The Institute is a statutory authority that originated in the Australian Family Law Act 1975. It was established by the Australian Government in February 1980.

The Institute promotes the identification and understanding of factors affecting marital and family stability in Australia by:

- researching and evaluating the social, legal and economic wellbeing of all Australian families;
- informing government and the policy-making process about Institute findings;
- communicating the results of Institute and other family research to organisations concerned with family wellbeing and to the wider general community; and
- promoting improved support for families, including measures that prevent family disruption and enhance marital and family stability.

The objectives of the Institute are essentially practical ones, concerned primarily with learning about real situations through research on Australian families.
Cover
John Graham
Three Kings
Oil on linen 151 cm × 121 cm
Reproduced with the authority of Hawthorn Studio & Gallery
<www.hawthornstudio-gallery.com.au>
## Contents

### Family Matters 2013 Issue No. 92

<table>
<thead>
<tr>
<th>Page</th>
<th>Title</th>
<th>Authors</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Director’s report</td>
<td>Alan Hayes</td>
</tr>
<tr>
<td>7</td>
<td>Violence, abuse and the limits of shared parental responsibility</td>
<td>Patrick Parkinson</td>
</tr>
<tr>
<td>18</td>
<td>The effects of co-parenting relationships with ex-spouses on couples in step-families</td>
<td>Claire Cartwright and Kerry Gibson</td>
</tr>
<tr>
<td>29</td>
<td>Post-separation parenting and financial arrangements over time: Recent qualitative findings</td>
<td>Belinda Fehlberg and Christine Milward</td>
</tr>
<tr>
<td>41</td>
<td>Children’s direct participation and the views of Australian judges</td>
<td>Michelle Fernando</td>
</tr>
<tr>
<td>48</td>
<td>Good practices with culturally diverse families in family dispute resolution</td>
<td>Susan Armstrong</td>
</tr>
<tr>
<td>61</td>
<td>Bullying in schools and its relation to parenting and family life</td>
<td>Ken Rigby</td>
</tr>
<tr>
<td>68</td>
<td>Parental involvement in preventing and responding to cyberbullying</td>
<td>Elly Robinson</td>
</tr>
<tr>
<td>77</td>
<td>Families working together: Getting the balance right</td>
<td>Jennifer Baxter</td>
</tr>
<tr>
<td>84</td>
<td>Institute seminars</td>
<td></td>
</tr>
</tbody>
</table>

**Executive Editors**
Jacqueline Stewart and Kelly Hand

**Editor**
Lan Wang

**Editorial panel**
Kelly Hand, Alan Hayes, Daryl Higgins, Rae Kaspiew, Lawrie Moloney, Elly Robinson, Jacqueline Stewart

**Contributions to Family Matters**
Family Matters welcomes submissions by Institute staff and external authors. Acceptance of all research papers is subject to a formal review process. Author guidelines are available at: <www.aifs.gov.au/institute/pubs/authorguidelines/authorguidelines_fm.html>.

**Family Matters is a refereed journal**
Although designed to be accessible to a broad readership, Family Matters is a fully refereed academic journal, recognised by the Department of Education, Employment and Workplace Relations (DEEWR) for the purposes of Research Data Collection, and is included in the Register of Refereed Journals.

**Family Matters is indexed/abstracted**
Academic OneFile; Academic Search Alumni Edition; Academic Search Complete; Academic Search Premier; Attorney-General’s Information Service (AGIS); Australian Public Affairs Information Service (APAIS); Australia New Zealand Reference Centre; Australian Education Index (AEI); Australian Family & Society Abstracts; Child Development & Adolescent Studies; Australian Criminology Database (CINCH); Current Abstracts; PARI International; Public Affairs Index; Scopus; SocINDEX; SocINDEX with Full Text; Sociological Abstracts.

**Subscriptions**
Family Matters is available for free download from: <www.aifs.gov.au/institute/pubs/fammats.html>. Printed copies (2 per year) can be purchased on subscription: Australia: A$80 (individuals) and A$120 (organisations) per year (inc. GST and postage). International: A$145 (exc. GST and inc. postage).

Typeset by Lan Wang and Kirstie Innes-Will
Printed by Print Bound Pty Ltd
ISSN 1030-2640 (print)
ISSN 1832-8318 (online)
Over the life course, Australian families undergo many transitions and are influenced by many social and economic factors.

The variety of influences on the wellbeing of Australian families is reflected in the breadth of the Institute’s evolving program. The Institute provides a valuable service by delivering sound, objective evidence for policy-makers, researchers, community practitioners and the Australian community.

New gambling research centre

The Australian Gambling Research Centre (AGRC) was announced in November, and has been established, as a part of the Institute, under the National Gambling Reform Act 2012. It commenced operation on 1 July 2013.

The AGRC will complement the work of a range of research organisations engaged in gambling research. It is a mechanism for drawing together the evidence and identifying gaps in current knowledge and directions for future research.

The research agenda will be geared towards creating tangible outcomes for the Australian community. The centre will aim to provide research findings to inform policy and program development designed to:

- assist people affected by problem gambling; and
- help prevent problem gambling.

The AGRC will also undertake research focused on:

- the harm caused by gambling to “problem gamblers”, the families and communities of problem gamblers, and those at risk of experiencing that harm;
- measures that may be undertaken to reduce that harm; and
- recreational gambling.

In addition, the centre will work to increase the capability and capacity of researchers working in this field.

The Institute will be assisted in framing the research directions for the AGRC by an Expert Advisory Group, chaired by Professor Richard Chisholm AM. The members include:

- Professor Max Abbott, Director, Gambling and Addictions Research Centre, Auckland University of Technology;
- Mr Ashley Gordon, Manager, NSW Aboriginal Safe Gambling Services, and an Aboriginal gambling research consultant for the Centre for Gambling Education and Research, Southern Cross University;
- Rev. the Hon. Professor Brian Howe AO, Professorial Associate in the Centre for Public Policy, Melbourne University, and Chair of the AIFS Advisory Council;
- Dr Ralph Lattimore, Assistant Commissioner, Productivity Commission;
- Professor Alison McClelland, part-time Commissioner with the Productivity Commission, and Adjunct Professor at La Trobe University, joining the group in her private capacity;
- Ms Cheryl Vardon, Chief Executive, Australasian Gaming Council; and
- Dr Mark Zirnsak, Director of the Justice and International Mission Unit, Uniting Church in Australia Synod Office (Victoria and Tasmania), and the Uniting Church’s representative on the Australian Churches Gambling Taskforce, joining the group in his private capacity.

The Expert Advisory Group will also have representatives from the Commonwealth and state/territory governments as observers.

National Apology for Forced Adoptions

A national apology to people affected by forced adoption or removal policies and practices was delivered by the then Prime Minister, the Hon. Julia Gillard MP, on behalf of the Australian Government, on 21 March 2013 in Canberra.

This links closely to the Institute’s 18-month research project into the needs of people affected by past adoption practices. The report,
Past Adoption Experiences: National Research Study on the Service Response to Past Adoption Practices, was published in August 2012 and helped to inform the national apology. The study revealed some key issues for people affected by forced adoption, including:

- lifelong, ever-present effects on mothers and adopted individuals, and the far-reaching ripple effects experienced by fathers, adoptive parents, grandparents, spouses, siblings, children and other family members;
- the need for specialised workforce training and development for primary health carers, mental and broader health and welfare professionals;
- the need for improved access to information through the joining of state and territory birth records; and
- having improved access to mental, behavioural, and physical health services.

For people affected by closed adoption, the national apology is a starting point for acknowledging the past and seeking improved support and services. The lessons of the past also have implications for people involved in inter-country adoption, donor conception and surrogacy.

I welcome the appointment of Professor Nahum Mushin to chair the Australian Government’s Past Forced Adoptions Implementation Working Group, which is charged with helping to deliver on the commitment to providing better support to those affected. The Institute looks forward to any opportunities to contribute to the working group.

