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Participatory action research to improve children's participation: Family Law 4 Kids

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(Young lived experience advocate)

AIFS Conference

'Changing Families in Changing Times'

Melbourne, 10 September 2026



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My story: Why I'm here



- **Lived experience of family law.**
- **Decisions are made about us, not with us.**
- **Children are humans too, let's treat them like it.**



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Children's Participation in Family Law Project



- The Children's Participation in Australian Family Law Project engaged with 41 children and young people to:
 - discover **what 'participation'** in family law decisions following parental separation **means** to them, and **why it is important**;
 - understand their **experiences** of participation in family law processes; and
 - to co-create a **Children's Participation Toolkit**, 'Family Law 4 Kids':
<http://familylaw4kids.au>
- Approved by SCU's Human Research Ethics Committee (approval no. 2024/033)



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Children's Participation in Family Law Project



Project phases:

1. Semi-structured **interviews** with 41 children and young people
 2. Collaborative online **workshops** with 21 children and young people from Phase 1
- Led by Southern Cross University, with funding support from Youth Law Australia and 54 Reasons



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54 reasons



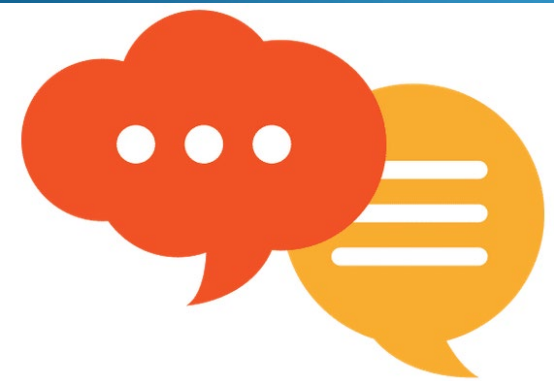
**Youth Law
Australia**

Transforming > Tomorrow



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Participant recruitment & eligibility



- **The project recruited children and young people:**
 - **aged 10 to 21 years;**
 - **living in the States of New South Wales, Victoria or Queensland;**
 - **whose parents had separated and accessed support through the family law system between 2019 and 2024; and**
 - **whose family law parenting matter had been finalised (e.g. final parenting orders; consent orders; parenting plan).**
- **Recruitment was supported by individuals and organisations in the family law, family violence, family service, child rights and child advocacy sectors.**



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Participant snapshot



Age

- 28 aged **10 to 15** years
- 12 aged **16 to 18** years
- 1 aged **19** years.

Gender: **56%** (n=23) **female**; **44%** (n=18) **male**.

Location:

- **39%** (n=16) in **QLD**
- **34%** (n=14) in **VIC**
- **27%** (n=11) in **NSW/ACT**.

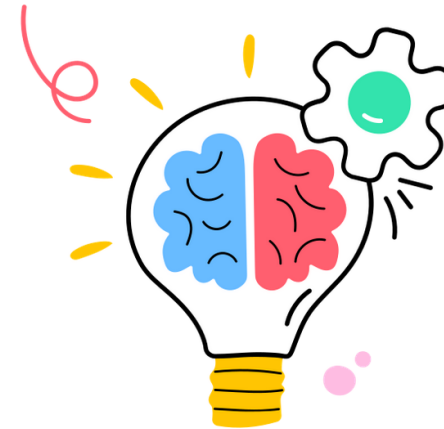
59% (n=24) living in a **regional or rural** area.

98% (n=40) had engagement with the **family courts**.



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Learnings from applying Participatory Action Research (PAR) with children and young people





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Recruitment and consent



Who decides who's "in" and "out"?

Challenges encountered with research ethics

Ethics committee:

- The Ethics Committee raised concerns about *"the dynamics and risks involved with trusted adults and relationships with family members"*, particularly if the trusted adult chosen to provide co-consent was involved in the family law dispute and therefore not *"fully disinvested from ... the emotion associated with the topic"*.
- Though the Ethics Committee also took issue with *"the child having a trusted adult who isn't a parent"* (emphasis added), noting that *"parents have rights to be informed of [research] outcomes"*.



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Recruitment and consent



Who decides who's "in" and "out"?

Parents and service providers as facilitators of, or gatekeepers to, children's participation in research

Service providers:

- Our communications were most often ignored by family law professionals, including lawyers and mediators.
- One family law service provider expressly declined to share the opportunity, as *"it's asking our members if they want to refer their own children or their clients to a research project? Not quite the right message we want to send"*.



