and 11%) and in between in Wave 3 (10% and 8%).

In Wave 3, formal pathways (e.g., counselling, mediation or FDR services, lawyers and courts) were somewhat more likely to be nominated by those in the process of sorting things out than by those who had sorted things out (26% vs 33% respectively). The reverse was the case for those whose main pathway was discussions or “it just happened” (65% vs 72%).

In addition, the longer it took for parents to first sort out arrangements, the more likely they were to report the use of a professional intervention as their main pathway. Use of courts accounted for the steepest increase—from 3% of the group reaching initial parenting agreements by Wave 1 to 21% in Wave 3. Use of a lawyer increased from 6% among parents reaching initial parenting agreements by Wave 1 to 15% by Wave 3. Finally, use of counselling, mediation or FDR services increased from 9% in Wave 1 to 16% in Wave 3, and it was 17% in Wave 2.

Parents who took a longer time to reach parenting agreements were also more likely to have ongoing family violence/abuse and safety concerns. Thus, among parents who reached parenting agreements for the first time by Wave 3, 35% reported the experience of physical hurt and/or emotional abuse in all three waves and 11% had safety concerns across all three waves.

By contrast, of parents who had reached parenting agreements by Wave 1, 20% reported the experience of family violence/abuse in all three waves and 3% had safety concerns in all three waves.

Views about processes and main pathways

At least four out of five mothers and fathers who had sorted out arrangements at each wave agreed or strongly agreed that: the process they had used worked for themselves, their child and the other parent; the result was as expected; they and their former partner had had an opportunity to put their side of the dispute forward; and their child's needs were adequately considered.

Those still sorting things out at each wave were less enthusiastic about the process. Half or fewer of the fathers agreed or strongly agreed that the process was working for them, though between roughly three-quarters and two-thirds held the same view with respect to their former partner. These fathers were somewhat less enthusiastic about the processes for both themselves and their partners in Wave 1 than in later waves. Roughly half the fathers thought the process was working for their children at each wave.

About half the mothers still sorting out parenting agreements agreed or strongly agreed that process was working for them. Between about two-thirds and a half agreed or strongly agreed that the process was working for their former partner. Like their male counterparts, mothers were least likely to see the process working for their former partners in Wave 1 than in later waves. A little over half the mothers thought the process was working for their child, at each wave.

With respect to particular main pathways, courts were least often seen by fathers to provide a satisfactory process, followed by lawyers. Discussions as the main pathway for parenting agreements received the highest endorsement, followed counselling, mediation or FDR services. These patterns were apparent for both fathers and mothers.

Family dispute resolution

Over the three waves, the proportion of parents who attempted FDR reduced from 31% in Wave 1 to 15% in Wave 3. The proportion of parents using FRCs for the purpose of FDR increased over the three waves from 67% in Wave 1 to 76% in Wave 3. This increase applied to both fathers and mothers, though at each wave, fathers were significantly more likely than mothers to report attempting FDR.

At each wave, about four in every ten parents reached agreement as a direct part of the FDR process itself. Section 60I certificates were issued to a little over two in ten parents in Wave 1, a little over three in ten parents in Wave 2 and a little over four in ten parents in Wave 3, suggesting that the cases presenting for FDR were becoming more difficult over time.

Of those parents who had reached agreement in Wave 1, just over half (51%) reported that parenting arrangements had remained sorted out at all three waves. About half that number (28%) reported this at two waves, while about half that number again (14%) gave the same report at one wave only. Only 7% of the agreement group had sorted nothing out at all three interviews.

Of those who did not reach agreement as a direct result of FDR but who had *not* been issued with a certificate, fewer (45%) reported that parenting arrangements were sorted out at all three waves, though similar numbers reported this at two waves and at one wave only (30% and 16% respectively). A similar number (8%) of this group had sorted nothing out at all three interviews.

By way of contrast, of those who were issued with a certificate, fewer than a quarter (23%) reported that parenting arrangements had been sorted out at all three waves. Similar numbers, however, had sorted things out at two waves (29%) and considerably more at one wave only (34%). Almost twice as many (14%) had sorting nothing out at all three interviews.

Dealing with family violence/abuse is clearly “core business” for FDR practitioners. Of those parents who had reached agreement, only 16% reported no experience of violence/abuse at any of the three interviews. Of those who were not issued with a certificate (despite not reaching

agreement), 11% reported no experience of violence/abuse at any of the three interviews. Of those who were issued with a certificate only, 2% reported no experience of violence/abuse at any of the three interviews.

The extent to which family violence/abuse translates into safety concerns also varies according to whether agreements were reached and whether certificates were issued. Of those who reached agreement, 6% had safety concerns at all three waves, while 12% had these concerns at two waves and 21% at only one wave. A majority (61%) expressed no safety concerns at any of the three interviews. Of those not issued with a certificate, about the same numbers (7%, 14% and 19% respectively) had safety concerns at all three waves, two waves and one wave only. A majority (59%) expressed no safety concerns at any of the three interviews.

Once again, parents who were issued with a certificate showed signs of greater distress. They were considerably more likely than other parents to have expressed safety concerns at all three waves (16%), more likely at two waves (16%), and considerably more likely at one wave (27%). Only a minority of these parents (42%) expressed no safety concerns at any of the three interviews.

In summary, it would appear that, for most separated families, agreements reached about parenting could more realistically be labelled as “works in progress”. Inevitably, circumstances change and the needs of both children and parents change with them. Most separated parents and their children seem to manage these issues with little or no external intervention. But the analysis in the chapter also suggests that there is a sub-group of families with multiple indicators of complexity (family violence/abuse, safety concerns, negative relationships) who continue to experience significant difficulties well into the post-separation period covered by this research. Many of these families are likely to require intensive and coordinated interventions that go beyond—though it may at times include—modified forms of FDR. For many of these families, negotiations are likely to be fraught with difficulties, especially while safety concerns remain unresolved and family violence/abuse and other dysfunctional behaviours continue to cast a shadow over attempts to establish new family relationships and new family structures.

5

Care-time arrangements

A key objective of the 2006 family law reforms was to encourage the active involvement of both parents in their children's lives where this was a safe option and in the interests of the children. Across different jurisdictions and across different eras, "involvement" has been defined in a variety of ways. Until relatively recently, however, legal and social approaches to post-separation parenting have been based on a pattern where the child spends most time with one parent and less time with the other parent. These patterns have been denoted by language such as "custody" and "visitation" in the US, and "residence" and "contact" in Australia (between 1996 and 2006). The 2006 amendments sought to increase the amount of active involvement children had with both parents after separation. This aim was reflected through, among other elements, the introduction of a rebuttable presumption in favour of equal shared parental responsibility that is not applicable in certain circumstances, including where there are concerns about family violence and child abuse. Where orders for equal shared parental responsibility are made pursuant to the presumption, the family law courts are obliged to consider making orders for equal or substantial and significant time where this is considered to be in a child's best interests and reasonably practicable.

Within all family structures, care-time arrangements typically require adjustment. In the early period of separation, for example, initial arrangements may need modifying as problems surface when arrangements are tried out. More broadly, children's needs change as they grow older, and the circumstances of one or both parents may also change so that the existing arrangements no longer work for them.

Data from Waves 1 and 2 of LSSF suggested that the age of a child has a highly significant effect on post-separation care-time arrangements. In Wave 1 of the LSSF, for example, 41% of the children who were the subject of the survey were 0–2 years old (28% were no more than 12 months old). One-third of the children aged 0–2 years saw their father in the daytime only. The high proportion of very young study children goes a long way to explaining why over one-fifth of all children in the study saw their father in the daytime only (Kaspiew et al., 2009).⁵⁵ By Wave 2, all the children were on average a year older. The proportion of all children seeing their father in the daytime only had by then fallen to 15% (Qu & Weston, 2010). This shift represented the greatest of all differences in care-time arrangements.

In general, the analyses of the first two waves of LSSF suggested that a substantial proportion of children experienced a change in arrangements over the 12-month interval between the waves (Qu & Weston, 2010).⁵⁶ The present chapter examines the extent to which, by Wave 3,

⁵⁵ A relatively high proportion of children aged 15–17 years also saw their father in the daytime only (23%), but only 7% of all focus children were of this age. The proportions of children in other age groups who were in the care of their father during the daytime only were: 3–4 years, 16%; 5–11 years, 12%; 12–14 years, 14% (Kaspiew et al., 2009).

⁵⁶ The proportion of children identified as having changed arrangements depends on the definition of change adopted. Based on 11 categories of overnight or day-only stays, Qu and Weston's (2010) analyses suggested that one-third of the children had different arrangements in the two survey periods. Had they used a smaller number of care-time categories (and therefore covering broader ranges of care-time), then the proportion of children identified as having different arrangements in the two surveys would have been smaller. The opposite would have occurred with a larger number of categories. An alternative, yielding different estimates of change, would arise if a precise measure of the total number of nights per year had been derived with "change" defined in terms of a difference of *n* number of nights per year.

even greater changes had happened, given that by this stage, parents had been separated for an average of five years. It also assesses whether the observed changes mainly suggest a “drift” towards children being in the major care of one parent, or towards more substantial amounts of time spent with each parent. There will also be discussion of the nature and degree of change and how it reflects changes in family dynamics during this period of time.

The chapter focuses on different sub-groups to address different issues relating to care-time arrangements.

Issues based on information provided by *all respondents* include:

- the prevalence of different care-time arrangements in each of the three waves; and
- the extent to which care-time arrangements in Wave 3 varied according to the age of the child and gender of the respondent parent.

Issues based on information provided by *parents in the Wave 3 “former couples” sample*⁵⁷ include:

- the level of consistency in the Wave 3 care-time arrangements reported by fathers and mothers reporting separately about the same child; and
- possible gender differences in reports of care-time arrangements.

Issues based on information provided by *parents in the continuing sample* include:

- the stability of different care-time arrangements and directions of any change in arrangements; and
- the nature and strength of any relationship between change in care-time arrangements and family dynamics.

5.1 The 11 care-time arrangements examined

Care-time arrangements, as reported by the responding parent, were divided into 11 categories. Two refer to daytime-only care (i.e., all nights with the mother and daytime care with the father or the opposite arrangement), while another two refer to cases in which the child never saw the other parent. All others were based exclusively on the percentage of nights per year that the child spent with each parent. These percentages were consistent with the cut-off times used by the Department of Human Services Child Support Program in determining child support liability. In addition, we divided the department’s “shared care” category (entailing the child spending 35–65% of nights with each parent) into three sub-categories:⁵⁸

- equal care time (i.e., 48–52% of nights with each parent);
- more time with mother (i.e., 53–65% of nights with mother and 25–47% of nights with father); and
- more time with father (i.e., 53–65% of nights with father and 25–47% with mother).

We also added categories covering no care time with father and no care time with mother.

For simplicity, we have assumed that parents who care for their child during the daytime only spend less time with their child than those who care for their child for 1–13% of nights per year.

As outlined in Chapter 2, most child-related questions focused on one child in each family (called the “focus child” or simply “child”). In Wave 1, all such children were under 18 years old. For those who were 18–22 years old by Wave 3, some of these young people were living

57 The “former couples” sample are previously partnered mothers and fathers who both participated (separately) in Wave 3 and independently outlined their child’s care-time arrangements. This group were parents to 1,287 study children (including study children aged 18 years or older).

58 Child support liability is set at 100% for payers who spend 0–13% of nights caring for their child, for their child support cost percentage is set at zero. In other words, parents who care for their child for 87–100% of nights are allocated a “child support percentage” of 100%. Child support liability is adjusted where the child spends: (a) 14–34% of nights—where the child support percentage is set at 24%—the obverse of which is 66–86% of care nights with a percentage of 76%; (b) 35–47% of nights—where the child support percentage for this parent is 25% plus 2% for every percentage point over 35% of nights—the obverse of which is 53–65% of nights which is allocated a percentage of 51% plus 2% for every percentage point over 53% of nights; and (c) 48–52% of nights for each parent—where the child support percentage is set at 50% (see DHS, 2013, for more detail).

apart from both of their parents and some were financially independent, as discussions in this chapter will show.⁵⁹ Unless otherwise specified, the analyses in this chapter focuses on children under 18 years old. A very brief description of the living arrangements of those who were older than this in Wave 3 is provided below, when links between living arrangements and children's ages are examined.

5.2 Arrangements reported by all respondents represented in any survey wave

This section focuses on the living arrangements of children according to survey wave, children's ages, and gender of parent. The results are based on the reports of all who participated in a survey wave, regardless of whether they had participated in other survey waves.

Arrangements apparent in each survey wave

The care-time arrangements of children under 18 years old, as reported by one parent, are summarised in Table 5.1.

Table 5.1: Care-time arrangements for study children aged < 18 years, by wave				
	Group no.	Wave 1 (child aged 0–17 years) (%)	Wave 2 (child aged 1–17 years) (%)	Wave 3 (child aged 4–17 years) (%)
Care-time arrangement				
Father never sees child	(1)	11.4	12.8	14.6
Father sees child in daytime only	(2)	22.2	15.5	10.6
87–99% with mother (1–13% father)	(3)	14.1	15.0	15.3
66–86% with mother (14–34% father)	(4)	31.0	33.4	32.7
53–65% with mother (35–47% father)	(5)	7.7	8.7	9.5
48–52% with each parent (equal care time)	(6)	7.1	8.2	9.4
35–47% with mother (53–65% with father)	(7)	1.3	1.3	1.3
14–34% with mother (66–86% with father)	(8)	1.9	2.2	2.4
1–13% with mother (87–99% with father)	(9)	1.1	1.2	1.7
Mother sees child in daytime only	(10)	1.3	0.9	1.0
Mother never sees child	(11)	1.0	0.9	1.6
Total		100.0	100.0	100.0
Selected combined care-time groups				
100% nights with mother	(1)+(2)	33.6	28.3	25.2
Most nights with mother	(3)+(4)	45.0	48.3	48.0
35–65% with each parent (shared care time)	(5)+(6)+(7)	16.1	18.2	20.2
Most nights with father	(8)+(9)	3.0	3.4	4.1
100% nights with father	(10)+(11)	2.3	1.8	2.6
Total		100.0	100.0	100.0
Child never sees father or mother	(1)+(11)	12.4	13.7	16.2
No. of participants		7,718	5,328	6,449

Notes: Data have been weighted. Excludes a small number of parents who did not know or refused to answer. Responding parents were not the same across the three waves. Where both parents of a focus child were interviewed, one parent's response was randomly selected. Age ranges for study children vary slightly across waves as they became older with waves (i.e., all children had to be at least 1 year old by Wave 2 and at least 4 years old in Wave 3). Percentages may not total 100% due to rounding.

⁵⁹ The concept of “children” can be based on age or on relationship to parents. We use the latter approach.

It should be kept in mind that the results for each survey wave are based on a different number of children, for three reasons:

- some children represented in Wave 1 were not represented in one or both subsequent waves;
- the results for all survey waves are restricted to arrangements in place for children under 18 years old; and
- the Wave 3 data include those for children represented in the “top-up sample”.

It is also important to note that the youngest age children could be in each survey wave differs. In Wave 1, 4% of children were under 12 months old and 24% were 12–23 months old. In Wave 2, all children were at least 12 months old, and in Wave 3, all children were at least 4 years old.⁶⁰

While the incidence and amount of change in care-time arrangements is better gauged through analyses of data provided by parents who participated in all three survey waves (i.e., the continuing sample), in the following discussion of trends based on all respondents who participated in any survey wave, we refer to differences as “changes” (or increases/decreases of time in the care of father/mother).

Table 5.1 shows that across all three waves, most children were in the care of their mother for the majority of nights or all nights per year (i.e., 66–100% of nights), with around three-quarters being in such an arrangement in Wave 3. Indeed, in all three waves, the most common arrangement entailed the child spending 66–99% of nights with the mother, and 1–34% of nights with their father, followed by the child spending all nights with the mother.⁶¹

Of the 11 specific care-time arrangements, children most commonly spent 66–86% of nights with their mother, and 14–34% of nights with their father (applying to close to one-third of children in each wave). The 14–34% care-time arrangement represents exactly the range called “regular care” by DHS CSP—where child support liability begins to be adjusted in recognition of the costs incurred by payers in spending time caring for their children.

The proportion of children spending 66–100% of nights with their mother appears to have declined slightly, from 79% in Wave 1 to 73% in Wave 3. This seems to be entirely a function of the decline in the proportion of children who spent all nights in the care of the mother (from 34% in Wave 1 to 25% in Wave 3), combined with a marginal increase in the proportion of children who spent most but not all nights with their mother (i.e., 66–99% of nights) (from 45% in Wave 1 to 48% in Waves 2 and 3).

Shared care time (i.e., 35–65% of nights with each parent) represented the third most commonly reported arrangement in each survey wave. This arrangement appeared to increase slightly, from 16% in Wave 1 to 20% in Wave 3. This category leads to an adjustment in child support liability that varies according to the percentage of care time above 35% of nights.⁶² In addition, each parent may receive family assistance payments and may be able to share the Family Tax Benefit.

In all three waves, shared care-time arrangements typically involved equal time or more time with the mother than father. Specifically, the reports of parents suggested that, in the various survey waves:

- 7–9% of children spent equal time with each parent;
- 8–10% spent more time with the mother than father; and
- just over 1% spent more time with the father than mother.

⁶⁰ Some parents had separated before their child was born.

⁶¹ Of course, the proportion of children with a given arrangement is influenced by the breadth of the care-time category. The “66–99% of nights” category covers a fairly large slice of the year, though the “35–65% of nights” category is only marginally narrower.

⁶² Where the child is in the care of each parent for 48–52% of nights the child support percentage used in adjusting child support liability is 50%. Where the child is in the care of one parent for 35–47% of nights and the other for 53–65% of nights, then the parent with less care time is allocated a child support percentage of 25% plus 2% for every percentage point above 35%, while the percentage for the carer with the greater care time is set at 51% plus 2% for every percentage point above 35%. See DHS (2013) for more details.

- The proportions of children who apparently spent most or all nights with the father (66–100% of nights) changed little over time (ranging from 5% in Wave 1 to 7% in Wave 3).
- Overall, these trends suggest that the proportion of children spending some nights with their father increased from two-thirds to three-quarters (including the categories with children who spent most or all nights in the care of their father).

Some children appeared to have no face-to-face time with one parent (ranging from 12% in Wave 1 to 16% in Wave 3). In most cases, it was the father who was never seen. Furthermore, most children with no face-to-face time with a parent tended to have no contact at all with this parent (e.g., via telephone, email, etc.). According to the responding parents' reports, of children with no face-to-face time with a parent, 66% in Wave 1, 67% in Wave 2 and 72% in Wave 3 had no contact at all with the other parent. Overall, the proportions of all the children represented in a survey wave with no contact at all with one parent were 7% in Wave 1, and 9% and 11% in Waves 2 and 3 respectively.

In Wave 1, over one in five children (22%) appeared to see their father during the daytime only, while in Wave 3 this applied to only one in ten (11%). The arrangement where the father had daytime only contact, then, appeared to change the most of all the arrangements. On the other hand, the proportion of children who saw their mother during daytime only remained stable (about 1%).

Children who had daytime only contact with one parent often saw this parent at least once week (i.e., at least 14% of days per year), but the proportions doing so appeared to decline over time (69% in Wave 1, 60% in Wave 2 and 48% in Wave 3).

The apparent increase in the proportion of children who spent some nights with their father and the decrease in the proportion with daytime-only care with the father are not surprising, given differences in the age range of children across the survey waves. As mentioned above, a substantial proportion of children in Wave 1 were infants (28% were under 2 years old)—an age at which, traditionally, they are mainly reliant on maternal care. All children in Wave 3, on the other hand, were at least 4 years old.

Wave 3 arrangements for children of different ages

Children aged less than 18 years

Consistent with the findings based on data from the first two waves (Kaspiew et al., 2009; Qu & Weston, 2010), Table 5.2 (on page 74) shows that care-time arrangements varied considerably with the children's ages in Wave 3. The children are here classified into four age groups (4–5, 6–11, 12–14 and 15–17 years).

While children across the four age groups were most commonly living with their mother for most or all nights (i.e., 66–100%), the tendency to spend all nights in maternal care was particularly age-related. According to parents' reports, spending 100% of nights with their mother in Wave 3 was most commonly experienced by children aged 4–5 years (41%), followed by the oldest group (aged 15–17 years) (27%). Only 17–18% of children of children aged 6–11 and 12–14 years appeared to spend all nights with their mother.

Spending most but not all nights with their mother (i.e., 66–99% of nights) was the most common arrangement for children of all age groups, applying to between 40% (oldest group) and 51% (6–11 years). Shared care-time (i.e., 35–65% of nights) most commonly occurred for children aged 6–11 years (25%) and 12–14 years (28%) (covering primary and early secondary school years), followed by the oldest group (19%). Only 9% of children in the youngest age group were in this arrangement. Although an uncommon arrangement for all groups, the likelihood of spending most or all nights with the father increased with increasing age (applying to 4% and 6% of children aged 4–5 years and 6–11 years respectively, and 10% and 15% of those aged 12–14 and 15–17 years, respectively).

Children aged 18 or more years

For children aged 18 years and older, the most common living arrangements were living independently or living with their mother. Specifically:

- 44% had left home and were living independently;
- 34% were living with their mother; and
- 18% were living with their father.

Small proportions were living with each parent for similar amount of time (4%) and less than 1% had other living arrangements.

Table 5.2: Care-time arrangements for study children aged <18 years, by age of study child in Wave 3

	Group no.	4–5 years (%)	6–11 years (%)	12–14 years (%)	15–17 years (%)
Care-time arrangement					
Father never sees child	(1)	24.1	10.4	10.6	14.3
Father sees child in daytime only	(2)	16.4	8.0	6.4	12.3
87–99% with mother (1–13% father)	(3)	15.4	15.2	12.5	19.2
66–86% with mother (14–34% father)	(4)	31.5	36.1	32.4	20.6
53–65% with mother (35–47% father)	(5)	6.1	11.4	12.2	5.7
48–52% with each parent (equal care time)	(6)	2.4	11.7	14.2	11.5
35–47% with mother (53–65% with father)	(7)	0.7	1.5	1.7	1.5
14–34% with mother (66–86% with father)	(8)	1.7	2.3	3.6	3.0
1–13% with mother (87–99% with father)	(9)	0.7	1.4	2.3	4.6
Mother sees child in daytime only	(10)	0.5	0.6	1.3	3.5
Mother never sees child	(11)	0.6	1.4	2.7	3.7
Total		100.0	100.0	100.0	100.0
Selected combined care-time groups					
100% nights with mother	(1)+(2)	40.5	18.4	17.0	26.6
Most nights with mother	(3)+(4)	46.9	51.3	45.0	39.8
35–65% with each parent (shared care time)	(5)+(6)+(7)	9.2	24.6	28.1	18.8
Most nights with father	(8)+(9)	2.4	3.7	6.0	7.6
100% nights with father	(10)+(11)	1.1	2.0	4.0	7.2
Total		100.0	100.0	100.0	100.0
Child never sees father or mother	(1)+(11)	24.7	11.8	13.3	18.0
No. of participants		1,097	3,109	1,211	1,032

Notes: Data have been weighted. Excludes a small number of parents who did not know or refused to answer. Where both parents of a focus child were interviewed, one parent's response was randomly selected. Percentages may not total 100% due to rounding.

Wave 3 arrangements according to gender of responding parent

The discussions above are based on the reports of all fathers and mothers combined. However, the analyses of Waves 1 and 2 (Kaspiew et al., 2009; Qu & Weston, 2010) and other data (e.g., Parkinson & Smyth, 2003) indicate that fathers tend to report having greater paternal care-time than mothers.⁶³ Table 5.3 (on page 75) shows that this also applied in Wave 3.

⁶³ The largest differences in the patterns of answers by parents in the couple sample and by all parents (Table 5.3) were as follows: compared with all mothers, those in the former couple sample were less likely to indicate that the father never sees the child (19% vs 10% of all mothers) and that the father sees their child during the daytime only (13% vs 8%), and more likely to indicate that the child was in a shared care-time arrangement (16% vs 29%). Fathers in the former couple sample were also more likely than the total sample of fathers to indicate that their child was in a shared care-time arrangement (26% vs 33%).

Fathers and mothers most commonly reported that their child spent most nights in maternal care (mentioned by just under half of fathers and mothers). However, mothers were twice as likely as fathers to indicate that the child spent all nights in maternal care (32% vs 16%). Within this group, mothers were twice as likely as fathers to indicate that their child had no face-to-face time with his or her father (19% vs 9%) and a somewhat higher proportion of mothers saying that their child experienced daytime-only paternal care (13% vs 8%). Fathers, on the other hand, were more likely than mothers to indicate that their child was in a shared care-time arrangement (26% vs 16%). Although an uncommon arrangement, fathers were also a little more likely than mothers to report that their children spent most or all the nights in paternal care (9% vs 4%).

Table 5.3: Care-time arrangements for study children aged < 18 years, by parent gender, Wave 3

	Group no.	Fathers (%)	Mothers (%)
Detailed care-time arrangement			
Father never sees child	(1)	8.8	18.8
Father sees child in daytime only	(2)	7.5	13.0
87–99% with mother (1–13% father)	(3)	13.3	17.5
66–86% with mother (14–34% father)	(4)	35.3	30.6
53–65% with mother (35–47% father)	(5)	11.4	8.3
48–52% with each parent (equal care-time)	(6)	12.3	7.4
35–47% with mother (53–65% with father)	(7)	2.0	0.7
14–34% with mother (66–86% with father)	(8)	3.2	1.7
1–13% with mother (87–99% with father)	(9)	2.5	0.9
Mother sees child in daytime only	(10)	1.3	0.6
Mother never sees child	(11)	2.5	0.6
Total		100.0	100.0
Selected combined care-time groups			
100% nights with mother	(1)+(2)	16.4	31.8
Most nights with mother	(3)+(4)	48.5	48.1
35–65% with each parent (shared care time)	(5)+(6)+(7)	25.7	16.4
Most nights with father	(8)+(9)	5.7	2.6
100% nights with father	(10)+(11)	3.7	1.1
Total		100.0	100.0
Child never sees father or mother	(1)+(11)	11.3	19.3
No. of participants		4,058	3,869

Notes: Data have been weighted. Excludes a small number of parents who did not know or refused. Where both parents of a focus child were interviewed, the care-time provided by one parent was randomly selected. Percentages may not total 100% due to rounding.

These patterns partly reflect the differential response rates—with parents who had little or no time with their children being less likely to participate in the study (as shown in Chapter 2)—and differential reporting between fathers and mothers. The latter issue is explored the following section.

Wave 3 arrangements reported by each parent in the former couples sample

The above-noted gender differences in care-time reports could have resulted from a bias in reporting (where respondents over-estimated the time the child spent with them), and/or sample bias (where participation rates in LSSF varied according to care-time, with parents who spent little if any time with their children being less likely than other parents to participate in the study). The reports of parents in the former couples sample throws light on this issue. As indicated earlier, there were 1,148 children in Wave 3 whose fathers and mothers both participated in the study and described their child's care-time arrangements separately.

Table 5.4 shows the reports of care time provided by fathers and mothers in the former couple sample. The broad patterns of care-time arrangements reported by fathers and mothers in this sample were similar, though compared with fathers, a slightly higher proportion of mothers indicated that their child spent most or all nights with them, and a slightly lower proportion indicated that their child was in a shared care-time arrangement. This pattern of gender differences was also apparent among the Wave 2 former couples sample (Qu & Weston, 2010).

Table 5.4: Care-time arrangements of former couples for study children aged < 18 years, by parent gender, Wave 3

	Group no.	Fathers (%)	Mothers (%)
Detailed care-time arrangement			
Father never sees child	(1)	6.7	9.6
Father sees child in daytime only	(2)	6.1	7.9
87–99% with mother (1–13% father)	(3)	11.9	14.5
66–86% with mother (14–34% father)	(4)	32.4	31.3
53–65% with mother (35–47% father)	(5)	13.0	12.4
48–52% with each parent (equal care-time)	(6)	18.1	15.2
35–47% with mother (53–65% with father)	(7)	2.5	1.8
14–34% with mother (66–86% with father)	(8)	3.6	3.2
1–13% with mother (87–99% with father)	(9)	2.4	1.8
Mother sees child in daytime only	(10)	1.1	1.0
Mother never sees child	(11)	2.1	1.4
Total		100.0	100.0
Selected combined care-time groups			
100% nights with mother	(1)+(2)	12.8	17.5
Most nights with mother	(3)+(4)	44.3	45.8
35–65% with each parent (shared care time)	(5)+(6)+(7)	33.6	29.4
Most nights with father	(8)+(9)	6.0	5.0
100% nights with father	(10)+(11)	3.2	2.4
Total		100.0	100.0
Child never sees father or mother	(1)+(11)	8.8	11.0
No. of former couples		1,148	

Notes: Data have been weighted. Excludes a small number of parents who did not know or refused to answer. Percentages may not total 100.% due to rounding.

In summary, among former couples reporting separately on the same child:

- 57% of fathers and 63% of mothers indicated that children were in mother's care for the majority of nights or all the nights (i.e., 66–100% of nights);
- shared care time was reported by 34% of fathers and 29% of mothers;
- 9% and 7% of fathers and mothers respectively indicated that their child was with the father for most or all nights (i.e., 66–100% of nights).

Table 5.5 (on page 77) presents a matrix in which the reports of each parent of the same child can be compared. The data in the cells along the diagonal line of shaded cells refer to the percentages of cases in which the father and mother of the same child provided consistent reports on how much time the child was in the care of each parent. It is important to note, however, that the level of consistency in the reports of former partners will be influenced to some extent by the narrowness of care-time ranges used. This may be less the case where parents are conscious of adhering fairly closely to a particular arrangement, for example, equal care time.

The data in the cells above the diagonal line refer to proportions of cases in which the father's estimate of paternal care time was *lower* than that of the mother, while the cells below the diagonal line refer to the proportion of cases in which the father's estimate of paternal care

Table 5.5: Matrix of care-time arrangements of former couples for study children aged < 18 years, by parent gender, Wave 3

Father's reports	Mothers' reports										Total (%)
	Father never sees child	Father sees child in daytime only	87–99% with mother (1–13% father)	66–86% with mother (14–34% father)	53–65% with mother (35–47% father)	48–52% with each parent (equal care-time)	35–47% with mother (53–65% with father)	14–34% with mother (66–86% with father)	1–13% with mother (87–99% with father)	Mother sees child in daytime only	Mother never sees child
Father never sees child	5.5	0.7	0.4	0.0	0.0	0.1	0.0	0.0	0.0	0.0	6.7
Father sees child in daytime only	1.7	4.2	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	6.1
87–99% with mother (1–13% father)	1.4	2.0	6.7	1.8	0.0	0.0	0.0	0.0	0.0	0.0	11.9
66–86% with mother (14–34% father)	0.4	0.5	6.7	23.5	0.8	0.2	0.0	0.3	0.0	0.0	32.4
53–65% with mother (35–47% father)	0.4	0.1	0.4	4.1	7.6	0.3	0.0	0.1	0.0	0.0	13.0
48–52% with each parent (equal care-time)	0.1	0.4	0.0	1.0	3.7	12.8	0.2	0.1	0.0	0.0	18.1
35–47% with mother (53–65% father)	0.0	0.0	0.0	0.4	0.4	1.1	0.8	0.0	0.0	0.0	2.5
14–34% with mother (66–86% father)	0.0	0.1	0.0	0.4	0.0	0.5	0.8	1.7	0.0	0.0	3.6
1–13% with mother (87–99% father)	0.0	0.0	0.0	0.0	0.0	0.2	0.1	0.9	1.3	0.0	2.4
Mother sees child in daytime only	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.2	0.4	0.4	1.1
Mother never sees child	0.0	0.0	0.0	0.1	0.0	0.1	0.0	0.0	0.2	0.5	2.1
Total	9.6	7.9	14.5	31.3	12.4	15.2	1.8	3.2	1.8	1.0	100.0
No. of former couples	110	91	166	359	142	174	31	37	21	11	1,148

Notes: Data have been weighted. Excludes a small number of cases where one or both parents did not know or refused to provide information about the child's care time (2%). Overall, percentages may not total 100% due to rounding.

time was *higher* than that of the mother.⁶⁴ The percentages in the cells immediately above or immediately below the diagonal line indicate that the care-time estimate provided by each former partner was in the adjacent category.

It can be seen that 66% of former couples provided consistent reports (representing the sum of the percentages in the diagonal cells). Discrepancies tended to be slight rather than sizeable, with 26% of former partners referring to arrangements that were in adjacent care-time categories, while the remaining 8% provided estimates that deviated by at least two categories. In total, 92% provided estimates that were in the same or adjacent categories.

For 29% of all former couples, the father's estimate of paternal care time was greater than the mother's estimate (representing the sum of the percentages below the diagonal line in Table 5.5). Specifically, for who fathers estimated their paternal care time as being greater than the mother's, 22% did so by one category only, while 7% did so by two or more categories.

By contrast, in only 5% of cases were the fathers' estimates of paternal care time lower than those of the mother (i.e., the sum of percentages in the cells above the diagonal in Table 5.5). In 4% of all cases, the father's estimate was one category lower than the mother's estimate and in 1% of the estimate was two or more categories lower.

In summary, two in three former partners provided consistent estimates of the care-time arrangements of their child. Where differences existed, they tended to be small and it was more likely for the father to indicate that he cared for the child for a greater period than that suggested by the mother. These results suggest that the Wave 3 differences in care-time arrangements reported by fathers and mothers in the total sample was partly explained by systematic bias in reporting, but such bias did not alter the general picture regarding how much time children tended to spend with each parent some five years after separation.

5.3 Change in children's care-time arrangements

The comparisons in section 5.2 of care-time arrangements apparent in each survey wave reflect, in part, the net result of any increases or decreases in time the study child spent with one parent. The present section focuses on the extent and directions of changes in arrangements indicated by parents in the continuing sample; that is, parents who participated in all three waves. Of course, these results do not capture temporary changes that may have occurred between survey waves. For instance, during the three years between Waves 2 and 3, some children may have "moved in" with their father for a while, but then reverted to spending most nights with the mother.

Defining change in children's care-time arrangements

The 11 care-time categories discussed above were used to assess the extent and nature of wave-by-wave changes. This is illustrated in Table 5.6. (on page 79) The results can be summarised into three broad categories: (a) no change: the amount of time the child spent with each parent was in the same care-time category in the two survey waves; (b) increased time with the father; and (c) increased time with the mother. The two categories of change are further divided into two groups: a switch to an adjacent care-time category (i.e., change by one category), and a change that extends beyond the adjacent category (i.e., change by at least two categories). The categories above the diagonal line capture increases in paternal care-time, while those below this line refer to increases in maternal care-time.

Wave-by-wave stability/change in children's arrangements

Table 5.7 (on page 80) summarises the level and nature of any change that occurred between Waves 1 and 2, Waves 2 and 3, and between Waves 1 and 3. The table is restricted to children

⁶⁴ As noted above, children in the care of one parent during the daytime only are assumed to spend less time in the care of this parent than those who spend even a small proportion of nights with this parent.

Table 5.6: Definition of changes in care-time arrangements across waves (increased time with mother, increased time with father or no change)

Wave 1	Later waves (Wave 2 or Wave 3)									
	Father never sees child	Father sees child in daytime only	Father sees child in daytime only	87–99% with mother (1–13% father)	66–86% with mother (14–34% father)	53–65% with mother (35–47% father)	48–52% with each parent (equal care-time)	35–47% with mother (53–65% father)	14–34% with mother (66–86% father)	1–13% with mother (87–99% father)
Father never sees child	No change	No change	No change	No change	No change	No change	No change	No change	No change	No change
Father sees child in daytime only	No change	No change	No change	No change	No change	No change	No change	No change	No change	No change
87–99% with mother (1–13% father)	No change	No change	No change	No change	No change	No change	No change	No change	No change	No change
66–86% with mother (14–34% father)	No change	No change	No change	No change	No change	No change	No change	No change	No change	No change
53–65% with mother (35–47% father)	No change	No change	No change	No change	No change	No change	No change	No change	No change	No change
48–52% with each parent (equal care-time)	No change	No change	No change	No change	No change	No change	No change	No change	No change	No change
35–47% with mother (53–65% father)	No change	No change	No change	No change	No change	No change	No change	No change	No change	No change
14–34% with mother (66–86% father)	No change	No change	No change	No change	No change	No change	No change	No change	No change	No change
1–13% with mother (87–99% father)	No change	No change	No change	No change	No change	No change	No change	No change	No change	No change
Mother sees child in daytime only	No change	No change	No change	No change	No change	No change	No change	No change	No change	No change
Mother never sees child	No change	No change	No change	No change	No change	No change	No change	No change	No change	No change

Legend

Increase in study child's time with father by two or more categories	
Increase in study child's time with father by one category	
No change	
Increase in study child's time with mother by one category	
Increase in study child's time with mother by two or more categories	

who were 17 years or younger in Wave 3.⁶⁵ The following trends were apparent from Wave 1 to Wave 3 (covering an interval of approximately four years):

- Just under half of the children (45%) had the same arrangement in both survey waves; that is, slightly over half (55%) had a different arrangement.
- Children were more likely to experience increased care time with their father than with their mother (33% vs 22% respectively).
- Change in care-time arrangements between Waves 1 and 3 was just as likely to be within adjacent care-time categories as a shift of two or more categories (27–28% each).

Table 5.7: Changes in care-time arrangements of study children aged < 18 years across waves, continuing sample

	Waves 1 to 2	Waves 2 to 3	Waves 1 to 3
More time with mother—increase by 2+ categories	4.9	8.8	10.0
More time with mother—increase by 1 category	6.5	10.9	12.1
Consistent care-time arrangements across waves	69.4	53.9	44.9
More time with father—increase by 1 category	11.3	15.2	15.6
More time with father—increase by 2+ categories	7.9	11.2	17.5
Total	100.0	100.0	100.0
Summary			
More time with mother	11.4	19.7	22.1
More time with father	19.2	26.4	33.1
Degree of change			
Change by 1 category	17.8	26.1	27.7
Change by 2+ categories	12.9	20.0	27.5
No of participants	3,228	3,228	3,228

Notes: Data have been weighted. Excludes a small number of parents who did not know or refused to provide information about the child's care time (2%). The same children are presented in all three periods assessed. If both parents of a study child participated in all three waves, one parent's response was randomly selected. If one parent of a study child participated in all three waves and the other parent participated in only one or two waves, the data provided by the former parent was selected. Percentages may not total 100% due to rounding.

Size of wave-by-wave change in children's arrangements

Table 5.7 also shows the apparent level and direction of change in care time between Waves 1 and 2 and between Waves 2 and 3. It should be pointed out that length of intervals between survey waves differed, with Waves 1 and 2 taking place around one year apart and Waves 2 and 3 occurring three years apart.

The proportion of children who had the same care-time arrangement was lower from Wave 2 to Wave 3 (54%) compared with from Wave 1 to Wave 2 (69%). That is, a higher proportion of children experienced a change in care time during the more recent period.

During both periods, the proportion of children with increased time in the care of their father was greater than that of children with increased time in the care of their mother. From Wave 1 to Wave 2, 19% of children had increased time with their father compared to an 11% increase with their mother. From Wave 2 to Wave 3, 26% of children had increased time with their father compared to a 20% increase with their mother.

In both periods, change in care time tended to be a shift to an adjacent category (18% in the earlier period and 26% in the later period) rather than a more substantial change of at least two categories apart (13% and 20% respectively). Given that the more recent interval covered a longer period than the earlier interval, it is not surprising that more children experienced change in care time during the more recent period.

The above trends represent a summary picture of wave-by-wave changes in care time. Some children may have experienced increasing time in the care of a parent during one period, and

⁶⁵ For 12% of parents in the continuing sample, the child focused upon was 18 years or older in Wave 3.

no change during the other; some may have experienced increasing time with one particular parent during both periods; and some may have experienced increases then decreases in care time (or the reverse) with a particular parent (here referred to as “alternating” arrangements). For example, while Table 5.7 shows that 45% of children had the same arrangement in Waves 1 and 3 (suggesting no change), some of these children may have experienced a change in arrangements during the earlier (Wave 1–2) interval and a reversion to the original category of care time in the more recent (Wave 2–3) interval.

The sub-sections below shed light on these issues regarding overall trajectories. Consistent with the analyses above, change or stability in care-time arrangements is based on shifts of care-time across the 11 care-time categories. As acknowledged above, there may have been other changes that occurred between survey waves that could not be detected (e.g., shifts occurring within rather than between care-time categories, or shifts to a different care-time category then reversion to the category apparent in the preceding survey).

The following terminology will be used in the discussion:

- *Increased care time with father* across the three waves refers to circumstances in which the child spent increased time in the care of the father in one or both periods, and no increased time in the care of the mother in either period.
- *Increased care time with mother* across the three waves refers to the opposite: the child's time in the care of the mother increased during one or both periods, and time in father's care did not increase in either period.
- *Alternating change in care time* across the three waves refers to increased time with one parent during one period and decreased time with this parent during the other period. The overall level of change is not shown. For example, a child may have experienced an overall increase in time with his or her mother, despite some decrease in time with her in one of the two intervals between survey waves. This child is here classified as having an alternating arrangement.

Nature and prevalence of different trajectories

Table 5.8 shows the proportions of children who had the same arrangements in all three waves, increased time with their mother or father, or arrangements that alternated.

Table 5.8: Change across three waves in care-time arrangements of study children aged < 18 years, continuing sample

Care-time arrangement	% of continuing sample
No change in care time	40.0
Increased care time with mother	19.8
<i>More time with mother (Waves 1–2 and Waves 2–3)</i>	1.3
<i>More time with mother (Waves 1–2 or Waves 2–3)</i>	18.6
Increased care time with father	30.2
<i>More time with father (Waves 1–2 and Waves 2–3)</i>	5.4
<i>More time with father (Waves 1–2 or Waves 2–3)</i>	24.8
Alternating change in care time	10.0
Total	100.0
No. of participants	3,229

Notes: Data have been weighted. Excludes a small number of parents who did not know or refused to provide information about the child's care time (2%). The same children are presented in all three pairs of waves. If both parents of a study child participated in all three waves, one parent was randomly selected. If one parent of a study child participated in all three waves and the other parent one or two waves, the former parent was selected. Percentages may not total 100% due to rounding.

The table shows that 40% of the children experienced no change in care time across the three waves. Of the remainder, children were more likely to spend increased time in the care of their father than mother across the three waves (30% vs 20%).