Australian Temperament Project
30th birthday celebrations

The Australian Temperament Project (ATP) celebrated 30 years of research with the launch of a commemorative publication at an event at the Melbourne Royal Children’s Hospital on 19 May 2013, highlighting the value of continued involvement in the study.

The ATP is Australia’s longest running longitudinal study. It has followed children’s psychosocial development from infancy to adulthood, and investigated contributions of personal, family, peer and broader environmental factors to adjustment and wellbeing. Commencing in 1983, this internationally renowned study has so far collected 15 waves of data across the first 28 years of life.

The ATP has investigated the development of problems such as learning difficulties, antisocial behaviour, substance abuse, anxiety and depression, as well as positive development, including social competence, supportive family and peer relationships and civic participation. Last year marked the next exciting phase in the development of the ATP, with the Australian Research Council providing funding to undertake the Generation 3 study. This study will collect information not only on the initial sample of parents and their children, but also on the children’s children. This makes the ATP one of the few studies with the capacity to explore child development, health and wellbeing, across three generations.

Stability and Change in Risky Driving From the Late Teens to the Late Twenties

Increasingly, ATP research is influencing policy and practice. Its most recent publication—the product of a collaborative partnership between the Australian Institute of Family Studies, the Transport Accident Commission of Victoria and the Royal Automobile Club of Victoria—uses data from the ATP to examine patterns of risky driving from the late teens to the late twenties, and to identify factors associated with persistence and change in risky driving tendencies.

It found that rates of risky driving remained fairly stable between the ages of 19–20 and
23–24 years, but significantly decreased by 27–28 years. While there was a general trend for levels of risky driving to decrease, considerable variability was found in the risky driving patterns of individuals over this period. Antisocial behaviour appeared to be strongly linked to the persistence of risky driving, adding support to the view that risky driving may form part of a broader underlying propensity to engage in problematic behaviour.

**Australian Family Trends facts sheet series**

A series of seven publications looking at a range of family-related trends is being produced for online release this year. Topics being covered include:

- labour force participation and caring roles: *Parents Working Out Work* (released online in April);
- work and family balance and community engagement: *Families Working Together* (released as part of Families Week, and reproduced in this edition of *Family Matters*, see page 77);
- partnership and fertility trends: *Working Out Relationships* (released online in May);
- household forms and trends and transitions: *Australian Households and Families* (released online in July);
- extent of and change in family forms: *Australian Families with Children and Adolescents* (to be released online in August);
- Indigenous families (to be released in late 2013); and
- immigrant families (to be released in late 2013).

**A new legal frontier?**

AIFS has released a research report, *The Role of Communication Technologies in Experiences of Sexual Violence: A New Legal Frontier?* The work on which this report was based was supported by a grant from the Victorian Legal Services Board and conducted by the members of the Australian Centre for the Study of Sexual Assault (ACSSA), in consultation with key stakeholders, including police, counsellors, judges and other court staff, academics, policy-makers, educators and allied health practitioners. Young people’s engagement with emerging communication technologies (such as social networking and mobile phone technology) has become a central method of socialisation. The research suggested that, given the constant online access offered by these technologies and the blurring between online and offline social spheres, such emerging communication technologies afford diverse opportunities for the perpetration of sexual violence and facilitate sexually violent acts, before, during and after an offence.

**Growing Up in Australia: The latest annual “statistical” snapshot**

The *Annual Statistical Report 2012 from Growing Up in Australia: The Longitudinal Study of Australian Children (LSAC)* was released in June, highlighting a range of important factors that influence children's outcomes and social and emotional wellbeing, including family functioning after separation, participation in after-school sporting activities and intergenerational joblessness.

Since 2004, LSAC has been following the development and wellbeing of 10,000 children and families across Australia, providing valuable insights into the experience of growing up in Australia.

**Children, Families and the Law**

The Institute is producing a substantial publication exploring diverse perspectives on the broad topic of children, families and the law. It will include theoretical perspectives, summaries of empirical data and reflections on policy and practice.

*Children and Families and the Law: Selected Policy, Legal and Practice Issues* will include contributions from a number of specialist authors and will be organised into four key parts:
Family Matters 2013 No. 92

Diverse family formation: Identity, recognition and law;
Legal and statutory responses to families in difficulty;
Separation and divorce and family policies and practices; and
Social science and policy and practice developments

The publication is intended for policy-makers in government and the court system, as well as managers and practitioners in welfare agencies and the court system, and tertiary students. We expect to release of the volume later in 2013.

New and updated research projects

Cradle to Kinder
A project to evaluate the Victorian Government’s Cradle to Kinder and Aboriginal Cradle to Kinder programs has recently commenced. The programs offer intensive family and early parenting support services to vulnerable young mothers and their children. The supports commence during pregnancy and continue until the child turns four. The initial phase of the project is to develop the evaluation framework and consult with key stakeholders, with fieldwork commencing in July 2013.

Pathways of Care
This project is a longitudinal study of children and young people entering out-of-home care for the first time. It is being conducted in partnership with the NSW Department of Family and Community Services, with advice being provided by a consortium of experts led by the Institute. Data are being collected from carers, birth parents, caseworkers, teachers and the children themselves. The study will also use administrative data. The analysis report of the first wave of data will be delivered in October 2013. While some features of the out-of-home care context are unique to NSW, it is expected that, at a general level, the results of the study would apply to other states and territories, and internationally.

Beyond 18
This project is a longitudinal study of young people leaving care in Victoria. It is intended to inform government policy in supporting more effective transitions for young people from out-of-home care. In particular, it will provide insights into the critical success factors associated with transitioning from out-of-home care and propose ways of improving the time that young people spend in care, their transition from care, and what happens to them post-transition.

The study is being undertaken by the Institute for the Victorian Department of Human Services. The findings will have some features unique to Victoria; however, the results are very likely to have value for other states and territories.

Conferences and seminars

Community Work and Family Conference
17–19 July 2013, University of Sydney
This conference intends to stimulate debate and cross-national research on current issues, controversies and development related to community, work and family and the links between them.
The program of speakers has been released and is available on the conference website <www.aomevents.com/CWFC2013/Program_Speakers>.

**Household Income and Labour Dynamics in Australia (HILDA) Conference**

13–14 October 2013, Melbourne

The Institute continues to very extensively draw on data from the HILDA survey. The next HILDA Conference will be held from 13 to 14 October, in Melbourne. The conference attracts a range of leading researchers and policy professionals from a diverse set of areas of specialisation.

**LSAC–LSIC Research Conference**

13–14 November 2013, Melbourne

Three keynotes speakers have been announced for the next *Growing Up in Australia* and *Footprints in Time: The Longitudinal Study of Indigenous Children (LSIC)* research conference. Captain Steven Hirschfield (from the US National Children’s Study), Associate Professor Susan Morton (from Growing Up in New Zealand) and Dr Maggie Walter (from the School of Social Sciences at University of Tasmania) will head the program.

For the second time, the two datasets (LSAC and LSIC) will be highlighted in a combined conference. This approach proved popular and informative in 2011. The conference program is in development and will be released through the conference website in August. For further information, see page 87 or visit the LSAC conference website <www.growingupinaustralia.gov.au/conf.index>.

**LSAC Data Users Workshop**

12 November 2013, Melbourne

The next LSAC Data Users Workshop is scheduled to precede the LSAC–LSIC Research conference. The workshop will assist current and prospective LSAC data users, as well as people who are interested in learning more about the LSAC data and understanding and navigating the LSAC datasets.

The training covers a range of topics designed to give a comprehensive overview of the conduct of the study, the dataset and the supporting documentation. It will include information regarding study methodology, LSAC datasets, data analysis (e.g., confidentiality, weighting and clustering), variable naming, and user resources such as the data dictionary.

**Advancing Australian social policy**

AIFS and the Social Policy Research Centre (SPRC) share a birth year (1980), though not a birth date! With intersecting interests, it is hardly surprising that our two organisations have developed and maintained close links in a range of areas of social policy research. In addition to involvement in collaborative research, we support each other’s activities, including active involvement in our biennial conferences, which occur in alternate years (with this year’s SPRC-hosted Australian Social Policy Conference being held at the UNSW from 16–18 September).