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Recruitment and consent



Who decides who's "in" and "out"?

Parents and service providers as facilitators of, or gatekeepers to, children's participation in research

Parents:

- The requirement for co-consent from a parent or guardian may manifest as a barrier. One parent agreed child was eligible to participate but felt *"maybe now is not the time to do this"*, due to the children's *"very busy school schedule and extra-curricular activities"*.
- Conversely, parental co-consent could create a risk that parents coerce children to participate in the research.



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Ongoing
consent and
informed
dissent



Creating a research environment where the child feels comfortable to say, or signal, 'no'

Our approach to consent was as a voluntary, ongoing process, where children could opt-out at any time

Researcher: *When you want to take a break, or when you've had enough, just go silent, or just walk away, or you can say, 'I'm done now'. And I can always sit here for a while and wait, if you want to come back, but I won't be at all offended, okay? Do you know what I mean?*

Alice: *Okay, yeah.*

Researcher: *Would you be willing to tell me about one of those times when [a family law professional] changed what you had to say? It's okay to say, 'no'.*

Alice: *No.*

Researcher: *Okay, no worries. Good on you, I love it when people do that*

...

Researcher: *You were saying that your dad and that step parent were asking you what you wanted and you felt they listened to you? Can you tell me about that?*

Alice: *I don't want to talk about it.*



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Parental influence and self-censorship



Six children and young people chose to have a parent present during their interview. The risk of parental influence manifested in two of these interviews.

- In one interview, where a parent sat beside her 15-year-old child, the researcher observed the parent's tendency to **answer questions on behalf** of her child and to **interrupt the child's responses**.
- At one point, the child **raised his hand**, to indicate that he was "waiting his turn" to speak, as might occur in a school classroom.
- To manage this parent/child dynamic during the interview, the researcher acknowledged the parent's contribution and **expressly re-oriented the question** to the child.



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Building trust
and navigating
collaboration



Building trust and establishing rapport

Interviews began with a **“fun fact” icebreaker**, with **researchers sharing a personal interest or hobby** before **inviting the child** to do the same. Common topics included pets, sports and art.

Darren (13, QLD) reflected on the importance of **finding “common ground”** among children and adults:

Researcher: *What advice would you have for judges about meeting with children?*

Darren: *To stop the kids being stressed, maybe ... find like a common ground between them and the child.*

Researcher: *What do you mean by common ground?*

Darren: *Like say something that they both sort of like or agree upon. Or say you and I, we both have a cat, so that's common ground.*



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Building trust
and navigating
collaboration

In response to
this feedback, the
duration of
workshops was
reduced from 90
to 60 mins

Building trust and establishing rapport

Following their interview, several children and young people felt **comfortable to share when asked if they had any feedback** for the researcher:

- *“I would have preferred a little more communication after the interview”*. Gabrielle, 18, VIC
- *“... maybe there was [sic] some questions which seem repetitive”*. Martha, 15, QLD
- *“You could add like a few questions and then have a little break or ... make it more fun”*. Jason, 16, QLD
- *“... maybe for younger children [the interview] would have been too long”*. Willow, 13, QLD



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Compensation for participation



- Compensation for research participation acknowledges children and young people's **time** and **contribution of lived expertise**. However, payment can also enliven **ethical concerns**.
- Children and young people were given **information** about compensation during the recruitment and consent process. This **may have been a motivating factor** for some. For instance:

"... not to sound like greedy or anything, but how long before we get the gift card?" Jason, 16, QLD

- We purposely provided participants with **separate gift cards** for each project phase; and **proactively informed** participants they would be **paid irrespective** of how much (or how little) they contributed.
- These strategies sought to communicate that participant were **genuinely free to leave the study at any time**, as payment did not hinge on their continued, or "completed" participation.



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Reflections on
participation in
the research
process



"I've got everything off my chest." Richard, 19, QLD

"This has been very healing for me, because it's like, finally I felt very heard this whole time and like someone's listening. That's clearly the thing that I felt I was lacking during the whole process. It's nice to finally get a say. Even if it's an indirect thing, it might indirectly help someone else". Paige, 17, VIC

"I actually feel really nice talking to someone who is actually going to potentially make a difference. It most definitely makes me feel better knowing that."
Chelsea, 15, VIC



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Reflections on
participation in
the research
process



“I can help other kids. If it means I can help more kids, then I’m so happy ... to speak about my experiences ... I can better other kids’ experiences.” **Darren, 13, NSW**

“The info you’re getting, does this actually help like the future, like government-y people?” **Ava, 13, QLD**

“I’m so glad that something’s actually happening in the real world.” **Gabrielle, 18, VIC**



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familylaw4kids.au

**If your parents
separate too
we made this
for you**



**Family
Law4
★ KIDS**

<https://youtu.be/3MZLiTVuSso>



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FamilyLaw4Kids helps you understand...