The overall increased time with one parent tended to occur during one period (and no decrease in the other period) rather than both periods. In one period, 25% of children spent increased time with their father and 19% with their mother, but in successive periods only 5% had

increased time with their father and 1% with their mother. This compares with 10% of children who experienced change in care time in both directions; that is, more time with father between Waves 1 and 2, then more time with the mother between Waves 2 and 3, or vice versa.

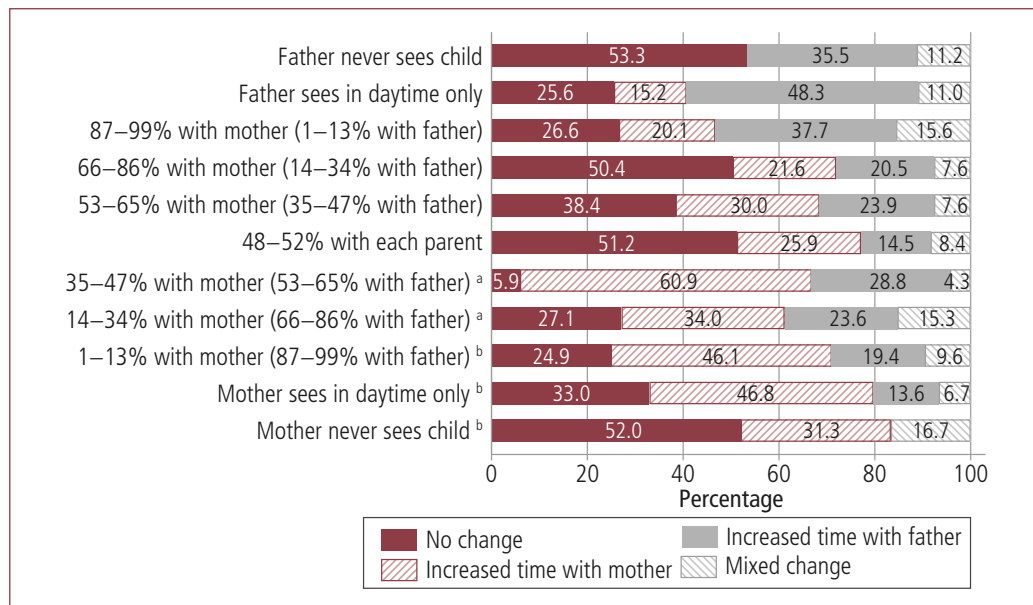
These general patterns were apparent in the reports of both fathers and mothers (taken separately) (results are shown in Appendix C).

Stability and change according to Wave 1 care-time arrangements

In their analyses of the first two survey waves, Qu and Weston (2010) found that, despite the fact that the “equal care time” classification covered a narrow period (48–52% of nights with each parent), this arrangement was the most stable of all 11 care-time categories over the 12 months investigated, followed by the most common arrangement, where the child is with the mother for 66–86% of nights and the father for 14–34% of nights. The two least stable of the 11 arrangements entailed the child being in the care of their father or their mother during the daytime only. In interpreting these findings, it needs to be kept in mind that, for an unknown and probably substantial proportion of children, the Wave 1 arrangements would not have been the initial ones developed.

With only two waves, it was not possible for Qu and Weston (2010) to examine alternating change. In the current report, we examine to what extent the stability of equal care time is apparent across all three survey waves and whether some Wave 1 arrangements are more likely than others to result in alternating change.

Figure 5.1 throws light on these issues. Children are classified into the 11 groups care-time arrangements they experienced in Wave 1, and the proportions experiencing no change (or more precisely, no shift in care-time categories), increased time with mother, increased time with father, and alternating change across the three survey waves are depicted.



Notes: Data have been weighted.^a $n = 53$ (35–47% with mother); $n = 75$ (14–34% with mother). ^b Based on small numbers ($n = 29$ –39). Excludes a small number of parents who did not know or refused to provide information about the child's care time. The same children are presented in all three pairs of waves. If both parents of a study child participated in all three waves, one parent was randomly selected. If one parent of a study child participated in all three waves and the other parent one or two waves, the former parent was selected. Percentages may not total 100% due to rounding.

Figure 5.1: Overall change in care-time arrangements across three waves, by Wave 1 arrangements, children under 18 years by Wave 3, continuing sample

Levels of stability

According to the earlier analyses based on Waves 1 and 2 only, the stability of care-time arrangements differed considerably. The following children appeared to experience stable arrangements over this 12 month period: 86% of those with equal care time in Wave 1; 79% of those with 66–86% of time in maternal care in Wave 1; and 66–70% of those with no face-to-face time with either their father or mother in Wave 1 (Qu & Weston, 2010).⁶⁶

The apparent stability of arrangements continued to vary according to Wave 1 arrangements when the data for Wave 3 were added to the analyses, but the overall picture differs somewhat from that observed by Qu and Weston (2010) using the data from the first two waves.

While equal care time and 66–86% of nights in maternal care were still fairly stable categories, two other Wave 1 arrangements seemed just as stable: the child having no face-to-face time with either their father or mother. Just over half of all children in these four arrangements in Wave 1 (50–53%) experienced the same arrangements in both subsequent waves.

Across the three survey waves, the next most stable arrangements were considerably less stable than the above-mentioned four. In total, 38% and 33% of children respectively in arrangements with shared time involving 53–65% of nights with the mother and daytime only maternal care in Wave 1 also experienced them in the subsequent two waves.

Children who were in a shared care-time arrangement involving more nights with their father than mother (53–65% with father) were the least likely of all 11 groups to experience stable arrangements: only 6% had this arrangement in all three waves. This was also the least stable of all 11 arrangements identified by Qu and Weston (2010) where only 9% of children with these arrangements in Wave 1 also experienced them 12 months later.

Prevalence of different directions of change

While half the children with the most common arrangement (66–86% of nights with mother) had the same arrangement in all three survey waves, 21–22% experienced increased time with the father or mother, while only 8% experienced alternating change.

Not surprisingly, children who in Wave 1 spent even more time in maternal care (i.e., at least 87% of nights) than the most common arrangement, were more likely to experience increased time with their father than mother.⁶⁷ Nearly half (48%) of those who saw their father in the daytime only in Wave 1 spent nights in his care by Waves 2 and/or 3. Of those who, in Wave 1, either had no face-to-face time with their father or who spent 1–13% of nights with him (and 87–99% of nights in maternal care), 36–38% experienced increased time with their father. Change in care-time for children who had no nights in the care of their father was more likely to involve increased time with their father than their mother (36–48% vs 0–15%).

Children with all other Wave 1 arrangements were more inclined to experience increased time with their mother than with their father. In other words, children in all three categories of Wave 1 shared care time, as well as children who were in paternal care for most of the time in Wave 1 (and of course those who had no face-to-face contact with their mother in Wave 1) all spent more time with their mother.

The greatest trend toward increased maternal care time was experienced by the small group of children who were in the shared care-time arrangement involving more nights with their father (53–65% of nights with their father): three in five of these children (i.e., 61%) experienced increased time with their mother.

Close to one-half (46–47%) of children who were in the care of their mother for only 1–13% of nights or who saw their mother in the daytime only experienced increases in maternal care, as did 26–30% of children in a shared arrangement in Wave 1 involving equal care time or more nights with the mother than with the father. Increases in maternal care were also experienced by 31–34% of those who either never saw their mother in Wave 1 or spent 14–34% of nights in her care.

⁶⁶ Some of these children would not have been represented in the Wave 3 analyses.

⁶⁷ In fact, this direction of change is the only possible one for those with no face-to-face time with their father in Wave 1.

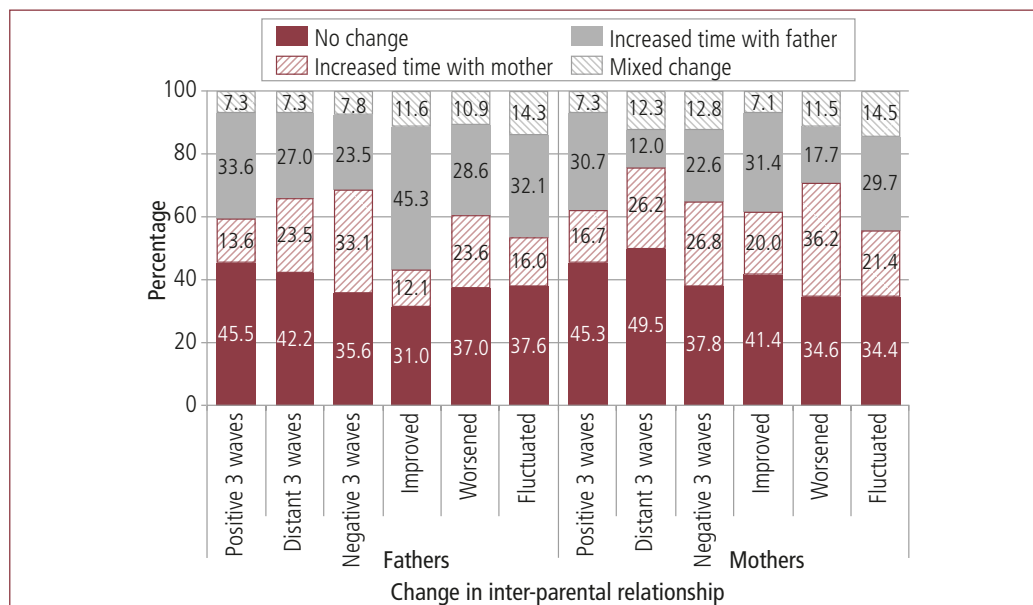
Minorities of the two groups had alternating change (11% in each case). The proportions of children who had alternating arrangements were lowest (4%) among children who were in shared time involving more nights with their father than mother (53–65% with father) and highest (17%) among children who never saw their mother.

These results suggest that, although a higher proportion of all children in the continuing sample of three waves was more likely to spend increased time with their father than with their mother (apparent in Table 5.7 and Table 5.8), this trend seems at least partly attributable to the fact that a much larger proportion of children were in the care of their mother than father most or all of the time in Wave 1 (and this was still the case in Wave 3). All Wave 1 arrangements that entailed greater paternal than maternal care time were more likely to entail increases in maternal than paternal care time. However, these Wave 1 arrangements were unusual. On the other hand, increased paternal care time applied to only three Wave 1 arrangements that entailed greater maternal than paternal care time in Wave 1 (the most extreme ones, covering 87–100% of nights with the mother). In total, 45% of children were represented in these arrangements. Increasing maternal care was, of course, not possible for the 10% of children who had no face-to-face time with their father in Wave 1, just as increasing paternal care was not possible for the 1% of children who had no face-to-face time with their mother in Wave 1.

Care-time trajectories according to apparent family dynamics

Perceived quality of inter-parental relationship

The quality of the inter-parental relationship at any time may influence and/or be influenced by the nature of care-time arrangements or changes in these arrangements. To assess links between these dynamics, parents were classified into three groups according to their perceptions of the quality of their relationship with their child's other parent across the survey waves, with the first three groups experiencing no change in general quality; that is, in all three survey waves, they described their relationship in positive terms (as friendly or cooperative), as distant, or as negative (as either conflictual or fearful). The other three groups experienced improved relationships, worsened relationships, or fluctuations in relationships. Figure 5.2 depicts the proportions in each of these groups of fathers and mothers (taken separately).



Notes: Data have been weighted. Excludes a small number of parents who did not know or refused to answer. Percentages may not total 100% due to rounding.

Figure 5.2: Change in care-time arrangements of children < 18 years, by changes in inter-parental relationship across three waves, reports of fathers and mothers, continuing sample

Change in care-time arrangements varied according to change in perceptions of the quality of the inter-parental relationship and gender of respondent. For example, parents with either positive or distant relationships in all three waves were more likely report no change in care-time arrangements, compared with those with negative relationships and those whose relationship had changed over three waves. This pattern was apparent for both fathers and mothers.

Fathers with improved relationships were the most likely of all groups of fathers (and indeed mothers) to report increases in paternal care time (45% vs 24–34% of other fathers and 12–31% of mothers). Of the three groups where inter-parental relationships remained the same in all three waves, those who had positive relationships in all three waves were less likely than the other two groups (distant and negative) to increase maternal care time (fathers: 14% vs 24–33%; mothers: 17% vs 26–27%), and more likely to increase paternal care time (father: 34% vs 24–27%; mothers: 31% vs 12–23%).

Only one group of fathers—those who indicated that their inter-parental relationship was negative in all three survey waves—were more likely to report increased maternal than paternal care-time (33% vs 24%).

Mothers were more likely to report increased paternal than maternal care-time where relationships had improved, remained positive, or fluctuated (30–31% vs 17–21%). Of all groups of mothers, those who indicated that their inter-parental relationship had worsened were the most likely to report increased maternal care time (36% vs 17–27%). Mothers who described their relationship as distant in all three survey waves were the least likely to report increased paternal care time (12% vs 18–31%).

Fathers and mothers who described their relationship as consistently positive (across all three waves) reported patterns of care time that were similar:

- 45–46% indicated that their care time had not changed;
- 31–34% reported an increase in paternal care time;
- 14–17% reported an increase in maternal care time; and
- only 7% indicated that arrangements had alternated.

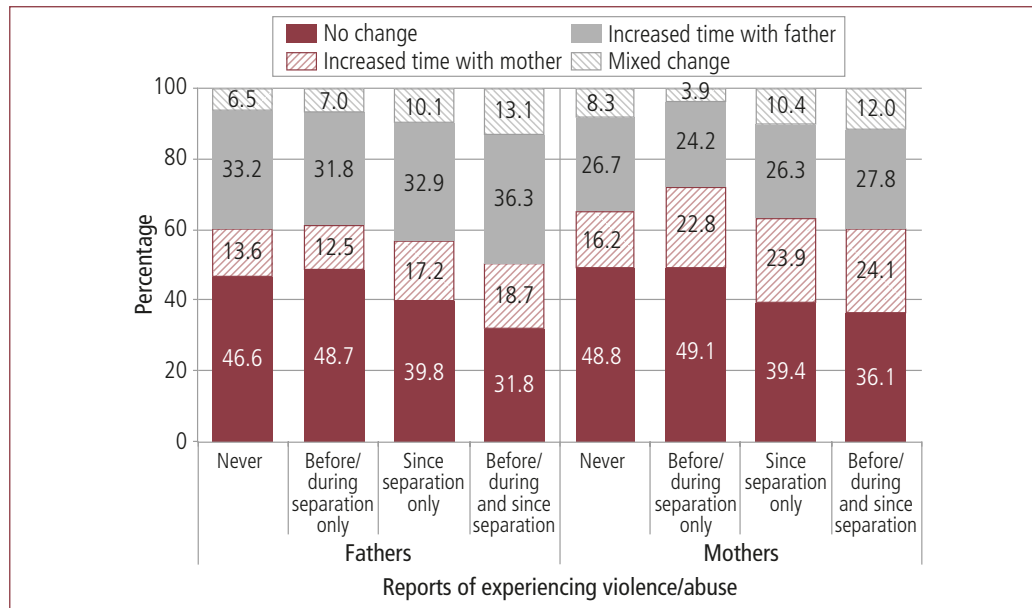
In addition, fathers and mothers who described their inter-parental relationship as fluctuating reported care-time patterns that were similar:

- 34–38% reported the same care-time arrangements in all three waves;
- 30–32% indicated increased paternal care time;
- 16–21% indicated increased maternal care time; and
- 14–15% indicated alternating arrangements.

In short, changes in care-time arrangements were associated with the dynamics of inter-parental relationship across three waves. Both fathers and mothers with improved relationships were more likely than other parents to report increases in paternal care time. Compared with consistent distant and negative relationships in all three waves, positive relationship in all three waves also appeared to encourage increased paternal care-time rather than maternal time.

Reports of violence/abuse

The AIFS evaluation report (Kaspiew et al. 2009) found that parents whose child had no face-to-face time with the father or mother were more likely than parents in other care-time arrangements to report the experience of physical hurt and/or emotional abuse before or during separation. This section examines the extent to which changes in care-time arrangements were influenced by this experience and/or episodes of violence/abuse after separation. Figure 5.3 (on page 86) presents changes in care-time arrangements according to the experience of violence/abuse before/during and after separation. In this figure, parents were divided into four groups according to their reports of experiencing violence/abuse: (a) in no wave; (b) before/during separation but not since separation (neither Wave 2 nor 3); (c) not before/during separation but since separation (Waves 2 and/or 3); and (d) both before/during separation and since separation (Waves 2 and/or 3).



Notes: Data have been weighted. Excludes a small number of parents who did not know or refused to answer. Percentages may not total 100% due to rounding.

Figure 5.3: Change in care-time arrangements of children < 18 years, by experiences of violence/abuse across three waves, reports of fathers and mothers, continuing sample

The most stable care-time arrangements were reported by mothers and fathers who had either never experienced violence/abuse or had experienced such circumstances before or during separation but not in the two subsequent periods investigated, with close to half of these parents reporting the same care-time arrangements in all three survey waves.

Parents who indicated experiencing violence/abuse before/during and since separation were the least likely to report stable arrangements (32% of fathers and 36% of mothers).

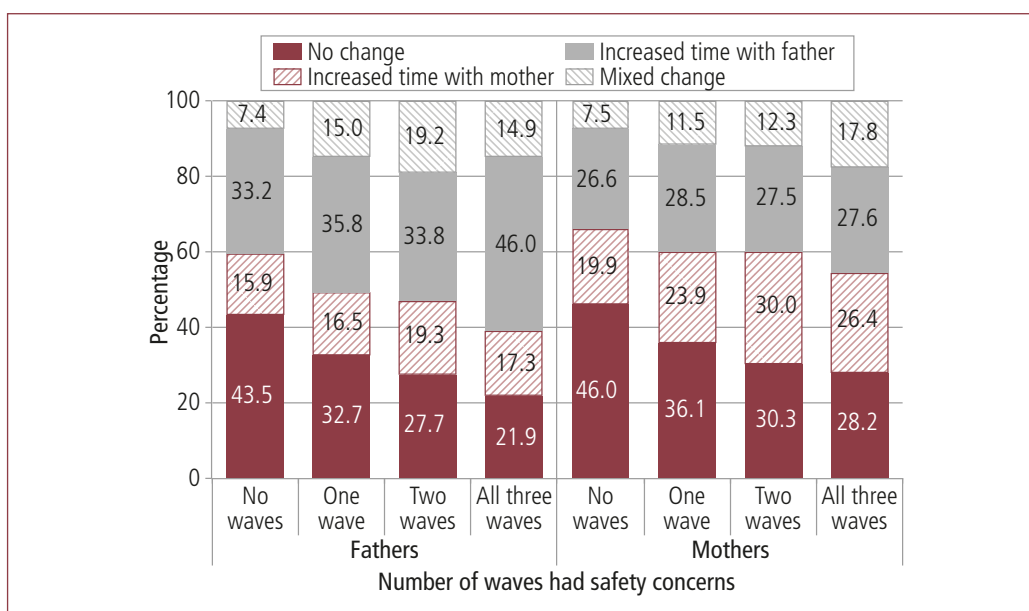
All groups of fathers were more likely to report increased paternal care time than increased maternal care time. For example, of fathers who had experienced violence/abuse before/during and since separation, 36% reported increased paternal care time and 19% indicated increased maternal care time.

Mothers who said that they had not experienced violence/abuse during any of the periods assessed were also more likely to report increased paternal care-time (27%) than increased maternal care-time (16%). This trend was less apparent for mothers in the other three groups.

In short, care-time arrangements were least stable if parents indicated experiencing violence/abuse both before/during separation and since separation, while care-time arrangements were most stable if parents reported no violence/abuse in any wave or violence/abuse occurring before/during separation but not in either later waves.

Parents' safety concerns

Findings in Chapter 3 showed that at least one-half of mothers and between one-quarter to one-half of fathers who held safety concerns for the child and/or self as a result of the child's going contact with the other parent had attempted to limit the child's contact with this parent at any wave. Such attempts may result in actual changes in care time. Some parents who reported making no attempts to limit the child's contact with the other parent, might take action later on. It is likely that changes in care-time arrangements are influenced by such concerns. Figure 5.4 (on page 87) illustrates the extent to which care time remained stable, changed towards more time in paternal or maternal care or changed in mixed directions across all three waves, according to number of waves in which safety concerns were reported.



Notes: Data have been weighted. Excludes a small number of parents who did not know or refused to answer. Percentages may not total 100% due to rounding.

Figure 5.4: Change in care-time arrangements of children < 18 years, by number of waves of parents expressing safety concerns, by reports of fathers and mothers, continuing sample

The stability of arrangements decreased with any increase in the number of times safety concerns were expressed. Fathers who expressed safety concerns in all three waves were more likely than other fathers to report increased paternal care time (46% vs 33–36%). Such a pattern was not as clear for mothers. Fathers who expressed safety concerns in two of the three waves, and mothers who expressed safety concerns in all three waves were the most likely to report alternating care-time arrangements, while parents who did not experience any safety concerns were the least likely to report alternating arrangements.

Overall, safety concerns were associated with changes in care-time arrangements. Care-time was less stable with an increasing number of waves in which parents reported holding safety concerns. Increase in paternal care was more prominent if fathers had safety concerns in all three waves.

5.4 Summary

This chapter assessed the prevalence of different care-time arrangements across three waves and the extent and nature of change in care-time arrangements during the four years between Waves 1 and 3. In addition, the chapter examined whether change in care time was influenced by family dynamics.

Most children were in the care of their mother for the majority of nights or all nights per year (i.e., 66–100% of nights) in each wave, with around three-quarters being in such an arrangement in Wave 3. Nevertheless, such care-time arrangements appeared to have declined slightly. On the other hand, the proportion of children in shared care time or in paternal care for most and all of the time increased slightly. Care time entailing children who saw their father during the daytime only appeared to change the most. In Wave 1, over one in five children (22%) appeared to see their father during the daytime only but this applied to only one in ten in Wave 3.

Consistent with the reports based on the first two waves, care-time arrangements in Wave 3 varied according to children's ages. Shared care time was more prevalent for children of primary school and early secondary school age than either younger or older children. It was not common for children across all age groups to be in the care of their father for most or all

of the time. Nevertheless, this arrangement was more prevalent for older children than younger children.

The analysis based on the former couples sample in Wave 3 (i.e., both parents of the same child were interviewed) showed that, based on the 11 care-time categories, two in three former partners provided consistent estimates of the care-time arrangements for their child and one in three provided inconsistent estimates. Where differences existed, fathers tended to indicate that their children spent more time with them than what was reported by their former partners. Nevertheless, despite such systematic bias, the general picture of care-time arrangements was similar between the reports of fathers and mothers.

One issue examined in this chapter was the extent and directions of changes of care-time arrangements. The analyses were based on the reports of parents who participated in all three waves. Six in ten children who were still under 18 years of age by Wave 3 had experienced some change in their care-time arrangements across three waves. Children were more likely to shift towards more time in paternal care than a change in the opposite direction, with 30% having increased time in the care of their father and 20% increased time in the care of their mother. Some children experienced changes in both directions over time (e.g., increased time with father and decreased time with him) and this applied to one in ten children.

The stability or instability varied according to care-time arrangements in Wave 1. Children who spent all or most of the time in maternal care in Wave 1 were more likely to shift towards increased time with the father. In a similar way, children who were in the paternal majority of care in Wave 1 tended to change towards more time with the mother.

Change in care-time arrangements was also influenced by the dynamics of the inter-parental relationship, experience of violence/abuse and safety concerns. Parents with improved relationships were more likely than other parents to report increases in paternal care time. This pattern was consistent with both fathers' and mothers' reports. Having a positive relationship in all three waves appeared to encourage increased paternal care time rather than maternal time compared with consistent distant and negative relationships in all three waves. In addition, care time tended to be stable for the group who had a positive relationship in all three waves. Finally, care-time arrangements were more likely to be subject to change if parents indicated experiencing violence/abuse both before/during separation and since separation or having continuous safety concerns.

6

Property division

For the first time in the LSSF, Wave 3 included a module exploring post-separation property and financial arrangements.⁶⁸ This area has not been examined on a systematic quantitative basis for more than a decade and the Wave 3 data collection provided an opportunity to gain insight into some key relevant areas, including the amount and nature of assets held, how they were divided after separation, and what mechanisms were used to support the finalisation of property division. Previous research examining post-separation financial arrangements (the Economic Consequences of Marriage Breakdown, and the Australian Divorce Transitions Project; see Box 2 on page 90) has been based on samples of formerly married couples, meaning there is a dearth of empirical evidence on the circumstances of cohabitees (Fehlberg & Behrens, 2008). Around one-quarter of the sample in Wave 3 were parents who separated from cohabiting relationships, meaning that this dataset is the first one to provide systematic evidence on the post-separation financial circumstances of cohabitees, as well as formerly married couples.

Post-separation property division raises complex issues at several levels. Smyth and Weston (2000) observed that “separation typically creates an economic crisis since the money that supported one family is usually insufficient to meet the costs of two newly formed households, one of which often include children” (p. 1). The financially deleterious consequences of relationship breakdown on a short-term basis are well established empirically (de Vaus, Gray, Qu, & Stanton, 2008; McDonald, 1986; Sheehan & Hughes, 2001). The negative long-term financial effects of divorce have been highlighted in research by de Vaus et al., who found that men and women who had divorced were less well off financially in later life than their never-divorced counterparts, though for some, remarriage ameliorated the negative effects.

Legally, a range of issues arise; for example, the discretionary nature of the approach to determining property matters in the *Family Law Act 1975* (Cth) has led to ongoing debates (e.g., the work of the Joint Select Committee on Certain Aspects of the Operation and Interpretation of the Family Law Act, 1992) about whether a system based not on discretion but on prescriptive principles would lead to greater certainty, fairer outcomes and lower transaction costs from a personal and systemic perspective. However, proponents of discretion argue that a prescriptive approach could not do justice to the wide variety of personal circumstances to which the law is applied (see, for example, Australian Law Reform Commission [ALRC], 1987). This is an area where personal values also vary significantly. Fehlberg and Behrens’ (2008) summary of empirical knowledge on this point suggests that a “wealth-sharing approach” generally prevails during marriage but evolves into a “yours” and “mine” approach on separation. They observed that “perceptions of entitlement will be strongly influenced by who has contributed financially to the acquisition of the parties’ property, along with the needs of the children” (p. 464).

In recent years, some significant policy changes have taken place, although the post-separation property division regime under the *Family Law Act 1975* (Cth) remains discretionary in nature, as it has been since 1975. Broadly, the family law courts have the power to make orders altering

⁶⁸ We would like to thank Professor Belinda Fehlberg, Dr Christine Millward and Monica Campo, all at the University of Melbourne, for access to their questions on property division for the study Post-Separation Parenting and Financial Settlements: The Long-Term Financial Implications of Shared Care (ARC Discovery Project DP0877125) during the development of the questions on property division in LSSF Wave 3. A few property questions in the present study were based on theirs.

Box 2: Previous research on post-separation financial arrangements

Three previous significant studies have examined post-separation financial affairs. For reasons related to methodology and context (legal and social), the findings of these studies and the present one are not directly comparable. However, the discussion below highlights some thematic similarities and differences.

In 1984–85, the Australian Institute of Family Studies conducted the Economic Consequences of Marriage Breakdown (ECMB) Survey (McDonald, 1986) for the purpose of informing an ALRC inquiry into whether the laws relating to matrimonial property division required reform. This study was based on a sample of 825 Victorian participants who had had a divorce finalised in the Family Court of Australia. The sample included three sub-groups: two “younger” sub-groups who had divorced, respectively in 1981 and 1983, with two dependent children and whose marriages had lasted between 5 and 14 years. An “older” sub-group had divorced in 1981, with the wife aged 45–59 years at the time of separation, and had been married for more than 15 years.

At the time of the survey, nine in ten respondents had concluded their property arrangements. A “low process” description applied to 18% of the group, who had finalised arrangements with little or no reliance on legal advice. A further 50% indicated they had settled their matters using a non-variable court-endorsed consent-based process, which may have entailed legal advice but did not involve any court-auspiced intervention. Nearly a quarter (23%) had used legal processes, including court-auspiced settlement conferences or had their matters judicially determined. A small group (9%) were described as “mixed process” and may have used some of these elements: a variable court-endorsed consent agreement and/or a court-auspiced settlement conference. Of the low process group, 56% of men and 74% of women assessed the division as fair and 38% of men and 25% of women as unfair (“don’t know” responses are omitted from this discussion). Of the group using the non-variable consent-based process, 44% of men and 59% of women considered the outcome as fair (cf. 54% of men and 40% of women as unfair). Assessments of fairness and unfairness were most polarised (but not along gender lines to a great extent) for the high process group, with 25% of men and 28% of women considering the outcome fair, compared with 74% of men and 68% considering it unfair.

Wealth distribution patterns evident in ECMB show a mean level of wealth of \$66,300 for men and \$83,600 for women in the younger age groups and \$169,000 (men) and \$142,000 (women) in the older age groups. On the basis of the reports of men and women, adjusted to account for a response bias (see McDonald, 1986), the mean post-separation property division shares to the wife in the younger age groups was 60% excluding superannuation and life insurance policies and 53% including these policies. For the older age groups, the mean was 57% excluding superannuation and life policies and 50% including life and superannuation policies.

The Australian Divorce Transitions Project (ADTP) was based on a telephone survey administered in 1997 to 650 divorced Australians (Sheehan & Hughes, 2001). The majority of the sample (513) had children under 18 at separation and 137 were from marriages that had lasted more than 15 years. The median value of assets held at separation was \$124,101. Women received a mean share of 55% of the total asset pool. Women’s shares increased significantly when assets such as superannuation were excluded from calculations of how the remainder of the asset pool was split: 59% received 60% or more when the property division shares were calculated on this basis. The mechanism for reaching agreement—private agreement, court-registered outcomes or court-ordered outcomes—made little difference in the way in which property was divided. However, women from “low asset” marriages were more likely to receive a majority share of the total assets than women from “high asset” marriages. A large minority of former couples reported owning primarily “basic” assets, such as the family home and contents, car(s) and superannuation, with the most valuable asset being the family home, following by superannuation (Sheehan & Hughes, 2001).

The Superannuation and Divorce Survey (SDS) was a national telephone survey undertaken in 2001 with 660 divorced men and women who separated after June 2001, after the implementation of the *Family Law Legislation Amendment (Superannuation) Act 2001* (Cth) (Sheehan, Chrzanowski & Dewar, 2008). The survey covered three groups: divorced men and women with children under 18 years of age; men and women who had separated after marriages lasting 15 years or more; and men and women who did not have any children of the marriage. The SDS sample had been separated for an average of three years at the time of interview. The median net asset wealth of respondents in the SDS was \$341,000. The mean share of total assets, including the superannuation, to the wife was 50%. In the SDS sample, over 80% of respondents reported that superannuation was considered in their property settlements; however, fewer than one-fifth had actually included their superannuation in the asset pool for division.

property interests “as [they] consider appropriate” (*FLA* s 79). A range of retrospective and prospective factors may be taken into account in the exercise of this discretion. Retrospective factors include the respective contributions of each party to, for example, the acquisition and maintenance of property, the financial support of the couple or family, and the “welfare” of the couple or family in the capacity of “homemaker” or parent (*FLA* s 79(4)). Prospective considerations include the age and state of health of each party, future earning capacity, parenting responsibilities and entitlement to superannuation (*FLA* s 79(4)(e) and *FLA* s 75(2)). Courts need to be satisfied that any order is “just and equitable” “in all the circumstances” (*FLA* s 79(2) and s 90SM(3)).

A significant policy change concerns property division principles and mechanisms applicable to formerly cohabiting couples (see Box 3 on page 101). Prior to March 2009,⁶⁹ couples who were not legally married could not access the legal and court regimes established by the *Family Law Act 1975* (Cth). Their post-separation property and financial disputes were governed by state-based legal mechanisms, which were narrower in scope than the *FLA*, meaning that these regimes were generally less accessible and less advantageous for non-income earning partners, especially where legal title to property was not held jointly (Fehlberg & Behrens, 2008). From 1 March 2009, *FLA* amendments came into effect empowering the federal family law courts to deal with matters involving former de facto couples under the same principles that apply to formerly married couples.

A definitional requirement applies and the court needs to be satisfied that the parties maintained “a relationship as a couple living together on a genuine domestic basis” (*FLA* s 4AA). A range of issues may be taken into account in determining whether particular living arrangements come within this definition, including the duration of the relationship, whether there are children, and the parties’ approaches to property and financial matters during the relationship (*FLA* s 4AA(2)). The third wave of LSSF primarily provides benchmark data about property settlement patterns among former cohabitants prior to the reforms; however, some data provide limited insight into property settlement dynamics for the former cohabitants in the sample whose agreements extended into the period after 1 March 2009.

A less recent change concerns the treatment of superannuation, which changed significantly in 2002, when the *Family Law Act 1975* (Cth) was amended to allow superannuation to be treated in the same way as property in post-separation property division, rather than being dealt with as a future financial interest (*Family Law Legislation Amendment (Superannuation) Act*, 2001). Research based on a national sample of 660 divorced men and women found that more men and women were dividing or taking superannuation into account in property division after the changes (Sheehan, Chrzanowski, & Dewar, 2008). This made the most difference for women in wealthy marriages, whose share in the division of financial assets increased overall, though for some, a corresponding decrease in the share of basic assets (including the family home) may have occurred. The research highlighted the existence of a “small but significant” group of men and women who had not taken superannuation into account in their property division, usually using informal means to finalise their arrangements, with little or no legal advice. LSSF Wave 3 data provide more recent evidence of how superannuation is approached a decade after these reforms.

This chapter first outlines levels of net assets that parents held and the process of reaching property settlements (e.g., how long it took parents to finalise property division and the pathways used to do so). The analyses then focus on outcomes of property division and factors that affected division outcomes. The chapter examines parents’ views about property division outcomes and factors that influenced their views, and explores the dynamics of parents’ perceived fairness or unfairness of property division outcomes.

⁶⁹ In December 2011, it emerged that the *Family Law Amendment (De Facto Financial Matters and Other Measures) Act 2008* (Cth) had not been proclaimed and was therefore not effective. This was corrected in early 2012 by the *Family Law Amendment (Validation of Certain Orders and Other Measures) Act 2012* (Cth). Setting this complication aside, the provisions of the Act were applicable to those who separated after 1 March 2009, but couples who separated prior to this date could choose to opt in to the new scheme in certain circumstances.

6.1 How much property do LSSF parents report having?

When parents were asked about property settlement, they were requested to consider “all assets, including family home, cash savings, investments such as shares and properties, superannuation, other valuable assets and so on”, owned by them and the other parent. When requested to provide general estimates of value, parents were asked to deduct the value of mortgages and other debts. They were also able to nominate a negative sum where debt levels exceeded asset value. For some questions, where an estimate of total value was requested and parents were unable to identify a precise figure, they were able to nominate a range. The discussion that follows refers to six groups based on asset levels:

- a negative equity group, with parents reporting debts outweighing assets;
- under \$40,000 (here called the “low asset” group);
- between \$40,000 and \$139,000 (here called the “low–medium asset” group);
- \$140,000 to \$299,000 (here called the “medium asset” group);
- \$300,000 to \$499,000 (here called the “medium–high asset” group); and
- \$500,000 or more (here called the “high asset” group).

Considerable variation was evident in the wealth levels reported by parents. About one-fifth of parents reported they had no property to divide, with mothers being more likely to respond in this way than fathers (23% vs 16%).⁷⁰

The higher proportion of mothers reporting nothing to divide up may reflect the difference in relationship status at separation between fathers and mothers, with higher proportions of mothers than fathers reporting they were separated before their child was born or had never lived together (13% vs 9% in Wave 1). Such parents typically had no joint property to divide. These parents are not included in the analysis in this chapter. Table 6.1 summarises the wealth profile of LSSF families. One in ten parents didn’t provide information on their net assets.

Table 6.1: Distribution of net assets, by gender, Wave 3

Net assets	Fathers (%)	Mothers (%)	All parents (%)
No assets to divide	16.4	22.8	19.6
Negative (in debt)	1.5	1.1	1.3
< \$40,000	18.1	18.9	18.5
\$40,000–\$139,000	16.3	14.2	15.3
\$140,000–\$299,000	12.8	10.5	11.6
\$300,000–\$499,000	12.6	11.6	12.1
\$500,000+	11.9	9.9	10.9
Unknown level of assets	10.5	11.0	10.9
Total	100.0	100.0	100.0
No. of participants	4,522	4,270	8,792
Assets of parents who had no debt	Fathers (\$)	Mothers (\$)	All parents (\$)
Median	\$200,000	\$200,000	\$200,000
Mean	\$266,800	\$254,600	\$261,100
(SD)	(\$378,200)	(\$374,700)	(\$376,600)

Notes: Data have been weighted. The computation of median and mean assets excludes those who reported negative net assets. Percentages may not total 100% due to rounding.

The value of net assets varied greatly among separated parents. Around one-third of the parents reported the value of their net assets as being under \$140,000, with 19% having less than \$40,000 and 15% having \$40,000–\$139,000. One-third had net assets worth at least \$140,000, with one in ten reporting a high level of assets (\$500,000 or more). A small proportion (1%) had

⁷⁰ Parents were first asked whether they had sorted out property and possessions. If they said that they had property or possessions to divide, the question on net assets was not asked of these parents.

to sort out debts, with the median level of debt at \$38,000. The reports of fathers and mothers were similar. The median value of net assets was \$200,000 according to those who reported level of assets (excluding those who had no assets).

Differences between formerly married and cohabiting parents

Parents who separated from cohabiting relationships had significantly fewer assets compared with those who separated from marriage, as shown in Table 6.2. Nearly one-quarter (24%) of former cohabitantes had no assets for division, compared with only 7% of formerly married parents. Close to one-third (30%) of parents who separated from a cohabiting relationship had less than \$40,000, compared with 11% of those who separated from marriage. Conversely, 35% of formerly married parents held at least \$300,000 of net assets while only 11% of formerly cohabiting couples had this level of assets. Among those who did have assets, the median value of net assets in formerly cohabiting couples was \$60,000 while the median worth of net assets was \$250,000 among formerly married parents.

Table 6.2: Distribution of net assets, by relationship status at separation, Wave 3

Net assets	Married (%)	Cohabiting *** (%)
No assets to divide	7.4	24.3
Negative (in debt)	1.6	0.9
< \$40,000	11.0	30.3
\$40,000–139,000	18.1	15.3
\$140,000–299,000	16.6	7.3
\$300,000–499,000	17.7	6.8
\$500,000+	17.6	4.0
Unknown level of assets	10.1	11.1
Total	100.0	100.0
No. of participants	6,070	2,223
Assets of parents who had no debt	Married (\$)	Cohabiting (\$)
Median	\$250,000	\$60,000
Mean	\$335,400	\$139,000
(SD)	(\$449,400)	(\$204,500)

Notes: Data have been weighted. Percentages may not total 100% due to rounding. *** $p < .001$; statistically significant relationship emerged between the responses in categories and relationship status at separation.

The difference between formerly married and cohabiting couples is not surprising. Compared with those who separated from marriage, parents who separated from a cohabiting relationship were younger and had a shorter duration of living together and thus had less to bring into the relationship and a shorter time to accumulate assets.⁷¹

Asset profiles

Table 6.3 (on page 94) shows the extent to which parents had each asset type in the net pool that was divided after separation. It should be kept in mind that types of assets here refer to the assets that had been included in the division between the parties. Some parents might have had other assets that were excluded from property settlements.

⁷¹ In Wave 3, the mean age of mothers who separated from marriages was 40 years, compared with 33 years for mothers who separated from a cohabiting relationship. The mean age of the two groups of fathers was 43 and 36 years respectively. The mean length of living together was 5 years for parents who separated from cohabiting relationship, while the mean length was 12 years for those who separated from marriages.

Table 6.3: Types of assets included in property division, by gender, parents who reported having assets, Wave 3

Types of assets	Fathers (%)	Mothers (%)	All parents (%)
Family home	62.4	60.7	61.6
Investment property (e.g., holiday home)	14.6	13.2	13.9
Other investment (e.g., shares)	15.8	13.2 **	14.6
Cash savings	37.7	26.7 ***	32.5
Business	10.6	9.7	10.2
Superannuation of at least one partner	35.9	32.3 **	34.2
<i>Superannuation—his</i>	35.0	29.2 ***	30.4
<i>Superannuation—hers</i>	24.7	25.4	26.9
Other (e.g., cars, boats, artwork, jewellery)	72.8	68.5 **	70.8
No. of participants	3,948	3,491	7,439
Number of types ***			
Fewer than 3 types	55.4	60.5	57.9
3–4 types	24.4	23.9	24.2
5+ types	20.1	15.6	17.9
Total	100.0	100.0	100.0

Notes: Data have been weighted. Excludes a small number of parents who did not know or refused to answer (2%). Multiple responses accepted, therefore sum of percentages exceed 100%. ** $p < .01$; *** $p < .001$; statistically significant relationship emerged between certain response categories and gender.

The most common type of asset was the family home (62%), followed by cash savings (33%), father's superannuation (30%) and mother's superannuation (27%). A minority of parents reported investment properties (14%), other investments such as shares (15%) and businesses (10%). It is worth noting that 71% of parents reported that they had other assets (e.g., cars, boats, artworks, jewellery). The very high proportion was likely due to the inclusion of cars as an example for this non-specific category.

About one-third of parents indicated that the net assets taken into account in dividing property included at least one parent's superannuation. According to the ABS (2008), 82–92% of men and women of different ages in 2007 had superannuation. McDonald (1986) reported from the ECMB study that at least one spouse of 54–59% of divorced men and women in the early 1980s had superannuation. In contrast, 81% of the divorced sample in the 1997 ADTP study had superannuation (Sheehan & Hughes, 2001). On the other hand, two previous studies suggest that only a minority of divorcing couples have divided superannuation. Dewar, Sheehan, and Hughes (1999) found that, in the sample of the ADTP study, only 10% of the divorced sample where one or both spouses had superannuation assets had explicitly taken this asset into account in property division. Sheehan et al. (2008) analysed SDS survey data from a sample of divorced men and women who separated after June 2001 and found that less than one-fifth of respondents had included superannuation in the assets pool for division. On the basis of these previous insights, the extent to which the respondents of LSSF Wave 3 reported that superannuation from one or both parents was taken into account in the net asset pool was consistent with the findings of the SDS survey (i.e., only a minority of former couples actually included superannuation in the asset pool for division after separation). It should be noted though that the LSSF sample and the question on superannuation in the LSSF differed from the SDS survey. The findings indicate that although the proportions of parents who take superannuation into account in dividing property after separation have increased since the superannuation reforms, this resource still are not divided in the majority of cases. As Table 6.3 shows, this is particularly marked for former cohabitants, reflecting the differential approaches under the legislative regimes applying to formerly married and cohabiting couples prior to the property reforms for de facto couples.