It was at one of the SPRC conferences, in 2007, that the then Director, Professor Ilan Katz, convened a meeting that ultimately resulted in the establishment of the Australian Social Policy Association (ASPA) two years later. With a prime concern to foster social policy research, practice and education, the advent of the ASPA represents an important milestone in the field. Under the leadership of the current president, Professor Peter Saunders FASSA, one of Australia’s pre-eminent social policy scholars, ASPA grows both in membership and the range of its activities. This edition of *Family Matters* includes information about ASPA and the benefits of joining (on page 87) and I commend membership of the association to all those with an interest in social policy.

**Concluding thoughts**

With major new developments, such as the establishment of the Australian Gambling Research Centre, and a growing suite of research and dissemination initiatives, the Institute is well-positioned to embrace an exciting future. Much effort is again being focused on preparing for the 2014 AIFS Conference (to be held in Melbourne from 30 July to 1 August). Given that 2014 marks the 20th anniversary of the first International Year of the Family, next year’s event will be a very fitting opportunity to celebrate this milestone in worldwide recognition of the importance of families, their many vital contributions and varied forms, across a culturally diverse world.
Anyone who has followed Australian family law over the last few years will be acutely aware of the level of conflict there is over the text of the *Family Law Act 1975*, especially in relation to parenting after separation. Family law is a field full of advocates. Views are often passionately held, and debate can too often resemble a form of trench warfare in which the goal is to capture territory rather than finding the common ground between different views and concerns. This adversarial approach to the issues also affects research. In this field, there is too much policy-based “evidence”, and too little evidence-based policy. The outcomes of this approach to public policy have been unsatisfactory. The *Family Law Act 1975* reflects various compromises between advocacy groups, and lacks coherence as a result.

This article seeks to suggest where the middle ground might be found in public policy, by placing Australian developments in the law of parenting after separation in a historical and comparative perspective. The thesis of this article (and a book, Parkinson, 2011) is that family law around the Western world has shifted fundamentally and irreversibly. The model on which divorce reform was predicated in the late 1960s and early 1970s has irretrievably broken down. Jurisdictions across the Western world have come to the sometimes painful conclusion that while marriage may be dissoluble, parenthood is not. Whereas once family law was premised on the indissolubility of marriage, now a defining feature of family law in Western societies is the notion that parenthood is indissoluble.

There has been considerable resistance to this transition from advocates, for many reasons. A major argument has been that the involvement of both parents in children's lives increases the risk of violence against women. That is an issue of great importance. But the middle ground is to be found in articulating more clearly the circumstances when parenthood ought to be dissoluble, rather than resisting the historic transformation in the law of parenting after separation.
The indissolubility of parenthood

In the last thirty years, profound changes have occurred in family law all around the Western world. There has come to be a recognition that children generally benefit from the involvement of both parents in their lives—in the absence of serious violence, abuse or high conflict between parents—and therefore children’s relationship with both parents ought to be supported after separation.

Divorce as the dissolution of the family

This is a revolution. The model on which divorce reform was predicated in the late 1960s and early 1970s was that dead marriages should be given a decent burial and that it should be possible for the parties to get on with their lives and start afresh once decisions had been made about financial matters and custody. In the divorce law at that time, issues about property and custody were dealt with by a once-and-for-all process of allocation. If the parties could not reach their own agreement, then the court allocated the property. The aim in some jurisdictions was to achieve a clean break in terms of the financial affairs of the parties, apart from child support.

The court also allocated the children (Schepard, 2004, pp. 3–4). Typically, the courts would award “custody” to one parent, usually the mother, and grant “access” or “visitation” to the other. There was little difference in this respect between common law countries and the civil law countries of Western Europe. “Custody” included virtually all the rights and powers that an adult needed to bring up a child, including the right to make decisions about a child’s education and religion. Both parents were legal guardians at common law, but this meant little, because the powers that were classified as powers of “guardianship” included only such matters as consent to marriage of a minor and inheritance rights in the event of his or her untimely death. Since maternal custody was the predominant pattern, fathers were frequently relegated to a peripheral role in their children’s lives.

Custody law was thus binary in character. The assumption that was universally held at that time was that custody decisions involved a definitive choice between one home and another. In this traditional conceptualisation of what was involved in custody decision-making, “access” was simply a “legal concession to the loser” (Halem, 1980, pp. 213–14). Once this allocation had occurred, then people could get on with their lives with the past behind them.

The old marriage was dead and they could begin anew, repartner, and build a new family life, with only residual ties to their former spouses. Those ties were through child support obligations—which were poorly enforced—spousal maintenance where ordered, and ongoing access time with the children.

The consequence of this view of custody decision-making was that divorce involved a clean break in terms of parental responsibility once the issue of custody allocation was decided. In a perceptive article written in 1986, Irène Théry, a French sociologist, characterised the original divorce reform model as the substitution model of post-divorce parenting. Under the substitute family model, the parents’ legal divorce necessarily required a divorce between them not only as partners but also as parents. Only one of the two parents could continue in that role after the divorce. It followed that the marriage breakdown marked the dissolution of the nuclear family, and its substitution with a “new” family constellation for the child. Parental authority was awarded to the sole custodial parent, and there was a strong differentiation between the role of the custodial parent and that of the non-custodial parent. This way of seeing divorce was expressed pithily by the New York Court of Appeals in 1978: “Divorce dissolves the family as well as the marriage” (Braiman v. Braiman, 378 NE 2d 1019, 1022 [NY 1978]).

The emergence of the enduring family

It was not long after the first flush of the divorce revolution that this idea of post-separation parenting began to change. Théry argued, in her 1986 article, that the substitution model of the post-separation family was gradually being displaced and that a new concept of post-separation parenting was emerging. This she called the idea of the “enduring family”. In this conceptualisation, divorce is a “transition between the original family unit and the re-organisation of the family which remains a unit, but a bipolar one” (Théry, 1986, p. 356). She noted that this conceptualisation of post-separation parenting implies the refusal of having to make a choice between parents, in favour of joint parental authority.

Change has occurred only very gradually in family law around the Western world, but the relentless march of progress has been in the direction that Théry anticipated. The history of family law reform in the last 30 years has seen the abandonment of the assumption that divorce could dissolve the family as well as the marriage when there are children involved.
As Professor Margo Melli wrote: “Today, divorce is not the end of a relationship but a restructuring of a continuing relationship” (Melli, 2000, p. 638). Marriage may be freely dissoluble, but parenthood is not.

The transformation in custody law

The indissolubility of parenthood is seen in many different ways in modern family law. One aspect of it is financial. Child support is now vigorously enforced in Australia, and in many other countries (Oldham & Melli, 2000). In some jurisdictions, spousal maintenance is experiencing a revival; however, the main way in which the indissolubility of parenthood is being expressed is in terms of the law of parenting after separation.

Reforms began in a relatively mild and largely semantic way, with the shift in the USA in particular from the notion of sole custody to joint legal custody in the early 1980s (Schepard, 1985).

In Europe, the law reform process took a different form. Rather than making joint custody (in the sense of joint legal responsibility) an option, or even establishing a presumption in favour of this, European countries made joint parental responsibility the default position in the absence of a court order to the contrary.

In England and Wales, for example, a radical reconceptualisation of post-separation parenting occurred in 1989. The Children Act 1989 provided that each parent has “parental responsibility” and retains that responsibility after the marriage breakdown. Instead of making a custody order that gives to one parent, to the exclusion of the other, a bundle of rights and powers to make decisions about the welfare of the child, the new law provided that court orders should focus on the practical issues. Where will the child live? What contact arrangements need to be put in place? These orders are known as residence and contact orders. They say nothing about parental responsibility; that is, they do not carry with them a bundle of parental powers and responsibilities to the exclusion of the other parent, except to the practical extent required in the terms of the order. The philosophy of the Children Act 1989 is that parental responsibility continues after separation as it existed before the relationship breakdown, subject to any orders to the contrary by the court (Smart, 1997).