**EVERY FAMILY IS
UNIQUE**

When this toolkit uses 'parent' or 'carer' that means anyone who has a caring role in your life. It might be an aunty, uncle, sibling, grandparent, foster carer or anyone else.

FIND MORE HELP



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ABOUT

FIND HELP

GALLERY

IN CRISIS NOW?

for
professionals

for
family

Welcome to FamilyLaw4Kids. The aim of this Toolkit is to support children and young people to participate meaningfully and safely in family law decision-making following parental separation. The Family Law Professionals section is designed to enable you to support children and young people to access and engage with FamilyLaw4Kids. You can also view the sections for **young people** or **parents**.

This Toolkit has been co-created with 41 children and young people whose parents have separated and have engaged with Australia's family law system. This video presents a snapshot of their experiences of participation in family law decision-making processes.

**If your parents
separate too
we made this
for you**





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1. You're not alone

you're not alone
and you got
this! ♡♡



I love you to know that
life is a roller coaster,
🌈 but it does 🌈
get better! & you're not
Alone!





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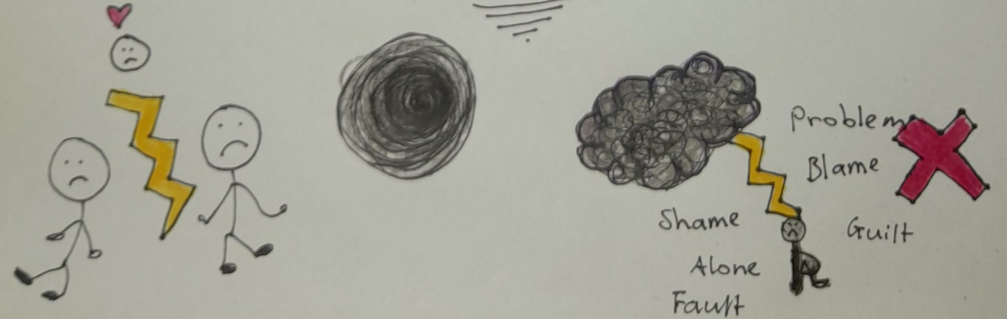
2. It's not your fault

Confused, remember,
it's not your fault and
it is just adults
being silly.

it's not your fault and
it never was/will be



You might be thinking...
It's your fault
(It's not)



~~IT'S NOT YOUR
FAULT~~



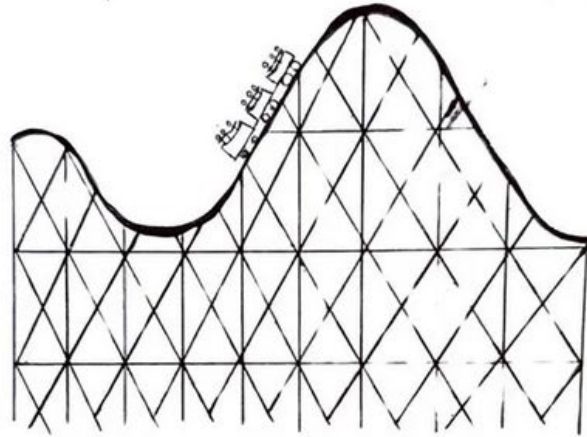
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3. Things will get better

Always Believe



in your self it is going to be ok



Humans are built to adapt to new things,
your more resilient that you realise you
can do this!!! - Jay



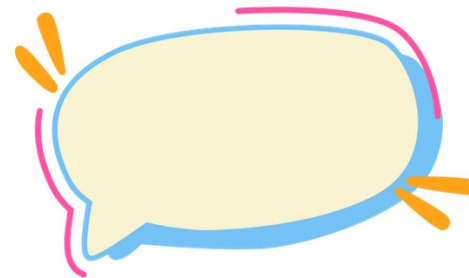
I'd love you to know that ~~if~~ ^{when} you keep
going, things will change, but also get
better. ☹️ → time → 😊 ♥️



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***“You gotta listen to the children,
cause it’s their lives. But it’s also
like, sometimes they’ve got
pretty good ideas too.”***

Olive, 11, VIC





Thank you

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