Table 6.3 also shows that separated parents with any assets typically had one or two types of assets (58%) and nearly one-quarter (24%) had three or four types of assets, while a substantial minority (18%) had at least five types of assets. The larger number of asset types was associated with a higher amount of assets. For example, 44% of parents with at least five types of assets

reported their net assets to be worth at least \$500,000, compared with only 5% of parents with one or two types of assets holding this level of assets. Conversely, 43% of those with one or two types of assets had a net worth of less than \$40,000, compared with only 3% of those with five or more types of assets.

In terms of asset holdings, differences between formerly married and cohabiting couples were again evident (Table 6.4). Parents who separated from a cohabiting relationship were less likely than those who separated from a marital relationship to have each specific type of asset, with one exception, which was “other assets”, including vehicles. Similar proportions in each group indicated that they held “other assets” at separation. There were differences between the two groups both in terms of the number of asset types held and the proportions in each group reporting holding particular asset types. Three-quarters of formerly cohabiting parents had one or two types of assets, compared with fewer than half of parents separating from marriages.

Table 6.4: Types of assets included in property division, by relationship status at separation, parents who reported having assets, Wave 3

Type of assets	Married (%)	Cohabiting (%)
Family home	77.5	37.4 **
Investment property (e.g., holiday home)	17.6	8.4 **
Other investment (e.g., shares)	19.5	6.6 **
Cash savings	36.7	27.7 **
Business	12.8	6.2 **
Superannuation of at least one partner	45.6	15.9
<i>Superannuation—his</i>	43.2	14.5 **
<i>Superannuation—hers</i>	34.0	10.6 **
Other (e.g., cars, boats, artwork, jewellery)	72.4	69.8
No. of participants	5,573	1,681
Number of types ***		
Fewer than 3 types	45.1	77.5
3–4 types	30.3	15.1
5+ types	24.6	7.4
Total	100.0	100.0

Notes: Data have been weighted. Excludes parents who did not know or refused to answer (2%). Multiple responses accepted, therefore sum of percentages may exceed 100%. ** $p < .01$; *** $p < .001$; statistically significant relationship emerged between certain response categories and relationship status at separation.

6.2 Progress in finalising property division

By the time of the Wave 3 interview, nine in ten parents who had property for division indicated that they had sorted out this matter. As Table 6.5 shows, the remainder was equally divided between being in the process of sorting it out (4%) and not having started (5%).

Table 6.5: Whether property had been sorted out, by gender, parents who reported having assets, Wave 3

Property arrangement	Fathers (%)	Mothers (%)	All parents (%)
Everything sorted out	91.6	90.8	91.2
In the process of sorting things out	4.0	4.1	4.1
Not yet started	4.4	5.1	4.8
Total	100.0	100.0	100.0
No. of participants	4,010	3,544	7,554

Notes: Data have been weighted. Excludes a small number of parents who didn't know or refused to answer (< 1%). Percentages may not total 100% due to rounding.

Table 6.6 (on page 96) suggests that the extent to which parents had sorted out their property matters was similar between formerly married parents (92%) and formerly cohabiting couples

(91%). For both groups of parents, small proportions were in the process of sorting out property matters (5% and 4% of formerly married and cohabiting groups respectively) or had not yet started the process (4% and 6% respectively).

Table 6.6: Whether property had been sorted out, by whether married or cohabiting at separation, parents who reported having assets, Wave 3

Property arrangement	Married (%)	Cohabiting (%)
Everything sorted out	91.9	90.7
In the process of sorting things out	4.5	3.7
Not yet started	3.6	5.6
Total	100.0	100.0
No. of participants	5,635	1,720

Notes: Data have been weighted. Excludes a small number of parents who didn't know or refused to answer (< 1%). Percentages may not total 100% due to rounding.

6.3 Timing of the property division

Considerable variation is evident in relation to the amount of time it took LSSF parents to finalise their property arrangements, with factors such as the size and complexity of the asset pool making a difference, among other issues. Parents who had sorted out property division were asked to name the year and month in which their arrangements were concluded. The duration since separation until property settlement was then derived and is shown in Table 6.7.

Table 6.7: Timing of property division by gender, parents who reached property settlements, Wave 3

When property division settled	Fathers (%)	Mothers *** (%)	All parents (%)
At separation	25.5	22.6	24.1
Less than 1 year	17.2	21.7	19.4
1–2 years (12–23 months)	27.1	25.7	26.4
2–3 years	18.5	15.6	17.1
3+ years	11.7	14.4	13.0
Total	100.0	100.0	100.0
No. of participants	3,489	3,107	6,596

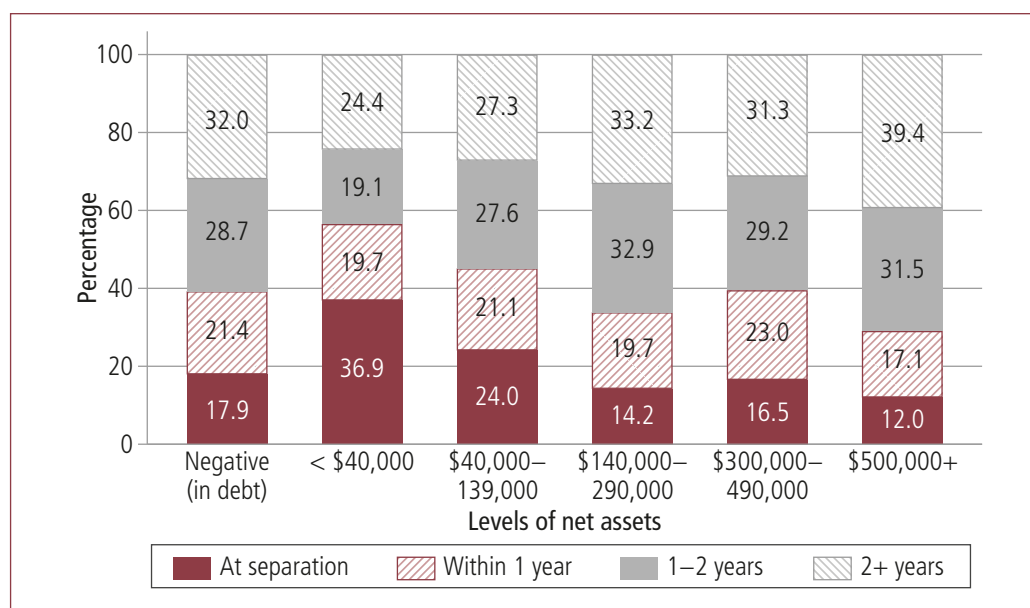
Notes: Data have been weighted. Excludes a small number of parents who didn't know or refused to answer (5%). Percentages may not total 100% due to rounding. *** $p < .001$; statistically significant relationship emerged between timing of property settlement and gender.

The average time taken to finalise property arrangements among parents who had reported doing so was 15 months. Overall, the majority (70%) of parents who had reached property settlement had done so within two years after separation and 44% within one year. The broad patterns were similar between fathers' and mothers' reports, although with a slightly higher proportion of mothers indicated the process took at least three years and a slightly lower proportion reached settlement at the time of separation. In summary:

- about one-quarter had sorted out their property issues straight away, that is, at the time of separation;⁷²
- nearly one in five finalised arrangements within a year;
- about one-quarter concluded arrangements at between 1 and 2 years; and
- nearly one-third (30%) took at least two years, with 13% taking at least three years.

⁷² Within this proportion, 6% of parents made the counter-intuitive statement that they had settled their property before separation. It is probable that there was some ambiguity in the circumstances surrounding separation for these parents, including situations in which parents separated under one roof before going their own ways or where final separation occurred after an unsuccessful attempt at reconciliation.

The time taken to finalise property arrangements is strongly related to the value of the net assets, with higher value asset pools leading to longer timeframes. Not surprisingly, division of debt was also linked with a more protracted period of settlement. Figure 6.1 shows that timing of concluding property division varied according to the level of net assets.



Notes: Data have been weighted. Number of parents with negative assets was small ($n = 115$). Percentages may not total 100% due to rounding. Statistically significant relationship emerged between timing of property settlement and levels of net assets (***) $p < .001$.

Figure 6.1: Timing of property settlements by level of net assets, parents who reached property settlements, Wave 3

The proportions of parents making arrangements at separation in broad terms were inversely related to the value of the property pool; for example, the proportions were:

- highest among those holding assets worth less than \$40,000 (37%);
- next highest among those in the low–medium bracket of \$40,000–\$139,000 (24%); and
- lowest among parents with the highest level of assets, \$500,000 and over (12%).

However, for parents with debts, only 18% made their arrangements at separation.

The proportions taking at least two years to divide property were highest (39%) for the group with the highest asset level and lowest (24%) among those with the least assets (less than \$40,000).

Parents with the least assets were also less likely than those with higher levels of assets and those with debts to take one to two years after separation to reach settlements (19% vs 28–33%). Proportions of parents taking less than one year after separation were similar across different levels of assets (17–23%).

It is worth noting that those with negative equity at the time of separation took a longer time than those with low levels of assets to reach settlements. Responsibility for repayment of debt is probably a contentious issue for many couples. It should also be kept in mind that the number of parents in net debt was small, as was shown in Table 6.1.

The length of time taken for property division varied for formerly married and cohabiting couples (Table 6.8 on page 98). Parents who separated from cohabiting relationships finalised property arrangements more quickly than parents from marital separation. This pattern is not surprising given that the former group had a lower level of net assets and a smaller number of asset types.

Table 6.8: Timing of property division by relationship status at separation, parents who reached property settlements, Wave 3

When property division settled	Married (%)	Cohabiting *** (%)
At separation	18.2	36.9
Less than 12 months	20.3	18.2
1–2 years (12–23 months)	29.8	20.3
2–3 years	18.1	13.7
3+ years	13.7	11.0
Total	100.0	100.0
No. of participants	4,971	1,477

Notes: Data have been weighted. Excludes a small number of parents who didn't know or refused to answer (5%). Percentages may not total 100% due to rounding. *** $p < .001$; statistically significant relationship emerged between timing of property settlement and relationship status at separation.

6.4 Pathways for property arrangements

The use of services to assist with the finalisation of property arrangements was examined in Wave 3, with parents being asked to nominate the “main pathway” they had used or were in the process of using. The possible response options were: “mediation or dispute resolution services”, “a lawyer”, “the courts”, “discussion with the other parent”, or “nothing specific, it just happened”. Table 6.9 demonstrates that, as with parenting arrangements, though to a lesser extent, the most common main pathway nominated was “discussions” (40%). Lawyers were nominated significantly more commonly (29%) than with parenting arrangements (9%, see Table 4.14 on page 54).

Table 6.9: Main pathways for property division, by whether property division was settled or in process, Wave 3

Main pathway	Settled (%)	In process (%)	All (%)
Mediation or dispute resolution services	4.2	4.0	4.2
A lawyer	29.3	26.3	29.1
The courts	7.1	9.2	7.2
Discussions	39.3	44.8	39.5
Nothing specific, it just happened	18.8	15.4	18.6
Other	1.4	0.3	1.4
Total	100.0	100.0	100.0
No. of participants	6,900	312	7,212

Notes: Data have been weighted. Excludes a small number of parents who didn't know or refused to answer (0.5%). Percentages may not total 100% due to rounding.

For parents who had finalised property division, the noteworthy patterns in Table 6.9 are that it was uncommon for property settlements to be finalised through the courts (7%), and mediation or dispute resolution (4%) was used much less frequently for property than for parenting arrangements (10%, see Table 4.14 on page 54). It appeared that there wasn't any specific process for a substantial minority of parents (19% nominating nothing specific). These parents typically had a lower level of assets than other parents, with 58% holding less than \$40,000 worth of assets, compared with 20% for parents who had reached settlements through other pathways (see Table 6.10 on page 99). It is likely that each of these parents simply took what they considered they brought into the relationship or their personal valuable items.

The main pathways for parents still in the process of sorting property issues were similar to those describe above for parents who had reached a settlement. Parents in the process of property settlements were typically in discussions between themselves (45%), followed by using a lawyer (26%). Only small proportions were using the court (9%), or mediation or dispute resolution services (4%).

Main pathways by levels of net assets

Higher levels of net assets are associated with a higher use of formal pathways (i.e., lawyers, the courts, mediation or dispute resolution services) and a lower use of informal pathways (Table 6.10).

Table 6.10: Main pathway for property division, by level of net assets at separation, parents who reached property settlements, Wave 3

Main pathway	Net assets at separation ***					
	Negative (in debt)	< \$40,000 (%)	\$40,000–139,000 (%)	\$140,000–299,000 (%)	\$300,000–499,000 (%)	\$500,000+ (%)
Mediation or dispute resolution services	4.9	1.3	3.5	6.1	5.0	7.7
A lawyer	22.8	6.8	25.0	41.4	42.7	50.6
The courts	7.4	2.0	6.0	8.9	10.4	13.1
Discussions	43.8	49.9	45.8	35.1	34.5	25.1
Nothing specific, it just happened	17.1	37.9	18.3	8.0	7.0	2.9
Other	4.0	2.3	1.5	0.5	0.5	0.6
Total	100.0	100.0	100.0	100.0	100.0	100.0
No. of participants	119	1,163	1,270	1,160	1,180	1,271

Notes: Data have been weighted. Excludes a small number of parents who didn't know or refused to answer (0.5%). Percentages may not total 100% due to rounding. *** $p < .001$; statistically significant relationship emerged between main pathway used and level of net assets.

Parents with asset pools of the highest value (\$500,000+) were more likely than those in the other asset ranges, to nominate lawyers (51%) and courts (13%) and least likely to nominate discussions (25%).

Lawyers were also nominated by significant minorities in the medium–high and medium asset pool ranges (43% of \$300,000–499,000 and 41% of \$140,000–299,000), and close to one-tenth of parents in each of these brackets reported using courts (10% and 9%, respectively).

The use of lawyers diminished significantly in the low–medium and low asset pool ranges: 25% for \$40,000–139,000 and 7% for less than \$40,000. Interestingly, the diminution in the use of courts (6% and 2%) for these low asset pool groups was not as proportionately dramatic as the diminution in the use of lawyers.

The group most likely to say their property division just happened was the low asset group (< \$40,000) (38%). This response was nominated by diminishing proportions of parents as the asset pool value increased, with only 3% in the highest bracket selecting this answer.

Patterns in relation to the negative equity group were similar to those for the low–medium asset group, with 23% reporting relying on lawyers and 7% on the courts.

Significant proportions in each group nominated just discussions as their pathway, with the lowest proportion (but still a significant minority of 25%) nominating this response being in the high asset pool range. Proportions nominating discussions increased as asset pool values decreased (nominated by 50% of parents with < \$40,000), and a substantial minority (44%) of the negative equity group also chose this response.

Pathways and timing

The type of primary pathway used was linked with the timeframes for finalising property division (Table 6.11 on page 100). Parents who took longer to finalise their property settlements were more likely to report using formal pathways. Of the parents who reported timeframes in excess of two years, 38% indicated using lawyers and 13% used courts, compared with 4% who used mediation or dispute resolution. Among those who achieved a speedy resolution (less than 1 year) nearly half the parents (47%) reported discussions as being the main pathway, 20% and

3% indicated using lawyers and the courts respectively. Those who reported taking 1–2 years to reaching settlements were similarly likely to rely on discussion and lawyers (36–37% each), while 8% achieved settlements through the courts. There was no gender effect observable in these reports (data not shown).

Table 6.11: Main pathways for property division, by when settlements were reached, parents who reached property settlements, Wave 3

Main pathway	When settlement was reached ***		
	< 1 year (%)	1–2 years (%)	2+ years (%)
Mediation or dispute resolution services	3.5	6.0	4.2
A lawyer	20.1	36.6	37.5
The courts	2.9	8.0	12.9
Discussions	46.5	35.8	30.9
Nothing specific, it just happened	24.8	12.5	13.7
Other	2.2	1.1	0.8
Total	100.0	100.0	100.0
No. of participants	2,733	1,842	1,997

Notes: Data have been weighted. Excludes a small number of parents who didn't know or refused to answer (5%). Percentages may not total 100% due to rounding. *** $p < .001$; statistically significant relationship emerged between main pathway used and when settlements were reached.

Pathways and relationship status

Table 6.12 shows that there were some significant differences in the main pathways nominated by formerly married and cohabiting parents for property settlement.

Table 6.12: Main pathways for property division, by relationship status at separation, parents who reached property settlements, Wave 3

	Married (%)	Cohabiting *** (%)
Mediation or dispute resolution services	5.1	3.1
A lawyer	38.7	14.8
The courts	9.7	2.5
Discussions	36.7	44.4
Nothing specific, it just happened	9.1	32.7
Other	0.8	2.5
Total	100.0	100.0
No. of participants	5,412	1,625

Notes: Data have been weighted. Excludes a small number of parents who didn't know or refused to answer. Percentages may not total 100% due to rounding. *** $p < .001$; statistically significant relationship emerged between main pathway used and marital status at separation.

Parents who separated from cohabiting relationships were much less likely than those who separated from marital relationships to settle their property division by using a lawyer (15% vs 39%) and also less likely to settle their property division through the courts (3% vs 10%).

Formerly cohabiting parents were more likely than those who were married to reach property settlements through discussions between themselves (44% vs 37%) or to indicate no specific pathway (33% vs 9%). It was uncommon for either group to reach property settlements by mediation or dispute resolution services (3% and 5%, respectively).

6.5 Property division ratios reported by mothers and fathers

Parents who had finalised property settlements were asked to nominate a dollar value for their share of the property division. If they were unable to name a dollar value, they were asked to

Box 3: Differences evident after the de facto property reforms

As noted at the start of this chapter, significant reforms to the post-separation property regime applicable to people who separated from cohabitation took effect from 1 March 2009. Although the *Family Law Amendment (De Facto Financial Matters and Other Measures) Act 2008* applies only to people who separated on or after 1 March 2009 (s 86A), couples who separated prior to this date nonetheless could opt into the federal scheme if:

- there was no current order about property or maintenance;
- there was no agreement enforceable in state law;
- consent in writing was provided by both parties; and
- both parties had received independent legal advice on the advantages and disadvantages of making the choice, with a signed statement confirming this advice from their lawyer (s 86A).

Although specific questions directed to ascertaining whether this was the case for LSSF Wave 3 parents were not included in the survey, analysis of the responses of former cohabiting couples who reported finalising their property division after 1 March 2009 (post-reform group), shows that the patterns evident among this group are different in some ways to those evident among the group who finalised prior to 1 March 2009 (pre-reform group). It cannot be assumed that these differences are attributable in part to the reforms, nor can it be assumed that they are not.

The post-reform group comprised about one-fifth of the total sample of parents who separated from a cohabiting relationship who had sorted out their property division after 1 March 2009.^a Greater use of lawyers and courts is consistent with a longer timeframe for property division in general. However, some patterns revealed by the analysis (Table B3.1) may reflect, to some extent, the changed legal environment, namely that for both groups of parents who separated from a cohabiting relationship, the most common way for reaching agreements on property division was discussions between themselves, followed by using a lawyer and having no specific process. Using the courts or mediation or dispute resolution services for property division was less common for both groups. Nevertheless, the post-reform group were more likely than their pre-reform counterparts to nominate main pathways involving lawyers (28% vs 11%) or courts (7% vs 1%). Lower proportions of the post-reform group had no specific process (20% vs 37%).

Table B3.1: Main pathways for property division by whether settlement was pre- or post-reform, former cohabiting couples who reached property settlements, Wave 3

	Before 1 March 2009 (%)	After 1 March 2009 *** (%)
Mediation or dispute resolution services	3.3	3.1
A lawyer	11.1	27.5
The courts	1.3	6.7
Discussions	43.8	41.5
Nothing specific, it just happened	37.1	20.2
Other	3.4	0.9
Total	100.0	100.0
No. of participants	1,088	293

Notes: Data have been weighted. Excludes parents who didn't know or refused to answer. Percentages may not total 100% due to rounding. *** $p < .001$; Statistically significant relationship emerged between main pathway used and whether settlements were before or after 1 March 2009.

^a Ninety-three parents separated from a cohabiting relationship and finalised their property division in 2009 but did not remember specific months. For those who did provide specific months, 81% had settled after 1 March 2009. Thus, for those who did not know the specific month, settlements were much more likely to have taken place after 1 March than before. Assuming that 80% of these 93 parents settled after 1 March, 2009, the proportion of all parents who separated from cohabiting relationship who had sorted out their property division after 1 March 2009 was 25%.

indicate the share they received (e.g., 60% of the total). The analysis presented here depicts the proportionate share of net assets received by each party on the basis of these responses (but see Box 5 on page 106 about response bias).⁷³

A small number of parents who reported having negative net assets at the time of separation were excluded from the analysis. These parents reported that 33% of debt liability was apportioned to the mother on average, with 67% of debt liability on average going to the father. Fathers reported lower levels of debt going to the mother compared with the proportions that mothers reported themselves (mean: 25% vs 45%). These figures were based on small numbers (61 fathers and 45 mothers) and should be treated with caution.

Table 6.13 depicts the reports of fathers and mothers in the non-debt asset groups in relation to the share of the asset pool that went to the mother; that is, mothers were reporting on their own shares and fathers were reporting on their former partners' shares. On average, fathers estimated 65% going to the mother, compared with mothers' estimates of 49%. The mean share for mothers calculated on the basis of all participants' answers is 57%. This highlights the subjective nature of participants' perceptions on property division ratios. Other noteworthy aspects of Table 6.13 include the findings that one-third (34%) of all parents indicated that mothers received 40–59% of the asset pool and a quarter indicated they received 60–79%.

Table 6.13: Share of property going to the mother, parents who reached property settlements, Wave 3

% of property received by mother	Fathers (%)	Mothers *** (%)	All parents (%)
0–19%	5.0	14.7	9.6
20–39%	5.3	13.2	9.1
40–59%	31.5	37.4	34.3
60–79%	27.0	22.3	24.7
80–100%	31.2	12.4	22.3
Total	100.0	100.0	100.0
Mean percentage share	64.5	49.2	57.2
No. of participants	3,170	2,783	5,953

Notes: Data have been weighted. Excludes parents who didn't know or refused to answer (8%) and parents who had other arrangements (2%). Excludes were parents with negative net assets. Percentages may not total 100% due to rounding.

*** $p < .001$; statistically significant relationship emerged between proportion of property going to mother and gender.

Factors associated with how property is divided

Previous studies (ECMB, McDonald, 1986; ADTP, Sheehan & Hughes, 2001) found that the way property was split was associated with a range of factors, including level of assets, the composition of the asset pool, children's living arrangements after separation, the legal process used and circumstances associated with separation (e.g., whose decision to separate, who left the matrimonial home), the length of the marriage and child support liability. Those two studies were based on samples of men and women who had divorced at a minimum of two decades ago (about 25 years for ADTP and more than 28 years ago for ECMB). This section examines whether the same influences on property division were still relevant for the LSSF Wave 3 data.

The analysis discussed in this section focuses on the results of multivariate analysis (ordinary least squares [OLS] regression; see Box 4 on page 103). (The results of bivariate analysis are shown in Appendix D.) The analysis was carried out for fathers and mothers separately. The variables in the multivariate analysis include: level of assets, pathways used for property settlements, relationships status and circumstances of separation (who left the house at separation, who initiated separation, age of study child, duration of living together), experience of violence or abuse before/during separation, and parenting arrangements (care time, child support arrangements).

⁷³ Two sets of apparently anomalous responses were adjusted for the purpose of the analysis. A small number of parents who reported receiving a negative amount, although they reported a total asset pool of positive value ($n = 88$) were treated as receiving a zero ratio, with the other parent receiving 100%. A small number of parents who reported receiving more than 100% ($n = 57$) were treated as retaining 100%, with a zero share going to the other parent.

Box 4: Interpretation of multivariate analysis results

Share of property going to the mother

For the share of the property received by the mother, an OLS regression model was applied separately for fathers and mothers. The models intended to assess the relative effects of potential factors on shares of property going to the mother. The coefficients of explanatory variables are presented in Table 6.14 (on page 104). All explanatory variables are categorical. For each variable, a coefficient for a specific category is the difference in property shares between this category and the reference category, controlling the effects of other variables included in the model.

For example, for “level of net assets”, the reference category is “< \$40,000”. For fathers, the coefficient for net asset level \$40,000–\$139,000 is 3.30, which means a 3.3% greater share of the property was received by the mother for asset level \$40,000–\$139,000 than was the case for the reference category of “< \$40,000”.

The asterisks in the table indicate the statistical significance of each coefficient. If a coefficient is not statistically significant, there is no asterisk marked. The number of asterisks indicate the level of statistical significance, with significance levels of .05, .01 and .001 being noted by one, two and three asterisks respectively. In the above example, the coefficient net asset level of \$40,000–\$139,000 is statistically significant ($p < .05$). The size of a coefficient indicates how much the size of the property share varied from the reference category.

Perceived fairness of property division outcome for self in Wave 3 interview

Perceived fairness of property division outcomes at the time of the Wave 3 interview was coded as a binary variable, with “1” indicating a response of “very fair” or “somewhat fair” and 0 for “very unfair” or “somewhat unfair”. A logistic regression model was estimated for fathers and mothers separately. The results are presented as odds ratios (OR).

The odds of perceived fairness is the ratio of the likelihood of feeling fair (very or somewhat) to the likelihood of feeling unfair (very or somewhat). Odds ratios estimated from the model represent the estimated multiplicative effect of a one-unit change in a variable on the odds of perceived fairness. Table 6.17 (on page 110) provides an indication of whether parents with a specific characteristic of a variable were more likely (if the odds ratio is greater than 1) or less likely (if the odds ratio is less than 1) than parents in the comparison group of the variable (i.e., the reference category of the same variable) to feel “fair”. An odds ratio of 1 indicates there is no difference between parents with a particular characteristic and parents in the reference group. If an odds ratio is greater than 1, the larger the odds ratio is, the more likely it is that parents felt the share was “fair” compared with those in the reference group. If an odds ratio is less than 1, the smaller the ratio, the less likely parents felt the share was “fair” compared with the reference group.

For example, regarding share of the property that was received by the mother based on mothers’ own reports, the reference group was mothers who had received 40–59% of the property. The odds ratio of 3.06 for mothers who reported having received 60–79% of assets means that the odds of the mothers feeling “fair” was 3.06 times that of mothers in the reference group (i.e., mothers who had received 40–59% of the property).

Child support liability status was based on the information provided in Wave 3 in order to include the parents in the top-up sample. Given that most parents retained their same child support liability status across all three waves (see Chapter 7), the child support liability in Wave 3 was the same in Wave 1 for most parents.

Separate analyses focused on the follow-up sample and child support liabilities in Wave 1 and produced similar results. For simplicity, Table 6.14 (on page 104) presents the results based on the full sample of Wave 3 (i.e., both the follow-up and top-up samples). (The results based on the follow-up sample with parenting arrangements variables in Wave 1 are shown in Appendix D.)

Table 6.14: Multivariate analysis of property share going to the mothers (OLS regression), by gender, parents who reached property settlements, Wave 3

	Fathers (coefficient)	Mothers (coefficient)
Had non-basic assets ^a	-1.29	-3.23 **
Level of net assets (ref. = < \$40,000)		
\$40,000–139,000	3.30 *	-2.88
\$140,000–299,000	3.75 *	-5.08 **
\$300,000–499,000	5.20 **	-6.13 ***
\$500,000+	3.05	-7.50 ***
Main pathways used for property settlement (ref. = discussions)		
Mediation or dispute resolution services	0.52	1.17
A lawyer	1.49	0.53
The courts	1.92	-0.45
Nothing specific, it just happened	7.11 ***	-5.04 ***
Who left house at separation (ref. = male partner)		
Female partner	-9.42 ***	-10.48 ***
Both left	-5.06 *	-6.68 *
Who initiated separation (ref. = male partner)		
Female partner	-0.62	0.13
Joint	-0.21	1.35
Separation from cohabiting relationship	-2.30	-3.44 *
Experience of emotional abuse and physical hurt before/during separation ^b (ref. = neither)		
Emotional abuse alone	1.83	-1.49
Physical hurt	4.81 ***	-2.07
Duration of living together (ref. = < 5 years)		
5–9 years	1.31	0.76
10–14 years	2.91	1.30
15+ years	2.68	4.12
Children's age in Wave 1 ^c (ref. = 0–2 years)		
3–4 years	4.33 **	-0.70
5–11 years	2.57	0.21
12–14 years	1.86	-1.09
15–17 years	4.40	1.86
Care-time arrangements in Wave 1 ^d (ref. = 100% of nights with mother & no overnight with father)		
66–99% of nights with mother & 1–34% with fathers	-3.50 **	-2.72 *
35–65% of nights with each parent (shared care time)	-9.10 ***	-4.69 **
0–34% of nights with mother & 66–100% nights with father	-13.57 ***	-10.45 ***
Child support liability Wave 3 (ref. = pay)		
Receive	-3.05	3.07
No liability	-2.25	1.81
Education (ref. = degree or higher)		
Other post-school qualification	2.72 *	0.07
No post-school qualification	2.21	-0.14
Constant	63.34 ***	59.13 ***
R2 adjusted	0.13	0.09
No of participants	2,711	2,369

Notes: ^a Non-basic assets refer to investment property, other investments (e.g., shares), or business. ^b For the follow-up respondents, the responses were from Wave 1, while respondents from the top-up samples were asked in Wave 3 whether they experienced physical hurt or emotional abuse before/during separation. ^c Children's age for the top-up sample was converted to their age in 2008, when Wave 1 took place. ^d For the respondents in the top-up sample, this variable refers to their care-time arrangements at the time of separation. * $p < .05$; ** $p < .01$; *** $p < .001$ indicate statistical significance. Reference categories are in brackets.

Findings on the main significant associations are presented in the next sections. Interpretation of the results is complicated by the differences between mothers' and fathers' reports. However, the evidence suggests the strongest influences on the proportionate share of property were: the size of asset pools, the dynamics surrounding the separation (who initiated separation, who left the house), a history of family violence/abuse and care-time arrangements. The influence of the effects of a history family violence/abuse and the role played in the separation decision on shares received by each parents were mediated by who left the house at the separation. There was no association between property division and children's age.

Size and composition of asset pools

Mothers' reports indicated that their proportion of the property division decreased as the level of net assets increased. However, fathers' reports paint a different picture on this point. According to fathers, mothers' share in property division increased, while shares for fathers themselves fell, increasing for each level of net assets before reaching the highest level of net assets. In other words, for both fathers and mothers, the proportion that they reported receiving declined with increasing levels of net assets.

Mothers' shares were lower when net assets contained non-basic elements (i.e., business, investment property or other investment) than where no such assets were involved, according to mothers' own reports. However, fathers' reports indicated no difference in the share received by the mothers where asset pools contained the non-basic elements.

Pathways

Both fathers' and mothers' reports suggest that the outcomes of property division were not affected by whether parents reached settlements through formal pathways or discussions between themselves. However, mothers' reports showed they received a lower proportion where no specific pathway (i.e., "nothing specific, it just happened") was nominated, compared with discussions. Fathers' reports indicated otherwise; mothers received a higher share (and fathers received a lower share) from no specific pathway, compared to discussions. In other words, both fathers and mothers who nominated no specific pathway reported that they received a lower share than their former partners.

Relationship status and circumstances of separation

Which partner left the family house was strongly associated with the proportions of property going to each parent, with the "leaver" receiving a lower proportion than the "stayer". Both fathers' and mothers' reports suggest that the share received by mothers if both left the house was less compared with cases where the father left the house. However, the difference was only statistically significant for fathers' reports.

The multivariate analyses showed no apparent link between who initiated the separation and property division outcomes. However, who initiated the separation was associated with who left the house.⁷⁴ If who left the house was excluded from the model, the association between who initiated the separation and shares received by each parents was statistically significant, with the party who initiated separation receiving less share than the party who had no role in the separation decision.

Relationship status (i.e., whether formerly married or cohabiting) was associated with the proportionate share of property, according to mothers' reports, with mothers who separated from cohabiting relationships receiving a lower share of the property. Although fathers' reports indicated the same link, these data show an effect that was only marginally statistically significant.⁷⁵ There was no apparent link between duration of relationship and property division outcomes. The age of study children in general was also not associated with property division outcomes.

⁷⁴ Seventy-one per cent of parents who reported that the father initiated the decision said that he left the house, compared with 45% of those where the mother initiated separation. A higher proportion of parents whose separation was her decision than those where it was his decision reported that she left the house (51% vs 24%).

⁷⁵ The effect was close to statistical significance at 5% level ($p = .06$).

Family violence/abuse

Fathers who reported experiencing emotional abuse and/or physical hurt before or during separation indicated that mothers received a higher share (and thus the fathers accepted a lower share) compared with fathers who had not been the recipient of violence/abuse. Similarly, mothers who reported experiencing physical hurt inflicted by the other parent received a lower proportion compared with mothers who had not been the recipient of violence/abuse. However, there was no statistically significant difference between mothers who reported experiencing emotional abuse alone and mothers who reported no violence/abuse.

Mothers who experienced family violence/abuse before or during separation were more likely to be the one who left the family house. For example, one-half of the mothers who reported experiencing physical hurt before separation indicated that she left the house at separation, compared to one-third of the mothers who reported no violence/abuse leaving the house. Excluding the variable of who left the house at separation from the model for mothers, the effect of physical hurt was statistically significant. It is likely that parents who experienced violence/abuse may have accepted the less satisfactory settlements due to fears of reprisal or simply wanting to get out of the negotiation process as quickly as possible due to their experiences.

Care-time arrangements and child support

The outcomes of property division were strongly linked with care-time arrangements in Wave 1. (The care time for the top-up sample referred to the arrangements at separation.) The parents who had the child in their care for the majority of or all nights reported receiving a higher

Box 5: How consistent are parents' reports?

A consistent response bias concerning the relative amounts fathers and mothers report receiving in post-separation property division has been observed in previous research (McDonald, 1986; Sheehan & Hughes, 2001), with men tending to overestimate their partner's share and women underestimating their own share, as evident in Table 6.13. The LSSF Wave 3 sample permits further examination of this issue because the sample includes a subset of participants who were the parents of the same focus child (former couples; $n = 719$). On the basis of the analysis of both parents' reports of the share received by each parent, fathers' mean share were 37% and mothers' mean share were 48%. These means sum to 85%, with 15% of total net assets not accounted for in the divisions reported by each parent.

Analyses of the reports of both members of the former couple permit further examination of the implications of this discrepancy. Table B4.1 shows the proportion of the property allocated to mothers, as reported by parents from former couples where both parents responded in Wave 3. This analysis suggests a mean of 57% of the property was allocated to mothers, identical to the mean based on all parents' reports in Table 6.13. This analysis therefore suggests that, on average, fathers overestimate the mothers' share by 8% and mothers underestimate their own share by 9%.

Table B4.1: Share of property going to the mother, former couples who reached property settlements, Wave 3

% of property received by the mother	Former couples (%)
0–19%	6.1
20–39%	10.7
40–59%	39.9
60–79%	26.7
80–100%	16.6
Total	100.0
Mean	57.4
No. of participants	719

Notes: Data have been weighted. Excludes parents who didn't know or refused to answer and parents who had other arrangements (< 3%). Excludes parents with negative net assets. Percentages may not total 100% due to rounding.

proportion of the asset pool than parents who either had shared care time, the minority of nights or no nights at all. Parents with shared care time reported a lower proportionate share of property than those who had the majority of or all nights, but higher shares than those who had the minority of nights or no nights at all. These patterns were apparent in both fathers' and mothers' report. In other words, parents who had the majority of care time received a higher share of the property. The findings suggest that children's needs were reflected in the outcomes of property division.

There was no statistically significant difference between the outcomes of property division and child support according to both fathers' and mothers' reports.

6.6 Views about property settlements

The Wave 3 survey asked parents' views on the fairness of the property division. Fairness is an inherently subjective question, and may be influenced by a range of issues. Such issues may have moral, economic or practical dimensions, depending on the way individuals view the breakdown of their relationship and the way in which each party's contributions and future financial needs should be reflected in the property division. Views of fairness and unfairness, and links between such views and other selected factors, are explored in this section.

Parents were asked about their views on fairness in two timeframes:

- “At the time when the property and possessions arrangement was finalised, did you think that arrangement for YOU was ...” (a retrospective view)
- “And how do you feel about the property and possessions agreement NOW. Do you think the arrangement for YOU was ...” (a current view)

Box 6 sets out the questions and response options verbatim. Where respondents chose a “somewhat unfair” or “very unfair” response to question about contemporaneous views, they were also asked to indicate why they accepted the arrangement. Possible responses were: “your lawyer advised you to accept”, “you wanted to avoid going to court”, “you just wanted to get things over as quickly as possible” or “none of these reasons”. Where they indicated a

Box 6: Questions on views about property settlements

Parents who had reached property settlements:

Q: At the time when the property and possession arrangement was finalised, did you think the arrangement for YOU was ...

1. very fair
2. somewhat fair
3. somewhat unfair
4. very unfair.

If the response was “somewhat unfair” or “very unfair”:

Q: Why did you accept the property and possession arrangements? Was it because ... (multiple responses accepted)

1. your lawyer advised you to accept
2. you wanted to avoid going to the court
3. you just wanted to get over things as quickly as possible
4. none of these reasons.

Parents who had reached property settlements:

Q: And how do you feel about the property possessions agreement NOW, do you think the arrangement for YOU was ...

1. very fair
2. somewhat fair
3. somewhat unfair
4. very unfair.

“somewhat unfair” or “very unfair” response to the retrospective question, a random selection of respondents was asked the open-ended question: “What is the main reason that you think it was unfair for you?” Verbatim responses were then recorded.

Table 6.15 depicts parents’ perceived fairness of the property division for them both at the time of settlement and now (i.e., at the time of interview). Majorities of fathers and mothers had favourable views about the outcomes of property divisions both then and now. However, substantial minorities of parents, especially fathers, considered the property division to have been unfair at the time it occurred.

Table 6.15: Perceived fairness of property division for self at time of settlement and now, by gender, parents who reached property settlements, Wave 3

	Fathers (%)	Mothers *** (%)	All parents (%)
Fairness at the time of settlement			
Very fair	20.0	31.2	25.3
Somewhat fair	35.3	36.7	36.0
Somewhat unfair	21.2	15.5	18.5
Very unfair	21.3	14.9	18.2
Don’t know	2.2	1.8	2.0
Total	100.0	100.0	100.0
No. of participants	3,661	3,229	6,890
Fairness now			
Very fair	23.2	32.7	27.7
Somewhat fair	35.6	33.8	34.7
Somewhat unfair	19.6	16.6	18.2
Very unfair	18.5	14.1	16.4
Don’t know	3.2	2.8	3.0
Total	100.0	100.0	100.0
No. of participants	3,659	3,224	6,883

Notes: Data have been weighted. Excludes a small number of parents who refused each question (< 1%). Percentages may not total 100% due to rounding. *** $p < .001$; statistically significant relationship emerged between sense of fairness at each timeframe and gender.

In relation to perceived fairness at the time of settlement:

- 55% of fathers and 68% of mothers considered the outcomes were either very fair or somewhat fair for them (very fair: 20% of fathers and 31% of mothers; somewhat fair: 35% of fathers and 37% of mothers);
- 43% of fathers and 30% of mothers felt the outcomes were unfair (very unfair: 21% of fathers and 15% of mothers; somewhat unfair: 21% of fathers and 16% of mothers); and
- a small proportion of fathers and mothers were unsure (2%).

Overall, the patterns in parents’ views about perceived fairness now (i.e., at the time of interview) were consistent with the views they said they held at the time of settlement. This may reflect the fact that the questioning about each timeframe occurred simultaneously: their retrospective view may reflect their current view or vice versa.

In relation to perceived fairness now:

- 59% of fathers and 67% of mothers considered the outcomes as either very fair or somewhat fair (very fair: 23% of fathers and 33% of mothers; somewhat fair: 36% of fathers and 34% of mothers);
- 38% of fathers and 31% of mothers felt the outcomes were unfair (very unfair: 19% of fathers and 14% of mothers; somewhat unfair: 20% of fathers and 17% of mothers); and
- a small proportion of fathers and mothers were unsure (3%).

Table 6.16 shows the extent to which parents maintained a consistent view about the fairness of property division outcomes at the time of settlement and at the time of Wave 3 interview.

In this table, for simplicity, the analysis does not distinguish between degrees of fairness and unfairness. The majority of fathers and mothers held positive views about the outcomes of the property division for them at the time of settlement and at the time of Wave 3 interviews.

Table 6.16: Change in perceived fairness of property division at the time of settlement and now, by gender, parents who reached property settlements, Wave 3

	Fathers (%)	Mothers *** (%)	All parents (%)
Fair, then and now ^a	53.6	64.7	58.9
Fair then unfair	3.4	5.1	4.2
Unfair then fair	7.0	4.0	5.6
Unfair, then and now	36.1	26.2	31.4
Total	100.0	100.0	100.0
No. of participants	3,511	3,118	6,629

Notes: Data have been weighted. ^a "Fair" refers to being "very fair" or "somewhat fair"; "unfair" refers to being "very unfair" or "somewhat unfair". "Then" refers to at the time of settlement and "now" refers to the time of the Wave 3 interview. Percentages may not total 100% due to rounding. *** $p < .001$; statistically significant relationship emerged between change in sense of fairness and gender.

Fairness both then and now was reported by 54% of fathers and 65% of mothers. It was also common that parents consistently felt the outcomes of the property division had been unfair at both the times (36% of fathers and 26% of mothers).

About one in ten parents had changed their views about the outcomes for them:

- change in views from fair to unfair: 3% of fathers and 5% of mothers; and
- change in views from unfair to fair: 7% of fathers and 4% of mothers.

Selected characteristics and perceived fairness

As noted at the outset, a range of factors may influence subjective perceptions of fairness in relation to property division. The analysis in this section examines some of the links between perceptions of fairness and selected participant characteristics. Table 6.17 (on page 110) presents the results of multivariate analyses (odds ratios) that explore the extent to which perceptions of fairness and unfairness may be related to a range of issues, including: relationship factors, the pathway used to assist with property division, child-related matters including care-time arrangements, the ratio involved in the property split and child support liability, and experiences of family violence/abuse before or during separation. The analysis was undertaken for fathers and mothers separately. Information on how to interpret the results is presented in Box 4 (on page 103). (The bivariate analysis is shown in Appendix D.) The multivariate analysis is based on current perceptions of fairness. A similar analysis was carried out for retrospective views of fairness and produced similar results. It is not shown here.