Similar developments also occurred in France, where the law is based upon a principle of coparentalité (Fulchiron, 2002; Vauvillé, 2002). By legislation passed in 1993 (Loi 93–22), the Civil Code was amended to remove the language of “custody”. It was replaced with the language of “parental authority”. The legislation provided that parental authority was to be exercised in common and that parental separation did not change this.

In many other jurisdictions, the law has also been amended to encourage or provide for continuing joint parental responsibility after divorce. This was how joint custody became the norm in Scandinavia (Parkinson, 2011). A similar approach was adopted in Germany, which amended its Civil Code to provide that parents have joint parental responsibility during marriage and unmarried parents may agree to joint parental responsibility by formal declaration. As in other European countries, this joint responsibility continues after separation unless the court orders otherwise.

In all these jurisdictions, the effect of the legislative reforms has been that legal divorce ends relationships as spouses but not as parents. Indeed, it is now irrelevant in most jurisdictions whether the parents had been married at all. Biological parenthood, rather than marriage, is what gives rise to enduring rights and obligations.

Whether or not parenthood is, in practice, indissoluble for primary caregivers (predominantly women) under these statutes depends to a great extent on the attitude of the non-resident parent. If a non-resident father desires to remain closely involved with his children, then the modern ideas on post-separation parenting give him much leverage.

The consequence of this major shift in the focus of family law is that the promise of freedom to begin afresh that was held out as the meaning of divorce in the divorce reform movements of the late 1960s and 1970s has proved to be somewhat empty where children are involved.
Encouraging the involvement of both parents

The demise of the concept of sole custody was, however, only the beginning of the transition that has occurred in the law of parenting after separation. Increasingly, legislation around the Western world is emphasizing the importance of both parents being involved in children’s lives. Whereas previously there had been a choice between the mother and the father as the custodial parent, now a spectrum of choices is on offer to the courts. In most cases, there will still be a primary custodian, a parent with whom the child lives for the majority of the time. However, the significance of that allocation to one parent or the other is not as great as it once was. The question has changed from being about which parent the child will live with to being about how the child’s time will be shared between the parents.

In most jurisdictions, legislatures have resisted the temptation to be too prescriptive about what time allocation between the parents will promote meaningful involvement. Courts have retained the flexibility to try to discern what will be in the best interests of the child in each case. Nonetheless, a common thread in legislation across the Western world has been towards the encouragement of shared parenting after divorce. A number of jurisdictions now have legislation that gives some encouragement to considering shared parenting arrangements, and the trend in terms of law reform is strongly in that direction, in situations where there are no issues of violence or abuse.

France offers one example. The principle of coparentalité, established in 1993, was strengthened by legislation enacted in 2002. Article 373–2–9 of the Civil Code now provides that the residence of a child may be fixed alternately at the domicile of each of the parents or at the domicile of one of them. The listing of alternating residence first, before sole residence, was intended to indicate encouragement of this option (Fulchiron, 2002).

In Belgium, the law of 18 July 2006 provides encouragement for alternating residence—indeed that emphasis was expressed in the title of the legislation (“Loi tendant à privilégier l’hébergement égalitaire de l’enfant dont les parents sont séparés et réglementant l’exécution forcée en matière d’hébergement d’enfant.”). This law provides that when parents are in dispute about residency, the court is required to examine “as a matter of priority”, the possibility of ordering equal residency if one of the parents requests it to do so. If the court considers that equal residency is not the most appropriate arrangement, it may decide to order unequal residency. An equal time arrangement is not presumed to be in the best interests of the child; nonetheless it is the first option that ought to be considered when parents cannot agree on the arrangements, and this has led to a significant increase in shared care arrangements in that country (Sodermans, Matthijs, & Swicegood, 2013).

The message of such legislative directions in these different jurisdictions is clear. Contact, visitation or access—howsoever it is described—is no longer the order a parent receives as a consolation if he or she loses the prize of custody. Nor is it to be the right only of a visitor, as the language of “visitation” might suggest. Rather, the assumption is that the time that the non-resident parent has with the child will be such as to allow him or her a meaningful, continuing involvement in the life of the child. Fathers, in particular, are no longer to be marginalised by post-separation parenting arrangements.

The Australian reforms in comparative perspective

Although hotly debated at the time and subsequently, the reforms to the Family Law Act 1975 in Australia, first in 1995 and then subsequently in 2006 and 2011, are broadly consistent with these international trends. As in other countries, all parents have parental responsibility under Australian law, irrespective
of whether they have ever married or lived together. As a result of the reforms in 1995, parental responsibility is deemed to continue after relationship breakdown, subject to the effect of any court order to the contrary (Family Law Act 1975, s61C).

The position evolved further with the 2006 amendments to the Act. The 2006 amendments created a presumption of equal shared parental responsibility, but the presumption does not apply if there are reasonable grounds to believe that a parent of the child (or a person who lives with a parent of the child) has engaged in abuse of the child or family violence (Family Law Act 1975, s61DA).

The 1995 legislation also changed the language of parenting orders in a way that is consistent with developments elsewhere. Like the Children Act 1989 in England and Wales, the court could make orders about residence and contact, as well as specific issue orders. In 2006, the language was changed again. Courts now may make orders concerning where children will live and how much time the other parent will spend with them. The resulting terminology is less pithy than “residence” and “contact”; the price of greater sensitivity in the language has been greater prolixity.

There was a lot of resistance to the 1995 reforms at the time they were made (Armstrong, 2001), and controversy continued afterward (Graycar, 2000), but these reforms were quite unremarkable in international terms. They also represented only a modest evolution from the pre-existing law (Chisholm, 1996).

The 2006 legislation in Australia also reflected international trends towards encouraging the involvement of both parents in children’s lives after separation. One of the objectives of the Family Law Act, as amended by the Family Law Amendment (Shared Parental Responsibility) Act 2006, is to ensure that “children have the benefit of both of their parents having a meaningful involvement in their lives, to the maximum extent consistent with the best interests of the child” (s60B(1)(a)). This is, importantly, balanced by another object of the legislation, the need to protect children from physical or psychological harm from being subjected to, or exposed to, abuse, neglect or family violence which may necessitate restraints on contact by one parent (s60B(1)(b)). These objects are translated into primary considerations in determining what is in the best interests of the child. Further amendments in 2011 have clarified the prioritisation to be made between these two considerations.

Although the effect of the 2006 reforms was not always understood by the general public, there is no presumption of shared parenting in Australian law, and still less, equal time. The most that the legislation imposes by way of presumed outcome is a presumption in favour of equal shared parental responsibility in the absence of violence or abuse. However, if parental responsibility is to continue to be shared, then there is at least strong encouragement in the legislation to consider shared parenting, and to do so positively (Goode & Goode (2006) FLC 93–286).

The 2011 amendments to the Act modify this emphasis only a little. The requirement to consider equal time and substantial and significant time remains, but in the evaluation of what arrangements are in the best interests of the child, greater weight is to be given to the need to protect children from harm than to the benefit to the child of having a meaningful relationship with both parents.

Resistance to reform

This transformation in the law of parenting after separation around the Western world is all the more remarkable because it has not occurred without serious resistance. In the main, that opposition has come from women’s groups and feminist advocates for whom the sole custody model represented an optimal post-separation parenting arrangement.

Over the years, various arguments have been made against laws that encourage joint custody and shared parenting time (Boyd, 2003; Cohen & Gershbain, 2001; Smart & Sevenhuijsen, 1989). One of the main arguments has been that the more that legislation supports and encourages the involvement of non-resident parents, the more it exposes women to the risk of violence and abuse (Jaffe & Crooks, 2004). The problem of domestic violence has thus taken centre stage in campaigns against changes to the law that promote joint custody and greater contact between non-resident parents and children.

However, the issue of protecting women and children from violence has not proved effective as an argument against having any provisions in legislation that encourage non-resident parent involvement. That has been a source of frustration for some advocates (Graycar, 2012), but there are reasons why these arguments have not achieved much traction.

One reason is that the evidence base for the supposed connection between laws that encourage the involvement of non-resident parents in their children’s lives, and an
increased risk of violence, is very weak. There is simply no evidence for a linear relationship between the time that non-resident parents spend with their children, and a greater incidence of post-separation violence towards the primary caregiver. Another reason is that politicians have responded to concerns about violence and abuse—logically enough—by strengthening the provisions in the legislation addressing those issues. That happened with the Family Law Reform Act 1995 in Australia. Alongside various changes to the law that placed an emphasis on the importance of both parents in children’s lives, the Parliament enacted a substantial number of provisions concerning family violence. No such provisions had been in place prior to 1995.

A similar legislative approach was adopted in 2006. The protection of children from harm was made one of the objects of Part VII of the Act dealing with children, and one of two primary considerations in determining the best interests of the child.

This approach was adopted again in 2011, with the government further strengthening those parts of the legislation that emphasise the need to protect children from harm, and deleting a relatively small number of provisions that had caused anxiety, while leaving the substance of the 2006 reforms intact. Specifically, the government resisted the pressure to make fundamental changes to the shared parenting emphasis of the 2006 legislation.

When parenthood should be dissoluble

Recognition of the notion that families endure beyond the separation of the parents does not necessarily involve an assumption that all families can or should endure. Nor does it mean that the goal of interventions in all cases ought to be to try to build a cooperative co-parenting relationship.

Protection from family violence

As is now well understood, many women and children are at risk from male violence and abuse before, during and after separation. It is appropriate that an absolute priority be given to the safety of victims of violence and their children when there is a risk of serious harm.

How can the protection of victims of violence be given an absolute priority when the law in general promotes the indissolubility of parenthood? The new definition of family violence introduced by the 2011 amendments offers the potential for an improved level of differentiation between types of violence, and therefore a more nuanced understanding of the dynamics of the violence that has occurred within a particular family (Parkinson, 2012). However, there still remains a need for greater clarity in the law about when family violence ought to lead to orders for sole parental responsibility and restrictions on contact.

Current safety concerns

One issue with the Australian legislation is that in so many places it focuses on a history of family violence or abuse at any time in the course of the relationship, rather than on current safety concerns, and without sufficient clarity about how that history needs to be taken into account in decision-making. For example, any incident that can be characterised as family violence—however far in the past—is sufficient to rebut the presumption of equal shared parental responsibility (s61DA); any history of family violence is sufficient to provide grounds for exemption from the requirement to produce an s60l certificate before filing an application for parenting orders in court; any history of family violence triggers a requirement on the court to take certain steps promptly, irrespective of whether there are any current safety concerns (s67ZBB), as long as the person alleging the violence sees it as an issue for the court’s decision-making. The legislation also requires consideration of family violence orders that are no longer current in determining what is in the best interests of the child, as a factor separate to a history of family violence (s60CC(3)).

This demonstrates that Australian law takes the issue of domestic violence very seriously—and so it should. However, it also casts the net very wide, given the prevalence of histories of family violence among parents who have separated (Kaspiew et al., 2009), and the exponential growth in the number of family violence orders made in certain parts of the country over the last ten years (Parkinson, Cashmore, & Single, 2011). The Australian Institute of Family Studies (AIFS), in its evaluation of the 2006 family law reforms, found that 26% of mothers and 17% of fathers reported being physically hurt by their partners. A further 39% of mothers and 36% of fathers reported emotional abuse (Kaspiew et al., 2009). The sheer volume of cases where there are allegations of violence or abuse in parenting disputes (Moloney et al., 2007), and/or where there is a previous family violence order, makes it difficult to deal with all relevant cases promptly (as required by s67ZBB). When everything is urgent, nothing is urgent. A focus on current safety concerns rather than a history of violence during the course of the relationship per se, is important
to allow the concentration of resources on the parents and children who are at most risk as a result of post-separation parenting arrangements.

The AIFS evaluation found—in interviews with about 10,000 parents, conducted on average fifteen months after separation—that a smaller number of parents had current safety concerns either for themselves or their children than had reported a history of violence or emotional abuse. Four per cent of fathers and 12% of mothers were concerned about their personal safety; and 15% of fathers and 18% of mothers expressed concerns about the safety of their child—either alone or in addition to concerns about personal safety (Kaspiew et al., 2009, p. 28).

The AIFS team also found that a history of family violence did not necessarily impede friendly or cooperative relationships between the parents. Sixteen per cent of mothers who reported being physically hurt by their ex-partner during the course of the relationship reported friendly relationships at the time of the interview, and a further 24% reported having a cooperative relationship. While others reported distant or conflictual relationships, only 19% reported a continuing fearful relationship. Fifty-five per cent of mothers and 50% of fathers who reported emotional abuse by their ex-partner during the course of the relationship reported friendly or cooperative relationships by the time of interview (Kaspiew et al., 2009, pp. 31–32). By way of contrast, where a parent had current safety concerns either for themselves or for their child, it was much more likely that they would report difficult relationships with the other parent (Kaspiew et al., 2009, pp. 32–33).

Parents who had concerns about the safety of their children reported that their children had a significantly lower level of wellbeing than the children of parents who did not have such concerns, while a history of family violence was no longer statistically significant in terms of child wellbeing according to mothers’ reports once socio-demographic characteristics and family dynamics were controlled for (Kaspiew et al., 2009, p. 269).

Section 61 of the Care of Children Act 2004 in New Zealand offers a clearer focus to the inquiry regarding a history of violence because it focuses on current safety concerns and levels of risk. In New Zealand, the question that has to be asked is “whether a child will be safe if a violent party provides day-to-day care for, or has contact (other than supervised contact) with, the child”. Various considerations are
listed to assist the court in assessing that question.

Although the Family Law Act is not so well focused, the 2011 amendments to the Act, if properly understood, may well assist in making clearer how family violence needs to be taken into account in parenting disputes.

The two safety priorities

The 2011 amendments, together with reforms made at earlier times, identify two priorities in cases where safety is an issue.

First, in assessing what is in the best interests of the child, greater weight is to be given to the need to protect the child from physical or psychological harm due to being subjected to, or exposed to, abuse, neglect or family violence than to the benefit to the child of having a meaningful relationship with both of their parents. The first priority, then, is child safety if there are current concerns that the child may be at risk.

Secondly, there is s60CG (first introduced in 1995), which provides:

In considering what order to make, the court must, to the extent that it is possible to do so consistently with the child’s best interests being the paramount consideration, ensure that the order … does not expose a person to an unacceptable risk of family violence.

The second priority, then, is parental safety. Where there is a present risk of violence towards the primary caregiver, but the child will nonetheless benefit from spending time with the non-resident parent, measures need to be put in place as far as possible to ensure that the parents do not meet, or meet only in a public place where the risk of violence is lessened. The use of contact centres to facilitate handovers is one way in which this can occur.

Focusing on the two priorities for protection will, it is to be hoped, provide adequate guidance on when a sole parental responsibility order, together with restrictions on contact, would be appropriate. However, the importance of these two priorities might be missed in the way the legislation is currently drafted because they are placed in different sections of the Act and the court is required to consider so many other aspects of a history of violence in an unfocused way.

Of course a history of family violence remains important, even where there are no current safety concerns. The problem is that the Act gives little clarity about why a history of violence is important and how it should be weighed against other factors. A history of violence is, for example, an important issue to explore in terms of the children’s attitudes towards living with, or going on visits to, a violent parent. A child’s fear of the violent parent, or concern about the parent’s unpredictability, are relevant matters to examine, as are the ways in which witnessing the violence has affected the children’s love for, and trust in, the parent (Holt, Buckley, & Whelan, 2008; Wolfe, Crooks, Lee, McIntyre-Smith, & Jaffe, 2003).