Property division ratios

Unsurprisingly, perceptions of fairness varied according to the participants' share of the property, with an increase in the sense of fairness for self as a greater share was received. This was apparent for both fathers and mothers. Specifically, the mothers who received at least 60% of the property were more likely than mothers whose share was 40–59% to consider the outcomes were fair for them. Mothers who received less than 40% of the property were less likely than those who received 40–59% of the property to report that the outcomes were fair for them. Likewise, the fathers who received the minority share (i.e., 60% went to the mother and they received less than 40%) were less likely to consider that the property division was fair for them than fathers for whom property was relatively equally divided (i.e., 40–59% went to each parent). There was no significant difference in perceived fairness for self between fathers who received the majority share (i.e., they received at least 60% and mother received less than 40% of assets) and fathers who reported each party received a similar share.

Table 6.17: Parents reporting fair property division for self now (logistic regression), by gender, parents who reached property settlements, Wave 3

	Fathers (OR)	Mothers (OR)
Property share received by mother (ref. = 40–59%)		
0–19%	1.11	0.30
20%–39%	1.26	0.36 ***
60–79%	0.35 ***	3.06 ***
80–100%	0.25 ***	2.90 ***
Main pathways used for property settlement (ref. = discussions)		
Mediation or dispute resolution services	0.43 ***	0.61 *
A lawyer	0.28 ***	0.44 ***
The courts	0.25 ***	0.26 ***
Nothing specific, it just happened	0.62 **	0.70 *
Who left the house (ref. = male partner)		
Female partner	1.26 *	0.76 *
Both left	1.49	0.50 **
Who initiated separation (ref. = male partner)		
Female partner	0.86	1.19
Joint	1.09	1.35
Separation from cohabiting relationship	1.10	1.11
Experience of emotional abuse and physical hurt before/during separation ^a (ref. = neither)		
Emotional abuse alone	0.53 ***	0.40 ***
Physical hurt	0.45 ***	0.32 ***
Duration of living together (ref. = < 5 years)		
5–9 years	0.87	0.77
10–14 years	0.85	0.77
15+ years	0.77	0.82
Children's age in Wave 1 ^b (ref. = 0–2 years)		
3–4 years	0.78	0.92
5–11 years	0.71 *	0.92
12–14 years	0.81	0.93
15–17 years	0.79	0.70
Care time arrangements in Wave 3 (ref. = 100% of nights with mother & no overnight with father)		
66–99% of nights with mother & 1–34% with fathers	1.18	1.57 ***
35–65% of nights with each parent (shared care time)	1.14	1.47 **
0–34% of nights with mother & 66–100% nights with father	1.26	1.62
Child support liability Wave 3 (ref. = pay)		
Receive	1.27	0.91
No liability	1.28	0.83
Education (ref. = degree or higher)		
Other post-school qualification	0.95	1.25
No post-school qualification	1.13	1.47 **
Constant	9.37 ***	1.59
No. of participants	2,771	2,437

Notes: Data have been weighted.^a For the follow-up respondents, the responses were from Wave 1, while respondents from the top-up samples were asked in Wave 3 whether they experienced physical hurt or emotional abuse before/during separation.

^b Children's age for the top-up sample was converted to their age in 2008, when Wave 1 took place. Reference category for each variable is shown in brackets. * $p < .05$; ** $p < .01$; *** $p < .001$.

Pathways used

In keeping with patterns of views in relation to parenting arrangements and pathways (Chapter 4), perceptions of fairness in relation to property division outcomes varied according

to the pathway used to finalise property arrangements. Parents who used formal pathways or had no specific pathways (“nothing specific, it just happened”) were less likely than their counterparts who reached property settlements through discussions between themselves to report their division outcomes as being fair for them. This pattern was consistent for both fathers and mothers. Parents who divided property through the courts were the least likely to consider the outcome as being fair for them.

Relationship and separation circumstances

Parents’ sense of fairness varied with which partner left the family house. Fathers who left the house were less likely to consider their division outcomes to be fair for them compared with fathers who stayed. Similarly, mothers who left the house were less likely than mothers who stayed to feel the division outcomes fair for them. This is not surprising given that the parent who left the house received lower shares in property settlements than parents who stayed at the house. It is notable that mothers who indicated that both parents left the house were also less likely than mothers who stayed at the house to feel the outcomes to be fair for them.

Parents’ sense of fairness for self was not linked with who initiated separation, relationship status at separation, or duration of the relationship. In addition, age of study children was not linked with parents’ perceived fairness.

Family violence/abuse

As discussed in section 6.5 (on page 100), parents who reported a history of family violence/abuse also reported receiving a lower average proportion of the property division. A reported history of family violence/abuse before or during separation, especially for those who experienced physical hurt, was also considerably less likely to be associated with a view that the property division was fair. The pattern was consistent for both fathers and mothers.

Care-time arrangements and child support

Mothers whose child was in her care for the majority of nights (66–99% of nights per year) or who had shared time were more likely than mothers whose child was in her care for all nights to indicate that their property division outcomes were fair for them. There was no apparent link between fathers’ sense of fairness and care-time arrangements. There was no apparent association between sense of fairness and child support liability in Wave 3.

6.7 Further insights into the dynamics of perceived unfairness

Further insight into the dynamics underlying circumstances where parents reported a perception that the property division was not fair for them at the time the agreement was made was sought through asking two further questions. The first question explored why parents accepted such arrangements. A further open-ended question asked parents to explain why they thought the arrangements were unfair.

Reasons for accepting unfair property arrangements

Parents who felt their property agreements were unfair were asked to indicate whether they accepted their property arrangements because: (a) their lawyers advised them to accept; (b) they wanted to avoid going to court; (c) they just wanted to get it over as quickly as possible. Previous qualitative research has highlighted the influence of the wish to avoid incurring legal costs and going to court as underlying decisions regarding property settlement (Fehlberg, Millward, & Campo, 2010).

As shown in Table 6.18, most fathers and mothers who accepted arrangements that they perceived as unfair for them had done so because they just wanted to get over things as quickly as possible (fathers: 61%; mothers: 69%). Nearly one in five reported that they had done so to avoid going to the court and similar proportions reported that they had been advised by their lawyers to settle.

Table 6.18: Reasons for accepting settlement that was perceived to be unfair, by gender, parents who reached property settlements, Wave 3

	Fathers (%)	Mothers (%)	All parents (%)
Your lawyers advised you to accept	19.7	16.8	18.6
You wanted to avoid going to the court	19.9	16.3 *	18.5
You just wanted to get over things as quickly as possible	61.2	68.6 **	64.1
None of these	20.4	17.5	19.3
No. of participants	1,724	1,078	2,802
More than one reason	15.4	14.2	14.9

Notes: Data have been weighted. Multiple responses accepted therefore sum of percentages may exceed 100%. * $p < .05$; ** $p < .01$; statistically significant relationship emerged between reason for accepting settlement and gender.

Qualitative insights

Parents who considered that the outcomes of the property division were unfair for them at the time of interview were further asked in an open-ended question why they felt this way and the responses were recorded verbatim. A thematic analysis on 500 randomly selected responses was then undertaken. At a conceptual level, the responses reinforce the earlier point made that fairness is an inherently subjective concept. It was evident that a range of issues, including personal values and expectations of the relationship, influenced perceptions of unfairness. It was also apparent that disappointment over the failure of the relationship plays a role in the way in which fairness in connection with property division is viewed. The responses displayed varied levels of sophistication in thinking about the dimensions of fairness and how this plays out in property division. In their study, Lewers, Rhoades and Swain (2007) observed an “adherence to a reciprocity model of married or committed intimate relationships, in which partners perform different but mutually supportive and equally valuable role for the benefit of their family” (p. 138) in judicial decision-making and attitudes to property among intact couples. The significant proportion of all parents in the current study who considered their property division to be fair may be reflecting attitudes consistent with these values. Some of the themes raised in the comments on unfairness, however, are more reflective of a set of values based on thinking about what is “yours” and “mine”, which was also revealed in previous research looking at post-separation samples (see summary in Fehlberg & Behrens, 2008, p. 464).

The issues referred to in the responses involved in the current analysis fall into three broad areas. The largest (raised in around three-quarters of the responses in the analysed sub-sample) and most diverse area relates to the perceptions about how the property pool was split and how the respective financial and non-financial contributions that each party made to the relationship were reflected in this. The nature of the second theme is essentially systemic, in that responses within this theme referred to issues related to timing, cost and processes as underpinning their negative assessments of fairness. Just over a quarter of the responses analysed fell into this category. Ethical principles are at the core of the third theme, evident in just over a fifth of responses, with these responses referring to decisions and considerations that suggest interests other than the respondents’ own material concerns influenced their decisions to accept a less than optimum outcome or that the perceived unfairness has a moral basis. Each of these themes is explored further in the following discussion.

Fairness of proportions and value of contributions

The majority of responses concerning unfairness raised issues about the relative shares of the property division, including ongoing financial commitments and responsibility for debts. Responses were framed around two main, inter-related, issues. The first issue was the amount of the division and the way in which particular kinds of contributions and liabilities were taken into account. The second set of issues related to the range of contributions and varying constructions of the way in which certain contributions, particularly income earning versus homemaking, should be taken into account. A third theme, raised in a minority of responses, referred to changes in circumstances, including parenting arrangements and income-earning capacity, that had occurred after the settlement. In some areas, the analysis demonstrates marked

patterns in relation to gender.⁷⁶ More men than women made comments that were variants on the theme of not getting a fair proportion, because inappropriate regard had been given to assets they had made to which they had made greater contributions (including businesses) and the contributions they had made through income-earning. A theme particularly marked in women's responses was that the amount of the property division was insufficient in light of their ongoing caring responsibilities and reduced earning capacity.

Relative shares

Responses referring to the unfairness of the relative share received in the property division were frequent. Many such responses indicated either explicitly or implicitly that the respondent's notion of fairness was that the division should have been a 50–50 split.

We both contributed equally but the distribution was not equal. (Father, formerly married, no contact with children)

He took too much. (Mother, formerly married, majority care of children)

The [other parent] never had anything. The marriage only lasted seven years and she got 45% and didn't contribute to that. (Father, formerly married, daytime contact)

Contributions

A more complex set of responses in this subset suggested the relative shares were unfair in light of the respondent's contributions to the relationship. The contributions most frequently raised were earning income and bringing assets into the relationship. By implication, or sometimes explicitly, many of the responses referring to income-earning suggested that homemaker contributions should be accorded lesser value when dividing property on separation. Parents also raised other issues such as business interests, liability for debt and actions in incurring debt, financial advantage (including loans, property and inheritance) that had been accrued through family involvement, and contributions through work on property that was part of the relationship (e.g., the family home), such as completing renovations.

All the assets before marriage were mine; she didn't have any assets. All the assets we accumulated together, including my original assets were divided in half. (Father, formerly married, near equal care time)

I contributed 90% to that wealth. I only got 10%. That was partly because [other parent] refuses to work. (Father, formerly married, minority of nights with children)

Because he left me with all the debt. He filed for bankruptcy for a personal debt ... which was in joint names. I didn't want to go bankrupt so I paid it back. My parents gave me a roof over my head for three years. (Mother, formerly married, father never sees children)

It was a family business and it had little to do with [other parent]. And it was taken into the pool of assets and it probably should not have been. (Father, formerly married, minority care time)

My parents' beach house got factored in as an asset, so he got a quarter of its worth. (Mother, formerly married, near equal care time)

Evolving circumstances

A further theme in responses on value and contributions referred to events that happened after the property division. Such events included actions that were part of the agreement that were not completed, changes in circumstances that meant parties' needs changed, and changes in care-time arrangements.

When we separated we agreed that we would have the kids 50–50, but very quickly I ended up with the kids most of the time and that went against us having a 50–50 property split. (Mother, formerly married, majority care time)

⁷⁶ More broadly, see Felhberg's (2005) discussion of gender and approaches to relationships and financial issues.

[Other parent] agreed to pay school fees and medical bills but he did not keep to his word. He also agreed to have the children every second weekend but he has not done that either. (Mother, formerly married, majority care time)

I had to financially start again. Because of my high income at the time [other parent] received most of my assets and I had to pay the maximum amount of child support ... I also became unemployed for a while and have had to rebuild my life from scratch. (Father, formerly married, majority of nights with mother)

System-related issues

Another subset of responses raised issues related to the process for achieving property division and linked this with the unfair outcome. Gendered patterns in relation to four sub-themes were evident in this analysis. Some men, but no women, asserted the system was biased against men. Markedly more women than men said that the conditions of settlement had not been met after the agreement was struck, and that dishonesty about the disclosure of property and financial resources occurred. Some women, but not men, indicated they had been intimidated into not pursuing a fair outcome.

Other system-related issues raised by both men and women referred to the cost of pursuing a fair property settlement, with slightly more women than men saying they could not afford good legal representation or had spent too much in legal fees achieving the settlement.

The system is loaded in favour of the female. I brought the money into the relationship and built a successful business by myself, and then at the end you get nailed. (Father, formerly married, near equal care)

I was very stressed. I used all my savings ... on lawyers. [The other parent] concealed her income to receive 60 per cent of the asset pool. I lost the house and car, both of which I paid for. (Father, formerly married, no contact with children)

There were undeclared finances that weren't considered and therefore were not part of the total combined sum. The system could not expose these without a lot of money being invested. (Mother, formerly married, majority care)

I had nothing and had to start again. I walked away from it because I was afraid of his aggression. (Mother, former cohabiting, majority care time)

Because at the time I was under his manipulative controlling personality. He said I couldn't win anyway, so I just said fine. I was a bit uneducated and didn't know. (Mother, formerly cohabiting, equal care)

Ethics

Ethical considerations were raised in a minority of responses. Some of these responses indicated the parents had compromised on an outcome they did not believe was fair. Some reasons were framed around putting the interests of others (including children) ahead of their own, and others referred to not wanting to engage in a fight. More men than women indicated they had accepted a lower proportion than their entitlement for their children's sake, including to maintain the children's living environment. On the other hand, more women than men reported settling to avoid a fight. Other themes raised by both men and women included the moral dimensions of the separation, suggesting that the unfairness in the settlement flowed from the rights and wrongs of the circumstances surrounding separation. Another group of comments suggested a retrospective re-assessment of the fairness of the property division, suggesting too much was "given up" (in one parent's words) at the time, resulting in subsequent financial struggles.

I undervalued the situation. I considered his situation starting afresh ... I put in for 60% but I could have got 70%. [The other parent] undervalued the role I played as carer for the children. (Mother, formerly married, father never sees the children)

I did not get very much. I sacrificed more for the sake of the children staying in their family home and a good school zone. (Father, formerly married, majority time with mother)

My wife left me because she was involved with someone else and she was able to take 50% of my super. (Father, formerly married, no time with children)

6.8 Summary

This chapter has examined how parents in Wave 3 reported dealing with their post-separation property division. A spread of wealth levels is evident within the sample, with one-fifth of parents reporting having nothing to divide, nearly one-fifth reporting a low level of assets (under \$40,000) and one in ten parents reporting a high level of assets (more than \$500,000). The remainder were spread across the low–medium, medium or medium-high ranges. A very small proportion (less than 2%) reported having debts outweighing their assets. The wealth profile of parents who separated from cohabiting relationships was different from that of formerly married parents, with more of the formerly cohabiting parents clustered in the no assets (24% vs 7%) and low asset range (30% vs 11%) and fewer in the high asset range (6% vs 21%). The most common asset types that parents held and were subject to the property division were the family home, cash savings and superannuation.

Most parents with property to divide reported having resolved this issue by the Wave 3 interview. Nearly one-half (45%) said these matters were resolved on separation or in less than twelve months, and about a quarter said the division had concluded one to two years after the separation. For smaller proportions of the sample, these issues took longer to resolve, with 17% taking two to three years and 13% taking more than three years. Longer resolution timeframes were associated with higher asset levels, debts outweighing assets and the use of formal pathways, including lawyers and courts.

A substantial number of parents indicated that they had worked out their property division through discussions (40%) or without using any specific mechanism (19%). A substantial minority (29%) indicated using lawyers, and small minorities used courts (7%) and mediation (4%). Lawyers and courts were more likely to be used by parents who had significant amounts of assets to divide, and also by parents in a negative net financial position.

These findings are interesting when comparing the way in which parents report working out parenting arrangements. In relation to parenting, the dominant pathways are also “discussions” and “just happened”, to an even greater extent than for property. The use of courts is not dissimilar for parenting and property, but lawyers are used much more, and mediation much less for property. The findings concerning the connection between relative shares and parenting arrangements confirm the connection between property settlements and children’s needs, but it is also clear that for many parents, arrangements for these issues are worked out using parallel processes. Using processes that have little or no formal connection with each other raises the question about how well-informed parents are about the implications of the decisions they are making in relation to each kind of post-separation arrangement.

Consistent with previous research, this analysis shows that parents’ reports on their share of the property division involve a consistent pattern of fathers over-reporting mothers’ share of the division and mothers under-reporting their own share of the division. Accounting for this response bias, the most common division reported (one-third) was a share for the mother of between 40% and 59%. About a quarter of parents reported a higher share for the mother of between 60 and 79%. On average, it appears that property division favours mothers (mean share was 57% for mothers and 43% for fathers).

Care-time arrangements were associated the property division, with parents who had the minority of care time receiving a lower share of the property. For both mothers and fathers, being the initiator of the separation and/or the party who left the home was associated with having a lower share.

The findings associated with having a reported history of family violence/abuse and the pattern of property division are noteworthy. A reported history of emotional abuse or physical hurt is associated with a lower share of property division and a greater likelihood of experiencing a sense of unfairness. Previous research has also highlighted the implications of a history of family violence/abuse for property division (Fehlberg et al., 2010; Sheehan & Smyth, 2000).

The majority of parents considered the property division was fair, both at the time it was finalised and at the time they were interviewed for LSSF Wave 3. Significant minorities however, considered it was unfair; for example, just over a third of parents said it was unfair, taking a retrospective view. Fathers were more likely to express a view of unfairness than mothers: 38% compared with 31% of mothers. Some of the main factors associated with a sense of unfairness mirror those affecting the circumstances of the division: parents who left the house were less likely to consider their property division unfair, as were parents whose relationship had lasted less than five years.

Insights from qualitative data reinforce the subjective nature of perceptions of fairness. Three main themes were evident from parents' comments of unfairness. These included a perception that a fair outcome required an even split. Other comments indicated that the split was unfair in light of the respondents' relative contributions to the relationship, with many comments suggesting values attaching greater weight to income-earning and financial contributions than homemaker contributions. Apportionment of debts and the inclusion of resources provided by families in the asset pool are also connected with a sense of unfairness.

A second sub-group of comments referred to issues connected with processes and the system more widely. Some of these comments asserted the system was biased against men; others referred to dishonesty in disclosure relating to property and financial resources and the inability of the system to deal with this. Others indicated that cost and the complexity involved lead to an unfair outcome.

A third set of comments raised issues that suggested the respondents had accepted an unfair outcome for reasons based on ethics, including a desire to protect the living circumstances of their children.

Over the years, many countries have endorsed the principle that both separated parents should continue to provide for their children's basic financial needs. Responding to concerns that this principle was being inadequately adhered to in Australia, the Child Support Scheme, established in two stages in 1988 and 1989, reflected a major shift in policy. Prior to the scheme, only a minority of “non-resident” parents were paying anything towards their children's support, whether or not they were ordered to do so by the courts. In addition, even when payments were made, they were mostly set at very low rates, regardless of parental income. This meant that many families headed by un-partnered mothers were experiencing significant financial hardship following parental separation,⁷⁷ while at the same time, Australia's social security budget was escalating as a result of increasing welfare payments being made to this growing category of families (see Cabinet Sub-Committee on Maintenance, 1986).

The Child Support Scheme was designed to ensure that “non-resident” parents regularly contributed to the financial support of their children, according to their capacity to pay. Furthermore, based on earlier Australian and overseas evidence that “non-resident” parents who supported their children financially were more likely than other “non-resident” parents to maintain contact with their children,⁷⁸ it was argued (e.g., by the Family Law Council, 1992) that the scheme might also lead to an increase in the number of parents being actively involved in the parenting of their children after separation.⁷⁹

An AIFS national telephone survey in 2005 of attitudes towards child support suggested that most non-resident fathers were critical of the original scheme (Smyth & Weston, 2005). For example, over 60% of non-resident fathers claimed that it was not working well, and three-quarters saw it as unfair. About half the resident mothers also had difficulties with both these aspects of the scheme. This research was taken into account by the Ministerial Taskforce on Child Support, which was established to provide advice to the government on possible changes to the scheme.

The most significant changes to the scheme were introduced via the *Child Support Amendment Act 2006* (Cth), developed in the light of the Ministerial Taskforce's recommendations. The changes, which were introduced in three stages between 2006 and 2008, included treating the incomes of both parents in the same way; reducing the amount payable by high-income earners; taking greater account of the contemporary costs of children, along with the costs incurred by parents when they look after them on a regular basis for at least 14% of the time; and treating children of first and second families more equally (see Smyth & Henman, 2010).

77 This phenomenon has been referred to by a number of commentators as “the feminisation of poverty”.

78 Succinctly summarised by Fehlberg and Smyth (2000) as an example of “where the money goes, the heart goes”.

79 Interestingly, the initial scheme was introduced around the time that the Convention of the Rights of the Child (CRC) was adopted by the United Nations General Assembly (in 1989) and just before the CRC was ratified by Australia (in December 1990). Children's rights to financial support and to post-separation parental involvement after separation (where this does not jeopardise their wellbeing) are enshrined in the CRC. The following articles are of particular relevance: “Children have a right to a standard of living that is good enough to meet their physical and mental needs. Governments should help families and guardians who cannot afford to provide this, particularly with regard to food, clothing and housing” (Article 27); and “Children whose parents do not live together have the right to stay in contact with both parents, unless this may hurt them” (part of Article 9).

Consistent with the earlier espoused argument that a Child Support Scheme may foster the sharing of parenting after separation, the Ministerial Taskforce also maintained that ensuring payment of child support could be an important factor in encouraging the involvement of both parents in their children's upbringing (Commonwealth of Australia, 2005).

The present chapter is divided into three broad sections, covering payment liability, compliance with liability and parents' views about child support payments.

The first of these matters (payment liability) identifies the four main groups of parents who form the basis of comparison for the remainder of the chapter: fathers and mothers who were required to pay child support (here called "payers") and those who were eligible to receive child support (here called "payees"). The patterns of answers of these four groups—in particular the two largest groups (father payers and mother payees)—are compared on all other issues examined. This includes the two additional matters in the section of payment liability: the amount of child support that was due to be paid and the mode of payment transfer.

The second section examines compliance behaviour, and the extent to which compliance behaviour varies according to care-time arrangements and according to reports of experiences of violence/abuse.

The third section focuses on parents' overall sense of fairness about child support payments and their views regarding whether payments are affordable and whether the payer begrudges paying.

Attention in each of the above three sections is first given to the results emerging from the information provided by all participants in the three survey waves, taken separately. The number of participants differs across the survey waves and includes the top-up sample in Wave 3. This is followed by analyses of the extent and nature of changes apparent in the continuing sample; that is, the parents who participated in all three waves.

7.1 Payment liability

In each survey wave, parents were asked to indicate whether they were required to pay or were entitled to receive child support,⁸⁰ the total amount of child support that was to be transferred, the number of children the payments were meant to cover, how the payments were to be transferred, and the amount actually paid or received. Comparisons between these two payment amounts were subsequently used to identify whether, according to the participants' reports, payers were meeting their obligations in terms of the amount paid, an issue examined in the next main section of this chapter.

The four key groups: Father and mother payers and payees

Trends based on all participants

Table 7.1 (on page 119) summarises the patterns of answers of fathers and mothers in each survey wave regarding whether they were required to pay or were entitled to receive child support. These results are based on all parents who participated in any survey wave.

Table 7.1 reveals that close to four in five parents in each survey wave (taken separately) reported that the father was required to pay, though mothers were slightly more likely than fathers to state this in Waves 2 and 3 (86% vs 79% and 85% vs 78% respectively). Fewer than 10% of parents in each wave attributed payment liability to the mother. For example, 8% of fathers and 5% of mothers in Wave 3 reported that the mother was required to pay. Even though the sample of parents was derived from cases registered with DHS CSP, 13–15% of fathers and 9–17% of mothers across three waves indicated that there was no child support requirement.⁸¹

80 The questions asked were: (All): Can I just check, are you currently SUPPOSED to PAY any child support to or RECEIVE any child support from (FOCUS PARENT)? (Pay): How much money are you currently supposed to pay to (FOCUS PARENT) for each payment (including payments through the Child Support Agency)? (Receive): How much money are you currently supposed to receive from (FOCUS PARENT) for each payment (including payments through the Child Support Agency)?

81 This may occur for a number of reasons. For instance, regular child support payments may be replaced with in-kind financial support (e.g., paying for educational expenses), or in certain circumstances, such as some family violence cases, parents may seek an exemption from taking maintenance action (e.g., seeking child support) to qualify for more than the minimum payment available under Family Tax Benefit A.

Table 7.1: Child support liability status of parents with study children under 18 years, by wave and gender

	Wave 1		Wave 2		Wave 3	
	Fathers (%)	Mothers *** (%)	Fathers (%)	Mothers *** (%)	Fathers (%)	Mothers *** (%)
Required to pay	80.0	3.7	79.3	4.9	78.0	4.6
Entitled to receive	4.8	79.7	8.0	85.7	8.2	84.6
Neither pays nor receives	15.3	16.6	12.7	9.3	13.8	10.8
Total	100.0	100.0	100.0	100.0	100.0	100.0
No. of participants	4,905	4,939	3,112	3,320	4,126	3,948

Notes: Data have been weighted. Excludes a small number of parents who did not know or refused to answer (1–3% across all 3 waves). Percentages may not total 100.0% due to rounding. *** $p < .001$; statistically significant relationship emerged between liability to pay/receive child support and parent gender.

This general pattern of results is similar to that observed by De Maio et al. (2013). Based on the SRSP 2012, 82–85% of parents said that the father was required to pay child support; 6–8% said the mother was required to pay, and 9–11% reported that no payment requirement existed. As noted earlier, parents in the SRSP 2012 had been separated for an average of 12 months. In terms of duration of separation, the sample is therefore more comparable to the Wave 1 LSSF sample than to the Waves 2 and 3 samples.

Extent of change in payer/payee status apparent in continuing sample

Table 7.2 shows the proportions of all fathers and mothers who indicated that their status as payee, payer or neither remained the same in all three survey waves, and the proportions whose statuses had changed by Wave 3.

Table 7.2: Proportions whose child support status remained the same or changed across all three waves, all parents of study children < 18 years, continuing sample

Child support status	Fathers (%)	Mothers (%) ***
Pay all waves	66.8	1.5
Receive all waves	3.5	71.8
Neither pay nor receive all waves	3.8	1.6
Changed to pay by Wave 3	10.4	2.6
Changed to receive by Wave 3	5.2	13.7
Changed to neither pay nor receive by Wave 3	10.3	8.9
Total	100.0	100.0
No. of participants	1,830	2,040

Notes: Data have been weighted. Percentages may not total 100.0% due to rounding. *** $p < .001$; statistically significant relationship emerged between variance in child support over waves and gender.

Table 7.2 shows that most fathers retained their status as payers and most mothers were payees in all three waves.⁸² Where change occurred, it mostly represented a move towards these traditional gendered statuses (i.e., father as a payer and mother as payee) or an ending of child support transfer arrangements. More particularly, two-thirds of all fathers and nearly three-quarters of all mothers were payers and payees respectively across all three waves. Fewer than 4% of fathers consistently stated that they were payees in all three waves and fewer than 2% of mothers were payers in all three waves. Few fathers and mothers (less than 4%) said that they were neither required to pay nor eligible to receive child support.

⁸² The status of some of these parents may have alternated between survey waves, but the general picture would be unlikely to differ from that apparent in the table. The same issue applies to other trends reported for the continuing sample.

Around one-quarter of all fathers and mothers experienced a change in status by Wave 3, the most common being:

- mothers becoming payees (14%);
- fathers becoming payers (10%); and
- fathers and mothers becoming neither a payer nor payee (9–10%).

While Table 7.2 outlines the extent to which fathers and mothers had retained or changed their liability status, Table 7.3 shows their liability status in Wave 3 according to their liability status in Wave 1. Table 7.3 reveals that around nine in ten father payers and mother payees in Wave 1 indicated that they retained the same liability status in Wave 3. Half of mother payers and two-thirds of father payees in Wave 1 had the same liability status by Wave 3. Mother payers and fathers payees were less likely than father payers and mother payees to retain the same liability status. The same proportions of mother payers in Wave 1 either had no liability or became payees in Wave 3. For father payers in Wave 1, 4% became payees and 9% had no liability by Wave 3.

Table 7.3: Child support liability status in Wave 3, by liability status in Wave 1, parents whose study children were < 18 years in Wave 3, continuing sample

Wave 3 status	Wave 1 status					
	Father payers (%)	Mother payees (%)	Mother payers (%)	Father payees (%)	Fathers—neither (%)	Mothers—neither (%)
Pay	87.2	1.8	49.6	14.4	43.0	5.9
Receive	3.6	91.2	25.2	66.6	15.9	67.6
Neither pay nor receive	9.2	7.0	25.2	19.0	41.0	26.5
Total	100.0	100.0	100.0	100.0	100.0	100.0
No. of participants	1,798	2,004	122	144	321	366

Notes: Data have been weighted. Percentages may not total 100.0% due to rounding.

Parents who had no liability in Wave 1 (41% of fathers and 27% of mothers) still had this status of no liability in Wave 3. Two-thirds of mothers with no liability in Wave 1 became payees by Wave 3, while 43% of fathers with no liability in Wave 1 became payers by Wave 3. Much smaller proportions of these fathers and mothers with no liability in Wave 1 became father payees and mother payers.

Size of liability per child

Table 7.4 summarises the data on the average amounts that Wave 3 payers claimed to be paying and payees claimed to be receiving. The total average that father payers claimed to be paying was \$131 per week, whereas the total average mother payees claimed to be receiving was somewhat less: \$111 per week. The total average that mother payers claimed to be paying was \$78 per week, whereas the total average father payees claimed to be receiving was \$61 per week. Regardless of number of children, the average liability amount reported by payers was higher than that reported by payees.

Table 7.4: Mean child support amount supposed to pay/receive per week, by number of children, liability status and gender, parents of study children < 18 years, Wave 3

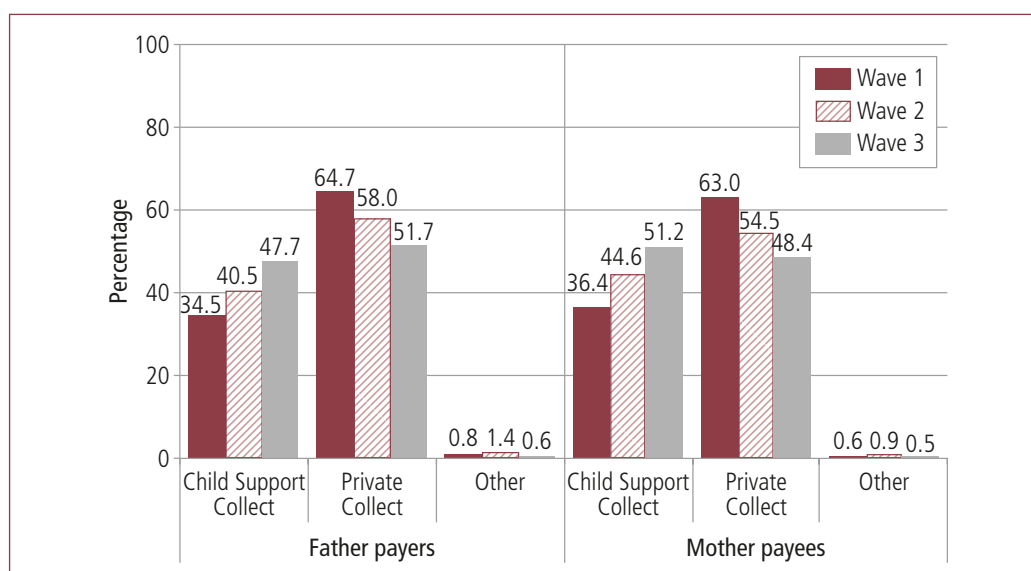
	Father payers	Mothers payees	Mother payers	Father payees
Mean	\$131	\$111	\$78	\$61
One child	\$96	\$78	\$57	\$48
Two children	\$160	\$135	\$110	\$74
Three or more children	\$197	\$169	\$104	\$79

Notes: Data have been weighted. Sample sizes of three groups by number of children—father payers: 1,294, 1,138, 407; mother payees: 1,325, 1,139, 402; mother payers: 127, 67, 31; father payees: 171, 129, 43.

Mode of payment transfer

Parents can make decisions between themselves about the amount of child support to be paid or they can request that the DHS CSP assess this for them.⁸³ Regardless of which of these two avenues are followed, child support payments can be collected and transferred privately (called “Private Collect”) or via DHS CSP (called “Child Support Collect”). DHS encourages its child support customers to opt for Private Collect (DHS, 2012, Chapter 6), but where the child support liability is not being met, payees can transfer from Private Collect to Child Support Collect. Payees can only request arrears of unpaid child support for a period of three months, though in some circumstances, this period may extend to nine months (DSS, 2013, section 3.1.5.50). Methods of transferring child support payments reported by payers and payees are summarised in Figures 7.1 and 7.2.

Figure 7.1 points to a consistency of responses with respect to father payers and mother payees. Both suggest that rates of Child Support Collect increased progressively across the survey waves, while Private Collect arrangements decreased. More specifically, just over one-third of the father payers and mother payees in Wave 1 indicated that payments were transferred via Child Support Collect, while nearly two-thirds said that payments were transferred privately. On the other hand, the proportions of Wave 3 father payers and mother payees reporting these two modes were roughly even. Only 1% of father payers and mother payees represented in the various survey waves referred to other arrangements.⁸⁴



Notes: Data have been weighted. “Other” methods of transferring include in-kind payments (such as paying school fees, etc.) and payments made directly to someone else (such as the focus child directly). Responses from parents whose focus child was 18 years or older by Wave 3 have been excluded from this analysis. Father payers: Wave 1, $n = 3,310$; Wave 2, $n = 2,101$; Wave 3, $n = 2,899$. Mother payees: Wave 1, $n = 3,408$; Wave 2, $n = 2,417$; Wave 3, $n = 2,914$.

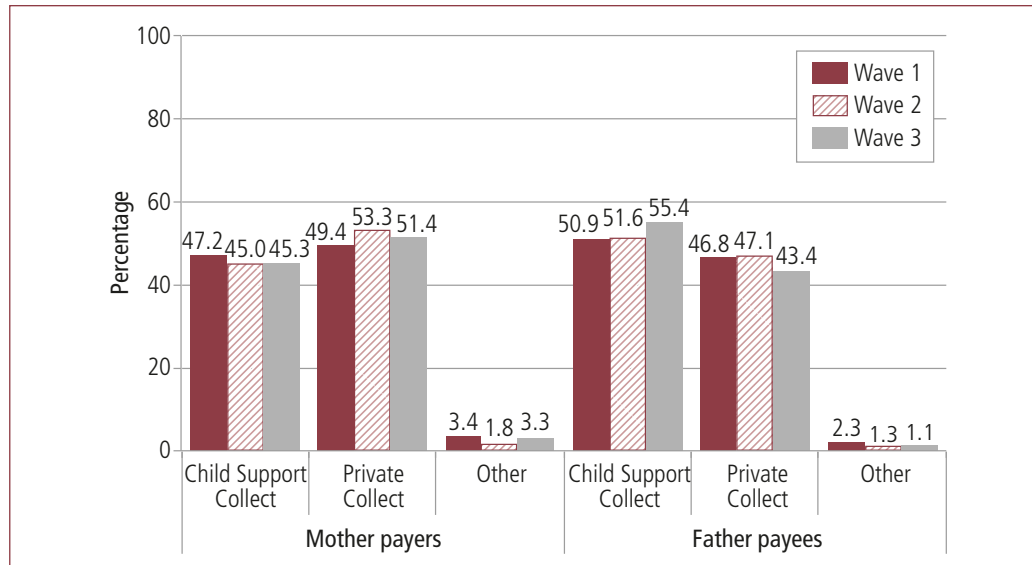
Figure 7.1: Method of transferring child support liability, father payers and mother payees with study children < 18 years, by wave

Figure 7.2 suggests that a different picture emerged where mothers were the payers and fathers the payees. Firstly, modes of payments reported did not vary much across the survey waves. Secondly, while a marginally higher proportion of mother payers indicated that payments were

⁸³ In Wave 1, this was managed by the Child Support Agency (CSA). Since that time, this role has been assumed by DHS CSP.

⁸⁴ This assumes that differences in responses of those represented in the various waves can be taken to reflect “change”. There were two main methods of payment classified as “other”: where child support liability payments were made to someone else (primarily the children) or paid as in-kind payments (such as making mortgage re-payments or paying school fees). In-kind payments made up around half to two-thirds of the responses classified as “other”;—sometimes being described as part of the child support liability agreement and other times mentioned as informal payments (e.g. “No, transfers are not made. I make these payments for what I provide for focus child in clothes, and holidays are three times the amount anyway”).

made privately rather than through Child Support Collect (49–53% vs 45–47%), the opposite was the case for father payees. That is, a marginally lower proportion of father payees indicated that payments were made privately rather than transferred by Child Support Collect (43–47% vs 51–55%). Across the survey waves, 1–3% of mother payers and father payees referred to other methods of collection.



Notes: Data have been weighted. "Other" methods of transferring include in-kind payments (such as paying school fees, etc.) and payments made directly to someone else (usually the focus child). Responses from parents whose focus child was 18 years or older by Wave 3 have been excluded from this analysis. Sample sizes vary across waves—father payees: $n = 275$ to 344; mother payers: $n = 180$ to 228.

Figure 7.2: Method of transferring child support liability, mother payers and father payees with study children < 18 years, by wave

The figures also reveal that in Wave 1, Private Collect arrangements were reported by higher proportions of parents where the father was liable to pay than where the mother was liable to pay (63–65% vs 47–49%), but in Wave 3, these arrangements were reported by much the same proportions of father payers, father payees and mother payees (48–52%), with a slightly lower proportion of mother payers stating this (43%).

The results based on the reports of father payers and mother payees in Wave 1 are consistent with those based on the SRSP 2012 (De Maio et al., 2013), but the same cannot be said of the results derived for mother payers and father payees: both these groups in the SRSP 2012 (especially mother payers) were more likely to report that payments occurred privately rather than through Child Support. This difference may well be a function of the success of DHS CSP in encouraging Private Collect arrangements, for the SRSP cohort of parents had separated more recently than those in LSSF (July 2010–December 2011 vs July 2006–September 2008).

Further analysis based on the fathers who were payers in all three waves suggest that the extent to which payment was collected privately declined. Specifically, the proportion of these continuing father payers who made payments privately fell from 69% in Wave 1 to 52% in Wave 3 while the proportion of those who made payment through DHS CSP rose from 30% in Wave 1 to 46% in Wave 3. Of the continuing mother payees, the proportion of those who received payments privately declined from 65% in Wave 1 to 49% in Wave 3.

7.2 Payment compliance

The first two waves of LSSF (Kapsiew et al., 2009; Qu & Weston, 2010), as well as other research (De Maio et al., 2013; Vnuk, 2010), have suggested that of parents who are required to pay child support, mothers are less likely to comply with this obligation than fathers. Parents' views about whether the payers' child support obligation was fully met in terms of the amount required to be paid and its timing were also ascertained in Wave 3.

In each survey wave, compliance regarding the amount paid was based on a comparison of the amount of child support that parents said they were supposed to pay or receive and the amount actually paid or received. To assess compliance with timing, parents were asked whether payments were made: “always on time”, “mostly on time”, “sometimes on time” or “never on time”. Compliance in relation to timing was considered to occur where parents said that payments were made always on time.

This section examines the proportions of mother and father payers and payees who reported that payments were made in full and on time, in full only, on time only, or neither in full nor on time. (Payments in full included reports where the actual amount exceeded the required amount.) The strength of any relationship between father payers’ compliance behaviour and care-time arrangements, as reported by the fathers and by mother payees, is then examined. This is followed by an assessment of the extent to which compliance behaviour varied according to experiences of violence/abuse.

Compliance regarding payment amount and timing

Figures 7.3 and 7.4 (on page 120) depict the patterns of answers provided across the waves by father payers and mother payees (Figure 7.3) and by mother payers and father payees (Figure 7.4). These two figures need to be considered together to identify gender differences in both payers’ and payees’ reports.

Overall trends

According to all parent groups, payments were most often made in full and on time. This was followed by payments being made in full but not on time and then by payments being made neither in full nor always on time. Only 3–8% indicated that payments were made on time but not in full.

Full compliance

Most payers in all survey waves reported full compliance, with father payers being more likely to report this than mother payers (73% vs 55–60%).

Payees were less likely than payers to report full compliance, and unlike payers, the proportions reporting full compliance were lower in Waves 2 and 3 than in Wave 1, suggesting that full compliance rates fell.⁸⁵ This apparent fall was slightly greater where the child support obligation rested with the mother.

In Wave 1, just under half the mother and father payees reported that payments were made in full and on time, while in subsequent waves, full compliance was reported by around two in five mother payees and one in three father payees.

Compliance restricted to payment amount

Across all survey waves, the second most common answer from father payers and mother payees was that payments to them were made in full but not always on time (reported by just under 20% of father payers and nearly 30% of mother payees).