A history of coercive controlling violence is particularly relevant in determining parenting arrangements after separation. It is important, for example, in assessing the mother’s capacity for parenting and her attitude towards contact between the child and the other parent. For many women who experience this kind of subjugation and control, the psychological effects may have a greater lasting impact than the physical abuse. These effects include fear and anxiety, loss of self-esteem, depression and post-traumatic stress (Kelly & Johnson, 2008, pp. 483–484). They may significantly affect a mother’s capacity to parent (Erikson, 2005), particularly in the context of coping with the stresses of the relationship breakup and the litigation about parenting arrangements. Mothers may be misdiagnosed as suffering from various psychopathologies, even though their deficiencies and problems are situational and reactive to the experience of abuse.

The experience of coercive controlling violence may also explain a parent’s resistance to regular contact between the children and the father, even if it can be made safe through contact handovers, or her desire to relocate a long way from the other parent when there is
not another convincing rationale for the move other than to get away.

In particular, coercive, controlling violence against an intimate partner is a window to the soul. It reveals much about the character of a person. It may be indicative of a tendency to dominate and control the children rather than to nurture and empower them (Kelly & Johnson, 2008). There is also a likelihood of there being ongoing issues about the safety of the mother and high levels of conflict between the parents.

It is also important when considering the history of violence, that optimism should not be allowed to triumph over experience. Because there is such a reluctance to sever face-to-face contact between a parent and a child, the use of contact centres, where available, is often an attractive compromise position. Contact centres allow for supervised handovers of children in order to avoid the parents meeting, and may provide supervised contact in cases where there is concern about abuse of a child.

Nevertheless, in contact centres, there can be a conflict between an institutional imperative to help the parents to “self-manage” to the extent that they no longer need the services of the centre, and the need for ongoing protection from violence or abuse. Services that have high levels of demand will want to move people off their books in order to place others on them (Sheehan, Dewar, & Carson, 2007). In some cases, therapeutic work with parents may be helpful where, by improving levels of cooperation and trust between the parents, the primary carer can build enough trust and confidence in the other parent that she feels safe to move beyond the security of using the contact handover service.

Where, however, the reason for the use of the centre is because of ongoing concerns about safety, the notion that the parents can be assisted towards a healthy enough coparental relationship is, for the most part, likely to be unrealistic (Harrison, 2008; Parker, Rogers, Collins, & Edleson, 2008). Services should provide life support to a parent-child relationship only for a relatively limited period. After that, if serious safety issues have not been and cannot be resolved, then the hard decisions need to be taken, with the priority being the safety and the wellbeing of the primary caregiver.

**Intractable conflict**

Orders for sole parental responsibility are also appropriate in situations of intractable conflict. This was recognised by the House of Representatives Family and Community Affairs Committee (2005) in its landmark report, which formed the basis for the 2006 reforms. Recommendation 2 in the Committee’s report was that “Part VII of the Family Law Act 1975 be amended to create a clear presumption against shared parental responsibility with respect to cases where there is entrenched conflict, family violence, substance abuse or established child abuse, including sexual abuse” (p. 41).

It proved difficult to translate that into legislation, not least because of the problem of providing a legislative definition of entrenched conflict. However, the recommendation should not be forgotten. While high levels of conflict are particularly problematic in shared care arrangements, given the degree of interaction between parents that is typically needed, the issues about entrenched conflict do not arise only in relation to shared care. In any situation where the track record suggests that it will be very difficult indeed for the parents to agree on aspects of parental decision-making, it is likely to be better to make an order for sole parental responsibility.

Nonetheless, it is important to seek to understand the reasons for entrenched conflict. In some families, hostility arising from unresolved anger about the separation or issues concerning new partners (Smart & May, 2004) might be reduced with therapeutic support. There are also cases that are high conflict for a reason, not least that significant child protection concerns have not been resolved (Birmbaum & Bala, 2010; Cashmore & Parkinson, 2011). There are others where the issues arise from alienation of the child.

In one sense, any litigated case is one of high conflict, but the conflict may well diminish once a decision has been made. Cases where there is a lot of re-litigation suggest that the conflict may be entrenched, and that more radical surgery is needed than simply restructurining or adjusting the parenting arrangements.

**When the parents have never been a family**

One of the most difficult issues to address is when the parents are in dispute about their child have never actually lived together. In such cases, typically the child has been conceived in the context of a relatively short-term relationship.

In Australia, about 11–12% of all births are to single mothers, according to data from 2000–01 (De Vaus & Gray, 2004). Since 1975, the rate at which children are born into lone-mother families has increased more rapidly than the
Cases where there is a risk of serious harm to the child or a primary caregiver, relationships that have intractable conflict, or the child has begun life with a single mother, are all situations where the old sole custody norm is likely to be more appropriate than trying to preserve an ongoing co-parenting relationship.

Cases where the parents have never lived together are quite varied. Biological fathers of children born to single mothers may in many cases represent potentially important social capital to children if a relationship can be established and maintained, but the sociological evidence—at least from the US—would appear to indicate that the long-term prognosis for relationships between many of these fathers and their children is one of increasingly tenuous connection (Carlson, McLanahan, & Brooks-Gunn, 2008; Cheadle, Amato, & King, 2010). Such fathers ought to pay child support, of course, however tenuous their connection with the child may be. The question is whether any differentiation should be made in other respects (as a matter of law) between fathers in this situation and those who have been involved in caring for the child in the context of a marriage or a domestic partnership, at least for a period of time.

When parents have never lived together, arguably a legal presumption of equal shared parental responsibility is inappropriate. There have to be limits on the extent to which those who have never formed families as two biological parents should be treated as if they had done. This is particularly the case where the relationship has been characterised by conflict from the beginning, or near the beginning, of the child’s life.

Avoiding a presumption of equal shared parental responsibility in cases where there are disputes before the courts, leaves the position as a neutral one. The parents may agree to share equal parental responsibility or the judge may order that it be so; but the law should not presume a particular outcome.

Conclusion

Cases where there is a risk of serious harm to the child or a primary caregiver, relationships that have intractable conflict, or where the child has begun life with a single mother, are all situations where the old sole custody norm is likely to be more appropriate than trying to preserve an ongoing co-parenting relationship. These are not the only situations of course, and other cases will depend on their facts.

Sometimes, perhaps, family law systems around the world try too hard to keep alive relationships that aren’t sufficiently healthy to survive without intensive care. By no means all father–child relationships survive parental separation, nor should they, and family law systems need to come to terms with that. As the poet Arthur Clough (1974) once wrote:

Thou shalt not kill; but need’st not strive officiously to keep alive.

Accepting both the indissolubility of parenthood for most separated parents and appropriate limitations on joint parental responsibility offers the best way forward for consensus, and for an appropriately balanced family law system. Researchers and policy-makers need to move beyond the gender wars, even if those in the middle of post-separation conflict are stuck in the trenches.

Endnotes

1 This may be translated as: “Law tending to favour equal residency for children of separated parents and regulating enforcement in child residency matters”.

2 A section 60I certificate (named after the relevant section of the Family Law Act), is required in order to file a parenting application in court unless exemptions (which include any history of violence) apply under that section. Typically, a certificate indicates that the parties have attempted mediation but it was unsuccessful. It may indicate that one parent has attempted it but the other has refused to attend.

3 Section 67ZBB instructs the court to act as expeditiously as possible, and, “if appropriate having regard to the circumstances of the case”, within 8 weeks. The difficulty is how to allocate judicial resources when a substantial number of cases trigger the s67ZBB requirement and other cases also need urgent attention.
References


Professor Patrick Parkinson is Professor of Law at the University of Sydney. This article is an edited version of a keynote address presented at the 12th Australian Institute of Family Studies Conference, 26 July 2012, Melbourne.
According to the Australian Bureau of Statistics (ABS; 2007) approximately one in ten couple families contain resident step-children. In Wave 3 of the Household, Income and Labour Dynamics in Australia (HILDA) survey, 13% of households had either residential or non-residential step-children, or both (Qu & Weston, 2005). In the United States, approximately 9% of married couple households, and 12% of cohabiting households contain resident step-children (Teachman & Tedrow, 2008). Step-family data are not collected in the New Zealand Census. However, 19% of the 1,265 child participants in the longitudinal Christchurch Health and Development Study had lived in a step-family between the ages of 6 and 16 years (Nicholson, Fergusson, & Horwood, 1999).

The majority of step-families are formed after divorce through the repartnering or remarriage of a parent (Pryor & Rodgers, 2001). As newly formed step-couples begin to live together, they must manage a complex family transition through which they establish a new household and bring together a number of adults and children, some of whom are unrelated (step-parents, step-children and step-siblings). Unlike first-marriage couples, newly repartnered couples do not have the luxury of getting to know each other before becoming parents and step-parents. Instead, they begin life together facing the challenges associated with developing their new couple’s relationship and new step-relationships, at the same time as having to deal with multiple changes in their lives and those of their children.

Step-families are also closely linked to other households because of children’s relationships with parents in other residences. When parents repartner, former spouses must continue to deal with each other over issues to do with child care, including parenting arrangements and financial support of children (Braithwaite, McBride, & Schrodt, 2003). How well parents manage these co-parenting issues affects both the step-couple and the children (Braithwaite et al., 2003).

This paper comes from the Couples in Repartnered (Step-) Families study, conducted...
in New Zealand (Cartwright, 2010). The study consisted of an online questionnaire completed by 99 adults living in step-families; and interviews, both individual and joint, with 16 step-couples. The step-couples reflected back on the processes associated with repartnering and establishing a step-family. The effects of co-parenting issues with former spouses emerged as a source of stress for many step-couples, so the decision was made by the authors to examine this area of step-family life. The results present a thematic analysis of the qualitative data from the interviews that are relevant to ongoing co-parenting relationships and interactions with former spouses and the effects of these on the step-couple.

Co-parenting relationships following separation and the effect on step-couples

In a review of the step-family research conducted in the previous decade, Coleman, and Fine (2000) talked about the importance of extending step-family research beyond the step-family household. However, few researchers have since made this move. As Schrodit (2011) noted, co-parenting has been investigated in first-marriage families and divorced families, but researchers have generally neglected the investigation of co-parenting relationships and their effects in the step-family context.

To do so is important, as the remarriage of one parent brings about another family transition and its associated stressors (Coleman et al., 2000). As Christensen & Rettig (1996) noted, systems theory suggests that co-parenting relationships established between parents following divorce are likely to be disrupted with the addition of a new parental partner, and require adjustments to accommodate the presence of the step-parent. There is evidence that some former spouses struggle to accept the development of new relationships, and the arrival of new parental partners is a common stressor for divorced individuals (Hetherington & Kelly, 2002). This may be particularly difficult, for example, for those who did not want to divorce and have remained single, and those who have settled into a comfortable co-parenting arrangement. American clinicians (e.g., Papernow, 2006) and researchers (e.g., Hetherington & Kelly, 2002) have noted that some former spouses feel threatened by new partners. For example, in an interview study with 35 divorced adults, the men and women talked about feeling that they were being replaced, both as a partner and a parent (Miller, 2009). Hence, having one’s former spouse repartner may lead to feelings of insecurity and either disrupt settled arrangements or exacerbate ongoing difficulties.

There is evidence from studies in the United States that co-parenting relationships can deteriorate after the addition of a step-parent to the family, leading to increased stress for all family members (Coleman, Fine, Ganong, Downs, & Pauk, 2001). Christensen & Rettig (1996) examined the effects of remarriage on co-parenting relationships in a sample of 327 divorced adults' attitudes to co-parenting. Ganong, Coleman, Markham, and Rothrauff (2011) found that repartnered mothers reported a lower level of intention to co-parent in the future compared to mothers who remained single. The authors suggested that repartnered women may have seen their new partners as being potential father replacements and that this may have affected their attitudes to co-parenting with their former spouses. Alternatively, the authors posited that the change in attitude could be as a result of increased conflict that occurred following remarriage.

On the other hand, a recent study of the interactions of 22 parenting teams including both of the former spouses and a step-parent, found that the participants expressed moderate satisfaction with their interactions with the other household, and interactions were generally not conflicted (Braithwaite et al., 2003). Interactions were mainly child-focused, were between parents, and were rarely initiated by a step-parent. The researchers concluded that this group of volunteer participants, who had been together on average 6 years, had reached a position of equilibrium. This suggests that given time a number of former spouses and their new partners can develop functional ways of interacting around the children that are satisfactory to them. There is also some evidence that contact with a former spouse who is supportive and engages in cooperative co-parenting can have a positive effect on the repartnered parent in the step-family (Weston & Macklin, 1990).

It is also important to note that some researchers believe that fathers whose children are primarily in the care of mothers can lose further contact with their children when the father remarries. However, Ganong and
Coleman (2004) concluded in their review of the step-family literature that the small number of studies on the effects of remarriage on father–child contact have shown mixed results. Some studies have found no change in contact between children and fathers (Stephen, Freedman, & Hess, 1994) while other studies have found a decrease in contact (McKenny, McKelvey, Leigh, & Wark, 1996). Given the evidence of the disruption to co-parenting relationships caused by repartnering, it seems likely, as Smyth (2004) concluded, that some children will have less contact with parents who remarry or repartner, but it also possible that some children will have increased contact, and contact for others will remain unchanged.

Finally, some of the problems that arise between divorced co-parents after remarriage relate to financial issues, including support of the children. Just as men fare better economically after divorce than women, women fare relatively better economically after remarriage than men (Ozawa & Yoon, 2002). Fathers who remarry are potentially placed under greater financial stress due to expectations that they will support children from the previous union, step-children, and children born to the new partnership (Hans & Coleman, 2009). Following remarriage, a father’s income may thus be furthered stretched while a mother’s is potentially added to. Further, in Hans’ (2009) study of social beliefs around child support modification following remarriage, the majority of their sample of 407 people believed that it was appropriate to modify child support following remarriage to maintain an equitable agreement. It seems likely therefore that in such circumstances disagreements over child care payments may re-emerge or, if disagreements are ongoing, be exacerbated following remarriage as there is potentially more competition for economic resources.

Ganong and Coleman (2004) pointed out that many step-couples come together with “an audience of interested and powerful third parties” (p. 76), some of whom (such as former spouses and, in some instances, children) may have an investment in the relationship not succeeding. As discussed, researchers (e.g., Hetherington & Kelly, 2002) and step-family therapists (e.g., Papernow, 2006) have found that some former spouses engage in behaviours that have a negative effect on step-couples. Papernow observed that resentful or jealous former spouses can make managing child care issues difficult for parents and step-parents. Some former spouses also respond to the repartnering as a competition over the children’s affection (Ganong & Coleman, 2004), fearing that they might lose their children. This potentially increases the emotional distress associated with child care arrangements; hence, former spouses who are struggling themselves can have a significant psychological presence in the step-family (Ganong & Coleman, 2004), which in turn is likely to affect the step-couple’s relationship.

Method

Participants

Participants were recruited from among 99 participants who had taken part in the study’s online survey. At the completion of the online questionnaire, participants could volunteer to take part in a couple’s interview. Sixteen couples (32 participants) were recruited in this manner. All couples were living in Auckland. Two participants were in the 30–34 age range; 16 were 35–39; 13 were 40–44; and one was over 50 years.

The couples had been living in a step-family household for between one and nine years, with a mean of 3.9 years. Ten of the couples had remarried, the remainder were cohabiting with new partners. They had between one and four children from previous unions living in their households, with a mean of 2.5 children. All the couples had children with them at least one-third of the time, and the majority had step-children in the household for at least two-thirds of the time. Four couples had children born to their relationship and one was expecting. The children from previous unions ranged in age between 4 and 14 years, with a mean of approximately 10 years.