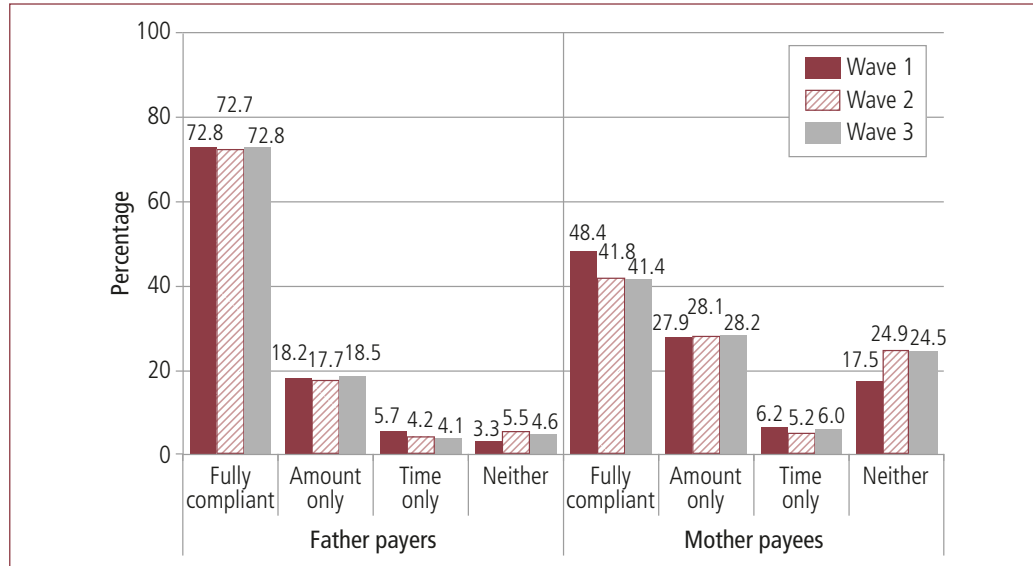
However, where payment liability rested with mothers, the proportion reporting that compliance was restricted to the amount to be paid varied across the survey waves (reported by 13–22% of mother payers and 15–22% of father payees).

Non-compliance in amount and timing of payment

Only 3–6% of father payers indicated that they neither paid in full nor always on time. However this was reported by substantial proportions of parents in other groups (especially father payees). It was also considerably more likely to be reported in Waves 2 and 3 than in Wave 1. In Wave 1, this form of non-compliance was reported by 17% of mother payers, 18% of mother payees and 28% of father payees. In subsequent waves, it was reported by 20–26% of mother payers, 25% of mother payees and 40–47% of father payees.

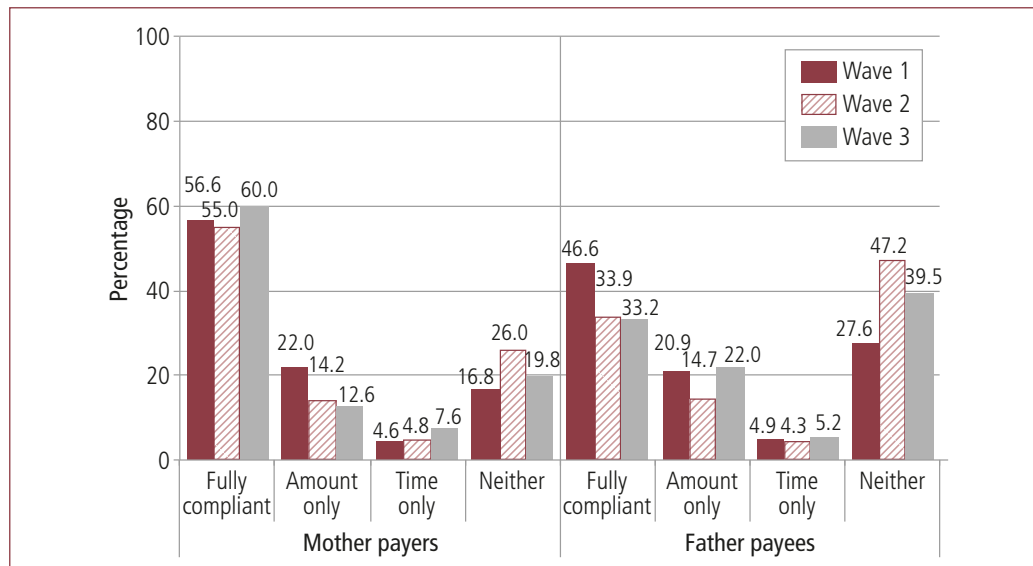
⁸⁵ It needs to be kept in mind, however, that the samples in the three survey waves differ somewhat.

The general pattern of results for mother and father payees in Wave 1 is consistent with that observed by De Maio et al. (2013), based on the SRSP 2012. As noted earlier, the SRSP 2012 was conducted when the parents had been separated for an average of 12 months, whereas parents in Wave 1 of LSSF have been separated for an average of 15 months. In the SRSP 2012, questions on compliance were asked of payees only. De Maio et al. found that 40% of father payees and 49% of mother payees reported that payments were fully complied with, 20–24% said that the paying parent paid the full amount though not always on time, 2–7% paid on time but not always in full, and 39% of father payees and 20% of mother payees reported that payments were neither made in full nor on time.



Notes: Data have been weighted. Includes parents who reported actual payment varied and actual payments which varied are considered as that amount of child support was not applied. Sample sizes for father payers: Wave 1, $n = 3,132$; Wave 2, $n = 2,038$ Wave 3, $n = 2,772$; mother payees: Wave 1, $n = 3,092$; Wave 2, $n = 2,272$; Wave 3, $n = 2,744$.

Figure 7.3: Compliance with child support, father payers and mother payees with study children < 18 years, by wave



Notes: Data have been weighted. Includes parents who reported actual payment varied and actual payments which varied are considered as that amount of child support was not applied. Sample sizes for father payees: Wave 1, $n = 255$; Wave 2, $n = 245$; Wave 3, $n = 308$; mother payers: Wave 1, $n = 196$; Wave 2, $n = 167$; Wave 3, $n = 211$.

Figure 7.4: Compliance with child support, mother payers and father payees with study children < 18 years, by wave

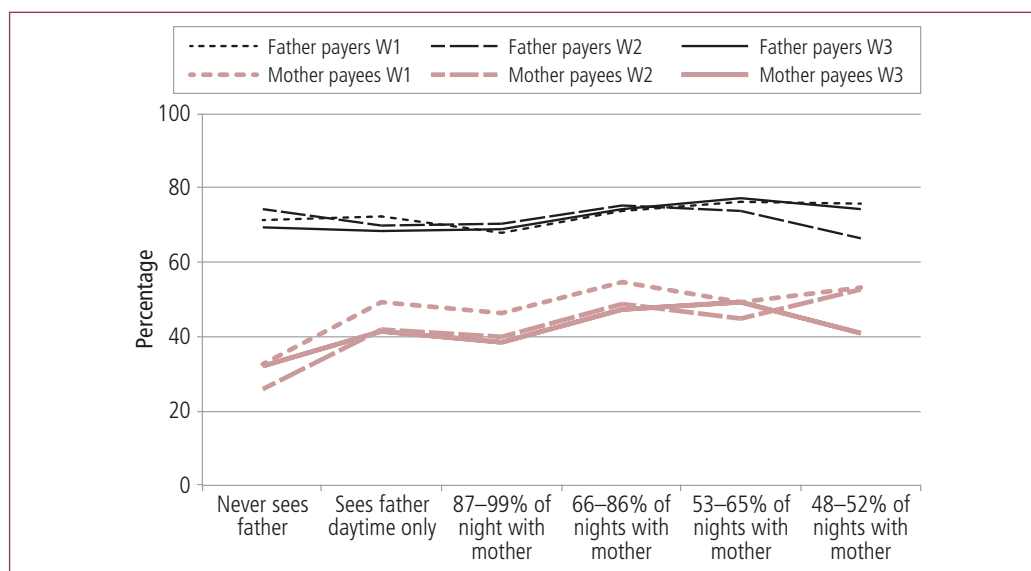
In summary, reports on compliance varied according to gender of parent and payer/payee status and, with the exception of father payers, reports varied according to survey wave. While in all survey waves, most payers (especially fathers) indicated that they fully complied with their obligations, those who were entitled to receive child support were less likely to report this, especially in Waves 2 and 3, with a higher proportion of father than mother payees indicating such an apparent fall. Finally, according to the reports of payees (especially fathers), compliance with respect to both amount and timing was better some 15 months after separation than subsequently.

Father payers' compliance according to care-time

This section focuses on the apparent compliance behaviour of father payers with different care-time arrangements. Attention is first directed to the proportion of father payers and mother payees in the various survey waves who indicated that the father fully complied with his obligations according to care-time arrangements. The same approach is then adopted to compare the proportion reporting that the father paid his liability neither in full nor on time.⁸⁶ While the analysis focuses on all participants, it should be noted that a substantial proportion of parents in the continuing sample had changed their care-time arrangements. Any wave-by-wave differences in apparent of compliance behaviour for a particular care-time arrangement could therefore be possibly explained by systematic differences between the sub-samples with this arrangement in each wave, and/or changes associated with the passage of time since separation.

Reports of full compliance

Figure 7.5 illustrates the proportions of father payers and mother payees who reported that the father fully complied with his obligations, according to the child's care-time arrangement and the survey wave. The parents are classified into six care-time arrangements—ranging from the child never seeing his or her father to the child spending equal time with each parent. The figure reveals that across all care-time arrangements and survey waves, father payers were more likely than the mother payees to report that payments were made in full and on time (reported



Notes: Data have been weighted. Includes parents who reported actual payment varied and actual payments which varied are considered as that amount of child support was not applied. Statistically significant relationship emerged between child support compliance and care-time arrangement for mother payees for each of waves ($p < .001$).

Figure 7.5: Child support payments made in full and on time, father payers and mother payees with study children < 18 years, by care-time arrangement and wave

⁸⁶ There were too few cases where the mother was liable to pay child support to derive reliable estimates according to care-time arrangements.

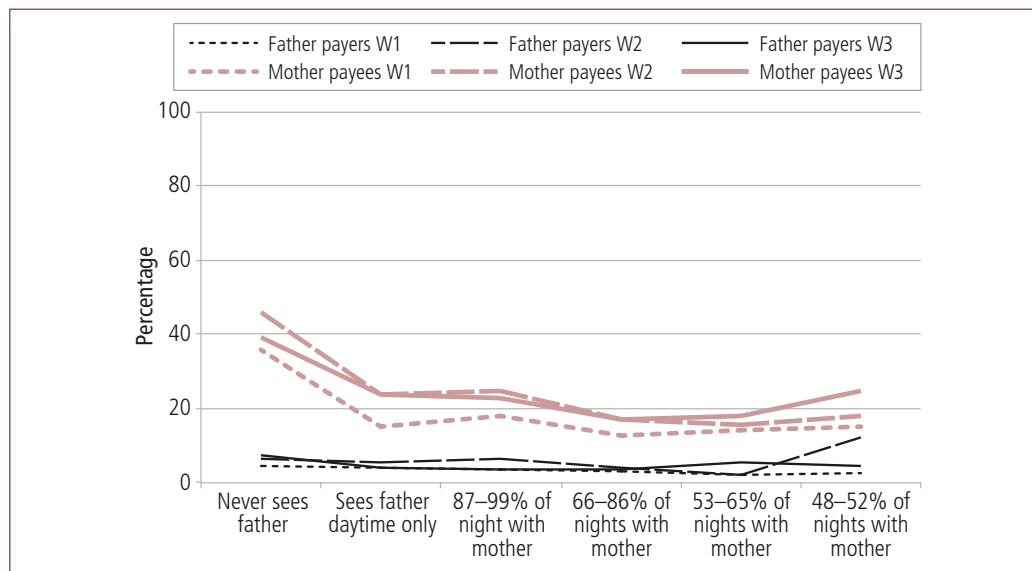
by 66–77% of father payers and 26–55% of mother payees represented in the various survey waves). With one exception, the proportion of fathers reporting full compliance varied little according to care-time arrangements. The exception related to equal care time, where a slightly lower proportion of fathers in Wave 2 than in other care-time arrangements maintained that they were fully complying with their liability.

The reports of mother payees, on the other hand, suggest that fathers who never saw their child were considerably less likely than other fathers to fully comply with their liability. While each group of mothers in Wave 2 was somewhat less likely than their counterparts in Wave 1 to indicate that payments were fully complied with, the addition of Wave 3 data was not consistent with the notion that, regardless of care-time arrangements, full compliance with liability tends to fall as duration of separation increased. Nevertheless, mothers' reports suggested that some care-time arrangements were associated with higher rates of full compliance in Wave 1 than Wave 3.

For mother payees, the largest difference between Wave 1 and Wave 3 in reports of full compliance emerged where care time was equal (reported by 53% in Wave 1 vs 41% in Wave 3). On the other hand, no such differences between Waves 1 and 3 in payment compliance, from mother payees' reports, were apparent for the other two arrangements (where the child never saw the father (32–34%) or spent 53–65% of nights with the mother (49–50%). Some differences between Wave 1 and Wave 3 were also observed for care-time arrangements where mothers cared for their child for 66–99% of nights and where the child saw his or her father during the daytime only.

Reports of non-compliance in both amount and timing

Figure 7.6 depicts the proportions of father payers and mother payees who reported non-compliance in both the payment amount and timing, according to care-time arrangements and survey wave. Once again, it is important to keep in mind that the composition of parents in a particular care-time arrangement varies across the waves.



Notes: Data have been weighted. Includes parents who reported actual payment varied and actual payments which varied are considered as that amount of child support was not applied. Statistically significant relationship emerged between child support compliance and care-time arrangement for father payers in Wave 2 ($p < .05$) and mother payees in each wave ($p < .001$).

Figure 7.6: Child support payments made neither in full nor on time, father payers and mother payees with study children < 18 years, by care-time arrangement and wave

Across all survey waves, a higher proportion of mother payees than father payers in each care-time arrangement indicated that the father neither paid in full nor on time. The largest gender

differences emerged where the father never saw his child (mother payees: 36% in Wave 1, 46% in Wave 2 and 39% in Wave 3). Fewer than 10% of father payers with this arrangement in the various survey waves said that the father paid neither in full nor always on time. The smallest gender difference emerged for equal care time in Wave 2, where 18% of mother payees and 12% of father payers reported non-compliance.

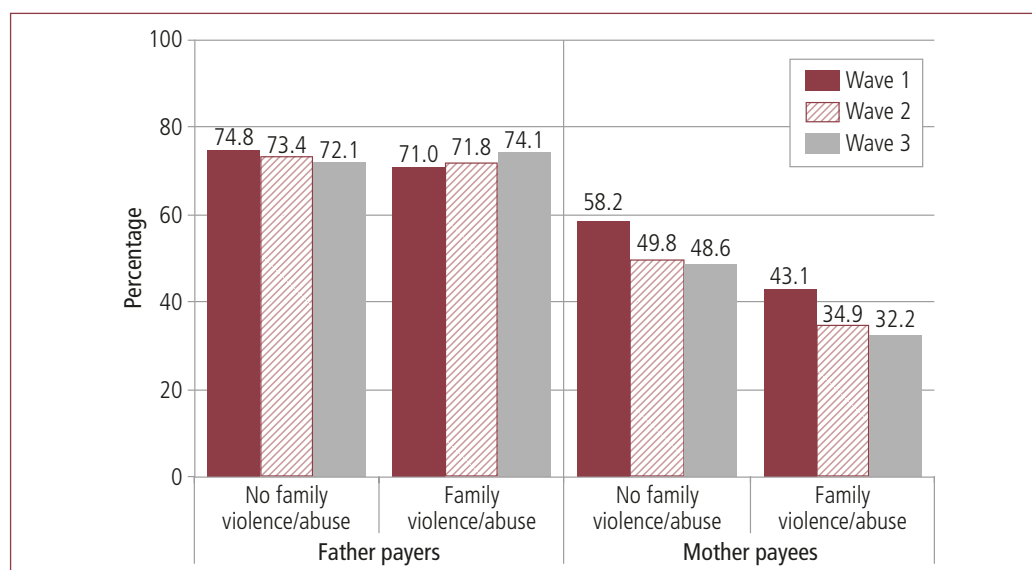
Fathers' reports varied little according to care-time arrangement. The largest difference emerged for Wave 2, where non-compliance was reported by 12% of fathers with equal care time and 2–7% of fathers with the other four arrangements.

Non-compliance in both amount and timing was reported by a considerably greater proportion of mothers whose child never saw the father than other mothers.

Compliance behaviour according to violence/abuse experiences

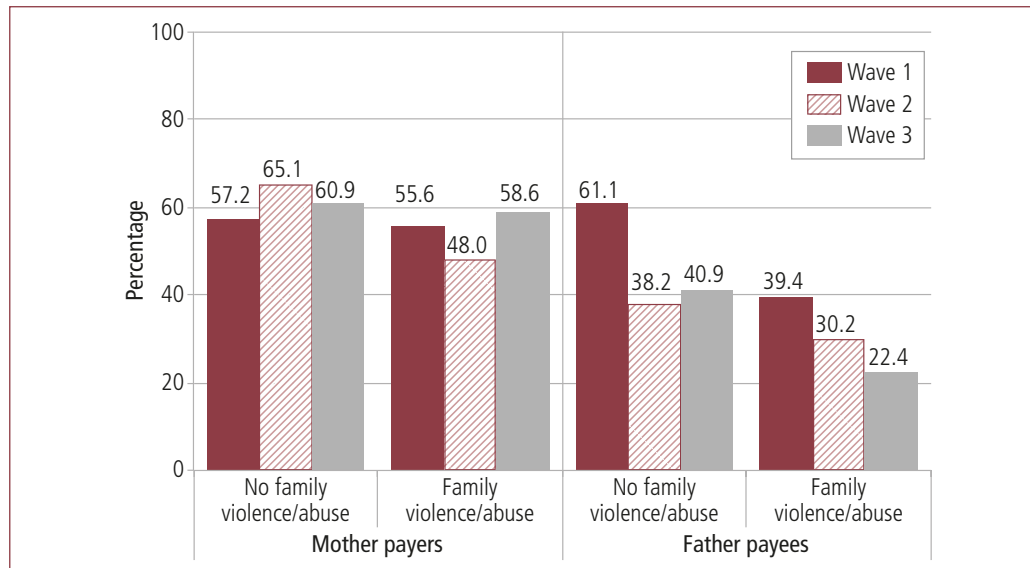
Parents who received more than the minimum rate of Family Tax Benefit Part A for a child are typically required to apply for a child support assessment, but can seek an exemption from this if they are at risk of experiencing family violence/abuse. As the ALRC (2012) noted, experiences of family violence/abuse may lead a parent to avoid any interaction with the other parent. This includes any contact regarding child support payments, given that such contact may expose the parent to continuing controlling behaviours. More practically speaking, the victim may decide against seeking child support at the outset, may accept insufficient payments, change collection methods, or choose to end the arrangement.

Figures 7.7 and 7.8 (on page 127) depict the percentage of cases in which child support obligations are fully complied with, by whether violence/abuse had been experienced. Figure 7.7 compares mother payees who indicated that they had or had not experienced violence/abuse during the period investigated in each survey wave. Two groups of father payers are included for comparative purposes. Figure 7.8 provides the same information for mother payers and father payees.



Notes: Data have been weighted. Statistically significant relationship emerged between compliance with child support liability and experiences of family violence/abuse for mother payees in each of three waves ($p < .001$).

Figure 7.7: Full child support compliance by experiences of violence/abuse, father payers and mother payees with study children < 18 years, by wave



Notes: Data have been weighted. Sample sizes from Waves 1 to 3, mother payers without experience of violence/abuse: 47, 67 & 104; mother payers with experience of violence/abuse: 153, 100 & 105; father payees without experience of violence/abuse: 91, 116 & 174; father payees with experience of violence/abuse: 176, 127 & 128. Relationship between compliance with child support liability and experiences of family violence/abuse is statistically significant for: father payees in Wave 1 and Wave 3 ($p < .01$), mother payers in Wave 2 ($p < .05$).

Figure 7.8: Full child support compliance by experiences of violence/abuse, mother payers and father payees with study children < 18 years, by wave

The figures reveal that for each survey wave, mother and father payees who experienced violence/abuse were less likely than those who had been free from such experiences to report that they received child support both in full and on time. More specifically, in Wave 1, full compliance was reported by 43% of mother payees who said they experienced violence/abuse before or during the separation, compared with 58% of other mother payees, and by 39% of father payees with such violence/abuse experiences, compared with 61% of other father payees.⁸⁷

With one exception, payment compliance reported by payers did not vary significantly according to whether they had experienced violence/abuse. The exception was in Wave 2 for mother payers who experienced violence/abuse in the 12 months prior to their interview. These mothers were less likely than other mother payees to report that they fully complied with their arrangements.

7.3 Parents' views about child support payments

Whether it is to be paid or received, sense of fairness or unfairness about child support issues may well influence how parents relate to each other and the extent to which payers comply with their liability. A sense of fairness or unfairness may be associated, for example, with beliefs regarding whether the payments are excessive in terms of their affordability or children's needs. Whatever the reasons, payers who believe that the payments are unfair may be less inclined than other payers to meet their obligations, although these views may also arise at least partly as a post hoc rationalisation of non-compliance behaviour; that is, non-compliance may strengthen views about unfairness, thereby justifying non-compliance. This section examines the views of payers and payees regarding fairness and some more specific beliefs about the payments that may feed into views on fairness.

⁸⁷ Of father payees in Wave 3, only 22% who experienced violence/abuse in the 12 months prior to this survey said that their child's mother fully complied with her child support liability. It should be noted, however, that this percentage is based on only 128 fathers. Further research needs to be undertaken to assess the reliability of this result derived after some five years of separation.

Sense of fairness about child support payments

In each survey wave, parents were asked whether their “current amount of child support” was very fair for them, somewhat fair, somewhat unfair or very unfair for them. It is important to point out that some parents may have answered this question in relation to payment liability and others to the amount actually paid.⁸⁸ Parents were not asked to provide any reasons for their answers to this question. While the subsequent questions introduced in Wave 3 may throw light on this issue, other untapped reasons may have contributed to sentiments on fairness; for example, changes in care time may have made the current payment liability or actual amount paid seem fair or unfair.

Figure 7.9 (on page 130) shows the proportions of father payers and mother payees providing each of these responses, while Figure 7.10 (on page 130) presents the corresponding patterns of answers provided by mother payers and father payees.⁸⁹

With one exception (mother payers in Wave 3), at least half of the parents in all groups provided favourable evaluations; that is, they said that the child support amount was very or somewhat fair. The proportions of father and mother payers who provided favourable evaluations decreased progressively across the survey waves (father payers: from 71% to 63%; mother payers: from 57% to 45%), while the proportion of payees indicating a sense of fairness was higher in Wave 1 than in the other waves, where the proportions were virtually identical (mother payees: 58% vs 53%; father payees: 62% vs 53–54%).

Whereas father payers were more likely than mother payees to provide favourable evaluations, the opposite was the case for mother payers and father payees. However, the difference was greater where father (rather than mother) was liable to pay child support. In fact, in all survey waves, father payers were the most likely of all groups to consider the current amount of child support to be either very or somewhat fair for them. The following proportions of parents indicated these views:

- Wave 1: 71% of father payers vs 57–62% of other parents;
- Wave 2: 66% of father payers vs 51–54% of other parents; and
- Wave 3: 63% of father payers vs 45–53% of other parents.

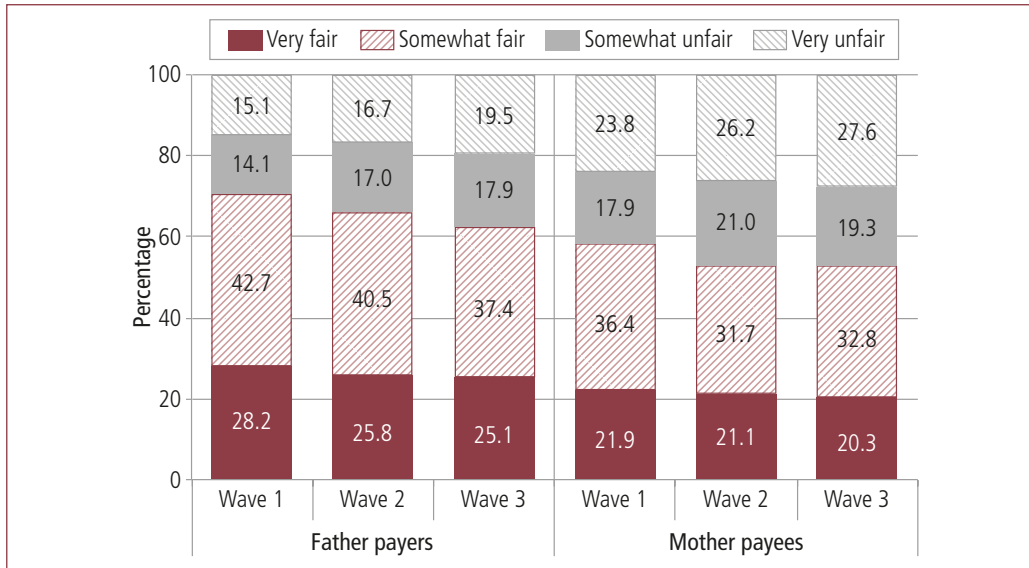
Mother payers were either as likely as, or more likely than, mother payees and father payers to provide such positive appraisals. The following proportions of parents considered the child support amount to be very or somewhat fair:

- Wave 1: 57% of mother payers vs 58–62% of mother payees and father payers;
- Wave 2: 51% of mother payers vs 53–54% of mother payees and father payers; and
- Wave 3: 45% of mother payers vs 53% of mother payees and father payers.

Table 7.5 (on page 130) shows the mean assessed amount of child support payment of father payers and mother payees set against their views about child support payments in Wave 3. Father payers who considered that their child support payment was very fair were required to pay the lowest mean amount of child support per week (\$97), followed by those who considered the amount of payment as somewhat unfair (\$127), while fathers with the view of very unfair or somewhat unfair were required to pay the highest mean amounts (\$157 and \$155, respectively). The opposite patterns emerged among mother payees. The mean assessment amount of child support was lowest for mother payees who reported the amount of payment as very unfair (\$62), while mothers who considered their current amount as very fair had the highest assessment payment (\$157).

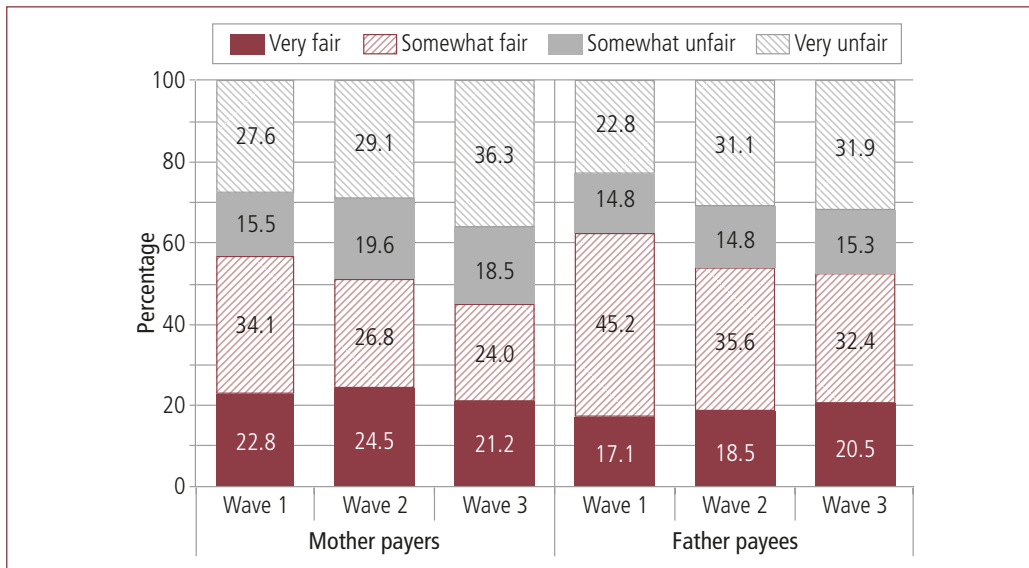
⁸⁸ In Wave 3, the two questions preceding that on fairness covered the amount of child support actually paid, then whether the payments were made on time. Other questions were introduced between these two sets in Waves 1 and 2.

⁸⁹ These percentage distributions also appear in Appendix E along with the percentage distribution of responses provided by all payers and by all payees (i.e., based on mothers and fathers combined).



Note: Data have been weighted.

Figure 7.9: Sense of fairness about child support payments for self, father payers and mother payees with study children < 18 years, by wave



Note: Data have been weighted.

Figure 7.10: Sense of fairness about child support payments for self, mother payers and father payees with study children < 18 years, by wave

Table 7.5: Sense of fairness about child support by amount supposed to pay/receive per week (mean), father payers and mother payees with study children < 18 years, Wave 3

Sense of fairness	Father payers (\$)	Mother payees (\$)
Very fair	\$97	\$157
Somewhat fair	\$127	\$128
Somewhat unfair	\$155	\$104
Very unfair	\$157	\$62
No. of participants	2,929	2,938

Notes: Data have been weighted.

Are payments affordable and to what extent do payers appear to begrudge paying?

To throw further light on the non-compliance issue, payers were asked to indicate the extent to which they agreed or disagreed with the following statements:

- I can afford to pay the amount I am required to pay.
- I think that the amount I'm expected to pay is more than the amount needed by the children.
- I resent paying because I have no say on how the money is spent.
- I resent paying, given how much time I spend with (child's name).

Using the same response options, payees were also asked to indicate the extent to which they agreed or disagreed with statements that the other parent could afford to pay the amount required, believed the amount to be excessive, or resented paying because the payee had no say in how the money was spent or because payment was not commensurate with the time the payee was able to spend with the child.

In addition to responding to these issues, payees were asked to indicate their level of agreement or disagreement with a statement that the other parent would prefer not to pay in order to make life difficult for the payee.

The response options provided to participants were: "strongly agree", "agree", "neither agree nor disagree", "disagree", and "strongly disagree". Some parents volunteered that they were uncertain about specific statements and such responses were combined with "neither agree nor disagree". Figures 7.11 and 7.12 (on page 132) present the patterns of answers for payers and payees of each gender.

There was substantial agreement from payers with respect to the affordability of payments (78% of fathers and 64% of mothers) and very high levels of agreement from the payees (91% of mother payees and 83% of father payees) with respect to their former partners' capacity to pay.

Nearly half the father payers thought that the amount they were paying was more than their children needed, while similar proportions of the receiving mothers suggested that this was what their former partners believed. This compares to 36% of mother payers thinking that the amount they were paying was more than their children needed, and 37% of receiving fathers reporting that this was what their former partner believed.

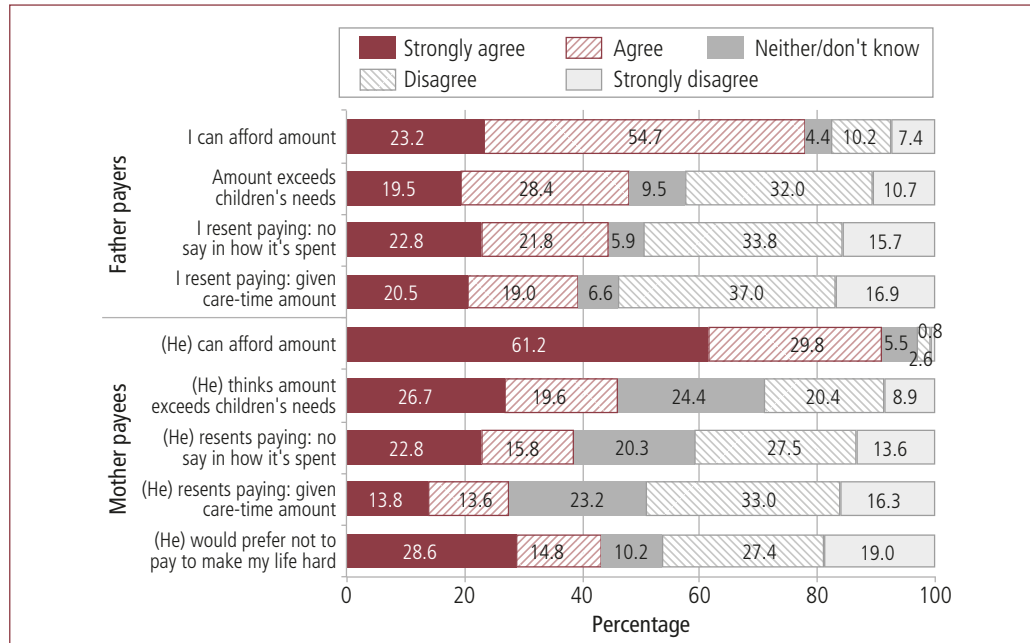
A little under half (45%) of the paying fathers and 39% of receiving mothers agreed or strongly agreed with the proposition that there was resentment with respect to paying because the father had no say in how the money was spent. About two in five paying mothers held a similar belief, while just over one-third (35%) of the receiving fathers thought this was the view of their former partners.

About two in five paying fathers and over one in four (28%) of receiving mothers agreed or strongly agreed with the proposition that there was resentment about how much time the father was spending with his child(ren). Among paying mothers, 37% held this view and 33% of receiving fathers agreed or strongly agreed that their former partners held such a view.

Finally, 43% of receiving mothers 45% of receiving fathers agreed or strongly agreed with the proposition that their former partners would prefer not to pay in order to make their (the receiving parent's) life difficult. This is a perplexing finding. It is possible that the response was influenced by the two preceding questions, both of which invited consideration of the possibility that a former partner might "resent paying". But in view of the earlier positive data on fairness and capacity to pay, it is also possible that the response is reflecting to some extent the respondent's assessment of the quality of the relationship with his or her former partner. Table 7.6 (on page 133) explores this proposition.

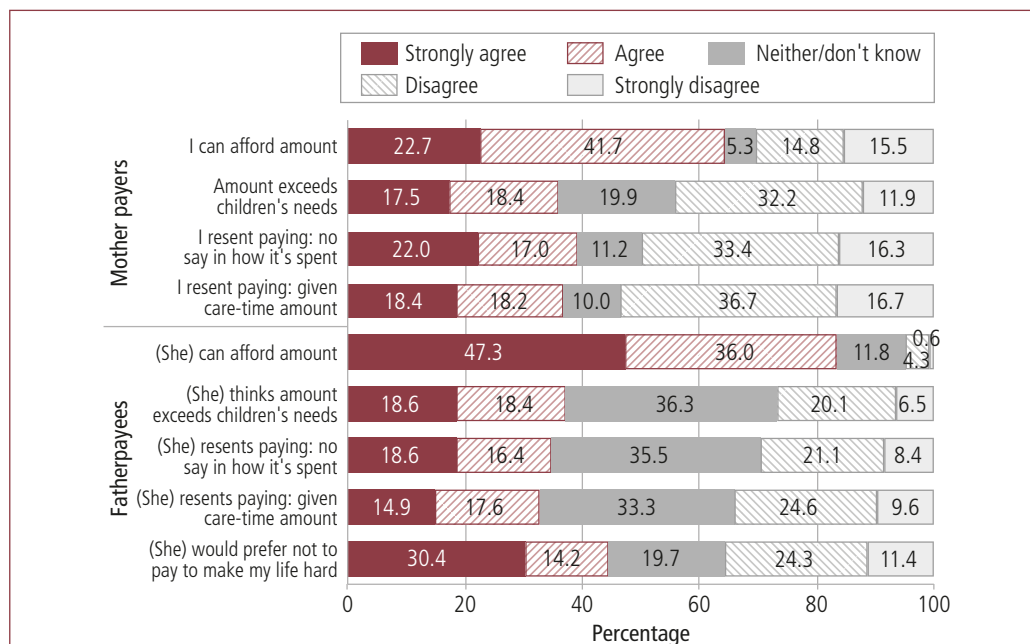
The table reveals a statistically significant near linear relationship between payees' assessments of their former partners' desire to make their lives difficult (by not meeting child support obligations) and their assessment of the quality of their post-separation relationship. Thus, only 13% of mother payees with friendly relationships agreed or strongly agreed that their children's

father might prefer not to pay child support in order to make their lives difficult. The equivalent figure for father payees was 6%. At the other end of the spectrum, 85% of mother payees with fearful relationships and 76% of fathers with conflictual or fearful relationships agreed or strongly agreed that their children's other parent might prefer not to pay child support in order to make their lives difficult.



Notes: Data have been weighted.

Figure 7.11: Views about child support affordability/willingness to pay, father payers and mother payees with study children < 18 years, Wave 3



Notes: Data have been weighted.

Figure 7.12: Views about child support affordability/willingness to pay, mother payers and father payees with study children < 18 years, Wave 3

Table 7.6: Payees' agreement that payer "would prefer not to pay to make life difficult for me", by quality of inter-parental relationship, Wave 3

	Quality of inter-parental relationship ** (%)				
	Friendly	Cooperative	Distant	Lots of conflict	Fearful
Mother payees					
Strongly agree	5.9	13.7	40.6	69.3	77.6
Agree	7.3	14.2	22.1	18.2	6.9
Neither/don't know	5.1	11.3	14.6	5.2	11.7
Disagree	39.8	38.0	18.6	6.3	3.1
Strongly disagree	41.9	22.8	4.1	1.0	0.6
Total	100.0	100.0	100.0	100.0	100.0
No. of participants	784	897	893	395	165
Father payees					
Strongly agree	4.8	17.5	37.6	66.0	
Agree	1.6	12.8	23.2	10.0	
Neither/don't know	13.6	20.8	23.0	18.2	
Disagree	52.5	32.5	12.0	5.9	
Strongly disagree	27.5	16.5	4.2	0.0	
Total	100.0	100.0	100.0	100.0	
No. of participants	80	108	149	63	

Notes: Data have been weighted. Excludes a small proportion of parents who did not respond or did not know. Includes payees whose "focus child" was 18 years or older. Percentages may not total 100.0% due to rounding. ** $p < .01$; relationship between extent of agreement/disagreement and quality of inter-parental relationship is statistically significant for both mother and father payees.

7.4 Summary

In each survey wave (taken separately) about four in five parents reported that the father was required to pay, while between 4% and 8% of parents attributed payment liability to the mother. At the same time, 13–15% of fathers and 9–17% of mothers across all three waves indicated that there was no child support requirement. This general pattern of results is similar to that observed by De Maio et al. (2013).

Among the continuing sample, two-thirds of all fathers were payers and nearly three-quarters of all mothers were payees across all three waves. Around a quarter of all fathers and mothers experienced a change in status by Wave 3, the most common outcomes being more mothers becoming payees and fathers becoming payers.

Around nine in ten father payers and mother payees in Wave 1 indicated that they had the same liability status in Wave 3. Half of the mother payers and two-thirds of the father payees in Wave 1 had the same liability status by Wave 3. About two in five fathers (41%) and a little more than a quarter of mothers (27%) who had no liability in Wave 1 maintained this status of no liability in Wave 3. Two-thirds of mothers with no liability in Wave 1 became payees by Wave 3, while 43% of fathers with no liability in Wave 1 became payers by Wave 3. Much smaller proportions of these fathers and mothers with no liability in Wave 1 became father payees and mother payers.

In Wave 3, the total average that father payers claimed to be paying was \$131 per week, whereas the total average mother payees claimed to be receiving was \$111 per week. The total average that mother payers claimed to be paying was \$78 per week, whereas the total average father payees claimed to be receiving was \$61 per week. Perceived discrepancies remained, though not to the same extent, when the data were broken down according to the number of children requiring financial support.

According to both father payers and mother payees, use of Child Support Collect increased progressively across the survey waves, while Private Collect arrangements decreased. Just over one-third of the father payers and mother payees in Wave 1 indicated that payments

were transferred via Child Support Collect, while nearly two-thirds said that payments were transferred privately. On the other hand, the proportion of Wave 3 father payers and mother payees reporting these two modes were similar. Where mothers were the payers and fathers the payees, modes of payments reported did not vary much across the survey waves.

According to all parent groups, payments were most often made in full and on time. This was followed by payments being made in full but not on time and then by payments being made neither in full nor always on time. The least likely outcome was that payments were made on time but not in full.

Payees were less likely than payers to report full compliance, and unlike payers, the proportions reporting full compliance was lower in Waves 2 and 3 than in Wave 1. The general pattern of results for mother and father payees in Wave 1 is consistent with that observed by De Maio et al. (2013) based on the SRSP 2012.

Across all care-time arrangements and survey waves, father payers were considerably more likely than the mother payees to report that payments were made in full and on time. The proportion of fathers reporting full compliance varied little according to care-time arrangements. The reports of mother payees suggest that fathers who never saw their child were considerably less likely than other fathers to fully comply with their liability.

For each survey wave taken separately, mother and father payees who experienced violence/abuse were less likely than those who had been free from such experiences to report that they received child support both in full and on time. Generally speaking, payment compliance reported by payers did not vary according to whether they had experienced violence/abuse.

With one exception, at least half of the parents in all groups said that the child support amount was very or somewhat fair. Indeed in all survey waves, father payers were the most likely of all groups to consider the current amount of child support to be either very or somewhat fair for them. At the same time, the proportions of father and mother payers who provided favourable evaluations of fairness decreased progressively across the survey waves. The proportion of payees indicating a sense of fairness was higher in Wave 1 but virtually identical in the other two waves.

Father payers who considered that their child support payment was very fair were required to pay the lowest mean amount of child support, while fathers with the view of payments being very unfair or somewhat unfair were required to pay the highest mean amount. The opposite patterns emerged among mother payees.

There was substantial agreement from payers with respect to the affordability of payments and very high levels of agreement from payees with respect to their former partners' capacity to pay.

Nearly half the father payers thought that the amount they were paying was more than their children needed, and a similar proportion of mother payees believed that their former partners held this view. About one-third of mother payers thought that the amount they were paying was more than their children needed, and a similar proportion of father payees agreed that their former partner held this view.

A substantial minority of father payers and mother payees felt there was resentment with respect to paying because the payer had no say in how the money was spent or because the payer spent so much time with the child. This pattern also emerged among mother payers and father payees.

Finally, it was concerning to find that a little under half of mother and father payees believed their former partners would prefer not to pay in order to make their (the receiving parent's) life difficult. The prevalence of this finding might have been influenced by a possible priming effect, whereby each of the two previous questions had asked whether the parent's former partner might resent paying child support. At the same time, the data reveal a clear affiliation between propensity to hold this view and quality of post separation relationship.

8

Children's wellbeing

The 2006 family law reforms were designed to protect and promote the wellbeing of families at all stages, through strengthening couple relationships and, in the event of separation, encouraging both parents to remain involved in their children's lives, unless this is unsafe for the children. The reforms aim to help parents to agree on what is best for their children. While the first two waves of LSSF suggested that most parents provided favourable assessments of their child's wellbeing, children exposed to negative family dynamics fared less well than others (Kaspiew et al., 2009; Qu & Weston, 2011). These dynamics were reflected in parents' reports of inter-parental relationships marked by conflict or fear, a history of family violence/abuse, the existence of mental health and/or alcohol/drug addiction issues in the relationship prior to separation, and safety concerns relating to ongoing contact with the other parent.

As already explained, the first two survey waves took place when the parents had been separated for an average of 15 months, then 28 months, while the third occurred five years after separation. The present chapter examines parents' evaluations of how their child was faring during these three periods.

The chapter is divided into four main sections. The first section outlines the nature of the specific wellbeing measures used. The second section outlines the results in relation to each aspect of child wellbeing measured. This section first focuses on the views of all fathers and mothers who participated in any survey wave and compares trends for each of the three survey waves. The extent and nature of any differences between the wellbeing of children in Wave 1 and Wave 3 are also examined, where their father or mother participated in these two waves (regardless of whether they participated in Wave 2). The third section is based on Wave 3 data and compares child wellbeing according to their care-time arrangements. As for the above issues, trends based on the reports of fathers and mothers are examined separately. The fourth section examines the relationship between stability/change in child wellbeing (Wave 3 compared with Wave 1) and stability/change in various circumstances—as assessed by fathers and mothers taken separately. This section also includes an analysis of the relationship between stability/change in child wellbeing (Wave 3 compared with Wave 1) and stability/change in care-time arrangements.

The analyses in this chapter focus on all children in the study (aged 4–22 years by Wave 3). Some of analyses—children's wellbeing in relation to care-time arrangements—focused on children aged under 18 years.

8.1 Specific measures of child wellbeing

Children aged 4+ years

It is important to note that some measures varied according to the age of the child. For children aged 4 or more years in each wave, the composite wellbeing score was based on parents' ratings of their child's:

- overall health (assessed for children of all ages); and
- progress, compared with other children of the same age, regarding:

- learning or school work;
- getting along with other children of the same age; and
- in most areas of his or her life.

Additional questions relating to the child's socio-emotional wellbeing were introduced in Waves 2 and 3. Parents' were asked to indicate how often their child: (a) is a happy child/person; (b) is a confident child/person; (c) tends to get anxious or worried about things; (d) behaves in a mature or sensible manner; and (e) loses his/her temper. Parents were asked to choose one of five response options: "all of the time", "most of the time", "sometimes", "rarely" or "never".

In addition, a composite wellbeing measure was developed as an indicator of overall wellbeing using the first four items, which were available for all three waves. This measure is particularly useful in assessing change in overall child wellbeing between Waves 1 and 3. In order to develop this composite measure, all four ratings for each child were re-scaled to 0–10, with higher ratings indicating higher wellbeing. These ratings were then summed and each child's average score for the four items derived.⁹⁰ Children were then classified as having:

- relatively *low overall wellbeing*—scores of 0–5.9;
- relatively *moderate overall wellbeing*—scores of 6.0–7.9; or
- relatively *high overall wellbeing*—scores of 8.0–10.0.⁹¹

For succinctness, we refer to these groups as having high, moderate or low overall wellbeing, though it is important to keep in mind that the classification system is relative and based purely on quantitative rather than qualitative criteria. Furthermore, the cut-offs used to distinguish between these groups may differ from those that might seem appropriate were the analyses based on a representative sample of Australian parents with children aged 4–22 years. In other words, children in the present sample may receive different classifications if relevant Australian norms were available.

The difference between each child's composite score for Waves 1 and 3 was also derived in order to assess whether any substantive change had occurred. Once again, the children were classified into three groups based on this analysis:

- *no change*—where the difference in composite score between the two time points was within 2 points (i.e., 0–2);
- *improved wellbeing*—where the child's Wave 3 score was higher than his/her Wave 1 score by more than 2 points;
- *worsened wellbeing*—where the child's Wave 3 score was lower than his/her Wave 1 score by more than 2 points.

The three categories concerning overall wellbeing and the three regarding change in overall wellbeing were then used to classify children into the following five groups:

- *consistently high overall wellbeing*;
- *consistently moderate overall wellbeing*;
- *consistently low overall wellbeing*;
- *improved overall wellbeing*; and
- *worsened overall wellbeing*.

Again, it needs to be kept in mind that these classifications are based on quantitative rather than qualitative distinctions such that high wellbeing, for example, simply means that the children appeared to be progressing well relative to other children *in the present sample*.

⁹⁰ The separate four ratings inter-correlated quite well with each other, suggesting that the composite measure (here called "wellbeing") achieved acceptable internal consistency, and therefore had reasonable reliability (Chronbach's coefficients ranged from .68 to .71 across the survey waves).

⁹¹ The cut-offs used here were based on the distribution of the composite measure scores which was skewed towards high scores.

Children aged 1–3 years

For children aged 1–3 years in Wave 1, wellbeing other than general health was measured by the Brief Infant-Toddler Social Emotional Assessment (BITSEA) (Briggs-Gowan, Carter, Irwin, Wachtel, & Cicchetti, 2004). As the name implies, the measure is designed to identify children who display behaviours reflecting socio-emotional problems (e.g., seems nervous, tense, fearful; bites or kicks you or other parent; does not make eye contact; for further details, see Kaspiw et al., 2009, p. 258). These children's scores were also re-scaled to 0–10, with higher scores reflecting fewer problematic behaviours (i.e., higher wellbeing or at least absence of low wellbeing). The child's score on this measure and the re-scaled rating of general health were used as his/her composite indicator of wellbeing. The overall scores were quite high (mean: 8.6), with few children having a score of less than 3 (less than 2% in each of three waves).

The children were then classified into three groups:

- *low overall wellbeing*—score of 0–7.9;
- *moderate overall wellbeing*—scores of 8.0–9.4' and
- *high overall wellbeing*—scores of 9.5–10.0.

The cut-offs were intended to divide children into three groups with similar distribution, representing relative position in terms of their wellbeing. It should be noted, however, that the BITSEA measure is designed to identify very young children with clear indicators of socio-emotional problems. Absence of such problems does not necessarily suggest that the child is progressing particularly well.

The BITSEA measure is only suitable for very young children. The overall wellbeing measure derived for these children for Wave 3 was the same as that derived for all children aged 4 or more years (i.e., based on parents' assessments of their child's health and progress in three areas relative to other children of the same age).

Given that the measure of overall wellbeing used in Wave 1 and Wave 3 differed, stability or change in wellbeing over this period was defined as follows:

- *consistently high overall wellbeing*—where the child's composite scores for Waves 1 and 3 lie within the highest wellbeing range in these waves;
- *consistently moderate overall wellbeing*—where the child's scores lie within the medium wellbeing range in these waves;
- *consistently low overall wellbeing*—where the child's scores lie within the low wellbeing range in these waves;
- *improved overall wellbeing*—where the child's score lies within a lower range in Wave 1 than in Wave 3; and
- *worsened overall wellbeing*—where the child's score lies within a higher range in Wave 1 than in Wave 3.

8.2 Parents' assessment of child wellbeing

Table 8.1 (on page 138) summarises parents' assessments of their child's health and, if their child was 4 or more years old, how their child was doing compared with other same-age children in the three areas—learning or school work, getting along with other children, and overall. Each of these measures were included in all three waves. Table 8.2 (on page 139), on the other hand, summarises parents' reports on the aspects of their child's social and emotional development that were introduced in Waves 2 and 3 only. The reports provided by fathers and mothers are presented separately in each of these tables.

The patterns of results were consistent across all the measures, and the reports of fathers and mothers were, for the most part, very similar.

Table 8.1: Participating parents' reports of children's wellbeing, by parent gender and wave

	Wave 1 (%)			Wave 2 (%)			Wave 3 (%)		
	Fathers	Mothers	All	Fathers	Mothers	All	Fathers	Mothers	All
General health									
Excellent	50.4	59.3 **	54.9	50.5	59.8 **	55.3	49.5	59.9 **	54.8
Very good	26.9	24.6	25.8	29.2	24.5	26.8	28.7	24.8	26.7
Good	16.9	11.7	14.2	15.5	12.4	13.9	15.7	11.2	13.4
Fair	4.5	3.6	4.0	3.7	2.7	3.2	4.1	3.1	3.6
Poor	1.3	0.9	1.1	1.2	0.6	0.9	1.9	1.0	1.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
No. of participants	4,782	4,990	9,772	3,126	3,409	6,535	4,291	4,242	8,533
Learning compared with other same-age children (4+ years)									
Much/somewhat better	44.8	42.7	43.7	47.0	47.2	47.1	51.7	51.0	51.4
About the same	44.9	46.1	45.5	44.7	43.3	44.0	38.5	38.4	38.4
Much/somewhat worse	10.4	11.2	10.8	8.2	9.5	8.9	9.7	10.6	10.2
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
No. of participants	2,832	2,660	5,492	2,016	2,232	4,248	4,079	4,151	8,230
Getting along with other same-age children (4+ years)									
Much/somewhat better	37.9	36.1	37.0	41.8	41.3	41.5	47.0	48.2	47.6
About the same	55.6	55.7	55.7	52.9	53.3	53.1	46.3	45.0	45.6
Much/somewhat worse	6.5	8.2	7.3	5.4	5.4	5.4	6.7	6.9	6.8
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
No. of participants	2,851	2,689	5,540	2,040	2,246	4,286	4,146	4,187	8,333
How they are doing in most areas of life compared with other same-age children (4+ years)									
Much/somewhat better	32.9	31.9	32.4	39.8	40.7 *	40.3	46.3	47.7	47.0
About the same	58.2	57.7	58.0	55.4	52.3	53.8	47.2	44.3	45.7
Much/somewhat worse	8.9	10.4	9.7	4.8	7.0	6.0	6.5	8.0	7.3
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
No. of participants	2,819	2,657	5,476	2,039	2,243	4,282	4,107	4,177	8,284

Notes: Data have been weighted. Percentages may not total 100.0% due to rounding. * $p < .05$, ** $p < .01$; relationship between response categories and gender is statistically significant.

Table 8.2: Additional aspects of child's social emotional development wellbeing assessed in Waves 2 and 3 only, by parent gender and wave

	Wave 2 (%)			Wave 3 (%)		
	Fathers	Mothers	All parents	Fathers	Mothers	All parents
Study child is a happy child/person						
All/most of the time	90.6	89.1	89.8	89.1	89.6	89.4
Sometimes	8.9	9.9	9.4	9.9	9.6	9.7
Rarely/never	0.5	1.0	0.8	1.0	0.8	0.9
Total	100.0	100.0	100.0	100.0	100.0	100.0
No. of participants	2,082	2,277	4,359	4,226	4,230	8,456
Study child is a confident child/person						
All/most of the time	78.2	76.9	77.5	75.3	78.1	76.7
Sometimes	19.3	20.0	19.7	21.5	18.9	20.2
Rarely/never	2.5	3.1	2.8	3.2	3.0	3.1
Total	100.0	100.0	100.0	100.0	100.0	100.0
No. of participants	2,086	2,270	4,356	4,247	4,230	8,477
Study child tends to worry or get anxious						
All/most of the time	7.7	10.8 *	9.4	9.8	11.2	10.5
Sometimes	52.3	52.0	52.2	49.6	48.5	49.0
Rarely/never	40.0	37.2	38.5	40.6	40.3	40.5
Total	100.0	100.0	100.0	100.0	100.0	100.0
No. of participants	2,066	2,276	4,342	4,203	4,221	8,424
Study child behaves in a mature/sensible manner						
All/most of the time	75.0	72.9	73.9	76.3	73.5	74.9
Sometimes	21.9	23.1	22.6	20.7	22.3	21.5
Rarely/never	3.1	3.9	3.6	3.0	4.2	3.6
Total	100.0	100.0	100.0	100.0	100.0	100.0
No. of participants	2,073	2,265	4,338	4,224	4,214	8,438
Study child loses his/her temper						
All/most of the time	4.5	7.0 **	5.8	4.4	6.8 **	5.6
Sometimes	41.7	49.2	45.6	35.8	44.4	40.2
Rarely/never	53.7	43.9	48.6	59.8	48.8	54.2
Total	100.0	100.0	100.0	100.0	100.0	100.0
No. of participants	2,082	2,273	4,355	4,216	4,230	8,446

Notes: Data have been weighted. Percentages may not total 100.0% due to rounding. Statistically significant relationship between response categories and gender is noted (* $p < .05$; ** $p < .01$).

General health

The majority of fathers and mothers rated their child's health as "excellent" or "very good" (fathers: 77% in Wave 1, 80% in Wave 2, and 78% in Wave 3; mothers: 84% in Waves 1 and 2, 85% in Wave 3). Mothers, however, were more likely than fathers to consider their child's health to be excellent (mothers: around 60%; fathers: around 50%).

The proportion of parents who described their child's health as "good" across three waves ranged from 11% (mothers in Wave 3) to 17% (fathers in Wave 1). Only a small proportion considered their child's health to be "fair" or "poor", varying from 3% (mothers in Wave 2) to 6% (fathers in Wave 3).

Progress compared with other children of the same age

For each aspect of developmental progress examined, the children tended to be seen as either progressing as well as, or better than, other children of the same age. Furthermore, the children *appeared* to be doing a little better as the duration of separation increased. However, it needs to be kept in mind that these data are cross-sectional and include the reports of parents who participated in Wave 3 alone.

Additional measures of socio-emotional development assessed in Waves 2 and 3

Around 90% of fathers and mothers believed that their child was happy all or most of the time. Close to three in four believed that their child was a confident person and about the same proportion believed that he or she behaved in a mature manner.

However, around one in ten believed their child tended to worry or get anxious all or most of the time. Close to half maintained that their child felt this way sometimes and around two in five believed that their child rarely or never had such experiences. Up to 7% of parents across the two later waves said that their child lost his or her temper all or most of the time, with fathers being a little more likely to indicate that their child rarely or never displayed such behaviour while mothers were a little more likely to say that their child lost his or her temper sometimes, rather than rarely or never.

The analysis of the composite measure of children's overall wellbeing is shown in Table 8.3. In this table, the proportions of children are shown who were classified as having low, moderate or high overall wellbeing. The results are necessarily presented separately for children aged 4 or more years (upper panel) and those aged 1–3 years (lower panel). The percentage distributions derived from fathers' and mothers' assessments of their child's wellbeing are presented separately, while the combined results based on all participating parents are also shown. The upper panel shows the proportions of these older children who were classified as having low, moderate or high wellbeing in each survey wave, while the lower panel shows the proportions of younger children with low, moderate or high wellbeing in Wave 1.

Table 8.3: Children's overall wellbeing, by parent gender and wave

Level of overall wellbeing	Wave 1 (%)			Wave 2 (%)			Wave 3 (%)		
	Fathers	Mothers	All	Fathers	Mothers	All	Fathers	Mothers	All
Children aged 4+ years									
High (8–10)	22.5	22.5	22.5	26.5	28.6	27.6	32.9	35.2 ***	34.1
Moderate (6.0–7.9)	46.1	47.7	46.9	46.9	46.2	46.5	40.5	43.6	42.1
Low (0–5.9)	31.4	29.8	30.6	26.7	25.2	25.9	26.6	21.2	23.8
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Mean score	6.66	6.65	6.65	6.87	6.91	6.89	7.02	7.14 *	7.08
No. of participants	2,652	2,572	5,224	1,950	2,191	4,141	3,884	4,071	7,955
Children aged 1–3 years									
High (9.5–10)	35.5	40.4 ***	38.2						
Moderate (7.5–9.4)	42.8	42.7	42.8						
Low (0–7.4)	21.7	16.9	19.1						
Total	100.0	100.0	100.0						
Mean score	8.50	8.72 ***	8.62						
No. of participants	1,535	2,023	3,558						

Notes: Data have been weighted. Statistically significant relationship between overall wellbeing and gender is noted (* $p < .05$; *** $p < .001$).

The overall wellbeing of children appeared to improve across three waves according to both fathers' and mothers' assessments, though it should be kept in mind that these are not based on a continuing sample (i.e., some parents participated in one wave only).

For the older children (represented in the upper panel), the patterns of results based on assessments of fathers and mothers were fairly similar in Waves 1 and 2, but in Wave 3, children whose wellbeing was assessed by their father were slightly more likely than those assessed by their mother to be classified as having low overall wellbeing (27% vs 21%; mean score: 7.02 vs 7.14).

This gendered trend was also apparent in relation to the overall wellbeing of the younger children in Wave 1 (represented in the lower panel): those assessed by their father were slightly more likely than those assessed by their mother to have low overall wellbeing (22% vs 17%).

Although these gender differences were statistically significant, they are nonetheless very small and may not have much meaning in everyday life.

The rest of this section focuses on changes in parents' assessment of their child's wellbeing. To simplify the results, the analyses focusing on stability or change are based on Waves 1 and 3 only. Table 8.4 shows whether parents in the continuing sample (or parents who participated in both Waves 1 and 3) provided the same estimates of their child's health and developmental progress (compared with other children of the same age) in both Waves 1 and 3.

Table 8.4: Extent and nature of change in study child's wellbeing between Waves 1 and 3, by parent gender, continuing sample

	Fathers (%)	Mothers (%)	All (%)
General health ^a			
Superior both waves (excellent or very good)	42.1	51.0 ***	46.9
Improved	26.8	23.5	25.0
Worsened	26.6	22.2	24.2
Inferior both waves (good, fair or poor)	4.5	3.4	3.9
Total	100.0	100.0	100.0
No. of participants	2,498	2,816	5,314
Learning compared with other same-age children (4+ years in Wave 1)			
Superior both waves (better than other children)	29.9	28.7	29.3
Improved	23.2	21.0	22.0
Equivalent both waves (same as other children)	24.9	26.0	25.4
Worsened	17.9	20.2	19.1
Inferior both waves (worse than other children)	4.2	4.1	4.2
Total	100.0	100.0	100.0
No. of participants	1,579	1,613	3,192
Getting along with other same-age children (4+ years in Wave 1)			
Superior both waves (better than other children)	22.2	18.4	20.3
Improved	25.4	27.8	26.7
Equivalent both waves (same as other children)	31.0	31.2	31.1
Worsened	19.9	20.2	20.0
Inferior both waves (worse than other children)	1.5	2.4	2.0
Total	100.0	100.0	100.0
No. of participants	1,625	1,638	3,263
How they are doing in most areas of life compared with other same-age children (4+ years in Wave 1)			
Superior both waves (better than other children)	21.5	18.1	19.7
Improved	29.5	30.4	30.0
Equivalent both waves (same as other children)	30.3	30.0	30.1
Worsened	16.9	17.9	17.4
Inferior both waves (worse than other children)	1.8	3.6	2.7
Total	100.0	100.0	100.0
No. of participants	1,605	1,618	3,223

Notes: Data have been weighted.^a Same rating refers to, in both waves, the same rating of excellent, the same rating of very good, and so on. Statistically significant relationship between study child's general health and parent gender is noted (***) $p < .001$.

The overall assessments of fathers and mothers were quite similar.

General health

Parents most commonly indicated in both Waves 1 and 3 that their child's health was either excellent or very good (42% of fathers and 51% of mothers). Most of the others were fairly equally divided as to whether their child's health had improved or worsened. Few indicated that their child's health was fair or poor on both occasions. A marginally higher proportion of mothers than fathers indicated that their child's health was excellent or very good on both

occasions (51% vs 42%) and a marginally lower proportion of mothers than fathers indicated their child's health had worsened (22% vs 27%).

Progress compared with other children of the same age

On any of the three issues examined, only 2–4% of fathers and mothers indicated that their child's progress (relative to same-aged children) was inferior in both Waves 1 and 3. Parents most commonly indicated on both occasions that their child was superior in terms of learning or school work and that their child was on par with others in terms of getting along with other children. In relation to progress in most areas of life, parents were just as likely to report on both occasions that their child was on a par with other children or to indicate that their child had been improving in this area, relative to other children.

Regarding learning/school work, around 30% indicated in both waves that their child was doing better than other children. Others were slightly more likely to state that their child's progress relative to other children had improved rather than worsened. Overall, more than half of the parents indicated that the child's progress was superior on both occasions or had improved; around one in four said on both occasions that their child's learning/school work was on par with other children of the same age, and just under one in four said that the child was consistently below par or had worsened relative to these other children.

Regarding getting along with peers, parents most commonly reported on both occasions that their child was progressing as well as other children of the same age (31%). Parents were more likely to indicate that their child had improved in this area than to say that they were doing better than most children in this area (mothers: 28% vs 18%; fathers: 25% vs 22%). Just under half either said on both occasions that their child was better able than others to get along with other children or to indicate that their child had improved in this regard; 31% indicated that their child was on par with other children in this area; and 21% of fathers and 23% of mothers either indicated on both occasions that their child's progress in their area was inferior or had deteriorated.

Regarding the children's progress in most areas of life, parents were evenly divided between seeing their child on both occasions as being on par with others and indicating that their child's progress relative to other children had improved (with fathers and mothers both reporting the same). Eighteen per cent of mothers indicated on both occasions that their child's progress was superior to that of other children, and the same proportion suggested that their child's progress had worsened relative to other children, while 22% of fathers indicated superior progress and 17% a worsened state.

Overall, around half of all parents indicated that their child had remained superior or had improved, 30% believed that their child remained on par with other children of the same age, and around one in five either indicated on both occasions that their child was not progressing as well as other children of the same age, or that their child's progress had deteriorated relative to these other children.

Table 8.5 (on page 143) shows changes in the overall wellbeing based on the composite measure as outlined in section 8.1. The table describes the patterns of similarity or differences between the Wave 1 and Wave 3 scores based on fathers' and mothers' assessments. The results for the older children appear in the upper panel, and those for the younger children are presented in the lower panel.

The results based on fathers' and mothers' assessments were almost identical. Most of the older children were assessed as having consistent levels of wellbeing, with moderate wellbeing being the most common assessment (applying to around two in five children), followed by low wellbeing, then high wellbeing. Improved wellbeing was more commonly reported by parents than worsened wellbeing.

It seems very likely that both the differences in the children's ages and the measures used to assess change in wellbeing would have contributed to the lower consistency in the scores apparent for the younger than older children. Firstly, the observable development of the younger children tended to progress at a faster pace than that for older children. Some aspects of progress became clearer as children enter their primary school years. Secondly, given that the Waves 1 and 3 composite measures for the younger group were based on different subscales,

their wellbeing scores in the two waves would be less likely to be consistent than those derived for the older group. Furthermore, substantive change, defined as a difference of three or more points on the wellbeing scale could be used for the older group, while any difference in wellbeing classification was used as an indicator of change for the younger group. Most of the younger children (58%) were classified as having improved or worsened wellbeing, and most of the other children were equally likely to be classified as having consistently moderate or consistently high wellbeing. Fewer than one in ten appeared to have consistently low wellbeing.

Table 8.5: Change in children's overall wellbeing between Waves 1 and 3, by parent gender, continuing sample

	Fathers (%)	Mothers (%)	All (%)
Children aged 4+ years in Wave 1			
Consistently high	17.6	17.2	17.6
Improved	13.5	13.4	13.5
Consistently moderate	39.7	40.9	39.7
Worsened	8.3	7.9	8.3
Consistently low	20.9	20.6	20.9
Total	100.0	100.0	100.0
No. of participants	1,461	1,542	3,003
Children aged 1–3 years in Wave 1			
Consistently high	15.9	17.7	15.9
Improved	28.2	27.9	28.2
Consistently moderate	17.4	18.6	17.4
Worsened	29.9	30.5	29.9
Consistently low	8.7	5.3	8.7
Total	100.0	100.0	100.0
No. of participants	619	999	1,618

Notes: Data have been weighted.

8.3 Care-time arrangements and parents' assessment of child wellbeing

Data from the first wave suggested that there was no clear link between care-time arrangement and parents' assessments of their child's wellbeing, although fathers who had no face-to-face care-time were more likely than other fathers to indicate that their child fared less well. Similar trends emerged in the Wave 2. The analysis of the first two waves showed that where care-time arrangements had not changed, there was no clear link between these arrangements and parents' reports of their child's wellbeing. Nevertheless, mothers with a minority of care time were less likely to provide favourable views in both waves compared with those who had either had a majority or shared care time. This section examines whether parents' assessments of child's wellbeing were linked with care-time arrangements. The analysis focuses on children aged under 18 years, based on parents' reports in Wave 3. For simplicity, attention is directed to the composite measure of children's overall wellbeing. (The results relating to other wellbeing measures are presented in Appendix F.)

Table 8.6 and Table 8.7 (on page 144) show parents' overall assessments of their child's wellbeing (classified as low, moderate or high) according to their care-time arrangements in Wave 3. This overall wellbeing measure was not derived for the majority of fathers who had no face-to-face time with their child (71%), given that they did not answer to one or more of the relevant wellbeing questions.⁹² The results, based on those fathers who had no care-time at all but did provide their assessments of their child's wellbeing, are therefore likely to be unreliable and thus are not presented in the table (though they are mentioned in passing below). Given the small number of mothers represented in each of the specific arrangements where the child

⁹² In Wave 2, most parents who never saw the study child were not asked of questions on the child's development.

was in their care for 0–47% of nights, the assessments provided by mothers with these specific arrangements were combined.

Table 8.6: Fathers' ratings of overall wellbeing of children < 18 years, by care-time arrangements, Wave 3

Overall wellbeing score	Father sees child in daytime only	66–99% with mother (1–34% with father)	53–65% with mother (35–47% with father)	48–52% with each parent (equal time)	35–47% with mother (53–65% with father)	1–34% with mother (66–99% with father)	Mother sees child in daytime only	Mother never sees child
High	33.5	30.1	36.2	34.2	31.6	38.4	28.6	37.1**
Moderate	32.1	40.7	42.8	45.5	46.7	45.6	40.2	41.4
Low	34.4	29.2	21.0	20.4	21.7	16.0	31.2	21.5
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Mean score	6.91	6.90	7.18	7.23	7.00	7.43	6.83	7.21
No. of participants	192	1,644	471	582	91	251	70	120

Notes: Data have been weighted. Statistically significant relationship between wellbeing classification and care time is noted (** $p < .01$).

Table 8.7: Mothers' ratings of overall wellbeing of children < 18 years, by care-time arrangements, Wave 3

Overall wellbeing score	Father never sees child	Father sees child in daytime only	66–99% with mother (1–34% with father)	53–65% with mother (35–47% with father)	48–52% with each parent (equal time)	0–47% with mother (53–100% with father)
High	38.3	35.4	35.9	36.8	29.9	38.4**
Moderate	40.2	44.2	44.1	45.4	48.9	45.6
Low	21.5	20.4	20.0	17.8	21.3	16.0
Total	100.0	100.0	100.0	100.0	100.0	100.0
Mean score	7.22	7.19	7.16	7.30	7.01	7.43
No. of participants	633	432	1,739	345	375	183

Notes: Data have been weighted. Statistically significant relationship between wellbeing classification and care time is noted (** $p < .01$).

Fathers and mothers across the care-time groups provided favourable assessments in Wave 3, with mean scores on the composite wellbeing measure being 6.83–7.43 for fathers and 7.01–7.43 for mothers on the scale of 0–10.

Fathers in three care-time groups provided less favourable assessments of their child's overall wellbeing than fathers in other care-time groups. The three care-time groups were: fathers who cared for their child during the daytime only, those who looked after their child for 1–34% of nights, and the small number whose child was in the care of the mother during the daytime only. As implied above, just under 30% of fathers who never saw the child provided assessments of their child's wellbeing, and thus results based on their assessments may well be unreliable and are not shown in the table. Of all care-time groups, these fathers provided the least favourable assessments (mean score 6.4). This "trend" is mentioned here because it was also apparent in Wave 1.

Overall, regardless of care-time arrangements, parents in general provided favourable assessments. Fathers who had minority care time and those whose child saw the mother in the daytime only appeared to assess their child's wellbeing less favourably than other fathers, though the differences were small. Of all the mothers, the most and least favourable assessments were provided by those with minority care time and those with equal care time respectively, but again, differences in patterns of assessments across these care-time groups were small.

8.4 Children's overall wellbeing and change in care-time arrangements

This section focuses on children with the most common care-time arrangements: those who were in the care of their mother for most or all of the time or in the care of each parent for roughly half the time. Consistent with the approach adopted in Chapter 5 and in earlier LSSF-related publications (Kaspiew et al., 2009; Qu & Weston, 2010), these most common arrangements covered six categories:

- 48–52% of nights with each parent;
- 53–65% of nights with their mother (and 35–47% with their father);
- 66–86% of nights with the mother (and 14–34% of nights with their father);
- 87–99% of nights with the mother (and 1–13% of nights with their father);
- 100% of nights with the mother and daytime-only care with their father; and
- 100% of nights with the mother, while never seeing their father.

The first set of analyses outlined below focuses on the relationship between children's wellbeing classifications and stability or change in care time. Children who had the same category of care time in Waves 1 and 3 are treated as having “stable” arrangements, and those whose care time had shifted to a different category by Wave 3 are treated as having increased time with either the father or with the mother. That is, arrangements in place in Wave 2 are not taken into account. The same applies to children's wellbeing: classifications of consistency or change in wellbeing are based on comparisons of parents' assessments in Waves 1 and 3, with no account being taken of their Wave 2 assessments.

It is important to point out that opportunities for experiencing increased time with the father were greater than those for experiencing increased time with the mother, given that the children represented in this analysis were already spending 48–100% of nights with their mother. Secondly, the measure of stability or change is quite blunt, given that some categories of care time are broader than others, with the breadth of category influencing whether there has been a change in care time.⁹³

The analysis focuses on the wellbeing of children who were at least four years old in Wave 1, given that the Wave 1 measures of wellbeing for these children were replicated in subsequent waves. Parents' assessments of their child's wellbeing in Wave 2 are not taken into account.

Based on the above-mentioned definitions, Figure 8.1 (on page 146) shows the wellbeing profiles of children who were identified as experiencing increased time with their father or with their mother, or as not experiencing change (based on data for Waves 1 and 3 only).

While the wellbeing profiles of the three groups of children whose fathers participated in the study were quite similar, those whose mothers participated in the study were even more similar. It is not surprising then, that the relationship between child wellbeing profiles and care-time stability/change was statistically significant when based on fathers' assessments but not when based on mothers' assessments.

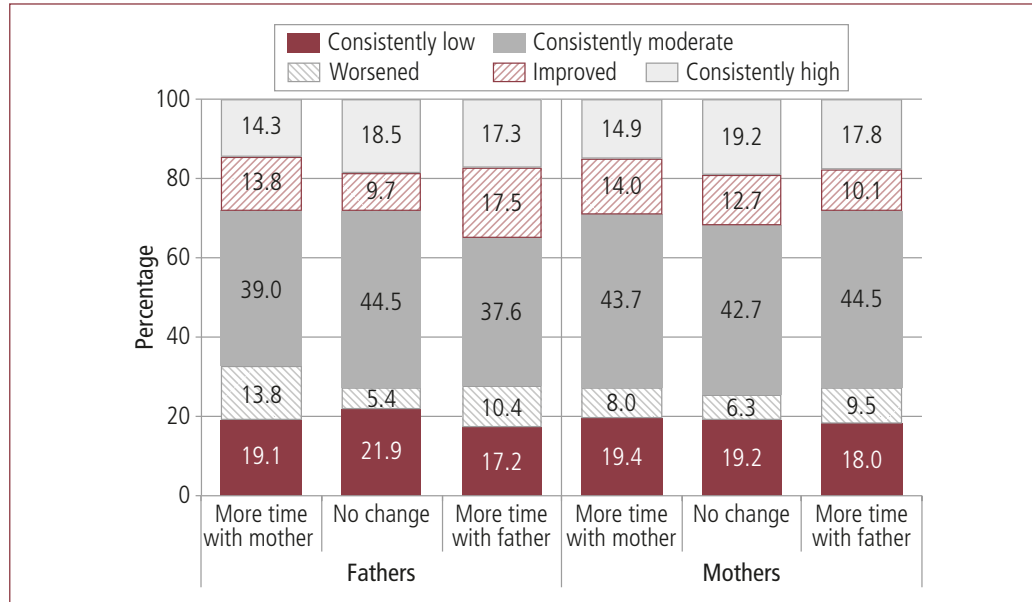
Regardless of care-time arrangements, children most commonly appeared to have consistently moderate wellbeing.

Based on fathers' assessments, improvements in wellbeing seemed most likely where children spent increased time with their father (18%) and least likely where there had been no change in care time (10%); while a worsening of wellbeing seemed most likely where children spent increased time with their mother, and least likely where no change in care time occurred (14% vs 5%). More broadly, 35% of children who had increased time with their father were classified as having high or improved wellbeing (cf. 28% in the other two groups), and 33% of children

⁹³ For instance, if some children spend an extra day per week with their father in Wave 3 than in Wave 1 (i.e., an additional 14% of nights per year), they would be recorded as having increased time with their father if they had already been spending 50% of nights with him, because their category of care time would have changed, but not if they had been spending 15% of nights with him. In the latter case, their paternal care time would have fallen within the same category in both surveys (14–34% of nights).

who had increased time with their mother were classified as having low or worsened wellbeing (cf. 28% or less in the other two groups).

Based on mothers' perspectives, up to one-third of the children in all three groups had consistently high or improved wellbeing, and slightly lower proportions in the three groups had consistently low or worsened wellbeing.



Notes: Data have been weighted. Sample sizes: fathers, $n = 1,415$; mothers, $n = 1,484$. Excludes a small number of parents who did not know or refused to answer. Percentages may not total 100% due to rounding. Relationship between change in care time and change in parents' ratings of children's overall wellbeing is statistically significant for both fathers and mothers ($p < .05$).

Figure 8.1: Change in care-time arrangements and children's overall wellbeing, by parent gender, continuing sample, Waves 1 and 3

In summary, there was no apparent link between change in children's overall wellbeing and change in care-time arrangement according to mothers' reports, but fathers' reports suggest a somewhat different picture. Other the three groups of fathers, those with increased care time were the most likely to indicate that their child's overall wellbeing had improved or remained consistently high, while fathers with reduced care time were the most likely to indicate that their child had consistently low or worsened overall wellbeing. Although statistically significant, these differences were small.

8.5 Children's overall wellbeing and change in family dynamics

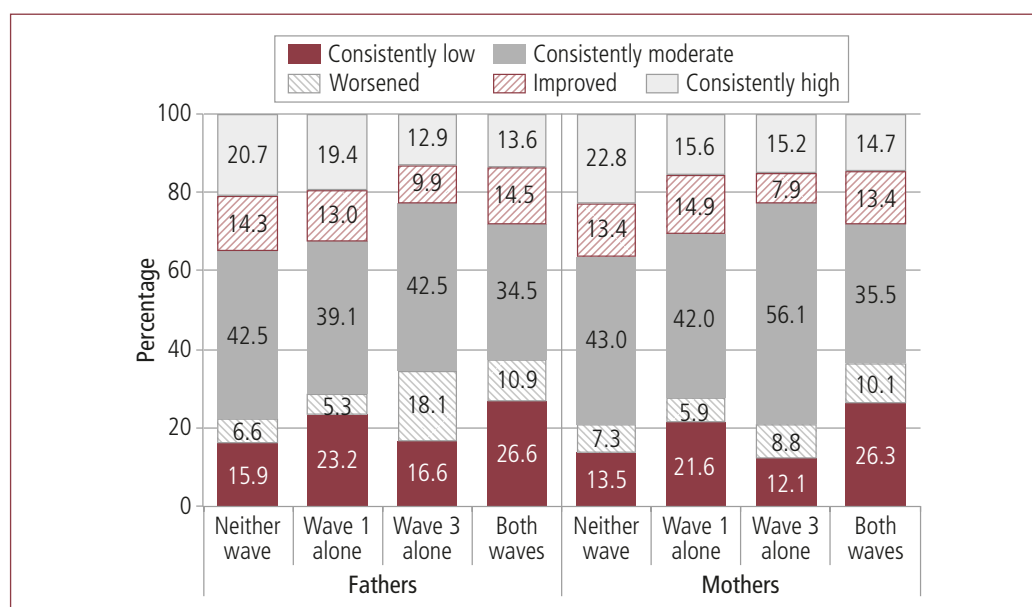
This section also focuses exclusively on children who were at least 4 years old in Wave 1, and whose measures of wellbeing in Wave 1 were therefore replicated in Wave 3. Three aspects of family dynamics, as experienced by fathers and mothers (taken separately) are examined: (a) violence/abuse before or during separation and/or in the 12-months prior to Wave 3; (b) presence or absence of safety concerns in these waves; and (c) quality of the inter-parental relationship.

For simplicity, we once again restrict attention to circumstances recorded in Waves 1 and 3 only; that is, the analysis does not include experiences reported in Wave 2. For example, we refer to violence/abuse experiences reported in Wave 1 alone, in Wave 3 alone, or in both periods. Although experiences of the various aspects of family dynamics examined here may have varied greatly between the two periods examined, where the Wave 1 and Wave 3 experiences reported by a parent are the same, we describe them as being "consistent".

The relationships between the children's classifications of wellbeing and each of the three family dynamics variables were statistically significant. However, the associations that emerged between child wellbeing classifications and parents' safety concerns (especially when based on mothers' perspectives) were not as strong as those between child wellbeing on the one hand, and parents' experiences of violence/abuse and their perceptions of the inter-parental relationship on the other.

Fathers' and mothers' reports of violence/abuse experiences

Figure 8.2 shows the extent to which children's wellbeing classifications varied according to the experiences of violence/abuse reported by their participating parent. Eight groups of children are represented in this figure. In order to compare the results emerging from fathers' and mothers' perspectives, we have paired the patterns of results based on these two perspectives for each violence/abuse condition; that is, where such experiences were: (a) not reported in either wave; (b) in Wave 1 alone; (b) in Wave 3 alone; and (c) in both periods. It needs to be kept in mind that Wave 1 reports focused on experiences of violence/abuse occurring in the separation or pre-separation period, and that Wave 3 reports focused on the 12 months prior to this survey wave.



Notes: Data have been weighted. Percentages may not total 100.0% due to rounding. Relationship between experience of violence/abuse and change in parents' ratings of children's overall wellbeing is statistically significant for both fathers and mothers ($p < .001$).

Figure 8.2: Change in parents' ratings of children's overall wellbeing, by parents' experience of violence/abuse, by parent gender, continuing sample (Waves 1 and 3)

Overall, the pattern of results based on the perspectives of mothers and fathers was quite similar. Regardless of whether their responding parent reported experiencing violence/abuse in either or both waves, children were most commonly classified as having consistently moderate wellbeing.

There was one result that seemed relatively counter-intuitive. This concerned the wellbeing of children whose mothers reported experiencing violence/abuse in Wave 3 alone. Based on these mothers' perspectives, their children were among the least likely to report that their child had either consistently low or worsened wellbeing (21%). Most were classified as having moderate wellbeing (56%).

Where no violence/abuse was reported in either wave

Overall, these children appeared to be progressing well relative to all others apart from the above anomalous group: over two-thirds appeared to have consistently high or improved wellbeing, and most of the other children in this group were classified as having moderate wellbeing. Nevertheless, a substantial minority appeared to have consistently low or worsened wellbeing (around one in five).

Where parents reported violence/abuse in Wave 1 alone

These children appeared to be progressing less well than the above-mentioned group, but a little better than those whose fathers reported violence/abuse in Wave 3 alone, and those whose fathers or mothers reported violence/abuse in both waves. For example, according to mothers' reports, 28% of children appeared to have either low or worsened wellbeing, compared with 21% where no violence/abuse was reported and 36% where violence/abuse was reported in both waves, and 31% appeared to have either consistently high or improved wellbeing, compared with 36% where no violence/abuse was reported, and 28% where violence/abuse was reported in both waves.

Where the father reported violence/abuse in Wave 3 alone

The wellbeing profile for these children was among the most negative and least positive. They were the most likely to be classified as having *worsened* wellbeing (18%) and in total, 35% appeared to have either worsened or consistently low wellbeing (a rate similar to that for children whose parents reported experiencing violence/abuse on both occasions: 38%). Nevertheless, around one-quarter had either consistently high or improved wellbeing.

Where parents reported experiencing violence/abuse on both occasions

Of all groups, these children were the most likely to be classified as having consistently low wellbeing (26–27%), with 36–38% being classified as having either consistently low or worsened wellbeing (almost two in five). Like other groups, however, diversity in apparent wellbeing prevailed: a considerable proportion (28%) appeared to have consistently high or improved wellbeing.

Summary

Three clear trends were apparent:

- Children whose participating parents had not experienced violence/abuse appeared to be the most likely to have consistently high or improved wellbeing, and along with the anomalous group noted above (i.e., children whose mothers reported violence/abuse in Wave 3 only), these children seemed the least likely to have consistently low or worsened wellbeing.
- A substantial proportion of children appeared to be doing well despite their parent having experienced violence/abuse—a trend that is not surprising, given the resilience of many children and likely variations in the intensity of any violence/abuse their parent experienced (De Maio et al., 2013).
- Some children were nonetheless not progressing well according to these data, and those most likely to be in this position had a parent who had experienced violence/abuse both before/during separation and in the 12 months prior to Wave 3, and from fathers' perspectives, children whose father had experienced violence/abuse during the latter period alone.

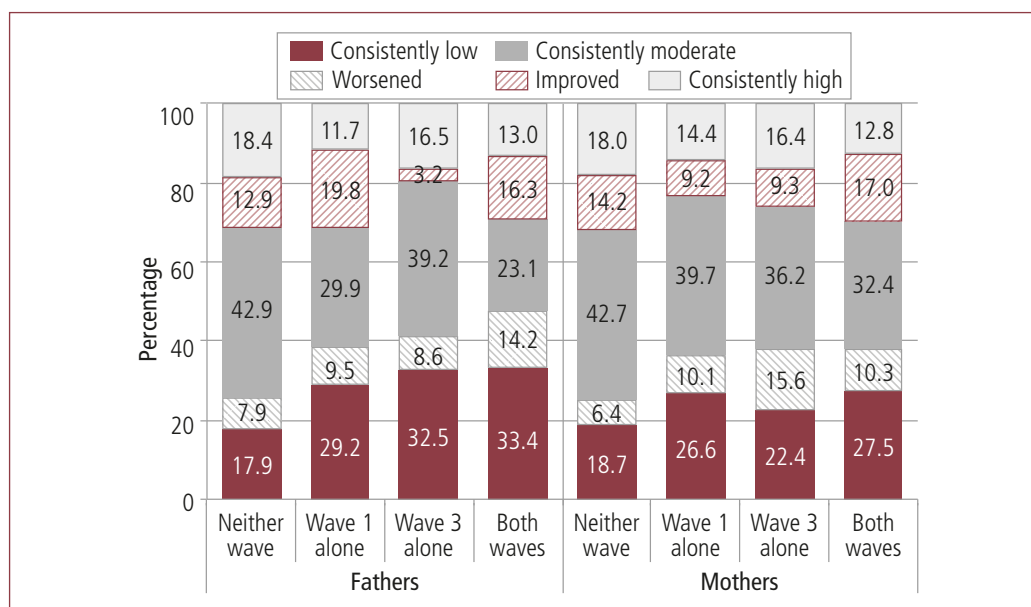
It should be noted that the reports of child wellbeing underlying this analysis were based on the view of one parent only and no information was derived about the experiences of violence/abuse of the other parent.⁹⁴ We would therefore not necessarily expect to find a strong

⁹⁴ Asking parents whether they had inflicted violence/abuse would be unlikely to yield useful results.

relationship between parental experiences of violence/abuse and child wellbeing. Nevertheless, the trends based on fathers' and mothers' perspectives were mostly very consistent.

Parents' safety concerns

Figure 8.3 shows the nature and strength of any link between children's change in wellbeing and parents' concerns about their own or their child's safety relating to ongoing contact with the other parent.



Notes: Data have been weighted. Percentages may not total 100.0% due to rounding. Relationship between safety concerns and change in parents' ratings of children's overall wellbeing is statistically significant for both fathers ($p < .01$) and mothers ($p < .05$).

Figure 8.3: Change in parents' ratings of children's overall wellbeing, by parents' safety concerns, by parent gender, continuing sample (Waves 1 and 3)

It is important to emphasise that safety concerns held by fathers almost always related to their child, whereas those held by mothers either related exclusively to their child or to both the mother and child. Furthermore, as noted in Chapter 4, while most parents who expressed safety concerns indicated that some or all of their concerns related to their child's other parent, mothers were considerably more likely than fathers to indicate this in Waves 1 and 3 (Wave 1: 92% vs 68%; Wave 3: 92% vs 72%). Fathers, on the other hand, were more likely than mothers to express concerns about the other parent's new partner and/or another adult (Wave 1: 46% vs 19%; Wave 3: 48% vs 30%).

Children in all except one group were either most commonly classified as having consistently moderate wellbeing or were fairly evenly split in terms of these two classifications. Children whose fathers expressed safety concerns in both survey waves formed the exception: these children appeared more likely to have consistently low wellbeing (33%) than moderate wellbeing (23%).

Where safety concerns were not expressed in either wave

The overall wellbeing profiles based on fathers' and mothers' perspectives were very similar for these children. They appeared to be doing relatively well, in the sense that they were the least likely of all groups to be classified as having consistently low or worsened wellbeing (fathers: 26% vs 39–48%; mothers: 25% vs 37–38%).

These children formed the only group who seemed more likely to have consistently high or improved wellbeing than consistently low or worsened wellbeing (fathers: 31% vs 26%; mothers: 32% vs 25%).

All other groups of children

Children whose parents indicated safety concerns in one or both waves appeared more likely to have consistently low or worsened wellbeing than consistently high or improved wellbeing. This difference was greatest for fathers who expressed safety concerns in Wave 3 alone (41% vs 20%) or in both survey waves (48% vs 29%). Of all groups, children whose fathers expressed safety concerns in both survey waves seemed the most likely to have consistently low or worsened wellbeing.

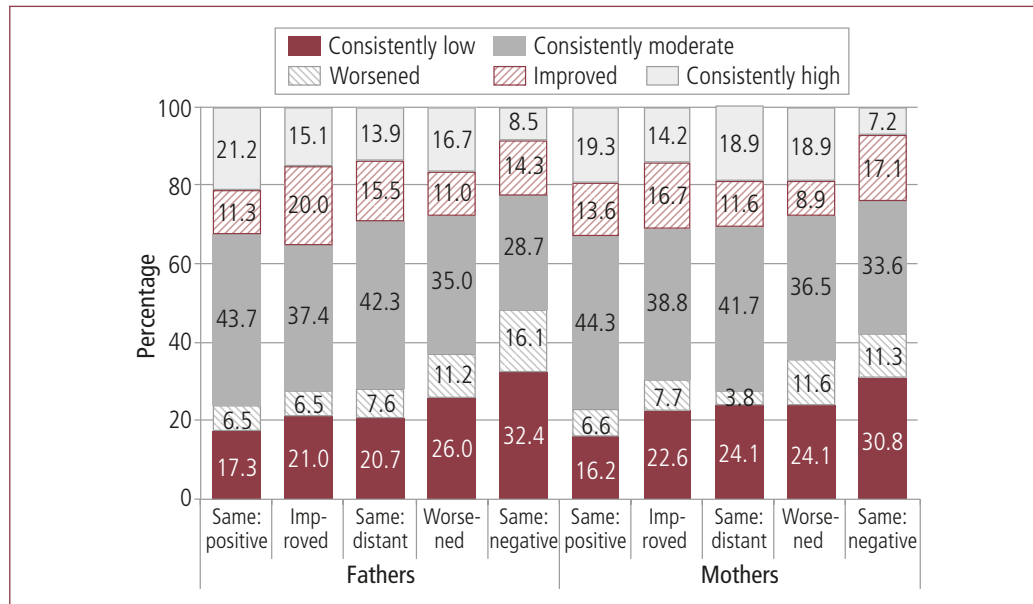
Summary

These results suggest that children whose participating parent expressed no safety concerns in either wave were faring better than all other groups in the sense that they seemed less likely to have consistently low wellbeing or worsened wellbeing, and were as likely or more likely to have consistently high or improved wellbeing. They were also the only group who were more likely to be classified as having consistently high or improved wellbeing than having consistently low or worsened wellbeing.

The profiles for the other groups were more similar, according to the perspectives of the parents involved, though of all groups, the children of fathers who expressed safety concerns in both waves appeared to be the most likely to have consistently low or worsened wellbeing.

Inter-parental relationships

Figure 8.4 presents the proportion of children with the different wellbeing classifications according to the reports of their participating parent regarding the quality of their inter-parental relationship in Waves 1 and 3.



Notes: Data have been weighted. Percentages may not total 100.0% due to rounding. Relationship between change in inter-parental relationship quality and change in parents' ratings of children's overall wellbeing is statistically significant for both fathers ($p < .001$) and mothers ($p < .01$).

Figure 8.4: Change in parents' ratings of children's overall wellbeing, by change in quality of inter-parental relationship, by parent gender, continuing sample (Waves 1 and 3)

The results based on fathers' and mothers' perspectives were very similar. Three groups stood out as being the most different in terms of apparent wellbeing. These are described below.

Where parents reported a positive inter-parental relationship in both waves

These children were the least likely of all groups to have consistently low wellbeing and the most likely to be classified as having consistently high wellbeing. In total, 23–24% in this group were classified as having consistently low or worsened wellbeing (vs 28–49% in other groups) and 33% were classified as having consistently high or improved wellbeing (vs 23–35% in other groups).

Where parents reported a negative inter-parental relationship in both waves

These children were the most likely of all groups to have consistently low wellbeing and the least likely to have consistently high wellbeing. In addition, an apparent worsening of wellbeing applied to 16% of the children focused upon by fathers, and 11% focused upon by the mothers. Nevertheless, as in all other cases, this group showed a diverse range of wellbeing scores. These children were considerably more likely to be classified as having consistently low or worsened wellbeing, rather than consistently high or improved wellbeing (fathers: 49% vs 23%; mothers: 42% vs 24%).

Where parents indicated that their inter-parental relationship had deteriorated

These children were also more likely to have either consistently low or worsened wellbeing than either consistently high or improved wellbeing (fathers 37% vs 28%; mothers: 36% vs 28%), though the differences were not as great as for those children whose parents reported a negative relationship in both waves.

All other groups of children were at least as likely, or more likely, to have consistently high or improved wellbeing than to have consistently low or worsened wellbeing.

Summary

The greatest apparent differences in children's wellbeing profiles emerged where parents provided positive assessments of their inter-parental relationship in both waves and where they provided negative assessments in both waves.

Not surprisingly, the children of the former group (where inter-parental relationships were viewed positively in both waves) appeared to be faring considerably better than the children in the latter group (where inter-parental relationships were viewed negatively in both waves). In fact, the former group of children appeared more likely to have consistently high or improved wellbeing than consistently low or worsened wellbeing, while the opposite applied to children in the latter group.

The other group of children that seemed to be faring less well than most were those whose parents indicated that the inter-parental relationship had deteriorated.

8.6 Summary

Across all three survey waves, parents in general provided favourable assessments of their child's wellbeing across all areas examined. These covered general health, learning, peer relationships, and a global assessment of general developmental progress (i.e., how well their child was doing in most areas of his or her life), as well as additional measures of socio-emotional development in the two later waves.

The analysis of the extent to which parents' assessments of their child wellbeing had changed (and the directions of the changes) between Waves 1 and 3 revealed that few parents provided unfavourable assessments in both occasions, which were four years apart. This trend was apparent in all measures examined. Where parents' assessments had changed between Waves 1 and 3, the change was more likely to suggest that wellbeing improved rather than declined.

The analysis in this chapter suggests no strong link between care-time arrangements and children's wellbeing. Parents in all care-time arrangements tended to provide favourable assessments, although views of parents who had minority care time appeared to be less favourable, and the differences were relatively small. In addition, there was no apparent link between change in children's overall wellbeing and change in care-time arrangement according to mothers' reports. Fathers' reports suggest a weak link between their assessments of their child's wellbeing and changes in care-time arrangements, with consistently high or improved wellbeing being associated with fathers' increased time with children in their care, and consistently low or worsened wellbeing being associated with decreases in care time.

Changes in children's wellbeing between Waves 1 and 3 were associated with changes in family dynamics regarding the experience of violence/abuse, any safety concerns and the quality of inter-parental relationships. Parents who in either wave had not experienced violence/abuse or held safety concerns, or consistently reported positive inter-parental relationship were more likely to report consistently high or improved child wellbeing. On the other hand, consistently low or worsened child wellbeing was more likely to be reported by parents who reported experiencing violence/abuse, holding safety concerns, or having negative inter-parental relationship in both waves compared with reports of other parents.

On the whole, the findings reported in this chapter provide a positive picture of how well most children in the LSSF are faring. This is heartening, given longstanding concerns about the effects of parental separation on children. Expanding further on the themes emerging from other chapters, however, the findings also highlight the implications of some of the negative patterns evidenced in this longitudinal study. Children who live in families affected by violence/abuse and/or where safety concerns are relevant and/or when inter-parental relationships are negative have poorer developmental outcomes, particularly when these conditions are sustained over time.

The establishment and maintenance of good or at least functional post-separation relationships is central to the management of workable post-separation parenting arrangements. Although legislation can promote appropriate messages—such as links between cooperative post-separation parenting and children’s wellbeing—legislation cannot of itself create good relationships. In addition, as the 1995 reforms demonstrated, appropriate legislative intent is likely to have a very limited effect unless backed by services focused on promoting good or “good-enough”⁹⁵ relationships when it is safe to do so.

This report has continued the LSSF’s examination of the evolution of post-separation family life. It presents empirical evidence drawn from three waves of data from parents who separated soon after the 2006 reforms. The report provides empirically based insights, not previously available, into how inter-parental relationships develop over time; continuing patterns of relationship-focused service use, as well as the use of legal and court interventions; the stability and changeability of care-time arrangements; adherence to and attitudes towards child support; and outcomes of, as well as attitudes towards, property settlements. The insights gained permit better understanding of the challenges faced in designing policy and practice responses for all separating families, but particularly for families continuing to function at the problematic end of the spectrum.

9.1 Relationship dynamics

The encouraging news is that whether they participated in one, two or all three waves, most fathers and mothers described their inter-parental relationship after separation as either friendly or cooperative. Less positive relationships were more commonly perceived to be “distant” rather than highly conflicted or fearful. Fearful relationships were the least common, but were the only category of relationships significantly more likely to be experienced by mothers. Among the continuing sample of separated parents, close to half held the same views in each survey wave. Importantly, favourable views were the most likely to be repeated across the survey waves. At the same time, revised assessments among the continuing sample were equally likely to suggest that relationships had improved or deteriorated.

The data suggest that as time goes on, most parents communicate about their children with decreasing frequency. No doubt these findings reflect the realities of post-separation family life, with each parent inevitably establishing a life beyond the relationship they had with each other. From the child’s point of view, there is unlikely to be any ideal formula with respect to how frequently his or her parents should communicate. In any case, from the perspective of the child’s wellbeing, the quality of the interactions is likely to be considerably more important than their frequency.

Good or “good-enough” interactions link to a broad range of variables. At a minimum, however, the conditions that underpin such interactions are those in which there is an absence of violence/abuse and a capacity to deal with any problems arising out of addictive tendencies or mental health problems.

⁹⁵ The term was used by child psychiatrist Donald Winnicott (1973) to denote the less than perfect but profoundly important relationships that occur between a parent and child.

By Wave 3, it was found that though the proportion of parents reporting the experience of emotional abuse had fallen considerably, it remained worryingly high. In total, nearly two in five fathers and slightly more than two in five mothers in Wave 3 indicated that they were recipients of some form of emotional abuse. Humiliating insults easily accounted for most of the emotional abuse experienced. The circulation of defamatory comments and monitoring the whereabouts of the other parent were the next most common behaviours (neither of these behaviours was measured in Waves 1 and 2). In addition, even in those cases in which particular forms of emotional abuse were experienced by a small minority of parents, a substantial proportion indicated that the abuse was by no means a rare occurrence. Frequent interaction between former couples with such issues is likely to have an especially debilitating effect on parents and children alike.

The data also suggest that these interactions may not be particularly observable to an outsider. This is because the experiences of physical hurt before separation, which were relatively prevalent at Wave 1, had dropped to about 2% by Wave 3. Compared to emotional abuse, physical hurt or its results are more likely to be observed by others, especially if the person is willing to speak of it. But although anxiety and stress associated with behaviours such as insults, defamatory comments or monitoring of a former partner's whereabouts may be more difficult to detect, it is likely to have a significant effect on those who experience it, as well as on other family members and children who observe it. Anxiety and stress may also, of course, be manifested in expressions of safety concerns for the person herself/himself or for the child.

About one-quarter of the continuing sample of fathers and more than one-third of the mothers expressed safety concerns in one or more waves. However, most did so in one survey wave alone. Some expressed safety concerns in two waves, but only about 5% reported this concern in all three waves. Underpinning concerns about safety is a complex set of dynamics. Some parents had practical concerns, such as the child's safety while in the other parent's vehicle. Other concerns were linked to more overtly dangerous behaviours, with a considerable proportion of parents relating their concerns to addiction and/or mental health issues. Some feared their children could be at risk of sexual abuse.

As was the case with respect to Waves 1 and 2, there were strong links between the holding of safety concerns in Wave 3 and concurrent perceptions of the quality of the inter-parental relationship, experiences of violence/abuse in the preceding 12 months, and reports in Wave 1 that mental health or alcohol/substance abuse were issues in the pre-separation relationship. Tellingly, the greater the number of survey waves in which safety concerns were held, the more likely it was that the parents in the continuing sample said in Wave 1 that mental health or addiction problems were issues in the relationship prior to separation. Indeed, such issues were reported in Wave 1 by eight in every ten fathers and nine in every ten mothers who expressed safety concerns in all three waves.

These data of course are based on parental perceptions. Though not "objective" data, evidence from previous studies of difficult areas such as allegations of sexual abuse in the context of separation (Bala, 2008) suggests that parental concerns are considerably more likely to be substantially correct than either deliberately or unintentionally false. This in turn raises the question of the extent to which such concerns continue to be given sufficient weight by decision-makers, advisors and relationship practitioners when they are raised in the context of post-separation parenting disputes.

A significant difficulty in determining what is "best" for children following the separation of their parents is one of informed and appropriate discrimination. The data reveal that at three points in time over a roughly four-year period (beginning some 15 months after separation), the majority of former couples report positive post-separation relationships, a situation likely to prove beneficial to their children. For a substantial minority, however, post-separation relationships fall short of this goal. While at each point in time, an increasing proportion of parents report distant relationships, more than one in ten parents continue to describe their relationship as having "lots of conflict". In addition, about 3% of fathers and more than 5% of mothers continue to report a relationship characterised by fear.

The data demonstrate that poor-quality relationships were strongly associated with reports of violence/abuse, safety concerns, mental health problems and addiction issues. At the same time, some fluctuation in the quality of relationships between waves suggests that post-separation

adjustment issues also have both positive and negative effects that may not necessarily be connected to an early pattern of dysfunctional relationships. Delivering effective, timely interventions to separated families experiencing normal adjustment problems, as well as to separated families whose dysfunctional dynamics were the cause of the separation in the first place, remains an ongoing challenge. It is important on the one hand to acknowledge the resilience of most separated families revealed in the data and to avoid the temptation to “over-service”. But it is equally important to identify the minority of separated families who appear to be in serious trouble at the time they separate, and/or for whom separation and its subsequent consequences become yet other triggers for ongoing difficulties.

9.2 Interaction with services

The Wave 3 data reveal that during their third and fourth year of separation (i.e., up to two years prior to the Wave 3 interviews), about a third of separated parents made use of at least one of the following services: counselling, mediation and dispute resolution services; a lawyer; courts; legal services; and domestic violence services. Mothers and fathers made use of services to about the same extent, though mothers were more likely than fathers to use legal and domestic violence services. More than one service was used by 14% of both mothers and fathers.

For most mothers and fathers, easily the most common reason for using a service was to get help with sorting out parenting arrangements. The next most common reason for using a service was to deal with issues of family violence/abuse, followed by resolving property arrangements and child support issues. Around a quarter of fathers and mothers nominated more than one issue, the most common two combinations being parenting arrangements and family violence/abuse, and parenting arrangements and child support.

In terms of underlying needs, parents typically indicated that they went to services for information, advice or dispute resolution. Considerably lower proportions indicated that their needs were linked to court-related matters. There appeared to be a gender difference in the ways in which mothers and fathers framed their needs, with somewhat more mothers than fathers seeking information, and considerably more fathers than mothers identifying a need for a dispute resolution service. This possibly reflected the reality that in many families (and perhaps in society at large), mothers continue to be seen as gatekeepers with respect to the organisation of child care arrangements.

Recognising and responding appropriately to how needs are perceived is of course a core skill for service providers. Many parents of both genders held positive views about the services they received to help settle their issues after separation. This is an encouraging finding, given the practical and emotional challenges that frequently accompany parental separation. At the same time, about one-fifth of both fathers and mothers reported that the services they used were not at all helpful to them.

Looking to the future, it is important to understand more clearly the nature of the disappointment for this minority of service users, as well as why some service types are more likely than others to attract this assessment. The present study did not seek reasons as to why clients found services and other interventions to be helpful or not. What follows is therefore inevitably speculative, but may guide the framing of questions in future surveys.

With regard to the roughly one in five assessments in the “not at all helpful” category, there may be benefit in exploring the following issues:

- *Mismatching client needs and the intervention delivered*—for example, having too great a focus on achieving an outcome in a parenting dispute (whether via facilitated processes, negotiation or a judicial decision) may distract from the more pressing need to address an underlying problem, such as fear of a former partner or a significant mental health or addiction issue.
- *Mistiming of service or intervention*—for example, a parent or child may not be willing to engage with the service offered at the time it is offered; there is a tension between “timely” service delivery and client readiness.
- *Inadequate coordination between service providers*—for example, a court may make orders that require the cooperation of a service or services that are not available at the

time; or the intentions of a court may not be adequately communicated to the service provider(s).

- *Poor quality of service*—for example, because of lack of experience or inadequate training or support, a practitioner may fail to engage adequately with a client or with a family.⁹⁶
- *Unrealistic client expectations*—for example, a client may remain “locked in” to the view that his or her solution to the problem is the only acceptable solution.

The services and interventions most often rated as “not at all helpful” were FRCs and the courts, while lawyers and unspecified legal services were least often placed in this category. Again the reasons for the differences can only be speculated upon. For example, they may to some extent be a reflection of the relatively well-defined role of lawyers who, while guided by the best interests of the child, act as advocates for the parent. Courts, on the other hand, are required to balance competing claims—often, as the data reveal, between members of a family in which at least one person is exhibiting dysfunctional behaviours. Decisions reached directly by courts or negotiated in the shadow of court processes may therefore not necessarily satisfy each, or even, either parent. Or in the event of a significant adverse finding against one parent, that parent may feel especially dissatisfied.

As noted in Chapter 4, as the first “port of call” for many parents in dispute over their children, FRCs have a complex educative and triage task to perform, which may involve consideration of referral to other services or interventions and may include an assessment that FDR is not a viable option. These are delicate processes, made more potentially complex by the fact that attendance at FRCs is voluntary. The assessment component of FRC interventions mean that in at least some cases, family members may need to assess or reassess the consequences of their past behaviours. They may learn, for example, that the conflict and sometimes the violence/abuse that preceded and/or continued past their separation is likely to be having a detrimental effect on their children. Some parents may need to confront the fact that while separation might resolve a number of problems, as Parkinson (2013) has pointed out, it raises a range of others.

9.3 Evolving parenting arrangements

The data exploring how parents sort out their arrangements point to the ongoing nature of decision-making about children following parental separation. A first level of analysis shows that a little under three-quarters of parents reported they had sorted out their parenting arrangements in Wave 1 and a little over three-quarters had done so in Wave 2. By Wave 3, however, this had dropped to a little over two parents in three.

“Sorting out” parenting arrangements is a more dynamic process than the cross-sectional figures might at first suggest. For example, three-quarters of those parents who said they had sorted out parenting arrangements in Wave 1 were still in this category in Wave 3. Overall, about one-half of parents reported having sorted out parenting arrangements in all three waves.

On the other hand, of those who were in the process of sorting out matters and for those for whom nothing was sorted in Wave 1, a small majority reported having sorted out matters by Wave 3. About 8% of all parents reported at all three waves that nothing had been sorted out. But only about half of this group indicated that there had never been agreements about parenting at any time after separating.

The changeability of arrangements demonstrated by these data points to the importance of understanding the pathways used to develop and continue to develop parenting arrangements after separation. In each wave, discussions between parents themselves or feeling that “it just happened” were easily the two most common main pathways for parents who had sorted out or were in the process of sorting out arrangements. The next most common main pathway was counselling, mediation or dispute resolution, followed by lawyers and then courts. Nomination of lawyers as the main pathway increased marginally with each wave. Nomination of counselling, mediation or dispute resolution and of courts was lowest at Wave 1 and highest at Wave 2 and in between at Wave 3.

⁹⁶ The AIFS evaluation of the 2006 reforms (Kaspiew et al., 2009) included a client survey providing both positive and negative experiences of FDR that appeared to relate to the capacity of the FDR practitioner to engage with family members (pp. 102 & 105).

The data suggest that the longer time it took for parents to first sort out arrangements, the more likely they were to report the use of a professional intervention as their main pathway. Discussions remained the most common main pathway. But between Waves 1 and 3, use of courts accounted for the steepest increase in reported main pathways—though this came off an initial low base. Use of a lawyer as the main pathway more than doubled, while use of counselling, mediation or dispute resolution and “it just happened” increased by a little less than this. Parents who took a longer time to reach parenting agreements were also more likely to have ongoing family violence/abuse and safety concerns.

Among the challenges embedded in these data are those of the timing and coordination of services and professional interventions. Two key questions in this regard are: To what extent would earlier and/or more intensive interventions have assisted those parents who continued to struggle to resolve matters at Wave 3? And to what extent would these families have been assisted by a more coordinated approach between the different forms of intervention?

Although these are important questions, it should be recognised that family law services and interventions “work” for a solid majority of their clients. Thus, at least four out of five mothers and fathers who had sorted out arrangements agreed or strongly agreed at each wave that the process they had used worked for themselves, their child and the other parent; the result was as expected; they and their former partner had had an opportunity to put their side of the dispute forward; and their child’s needs had been adequately considered.

9.4 Service use: Complex families and protracted processes

In each wave, about four in every ten parents who attempted FDR reached agreement as a direct result of the FDR process itself. Tellingly, however, s 60I certificates were issued to a little over two in ten parents in Wave 1, a little over three in ten parents in Wave 2 and a little over four in ten parents in Wave 3. Thus, the FDR data add support to an emerging hypothesis of increasing case complexity over time.

Not unexpectedly, over the three waves, the proportion of parents who attempted FDR reduced—from a little under a third in Wave 1 to less than one in seven in Wave 3. The proportion using FRCs for the purpose of FDR increased over the three waves from about two in every three to about three in every four parents, suggesting that over time, FRCs are taking on an increasingly challenging caseload.

The dynamic nature of post-separation parenting can also be seen in the FDR data. For example, of those parents who had reached agreement in Wave 1, just over half reported that parenting arrangements had remained sorted out at all three waves, while a little more than a quarter said things had been sorted out in two waves and a little over one in eight reported that things were sorted out in one wave only. Relatively few (7%) who had reached agreement in Wave 1 said that nothing had been sorted out at all three waves. Importantly, the pattern of “sorting thing out” for those who did not reach agreement but who were not issued with a certificate was fairly similar to that reported by those who had reached agreement. Those issued with a certificate, however, were considerably less likely to have sorted things out and twice as likely to have sorted out nothing in all three waves.

These data suggest that rather than being seen as a “one-off” intervention aimed at reaching agreement, FDR might often be more appropriately viewed as a catalyst for the shaping of present and future arrangements.⁹⁷ The data also suggest that the certificate system is broadly succeeding in discriminating between cases capable of being resolved through mediation and/or further discussion, and cases that need more structured or more intensive input. However, the prevalence of not-sorted arrangements among those issued with a certificate suggests that the next steps for those parents may not be readily identifiable, accessible or available.

That said, it is also clear that family violence/abuse is “core business” for family relationship services, lawyers and courts attempting to assist couples who are in dispute about their children.

⁹⁷ This suggestion fits with the evidence from Emery (2012), who has conducted one of the few longitudinal controlled studies of the effects of family mediation.

Of those who reached agreement at FDR, fewer than one in six reported no experience of violence/abuse at any of the three interviews. Of those who were not issued with a certificate (despite not reaching agreement), only about one in ten reported no experience of violence/abuse at any of the three interviews, while of those who were issued with a certificate only 2% gave this same report.

The data about parents' safety concerns is perhaps even more telling. Of those who reached agreement at FDR, a majority expressed no safety concerns at any of the three interviews. Of those not issued with a certificate (despite not reaching agreement), a similar majority expressed no safety concerns at any of the three interviews. Of those parents who were issued with a certificate, however, only a minority expressed no safety concerns at any of the three interviews.

After some five years of separation, the "big picture" regarding the resolution of disputes over children is that more than two-thirds of parents reported that parenting issues had been sorted out and about one in five said that they were in the process of sorting things out. At the same time, only about half of all parents reported at all three interviews that things had been sorted out. Significantly too, among those parents who reported at Wave 3 that things had been sorted out, there is evidence that a large minority had changed their arrangements between waves. The importance of this finding is that from the point of view of the welfare of their children, many former couples need to have the capacity to continue to negotiate parenting arrangements in a positive or at least non-destructive manner.

It is clear, however, that some separated couples are unable to achieve this objective. Analysis of the service use data in general and FDR data in particular reinforces the point that there remains a sub-group of families with multiple indicators of complexity (conflicted and fearful relationships, safety concerns, family violence/abuse, etc.), who continue to experience difficulties well into the post-separation period covered by this research.

Taken as a whole, these findings stand in some contrast to the "clean break principle" that has sometimes been encouraged with respect to the resolution of post-separation financial issues (see critique by Harrison, 1988), and in contrast to suggestions that "final agreements" or "final orders"⁹⁸ regarding parenting should be the aim in most cases. Rather, analysis of the three waves of data confirms that for a significant percentage of separated parents, the parenting "ties that bind" (see Parkinson, 2013), are reflected in the frequent need to reassess and readjust arrangements regarding the children.

Perhaps this finding is unremarkable when considered against the many adjustments commonly negotiated between parents in "intact" families. It is unclear from the data, however, how much of the changeability simply reflects the need for parents to negotiate new arrangements as circumstances change and as children develop; or how much is driven mainly by more deep-seated conflict or a chronic inability to settle on a workable parenting arrangement. Either way, the data make it clear that by far the most common reason for seeking help during the third and fourth years of separation was to sort out parenting arrangements; and the most common service used to attempt to achieve this was a Family Relationship Centre.

Ultimately, just as in "intact" families, child-responsive parenting requires ongoing adjustments, and ongoing adjustments require negotiation. That being the case, the aim of family law interventions in parenting disputes should include not only resolving the problem at hand, but also assisting those parents not disqualified as a result of dangerous or unacceptable behaviours, to find ways of working cooperatively into the future. This can be a challenging task for families with complex dynamics, at least some of whom are likely to need help from ongoing services and interventions. The question of which services and interventions are most likely to minimise ongoing disputes and best serve both the children and parents in these families is best answered by ongoing examination of longitudinal data.

That said, it is becoming increasingly clear that as time passes, effective management of the more problematic parenting issues is likely to require sophisticated interventions able to respond

⁹⁸ The term "final orders" continues to be employed as a descriptor for a category of financial and children's cases heard by the Family Court of Australia and the Federal Magistrates (now Federal Circuit) Court (see the most recent annual reports of both courts). Though the use of this terminology reflects certain legal realities, there is a risk that in children's cases it may create an impression that the arrangements ordered will continue to be in their best interests.

to the ways in which difficult and dysfunctional relationships continue to affect externally driven developments such as re-partnering and changes in financial circumstances. Psycho-educational input, FDR and other forms of “mediation”, a range of therapeutic responses (see Smyth & Moloney, 2003), responsible advocacy, and assistance from legal and judicial sources will continue to be needed for these families, who are relatively small in number but are resource-intensive.

In addition, initiatives such as the Better Partnerships Program (Moloney, Kaspiw, De Maio, & Deblaquiere, 2013), the Coordinated Family Dispute Resolution pilot (Kaspiw et al., 2012), collaborative law, less adversarial trials and less adversarial legal processes, all contain acknowledgements that a key challenge with respect to dealing with families at this end of the spectrum is one of coordination. For these parents and their children, it is increasingly clear that no single discipline and no single pathway can be said to hold the key.

9.5 Care-time arrangements

Some of the key social forces driving these changes and prompting such a legislative response, have been considered by Moloney, Weston, and Hayes (2013). The LSSF data provide evidence of the extent of any changes to parenting arrangements over the five-year period since the parents in this cohort separated.

It was found that most children have remained in the care of their mother for the majority of nights or all nights per year in each wave. Such “traditional” care-time arrangements appear to have declined slightly. Around three-quarters of the focus children were in such an arrangement in Wave 3, whereas the proportion of children in shared care time or in paternal care for most and all of the time increased slightly. Care time entailing children seeing their father during the daytime only appeared to change the most—over one in five children appeared to see their father during the daytime only in Wave 1; but this applied to only one in ten in Wave 3.

Consistent with reports based on the first two waves, care-time arrangements varied according to children’s age at Wave 3. Shared care time was more prevalent for children of primary and early secondary school age than younger and older children. It was not common for children across all age groups to be in the care of their father for most or all of the time. Nevertheless, this arrangement was more prevalent for older children than younger children.

The longitudinal nature of the study allows analysis of the extent and direction of changes of care-time arrangements. Analysis of the arrangements for those children who were still under 18 at Wave 3 revealed a modest shift towards more time in paternal care. Again, however, the longitudinal nature of the study pointed to the dynamic nature of post-separation processes. For example, one in ten children both increased and decreased time spent in the care of their fathers during this period.

Not surprisingly, in view of findings noted earlier in this chapter, change in care-time arrangements was influenced by the dynamics of inter-parental relationships and the experience of violence/abuse and safety concerns. Parents with improved relationships were more likely than other parents to report increases in paternal care time. This pattern was consistent in both fathers’ and mothers’ reports. Positive relationships in all three waves appeared to encourage increased paternal care time rather than increased maternal time. Care time was also more stable for this group. In turn, care-time arrangements were more likely to be subject to change if parents indicated experiencing violence/abuse before or during separation and after separation or reported ongoing safety concerns.

The findings suggest that fluidity of care-time arrangements is a normal experience for a considerable number of separated families. As noted above, while some of this fluidity will no doubt be accounted for by normal changed circumstances and children’s ongoing developmental needs, there is also a link between altered care-time arrangements and a history of difficult or dysfunctional family dynamics and concerns about safety.

Thus, as time passes, we can expect families with these more challenging characteristics to be the most common ongoing users of family relationship services, lawyers and courts—the most common reason for accessing such professional assistance being that of negotiating or re-negotiating parenting arrangements. For children, therefore, the key stressor is unlikely

to be that of changed arrangements per se. Indeed the evidence is that many of the care-time changes are relatively modest. Rather, the key stressor is more likely to be linked to the motivation to make such changes. Children are likely to suffer when the pressure to change care arrangements is primarily driven not by a focus on their needs, but by problem-saturated parental relationships.

9.6 Property division

For the first time in more than a decade, Wave 3 provided the opportunity to examine post-separation property arrangements on a systematic quantitative basis. A spread of wealth levels is evident within the sample, with one-fifth of parents reporting having nothing to divide, nearly one-fifth reporting a low level of assets (under \$40,000) and one in ten parents reporting a high level of assets (\$500,000 or more). Parents who separated from marriage had greater wealth levels than those who separated from cohabitation.

Resolution of property arrangements was the norm for most parents (where there was property to divide) by Wave 3. Nearly a quarter said these matters were resolved on separation and a fifth said the division had been concluded in less than 12 months. For smaller proportions of the sample, these issues took longer to resolve, with about a quarter indicating resolution occurred within two years, 17% taking two to three years and 13% taking more than three years. Longer resolution timeframes were associated with higher asset levels, debts outweighing assets and the use of formal pathways, including lawyers and courts.

As with other areas examined in this study, difficult relationship dynamics, including a history of family violence/abuse, impinge on the resolution of property matters. A reported history of emotional abuse or physical hurt is associated with a lower share of property division and a greater likelihood of experiencing a sense of unfairness.

As with parenting arrangements, a substantial number of parents indicated that they had worked out their property division through discussions (two in five) or without using any specific mechanism (one-fifth). These proportions were lower for property settlements than for parenting arrangements and some significant differences were evident in the use of other sources of assistance for property compared with parenting. The use of courts is not dissimilar for parenting and property, but lawyers are used much more, and mediation much less for the resolution of property issues. Findings concerning the connection between relative shares of property and parenting arrangements confirm the connection between property and financial issues, but it is also clear that for many parents, arrangements for these issues are worked out using processes that have little or no formal connection with each other. Using such seemingly disconnected processes raises the question about how well-informed parents are about the implications of the decisions they are making in relation to each kind of post-separation arrangement.

Accounting for a response bias evident in this (and other previous research), the most common division reported was a share for the mother of between 40–59%. About a quarter of parents reported a higher share for the mother of between 60% and 79%. On average, it appears that property division favours mothers. The main factors associated with a less favourable property division for mothers were: separating from a cohabiting relationship; shorter relationships (less than five years); and having the children for a minority of nights or no nights in her care. For both mothers and fathers, being the initiator of the separation and/or the party who left the home was associated with a lower share.

The majority of parents considered the property division was fair, both at the time it was finalised and at the time they were interviewed at Wave 3. Significant minorities, however, considered it was unfair; for example, just over a third of parents said it was unfair taking a retrospective view. Fathers were somewhat more likely to express a view of unfairness than mothers. Parents who left the house were less likely to consider their property division unfair, as were parents whose relationship had lasted less than five years.

The analysis recognises a significantly subjective component linked to the question of fairness. Qualitative insights into factors influencing perceptions of unfairness include the relative proportions involved in the division and the way in which certain types of contributions to

the relationship were recognised or not recognised in the division. Other issues raised in connection with fairness concerned the way the system operated, including costs, time taken and the ability to address dishonesty and the circumstances surrounding the breakdown of the relationship.

9.7 Child support

A key indicator of the extent to which parents are willing and able to focus on the needs of the child is that of compliance with child support which, when there is a requirement to pay, remained overwhelmingly the responsibility of the father across the three waves. Parents typically reported that payments were most often made in full and on time. This was followed by payments being made in full but not on time and then by payments being made neither in full nor always on time. The least likely outcome was that payments were made on time but not in full.

Payees were less likely than payers to report full compliance, and unlike payers, the proportion reporting full compliance was lower in Waves 2 and 3 than in Wave 1, suggesting that over time, full compliance rates fell.

In line with findings linking family violence/abuse to a range of negative outcomes, mother and father payees who reported such experiences were less likely to report that they received child support both in full and on time. However, there was no apparent link between payment compliance and whether payers themselves had experienced violence/abuse.

With one exception, at least half of the parents in all groups said that the child support amount was very or somewhat fair. The proportions of father and mother payers who provided favourable evaluations of fairness decreased progressively across the survey waves.

Although there was substantial agreement from payers, and very high levels of agreement from the payees that payment amounts were affordable, nearly half the father payers and over one-third of mother payers thought that the amount they were paying was more than their children needed. A substantial proportion of receiving parents (mother payees and father payees) believed that the former partner held this view.

Around two in five father and mother payers agreed that there was resentment with respect to paying because they had no say in how the money was spent. Payers, to the similar extent, also agreed that there was resentment with respect to paying given the amount of time they spent with their child.

Of some concern was the finding that a little under half of father and mother payees believed their former partners would prefer not to pay in order to make their (the receiving parent's) life difficult. Although the prevalence of this finding might have been influenced by a possible priming effect (each of the two previous questions had asked whether the parent's former partner might resent paying child support), this and the above findings serve as a reminder that disputes about how money is spent can put considerable strain on relationships.

In framing their exploratory paper on negotiation options around child support, Moloney, Smyth, and Fraser (2010) observed that “money matters can come between otherwise caring and competent parents, with potentially serious and long lasting consequences for children” (p. 34). Other authors have suggested that the propensity for resentment and possible misreading of motivations is likely to be increased as a result of the sheer complexity of the child support formula. As Smyth and Henman (2010) observed, “child support policy is in a complex interrelationship with social security and tax policy, making formulation and refinement somewhat akin to the behaviour of an unsolvable Rubick's Cube, but with potentially serious real world consequences for families” (p. 67).

Broadly speaking, the data demonstrate that child support is seen to be largely affordable, with the most common response being full compliance with the requirement. The data also suggest, however, that for a considerable number of parents, the “devil” may be in the complexity of the detail. Once again, the data reveal a clear affiliation between propensity for resentment about paying and the quality of the post-separation relationship. Arriving at a formula that is seen and understood by all to be transparent and just is likely to remain an ongoing challenge.

Nevertheless, quality of adult relationships can be seen as a key variable in understanding post-separation conflict and grievances and their multiple sequelae.

9.8 Child wellbeing

Despite such difficulties, across all three survey waves, parents in general provided favourable assessments of their child's wellbeing across all areas examined. These covered general health, learning, peer relationships and a global assessment of general developmental progress (i.e., how well their child was doing in most areas of his or her life), as well as additional measures of socio-emotional development in the two later waves.

Analysis of the extent to which parents' assessments of their child's wellbeing had changed (and the direction of the changes) in the four years between Waves 1 and 3, revealed that few parents provided unfavourable assessments on both occasions. This trend was apparent in all measures examined. Where parents' assessments had changed between Waves 1 and 3, the change was more likely to suggest improved wellbeing rather than worsened wellbeing.

As in the past, the data suggest no strong link between care-time arrangements and children's wellbeing. Parents in all care-time arrangements tended to provide favourable assessments. Although views of fathers who had minority care time appeared to be less favourable, the differences were relatively small. In addition, there was no apparent link between change in children's overall wellbeing and change in care-time arrangement according to mothers' reports. Fathers' reports suggest a weak link between change in their assessments of their child's wellbeing and change in care-time arrangements, with consistently high or improved wellbeing being associated with increased time with children in their father's care.

As with other findings, changes in children's wellbeing between Waves 1 and 3 were associated with changes in family dynamics, including experiencing violence/abuse, having any safety concerns and the quality of inter-parental relationships. Consistently high or improved child wellbeing was more likely to be reported by parents who in either wave had not experienced violence/abuse or held any safety concerns, and consistently reported positive inter-parental relationships. On the other hand, consistently low or worsened child wellbeing was more likely to be reported by parents who reported experiencing violence/abuse, holding safety concerns, or had negative inter-parental relationships in both waves, compared with reports of other parents.

On the whole, these findings paint a positive picture of how well most children in the LSSF sample are faring. Though the broader literature suggests a tendency for parents to underestimate their children's difficulties, the findings are generally heartening. Expanding further on the themes emerging generally, however, the findings also highlight the implications of some of the negative patterns evidenced in this longitudinal research program. Children who live in families affected by violence or abuse and/or where safety concerns are relevant and/or when inter-parental relationships are negative are likely to be experiencing compromised development, particularly when these conditions are sustained over time.

9.9 Concluding thoughts

The main findings in this report, encapsulated in the observation in the preceding paragraph, are supportive of the work of existing services and intervention strategies, but also highlight ongoing challenges with respect to the delivery and management of more intensively focused and more coordinated professional interventions. Clearly some of the problems experienced by these families are associated with normal readjustment. If the problem goes beyond this (and the data suggest that when families continue to seek professional help this is increasingly likely to be the case), to what extent should the interventions be facilitative, educational, therapeutic, advisory or judicial in nature? And perhaps most importantly, can these elements of the family law system find increasingly effective ways of bringing their individual perspectives and strengths to bear on these families' presenting problems?

A focus on more collaborative and cross-disciplinary approaches to service delivery and to legal and judicial interventions raises a range of issues. In a recent presentation, Hayes, Hollonds, and

Gleeson (2012) posed the obvious question: How can we ask separating parents to collaborate in the interests of their children unless we are also prepared to collaborate? The presentation by Hayes and his colleagues provides a case example of lawyer/social worker cooperation within a Family Relationship Centre in which each of the professionals adhered clearly to their roles but within the context of a cooperative framework. While promoting the model, the authors noted some of the systemic stumbling blocks that must be addressed and ultimately overcome—problems such as differing perspectives on confidentiality and conflicts of interests.

Such issues, as well as a range of other inter-professional complexities, are highlighted in evaluations of the Better Partnerships Program (Moloney et al., 2011; 2013) and the Coordinated Family Dispute Resolution Pilot (Kaspiew et al., 2012) noted earlier. The latter program was squarely targeted at the families that this report identifies as being in need of intensive and sustained assistance from the family law system—those affected by complex dynamics, including a reported history of family violence/abuse and ongoing safety concerns. The evaluation of this program evidenced the value placed by clients on obtaining support from services based in the family violence sector, especially in the context of attempting to apply FDR processes where there has been a history of family violence. At the same time, the report also documented the difficulties that can arise in intensive inter-disciplinary engagement between different agencies with differing traditions and philosophies attempting to provide a holistic service for complex families.

Notwithstanding such difficulties, evidence in the present report of sustained problems experienced by some families at the expense of the wellbeing of children and parents reinforces the need for service models developed specifically to address their multiple needs. For example, there are signs of a growing interest in cross-sector initiatives in Australia in those cases in which individuals (and their families) require clear guidelines by way of court orders that are supported by intensive engagement with service-based interventions (Wilson, 2013).

The following excerpt from a United States judgment (cited in Johnston, Roseby, & Kuehnle 2009) speaks to one situation likely to be considerably enhanced by cooperative cross-sector cooperation:

Mr R, what you have done to your wife is a criminal act under the laws of this state, regardless of what you say she did or said to provoke you, and there are consequences that the Court is bound to impose. What you did is also very harmful to your children, whether they actually witnessed the event or not. Living in a violent home is bad for children. Mr R I hear you when you say that you love your wife and children, that you are sorry for what you did and that you have promised not to do that again. The Court is going to help you keep that promise by doing three things: first, by providing your family with protection until it can be sure that you are no longer a danger, and that you can show you are no longer a danger; secondly by providing you an opportunity to manage your anger better and to resolve conflict in a non-violent way; and third, by providing you and your children a safe place to visit together, where they will not be afraid, and you will be given an opportunity to show that you have a loving relationship with your son and daughter. (p. 27)

A judicial statement such as this sets out clear objectives for the future. The success of those objectives relies on the active engagement of services such as a family violence service and an organisation (such as a contact centre) that can provide a safe location for the children to spend time with their father. It might also require input from others, such as an individual or organisation that can support the mother while simultaneously aiming for safe and responsible parenting arrangements. Moreover, success is more likely to be achieved if these services can work cooperatively with legal representatives and if a mechanism exists for providing feedback to the court if and when that proves to be necessary.

Since the 2006 reforms, it has become increasingly clear that each of the mainstream professions in the family law system has a potentially constructive role to play in helping to untangle the predicaments characterising that group of highly troubled separated families identified in the data. A growing understanding of the needs of these families provided by successive waves of longitudinal data should provide continued incentives for family law professionals, as well as professionals in areas such as mental health, child protection and family violence, to find ways of working together more effectively.

The issues facing some of these families have been shown to be deep-seated; indeed the data demonstrate that some pre-date the decision to separate. But the encouraging news is that the services linked to the 2006 reforms have the potential to assist these parents and their children in ways that were not previously possible. Indeed, the capacity of these services to provide coordinated professional responses has become the envy of highly experienced professionals in other countries (see Kelly, 2013). Continued development of that capacity relies on an ongoing commitment to gathering good-quality data and to support services and interventions that match the needs of these families.

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Appendices

Appendix A: Family dynamics

Table A1: Perceived quality of inter-parental relationships, by sample and gender, Wave 3

Quality of inter-parental relationship	Fathers		Mothers	
	Continuing (%)	Top-up ** (%)	Continuing (%)	Top-up *** (%)
Friendly	29.8	27.7	28.7	26.6
Cooperative	30.4	31.6	27.9	29.2
Distant	26.6	26.1	28.1	24.1
Lots of conflict	9.7	12.7	10.1	14.9
Fearful	3.5	1.9	5.3	5.3
Total	100.0	100.0	100.0	100.0
No. of participants	2,621	1,788	2,750	1,399

Notes: Data have been weighted. Percentages may not total 100.0% due to rounding. Statistically significant differences between quality of inter-parental relationship and sample are noted (** $p < .01$; *** $p < .001$).

Table A2: Perceived quality of inter-parental relationships reported, by gender and wave, continuing sample

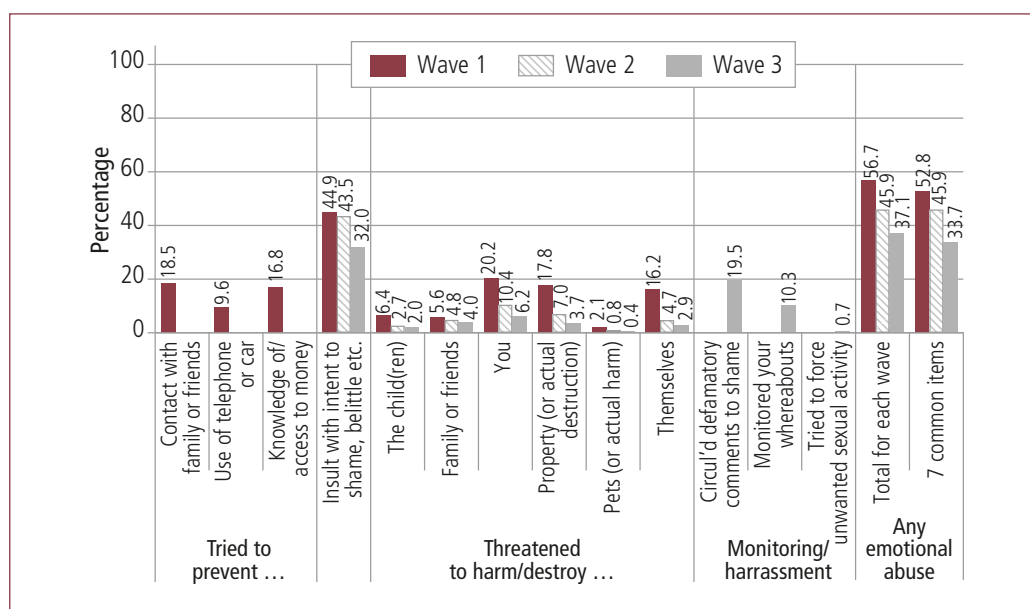
	Wave 1 (%)	Wave 2 (%)	Wave 3 (%)
Fathers			
Friendly	35.5	32.3	33.9
Cooperative	30.3	28.3	29.3
Distant	18.9	20.3	19.6
Lots of conflict	12.9	13.5	13.2
Fearful	2.4	5.6	4.0
Total	100.0	100.0	100.0
Mothers			
Friendly	32.2	28.0	30.1
Cooperative	30.6	28.9	29.7
Distant	21.9	23.5	22.7
Lots of conflict	12.2	13.4	12.8
Fearful	3.0	6.2	4.7
Total	100.0	100.0	100.0
All parents			
Friendly	30.7	28.8	29.7
Cooperative	31.4	28.9	30.1
Distant	25.4	27.9	26.7
Lots of conflict	9.3	9.1	9.2
Fearful	3.3	5.4	4.4
Total	100.0	100.0	100.0
No. of participants	2,086	2,203	4,289

Notes: Data have been weighted. Reports of the small number of parents who did not respond to the questions in one or more waves were omitted. Percentages may not total 100.0% due to rounding.

Table A3: Frequency of inter-parental communication, by wave and gender, continuing sample

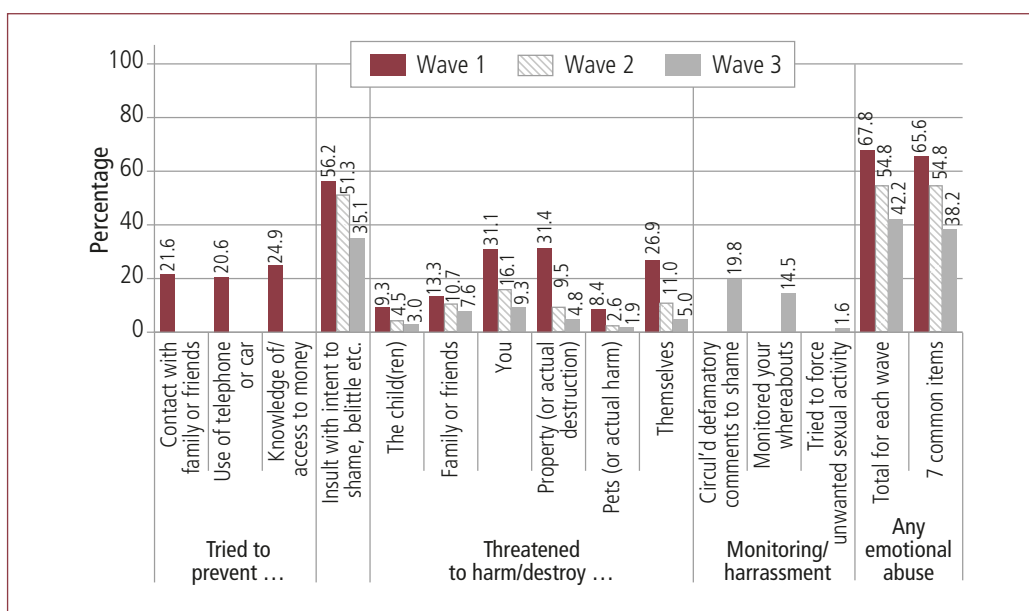
	Fathers			Mothers		
	Wave 1 (%)	Wave 2 (%)	Wave 3 (%)	Wave 1 (%)	Wave 2 (%)	Wave 3 (%)
Daily/a few times a week	41.6	31.0	22.9	35.8	23.4	17.1
At least once a week	27.0	29.1	25.4	26.1	24.3	20.1
At least once a fortnight	12.5	11.6	16.0	12.0	14.6	15.4
At least once a month	6.8	10.1	11.9	8.6	11.8	11.9
Less often	6.5	10.1	13.1	10.3	13.9	19.7
Never	5.6	8.1	10.7	7.3	12.1	15.8
Total	100.0	100.0	100.0	100.0	100.0	100.0
No. of participants	2,111	2,111	2,111	2,271	2,271	2,271

Notes: Data have been weighted. A small number of parents with missing information on the frequency of communication for at least one wave have been excluded from the analysis. Percentages may not total 100.0% due to rounding.



Notes: Data have been weighted. Wave 1 tapped experiences occurring either before or during separation, while Waves 2 and 3 tapped experiences occurring in the 12 months prior to interview.

Figure A1: Fathers who reported experiencing various forms of emotional abuse, by wave, continuing sample



Notes: Data have been weighted. Wave 1 tapped experiences occurring either before or during separation, while Waves 2 and 3 tapped experiences occurring in the 12 months prior to interview.

Figure A2: Mothers who reported experiencing various forms of emotional abuse, by wave, continuing sample

Table A4: Reports of experience of physical hurt and/or emotional abuse (7 common emotional abuse items), by gender and wave, continuing sample

	Wave 1			Wave 2			Wave 3		
	Fathers (%)	Mothers *** (%)	All (%)	Fathers (%)	Mothers *** (%)	All (%)	Fathers (%)	Mothers *** (%)	All (%)
Physical hurt	16.3	24.7	20.6	3.1	5.2	4.2	1.3	2.2	1.8
Emotional abuse alone	34.5	38.9	36.8	41.2	49.2	45.4	32.6	36.1	34.4
Neither	49.3	36.4	42.6	55.7	45.6	50.5	66.1	61.7	63.8
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
No. of participants	2,146	2,310	4,456	2,146	2,310	4,456	2,146	2,310	4,456

Notes: Data have been weighted. See Table 3.3 for common items on emotional abuse. The timeframe in Wave 1 referred to before or during separation and the reference time was in the last 12 months in Waves 2 and 3. Items of emotional abuse differed across waves, with seven being common through the three waves. A small number of parents who participated in all three waves were excluded from the analysis due to missing information on family violence in one or more waves. Percentages may not total 100.0% due to rounding. Statistically significant relationships between experiences of violence/abuse and gender are noted (***) $p < .001$.

Table A5: Reports of current safety concerns and attempts to limit the child's contact with the other parent, by sample and parent gender, Wave 3

	Fathers		Mothers	
	Continuing (%)	Top-up (%)	Continuing (%)	Top-up (%)
Yes, concerns	13.0	12.5	17.6	19.3
<i>for both self and child</i>	2.1	2.6	7.2	7.7
<i>for self</i>	1.5	1.3	2.1	3.2
<i>for child</i>	9.5	8.5	8.3	8.4
No concerns ^a	87.0	87.5	82.4	80.7
Total	100.0	100.0	100.0	100.0
Of those who had concerns: % attempted to limit child's contact with other parent	48.2	33.8 **	71.9	63.4 *
No. of participants	2,556	1,819	2,716	1,425

Notes: Data have been weighted. ^a Respondents who were classified as having "No concerns" include those who said that the issue was not applicable because they had no contact. A small number of parents didn't know or declined to answer the question on safety concerns, and a small number of parents with safety concerns either declined to indicate whether they had attempted to limit the child's contact or expressed uncertainty about this issue. These parents were excluded from the respective analyses. Percentages may not total 100.0% due to rounding. Statistically significant relationships between attempting to limit contact and sample are noted (* $p < .05$; ** $p < .01$).

Table A6: Reports of current safety concerns and attempts to limit the child's contact with the other parent, by parent gender and wave, continuing sample

	Wave 1			Wave 2			Wave 3		
	Fathers (%)	Mothers *** (%)	All (%)	Fathers (%)	Mothers *** (%)	All (%)	Fathers (%)	Mothers *** (%)	All (%)
Yes	15.7	21.9	18.9	14.0	21.0	17.6	12.7	17.1	14.9
<i>for both self & child</i>	3.1	7.7	5.5	2.9	8.5	5.8	2.3	7.6	5.0
<i>for self</i>	1.3	3.6	2.5	1.6	3.2	2.4	1.4	2.1	1.7
<i>for child</i>	11.3	10.6	10.9	9.5	9.3	9.4	9.0	7.4	8.2
No concerns ^a	84.3	78.1	81.1	86.0	79.0	82.4	87.3	82.9	85.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Of those who had concerns: % attempted to limit child's contact with other parent	24.2	45.8	32.2	34.2	61.7	51.1	48.7	71.1	61.8
No. of participants	2,049	2,209	4,258	2,049	2,209	4,258	2,049	2,209	4,258

Notes: Data have been weighted. Excludes a small number of parents who did not know or declined to answer the question on safety concerns in at least one wave. ^a Respondents whose child never saw one parent are here deemed to have no safety concerns regarding ongoing contact. Percentages may not total 100% due to rounding. Statistically significant relationships between both gender and expression of safety concerns, as well as gender and attempts to limit the child's contact with the other parent across survey waves are noted (***) $p < .001$.

Appendix B: Family law pathways

Table B1: Use of services in the previous two years for parenting arrangements or additional issues relating to child's other parent, by sample and parent gender, Wave 3

Service	Fathers		Mothers	
	Continuing (%)	Top-up (%)	Continuing (%)	Top-up (%)
Mediation or dispute resolution service	21.5	25.6	20.1	28.3
Domestic violence service	1.6	1.3	4.6	6.1
Lawyer	17.9	24.8	18.2	25.7
Legal service	11.8	13.5	15.9	19.0
Courts	12.7	16.7	12.3	16.4
Other	1.5	2.0	1.7	2.5
Didn't use any of these services	68.7	61.4	66.9	58.2
No. of participants	2,681	1,830	2,823	1,435
Used two or more services	13.4	14.9	13.5	14.0

Notes: Data have been weighted. Excludes a small number of parents who didn't answer the question. Multiple responses were allowed for services used, therefore percentages may exceed 100%.

Table B2: Types of legal services used by parents who used dispute resolution service, lawyer or legal services in past 2 years, by sample and gender, Wave 3

	Fathers		Mothers	
	Continuing (%)	Top-up (%)	Continuing (%)	Top-up (%)
Family relationship centre	46.6	45.0	35.4	43.4
Legal aid commission	20.2	16.5	27.4	25.7
Community legal centre	9.6	6.8	12.6	10.1
Women's legal centre	0.2	0.2	7.0	6.5
ATSI legal service	1.4	0.3	0.3	0.7
Other	1.7	4.2	4.2	4.6
None of these services	39.8	44.1	39.6	40.9
No. of participants	728	701	887	600
Used at least two types of services	15.5	13.3	19.4	23.3

Notes: Data have been weighted. Excludes a small number of parents who didn't answer the question. Multiple responses were allowed for services used, therefore percentages may exceed 100%.

Table B3: Whether parenting arrangements had been sorted out, by sample and gender, Wave 3

Sorted out or not	Fathers		Mothers	
	Continuing (%)	Top-up (%)	Continuing (%)	Top-up *** (%)
Sorted out	64.2	66.5	71.0	70.5
In process	21.7	18.8	16.1	20.5
Nothing sorted out	14.1	14.7	13.0	9.1
Total	100.0	100.0	100.0	100.0
No. of participants	2,635	1,803	2,758	1,401

Notes: Data have been weighted. Percentages may not total 100.0% due to rounding. A statistically significant relationship between status of parenting arrangements and sample for mothers is noted (***) $p < .001$.

Table B4: Whether parenting arrangements had been sorted out, by gender and wave, continuing sample

Status of sorting out	Wave 1			Wave 2			Wave 3		
	Fathers (%)	Mothers *** (%)	All (%)	Fathers (%)	Mothers *** (%)	All (%)	Fathers (%)	Mothers *** (%)	All (%)
Sorted out	71.2	72.5	71.9	77.1	77.3	77.2	65.5	71.9	68.8
In process	21.5	17.7	19.5	15.9	11.9	13.8	22.5	15.9	19.1
Nothing sorted out	7.3	9.8	8.6	7.0	10.9	9.0	12.1	12.2	12.2
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
No. of participants	2,123	2,234	4,357	2,123	2,234	4,357	2,123	2,234	4,357

Notes: Data have been weighted. Parents are not the same across the three waves. In Wave 2, parents whose children had overnight care with each parent and who reported no change in care-time arrangements were not asked whether their parenting arrangement had been sorted out, and they were considered as being sorted out. Excludes parents with missing information on this for one or more waves. Percentages may not total 100.0% due to rounding. Statistically significant relationships between status of parenting arrangements and gender are noted (***) $p < .001$.

Table B5: Main pathways for parenting arrangements, parents who had sorted out or were in the process of sorting out, by sample and gender, Wave 3

Pathways	Fathers		Mothers	
	Continuing (%)	Top-up (%)	Continuing (%)	Top-up (%)
Mediation or dispute resolution service	10.9	10.3	9.1	11.3
A lawyer	8.5	9.6	8.8	10.1
The courts	9.0	9.2	7.2	7.8
Discussions with Focus partner	53.1	56.0	46.8	49.8
Nothing specific, it just happened	16.6	13.1	25.2	18.9
Study child decided	0.5	0.4	0.6	0.5
Other	1.5	1.5	2.2	1.6
Total	100.0	100.0	100.0	100.0
No. of participants	2,299	1,501	2,429	1,253

Notes: Data have been weighted. Excludes parents who did not know or refused to answer. Percentages may not total 100.0% due to rounding.

Appendix C: Parenting arrangements

Table C1: Care-time arrangements for study child < 18 years, by sample and parents' relationship status at separation, Wave 3

Proportion of nights per year with each parent	Groups	All parents		Married/cohabiting at separation	
		Continuing (%)	Top-up (%)	Continuing (%)	Top-up (%)
Detailed care-time arrangement					
Father never sees	(1)	15.9	11.9	14.5	11.8
Father sees in daytime only	(2)	11.6	8.4	9.2	8.2
87–99% nights with mother (1–13% father)	(3)	15.7	14.6	15.9	14.7
66–86% nights with mother (14–34% father)	(4)	31.7	34.7	31.6	34.6
53–65% nights with mother (35–47% father)	(5)	8.6	11.4	9.3	11.4
48–52% nights with each parent (i.e., equal care time)	(6)	8.1	12.2	9.7	12.4
35–47% nights with mother (53–65% with father)	(7)	1.2	1.6	1.3	1.6
14–34% nights with mother (66–86% with father)	(8)	2.6	2.0	2.8	2.0
1–13% nights with mother (87–99% with father)	(9)	2.0	1.0	2.4	1.0
Mother sees in daytime only	(10)	1.0	0.8	1.3	0.8
Mother never sees	(11)	1.6	1.5	2.0	1.6
Total		100.0	100.0	100.0	100.0
Selected combined care-time groups					
100% nights with mother	(1) +(2)	27.5	20.3	23.7	20.0
Most nights with mother	(3)+(4)	47.3	49.2	47.5	49.3
Shared care time (35–65%)	(5)+(6)+(7)	17.8	25.2	20.3	25.3
Most nights with father	(8)+(9)	4.6	2.9	5.3	3.0
100% nights with father	(10)+(11)	2.7	2.4	3.2	2.4
Total		100.0	100.0	100.0	100.0
Child never sees father or mother	(1)+(11)	17.6	13.4	17.0	13.3
No. of participants		3,771	2,678	3,392	2,651

Notes: Data have been weighted. Children were not the same across the three waves. In each wave, if both parents of a study child were interviewed, the care time provided by one parent was randomly selected. Percentages may not total 100.0% due to rounding.

Table C2: Care-time arrangements for study child < 18 years by Wave 3, by wave, continuing sample

Proportion of nights per year with each parent		Wave 1 (%)	Wave 2 (%)	Wave 3 (%)
Detailed care-time arrangement				
Father never sees	(1)	11.9	13.0	15.8
Father sees in daytime only	(2)	22.4	16.2	11.8
87–99% nights with mother (1–13% father)	(3)	13.6	13.8	14.3
66–86% nights with mother (14–34% father)	(4)	31.3	34.5	32.2
53–65% nights with mother (35–47% father)	(5)	7.6	8.7	8.7
48–52% nights with each parent (i.e., equal care time)	(6)	7.4	7.7	8.6
35–47% nights with mother (53–65% with father)	(7)	1.1	1.2	1.4
14–34% nights with mother (66–86% with father)	(8)	1.8	2.0	2.6
1–13% nights with mother (87–99% with father)	(9)	0.9	1.2	2.0
Mother sees in daytime only	(10)	0.9	0.7	1.1
Mother never sees	(11)	1.1	0.9	1.6
Total		100.0	100.0	100.0
Selected combined care-time groups				
100% nights with mother	(1)+(2)	34.3	29.2	27.6
Most nights with mother	(3)+(4)	44.9	48.3	46.5
Shared care time (35–65%)	(5)+(6)+(7)	16.1	17.7	18.6
Most nights with father	(8)+(9)	2.7	3.3	4.6
100% nights with father	(10)+(11)	2.0	1.6	2.7
Total		100.0	100.0	100.0
Child never sees father or mother	(1)+(11)	11.6	13.4	17.4
No. of participants		2,366	2,366	2,366

Notes: Data have been weighted. The study children were aged 0–13 years in Wave 1, 1–14 years in Wave 2, and 4–17 years in Wave 3. Children were not the same across the three waves. In each wave, if both parents of a study child were interviewed, the care time provided by one parent was randomly selected. Percentages may not total 100.0% due to rounding.

Table C3: Changes across waves in care-time arrangements, fathers' reports, study children < 18 years, continuing sample

	Waves 1 to 2	Waves 2 to 3	Waves 1 to 3
More time with mother—increase by 2+ categories	4.1	8.3	8.9
More time with mother—increase by 1 category	4.6	10.0	9.3
Consistent care-time arrangements across waves	70.3	52.9	44.5
More time with father—increase by 1 category	11.6	15.4	16.7
More time with father—increase by 2+ categories	9.5	13.3	20.7
Total	100.0	100.0	100.0
Summary			
More time with mother	8.7	18.3	18.1
More time with father	21.0	28.7	37.4
Change by 1 category	16.1	25.5	26.0
Change by 2+ categories	13.6	21.6	29.6
No. of participants	1,760	1,760	1,760

Notes: Data have been weighted. Percentages may not total 100.0% due to rounding.

Table C4: Changes across waves in care-time arrangements, mothers' reports, study children < 18 years, continuing sample

	Waves 1 to 2	Waves 2 to 3	Waves 1 to 3
More time with mother—increase by 2+ categories	5.4	8.6	10.4
More time with mother—increase by 1 category	7.9	11.4	14.2
Consistent care-time arrangements across waves	69.9	55.7	46.3
More time with father—increase by 1 category	11.0	15.1	15.3
More time with father—increase by 2+ categories	5.9	9.2	13.9
Total	100.0	100.0	100.0
Summary			
More time with mother	13.2	20.0	24.6
More time with father	16.9	24.3	29.2
Change by 1 category	18.8	26.6	29.5
Change by 2+ categories	11.3	17.8	24.3
No. of participants	1,946	1,946	1,946

Notes: Data have been weighted. Percentages may not total 100.0% due to rounding.

Appendix D: Property division

Table D1: Share of property going to the mother, parents who reached property settlements, by selected characteristics and gender, Wave 3

Selected characteristics	Mean shares received by mother	
	Fathers' reports (%)	Mothers' reports (%)
Level of net assets		
< \$40,000	62.9	52.1
\$40–139,000	64.2	49.5
\$140–290,000	66.3	47.9 *
\$300–490,000	68.2 **	46.1 **
\$500,000+	65.1	46.5 **
Whether had non-basic assets ^a		
No	65.5	49.9
Yes	64.3	45.8 **
Main pathways used for property settlement		
Discussions	62.1	50.7
Mediation or dispute resolution services	64.1	49.5
A lawyer	66.3 **	49.4
The courts	65.4	47.6
Nothing specific, it just happened	70.4 **	47.4
Relationship status at separation		
Married	65.8	49.8
Cohabiting	63.1	46.4 *
Duration of living together		
< 5 years	62.1	46.7
5–9 years	66.0 *	48.4
10–14 years	65.7 *	48.2
15+ years	65.7 *	50.9 *
Who initiated separation		
Male partner	67.1	51.7
Female partner	63.8 **	47.4 **
Joint	64.9	49.8
Who left house at separation		
Male partner	70.8	55.0
Female partner	57.7 ***	40.9 ***
Both left	57.2 ***	48.3
Experience of emotional abuse and physical hurt before/during separation ^b		
None	62.9	50.4
Emotional abuse alone	66.3 **	49.8
Physical hurt	68.1 **	45.7 *
Care-time arrangements in Wave 1 ^c		
100% nights with mother & no nights with father	71.3	51.9
66–99% nights with mother & 1–34% nights with fathers	66.6	48.6
Shared time (35–65% nights with each parent)	60.1 ***	44.1 ***
0–34% nights with mother & 66–100% nights with father	53.5 ***	36.1 ***

Table D1: Share of property going to the mother, parents who reached property settlements, by selected characteristics and gender, Wave 3

Selected characteristics	Mean shares received by mother	
	Fathers' reports (%)	Mothers' reports (%)
Care-time arrangements in Wave 3		
<i>100% nights with mother & no nights with father</i>	70.9	51.5
66–99% nights with mother & 1–34% nights with fathers	67.3	49.7
Shared time (35–65% nights with each parent)	61.3 ***	44.6 ***
0–34% nights with mother & 66–100% nights with father	57.8 ***	39.9 ***
Children's age in Wave 1 (or at separation) ^d		
0–2 years	62.7	48.1
3–4 years	68.2 **	48.5
5–11 years	65.3	49.3
12–14 years	64.9	48.3
15–17 years	65.5	51.5
Child support liability Wave 1 (continuing sample)		
<i>Pay</i>	66.6	41.1
Receive	50.6 **	49.5 *
No liability	61.5	48.6
Child support liability Wave 3		
<i>Pay</i>	66.7	40.9
Receive	56.9 ***	49.3 ***
No liability	62.6 **	48.7 **
Education		
<i>Degree or higher</i>	64.4	48.8
Other post-school qualification	65.6	48.8
No post-school qualification	65.0	48.9
No. of participants ^e	3,236	2,794

Notes: Data have been weighted.^a Non-basic assets refer to investment properties, other investments (e.g., shares), or businesses.

^b In relation to violence/abuse experiences before/during separation, the answers provided by the continuing sample were derived in Wave 1, while those provided by the top-up sample were provided in Wave 3. The questions asked of these groups differed slightly. In Wave 1, parents were asked whether they had experienced emotional abuse before or during their separation, and whether they had been physically hurt before separation. In Wave 3, parents in the top-up sample were asked whether they experienced physical hurt before separation or emotional abuse at the time of separation. ^c For respondents in the top-up sample, this variable referred to their recollections of the care-time arrangements in place at the time of separation.

^d Child's age for the top-up sample was converted to their age in 2008, when Wave 1 took place. ^e The number of parents varied slightly due to missing information for specific characteristics. For each variable, any statistically significant differences between each specific category and the reference category (the first categories, italicised) are noted (* $p < .05$, ** $p < .01$, *** $p < .001$).

Table D2: Property share going to the mothers (OLS regression), parents who reached property settlements, continuing sample, by gender, Wave 3

	Fathers (OLS)	Mothers (OLS)
Level of net assets (ref. = < \$40,000)		
\$40–139,000	2.40	–1.48
\$140–29,000	2.30	–3.45
\$300–49,000	2.73	–4.29
\$50,000+	0.96	–4.88 *
Whether had non–basic assets (ref. = No) ^a		
Yes	–2.01	–4.94 ***
Main pathways used for property settlement (ref. = Discussions)		
Mediation or dispute resolution services	1.49	0.57
A lawyer	2.39	1.11
The courts	2.48	0.25
Nothing specific, it just happened	6.81 ***	–3.60
Relationship status at separation (ref. = Married)		
Cohabiting	–1.35	–4.15 *
Experience of emotional abuse and physical hurt before/during separation (ref. = None) ^b		
Emotional alone	2.14	–1.29
Physical hurt	4.26 **	–2.31
Children's age in W1 (ref. = 0–2 years)		
3–4 years	2.14	0.74
5–11 years	0.08	1.65
12–14 years	–1.23	0.36
15–17 years	1.60	1.17
Duration of living together (ref. = < 5 years)		
5–9 years	1.56	–1.83
10–14 years	4.57	–0.20
15+ years	4.98	3.29
Education (ref. = Degree or higher)		
Other post–school qualification	2.71	–0.85
No post–school qualification	1.79	–1.02
Who left house at separation (ref. = Male partner)		
Female partner	–11.28 ***	–11.19 ***
Both left	–6.01	–3.14
Who initiated separation (ref. = Male partner)		
Female partner	–0.12	1.65
Joint	–0.07	3.66
Child support liability Wave 1 (ref. = Pay)		
Receive	–9.02 ***	1.82
No liability	–1.68	1.06
Care time arrangements in Wave 1 (ref. = 100% nights with mother & no nights with father)		
66–99% nights with mother & 1–34% nights with fathers	–1.58	–2.95 *
Shared time (35–65% nights with each parent)	–6.87 ***	–4.43 *
0–34% nights with mother & 66–100% nights with father	–9.67 ***	–9.97 **
Constant	63.90 ***	59.06 ***
R ² adjusted	0.14	0.09
No. of parents	1,636	1,549

Notes: ^a Data have been weighted. Non-basic assets refer to investment properties, other investments (e.g., shares), or businesses.

^b In relation to violence/abuse experiences before/during separation, the answers provided by the continuing sample were derived in Wave 1, while those provided by the top-up sample were provided in Wave 3. The questions asked of these groups differed slightly. In Wave 1, parents were asked whether they had experienced emotional abuse before or during their separation, and whether they had been physically hurt before separation. In Wave 3, parents in the top-up sample were asked whether they experienced physical hurt before separation or emotional abuse at the time of separation. For each variable, statistically significant differences between each specific category and the reference category are noted (* $p < .05$, ** $p < .01$, *** $p < .001$).

Table D3: Parents reporting that the property division was currently fair (very fair/somewhat fair) for self, by selected characteristics and parent gender, Wave 3

Characteristics	Fathers (%)	Mothers (%)
Shares received by her		
< 20%	82.0 ***	40.5 ***
20–39%	77.2	42.6
40–59%	76.5	68.5
60–79%	49.0	85.2
80–100%	42.8	88.9
Main pathways used for property settlement		
<i>Discussions</i>	75.9 ***	79.2 ***
Mediation or dispute resolution services	56.1	60.4
A lawyer	42.1	59.3
The courts	33.8	41.5
Nothing specific, it just happened	66.2	73.3
Relationship status at separation		
<i>Married</i>	54.0 ***	64.6 *
Cohabiting	71.3	71.9
Duration of living together		
< 5 years	72.6 ***	75.0 *
5–9 years	58.0	66.0
10–14 years	56.4	63.6
15+ years	52.6	63.6
Who initiated separation		
<i>Male partner</i>	57.3 ***	66.5 ***
Female partner	58.0	65.1
Joint	67.4	75.4
Who left house at separation		
<i>Male partner</i>	54.4 ***	73.4 ***
Female partner	65.6	58.5
Both left	71.1	63.8
Experience of emotional abuse and/or physical hurt before/during separation ^a		
<i>None</i>	72.5 ***	83.5 ***
Emotional alone	52.1	63.9
Physical hurt	48.7	56.9
Care-time arrangements in Wave 1 (or at separation)		
<i>100% nights with mother & no nights with father</i>	58.9 *	73.9 ***
66–99% nights with mother & 1–34% nights with father	59.1	69.6
Shared time (35–65% nights with each parent)	60.6	56.9
0–34% nights with mother & 66–100% nights with father	71.7	67.6
Care-time arrangements in Wave 3		
<i>100% nights with mother & no nights with father</i>	53.8 *	67.1 ***
66–99% nights with mother & 1–34% with father	60.9	73.6
Shared time (35–65% nights with each parent)	59.7	60.1
0–34% nights with mother & 66–100% nights with father	66.8	57.2
Child's age in Wave 1 ^b		
<i>0–2 years</i>	71.6 ***	77.2 ***
3–4 years	60.1	65.6
5–11 years	55.4	65.3
12–14 years	51.7	61.9
15–17 years	58.8	61.6

Table D3: Parents reporting that the property division was currently fair (very fair/somewhat fair) for self, by selected characteristics and parent gender, Wave 3

Characteristics	Fathers (%)	Mothers (%)
Child support liability Wave 3		
Pay	59.3	56.7 **
Receive	62.7	69.8
No liability	65.0	65.5
Education		
Degree or higher	53.5 ***	60.9 ***
Other post-school qualification	57.6	67.0
No post-school qualification	66.0	72.3
No. of parents ^c	3,545	3,135

Note: Data have been weighted.^a In relation to violence/abuse experiences before/during separation, the answers provided by the continuing sample were derived in Wave 1, while those provided by the top-up sample were provided in Wave 3. The questions asked of these groups differed slightly. In Wave 1, parents were asked whether they had experienced emotional abuse before or during their separation, and whether they had been physically hurt before separation. In Wave 3, parents in the top-up sample was asked whether they experienced physical hurt before separation or emotional abuse at the time of separation.^b Children's age for the top-up sample was converted to their age in 2008, when Wave 1 took place. ^cThe number of parents varied slightly due to missing data for specific variables. Any statistically significant relationship between a variable and fairness is noted (* $p < .05$, ** $p < .01$, *** $p < .001$).

Appendix E: Child support

Table E1: Child support liability status, study children < 18 years, by sample and parent gender, Wave 3

	Fathers		Mothers	
	Continuing (%)	Top-up (%) *	Continuing (%)	Top-up (%)
Supposed to pay	76.8	80.5	4.3	5.5
Supposed to receive	8.8	6.9	85.0	83.6
Neither pays nor receives	14.5	12.6	10.8	11.0
Total	100.0	100.0	100.0	100.0
No. of participants	2,314	2,524	1,812	1,424

Notes: Data have been weighted. Percentages may not total 100.0% due to rounding. A statistically significant relationship between fathers' liability status and sample is noted (* $p < .05$).

Table E2: Reports of compliance with child support payment, parents with children < 18 years, by sample and payer/payee status, Wave 3

	Father payers		Mother payees	
	Continuing (%)	Top-up (%)	Continuing (%)	Top-up (%) **
Fully complied	72.3	73.8	40.4	44.0
Complied with amount alone	18.6	18.3	27.3	30.5
Complied with timing alone	4.4	3.5	5.8	6.6
Neither	4.8	4.3	26.6	18.9
Total	100.0	100.0	100.0	100.0
No. of parents	1,515	1,257	1,257	981

Notes: Data have been weighted. Percentages may not total 100.0% due to rounding. A statistically significant relationship between compliance categories and sample for mothers is noted (** $p < .01$).

Table E3: Sense of fairness of child support payment for self, parents with study children < 18 years, by payer/payee status and wave, Wave 3

	Wave 1		Wave 2		Wave 3	
	Payers (%)	Payees *** (%)	Payers (%)	Payees *** (%)	Payers (%)	Payees *** (%)
Very fair	27.9	21.7	25.7	20.9	24.9	20.3
Somewhat fair	42.3	36.9	39.7	32.1	36.7	32.8
Somewhat unfair	14.1	17.7	17.1	20.5	18.0	19.0
Very unfair	15.6	23.7	17.4	26.6	20.4	27.9
Total	100.0	100.0	100.0	100.0	100.0	100.0
No. of participants	3,812	4,033	2,484	3,012	3,306	3,531

Notes: Data have been weighted. Percentages may not total 100.0% due to rounding. Statistically significant relationships between reports of fairness and liability status are noted (***) $p < .001$.

Appendix F: Child wellbeing

Table F1: Study child's wellbeing, by parent gender and sample, Wave 3

	Fathers		Mothers	
	Continuing (%)	Top-up (%)	Continuing (%)	Top-up (%)
General health				
Excellent	49.1	50.4 *	59.6	60.9
Very good	30.1	25.7	25.5	22.7
Good	14.9	17.6	10.9	12.1
Fair	3.8	4.9	2.9	3.6
Poor	2.1	1.4	1.1	0.8
Total	100.0	100.0	100.0	100.0
No. of participants	2,554	1,737	2,820	1,422
Learning compared with other same-age children				
Much/somewhat better	51.3	52.7	50.2	53.4
About the same	39.0	37.5	39.2	35.9
Much/somewhat worse	9.7	9.8	10.6	10.7
Total	100.0	100.0	100.0	100.0
No. of participants	2,426	1,653	2,764	1,387
Getting along with other same-age children				
Much/somewhat better	47.3	46.2	48.2	48.3
About the same	46.2	46.7	45.1	44.4
Much/somewhat worse	6.5	7.1	6.7	7.3
Total	100.0	100.0	100.0	100.0
No. of participants	2,480	1,666	2,785	1,402
Doing in most areas of life compared with other same-age children				
Much/somewhat better	47.7	43.2 *	47.6	48.2 **
About the same	46.2	49.3	44.6	43.3
Much/somewhat worse	6.1	7.5	7.8	8.5
Total	100.0	100.0	100.0	100.0
No. of participants	2,474	1,633	2,785	1,392

Notes: Data have been weighted. Wellbeing measures apply to study children aged 4+ years. Percentages may not total 100.0% due to rounding. Statistically significant relationships between child wellbeing and top-up samples are noted (* $p < .05$; ** $p < .01$).

Table F2: Study child's wellbeing, fathers' reports, by care-time arrangements, Wave 3

	Father sees daytime only	66–99% mother (1–34% father)	53–65% mother (35–47% father)	48–52% each parent (equal time)	35–47% mother (53–65% father)	1–34% mother (66–99% father)	Mother sees daytime only	Mother never sees
General health								
Excellent	41.5	46.8	58.4	59.0	51.7	66.6	41.1	60.1 ***
Very good	28.1	31.1	24.6	27.9	22.5	20.1	33.8	26.0
Good	22.4	16.6	11.6	10.5	9.9	10.7	21.7	10.8
Fair	5.8	4.4	3.4	2.6	1.0	1.8	3.5	2.7
Poor	2.2	1.2	2.0	0.1	15.0	0.8	0.0	0.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
No. of respondents	254	1,806	485	599	93	257	72	126
Learning compared with other same-age children								
Much/somewhat better	47.6	50.8	58.9	53.8	56.5	49.2	32.1	58.0 *
About the same	42.6	39.3	34.4	40.2	34.6	38.7	60.7	27.5
Much/somewhat worse	9.8	9.9	6.7	6.0	8.9	12.2	7.2	14.5
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
No. of respondents	219	1,717	479	592	92	252	71	124
Getting along with other same-age children								
Much/somewhat better	48.8	44.6	51.5	48.4	54.0	50.8	46.6	48.5
About the same	47.2	48.1	43.0	44.4	43.4	46.0	51.8	38.8
Much/somewhat worse	4.0	7.4	5.5	7.2	2.6	3.2	1.6	12.8
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
No. of respondents	232	1,745	482	594	91	255	72	124
Doing in most areas of life compared with other same-age children								
Much/somewhat better	41.4	43.6	47.5	49.0	50.6	57.6	47.8	59.0 ***
About the same	53.2	49.6	45.4	48.1	46.7	40.8	52.2	33.0
Much/somewhat worse	5.4	6.8	7.1	2.8	2.7	1.6	0.0	8.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
No. of respondents	227	1,728	476	589	92	255	71	120

Notes: Data have been weighted. Wellbeing measures apply to study children aged 4+ years. Percentages may not total 100.0% due to rounding. Statistically significant relationships between three of the four wellbeing measures and care-time arrangements are noted (* $p < .05$; *** $p < .001$).

Table F3: Study child's wellbeing, mothers' reports, by care-time arrangements, Wave 3

	Father never sees	Father sees daytime only	66–99% mother (1–34% father)	53–65% mother (35–47% father)	48–52% each parent (equal time)	0–47% mother (53–100% father)
General health						
Excellent	61.3	61.1	62.7	65.5	54.4	43.4 ***
Very good	23.6	24.7	24.3	24.3	30.4	20.9
Good	10.4	8.2	10.7	8.0	12.1	22.6
Fair	3.8	4.4	1.9	2.1	2.9	8.5
Poor	1.0	1.5	0.4	0.2	0.2	4.5
Total	100.0	100.0	100.0	100.0	100.0	100.0
No. of respondents	667	450	1,782	349	383	214
Learning compared with other same-age children						
Much/somewhat better	50.3	50.9	50.9	57.3	51.0	50.2 *
About the same	35.5	41.5	39.2	33.9	40.1	32.8
Much/somewhat worse	14.2	7.7	9.9	8.8	9.0	17.0
Total	100.0	100.0	100.0	100.0	100.0	100.0
No. of participants	646	438	1,761	348	381	203
Getting along with other same-age children						
Much/somewhat better	51.9	47.7	47.6	50.3	46.5	34.0 *
About the same	40.9	44.2	46.1	45.1	47.3	59.1
Much/somewhat worse	7.2	8.1	6.3	4.6	6.2	6.8
Total	100.0	100.0	100.0	100.0	100.0	100.0
No. of participants	653	443	1,771	348	381	204
Doing in most areas of life compared with other same-age children						
Much/somewhat better	53.5	49.6	45.2	48.9	44.5	33.6 ***
About the same	36.9	45.0	47.9	45.9	46.9	46.6
Much/somewhat worse	9.7	5.4	6.9	5.2	8.5	19.8
Total	100.0	100.0	100.0	100.0	100.0	100.0
No. of participants	653	443	1,763	347	377	205

Notes: Data have been weighted. Wellbeing measures apply to study children aged 4+ years. Percentages may not total 100.0% due to rounding. Statistically significant relationships between the wellbeing measures and care-time arrangements are noted (* $p < .05$; *** $p < .001$).