In the group of participants, there were 12 mothers, 12 fathers, and 9 adults who did not have children from a previous marriage. Between them, they had 25 former spouses. Five of these families were step-father families, five were step-mother families, and six were complex step-families in which both adults had children of their own. However, two of the complex step-families were living mainly as step-father families due to one having irregular contact with the step-fathers’ children.

Interviews

The couples were interviewed together and then separately. The joint interviews lasted between an hour and an hour and a half, and the individual interviews each lasted around 20 minutes. In the joint interviews, the couples were asked for the story of their relationship and how it began and developed. They were then asked to talk about their children’s experiences and how they had responded to the formation of the new relationship and
step-family living. The couples were asked to talk about how they had worked out the care arrangements for the children; what they agreed and disagreed about; how they looked after their own relationship; what worked and what did not. They were asked to talk about the positive aspects of their relationship, how they had looked after their relationship, and any recommendations they would give to couples considering repartnering.

In the individual interviews, the participants were asked if there was anything else that was important to them that they would like to talk about. They were also asked to talk about the greatest challenges they had experienced in their family situation, and the most positive aspects of their experiences.

Data analysis

The interviews were transcribed and a number of datasets were created to allow for further analysis. These included the challenges internal to the couple's relationship, the responses of children, influences external to the step-family household, positive experiences, and the parenting of children. This paper presents the analysis of the body of data taken from the interviews in regard to ongoing contact with former spouses that was in the dataset relating to influences from outside the step-family. A thematic analysis was conducted on the data using the methods described by Braun and Clarke (2006). This included the process of re-reading the data, and recording a summary of the comments made by participants in regard to interactions with former spouses and the effects of these. These comments were then examined and grouped into sets of related data. From this process, a number of themes were proposed. These proposed themes were then checked against the data to see if they fit and represented the main ideas that were present. The themes were further examined by the second author for their fit to the data and the final themes were defined. These themes are presented in the next section.

Before presenting the themes, it is important to acknowledge that this analysis is based on the step-couples' interviews. The former spouses' stories of their experiences are not included. It is also important to note that the majority of the data is about negative experiences with former spouses. Eight of the 25 parents in the group did not talk about relationships with former spouses in any significant way and four step-couples' experiences did not include issues with spouses. Hence, 12 couples (17 parents) were negatively affected by the nature of the co-parenting relationship and the data presented in the results come from these participants.

Results of the thematic analysis

The results section presents four themes that were established from the data analysis process described above. These include: battles over children's residence and financial matters; not pulling their weight; lack of cooperation; and the other parent's negativity towards the step-parent or the new step-family. The effects that these areas had on the step-couples will be examined throughout each theme.

Battles over children's residence and financial matters

As has been well documented by previous research (Amato, 2000; Pryor & Rodgers, 2001), separated and divorced parents often continue to engage conflictually as they deal with each other over issues concerning their shared children and shared property. In this group of participants, six step-couples described conflict with former spouses over child care and support and/or joint property, which was associated with high levels of stress or distress. For five of the six couples, the discord was between fathers and their ex-wives. For some participants, the conflict with former spouses had mostly resolved at the time of the interviews, for others it was current and ongoing. Participants described a range of feelings they experienced during periods of conflict with former spouses, including feeling frustrated, anxious and exhausted, and sometimes hopeless or desperate. They also described a range of effects on the couple's own relationship. Some couples had conflict between themselves over how to handle difficulties with former spouses, others became united, and one couple considered separating. As might be expected, some also disagreed some of the time and were supportive and felt united at other times.
Three fathers who repartnered quickly after separating, including one whose new relationship pre-dated the separation from his spouse, experienced severe levels of stress that involved legal “battles” over children’s residence and financial arrangements. The couples’ stories of the beginning of their relationships were dominated by descriptions of these problems. As one step-mother said about the effects of the conflict between her partner and his ex-wife over joint property and, to a lesser extent, contact with the children:

The fact that for the first two years it was a battleground. And just constantly in your face everyday … You never had the courting and the dating type scenario. You just go, bang, and you’re straight in and we had two and a half, three years of just absolute battle and grief.

The father talked about his experiences in similar terms, describing “a lot of nasty conflict and a lot of expensive lawyers” and two years of “war”. He also talked about his perception that his ex-wife was driven by a desire for revenge, as the quote below suggests:

I guess some of it was, I know the whole of that thing was she was out to sort of ruin me personally and there was no way that was going to happen … For the first two years she was just irrational. Her actions were just irrational and it was driven by vengeance and anger, and trying to rationalise that with someone just doesn’t work.

Another father, who had repartnered within six months of separating, had lost regular contact with his pre-adolescent and adolescent children at the time of the interviews. He moved towns and hoped that his ex-spouse would cooperate with transporting the children, but this had not happened. For this couple, the first half of the interview was dominated by the story of his attempts to see his children, his ex-wife’s unwillingness to assist with travel, and their contact through lawyers. They talked about trying to “be united as a couple as you have so many things against you”.

However, the relationship came under pressure over time, as the father missed his children more. The step-mother talked about her frustration, how she tried to assist by talking to the children’s mother, and also her annoyance at times with her partner. She had difficulty understanding why it was so difficult, given that her interactions with her own former spouse were uncomplicated:

I guess the longer it went on, the harder it became … I’d get wound up or I’d have a knot in my stomach. I think the stress side of things came more from frustration … I have such a simple arrangement with my son’s dad … and I couldn’t understand why we couldn’t have that with their mother, because I knew it could be simple. Then I’d say, you know, they’re your kids, you can sort it out because she [mother] is not listening to me.

Another couple, who repartnered shortly after their former relationships had ended, had three ex-partners between them, and they experienced difficulties with all of them when they repartnered. While none of the situations were as difficult as the ones described above, the effect of having three ex-partners made their first two years together stressful. The father talked about the challenges of this over the first year, which illustrates the complexity of the issues that some step-couples face:

When we first met, the children only went to their mother’s on a Saturday night, every fortnight … Then she [ex-wife] split up from her husband and then after that she didn’t want to work, so went for custody—shared care of the boys—so she could get the benefit. And we fought it for a year, but in the end it was too stressful, and the kids wanted to go to their mother half the time … Just creating your own family unit to fit in with them [his ex-partners] as well, and then we had to do it with my wife’s daughter and iron that side out as well!

Two couples talked about their experiences of mothers who complained that the step-mothers were mistreating their children and how these claims were linked with attempting to have increased time with the children. As an example, one of the fathers told the story of his former spouse, who left to live overseas when the children were preschoolers. As the children grew older, they visited their mother occasionally. After the father and the step-mother married some years later, the mother accused the step-mother of mistreating the children. The step-mother talked about the effects on her at the time and how she coped with it:
I wanted out. I thought, I am not going to do this. We'd only just got married, and then I was worried because she'd sent us a copy, she'd sent the school a copy, she's sent the courts a copy … I raised above it. I knew it wasn't true. The kids knew it wasn't true and denied it … She was just jealous and she still is jealous because I’m bringing up her biological kids.

Finally, one mother was frightened about the welfare of her infant son. The mother separated from her ex-husband when their child was a baby, because of her concern for their physical safety, but the father attempted to gain shared care of the young child. As she said, talking about her ex-husband:

He's got a hatred for me, has a total hatred for me … He hates the fact that [step-father] is in [son’s] life.

The step-father also talked about the effects of this and his concern about getting involved:

Yeah, whether I really wanted to get myself tangled up in what was happening, a custody dispute, taking on a toddler … So whether I was willing to adjust to that, whether I wanted to get involved in all of that and the baggage, I suppose you would call it.

This custody dispute continued for four years and was coming to an end at the time of the interviews. The mother commented, “It’s gone on for four years. So now that’s dealt with, I am finding it a bit hard to believe that this is it”. The step-father also spoke about his approach over the recent years and how he tried to be supportive:

[Partner] was pretty highly strung there for a while. And I just had to keep telling myself I know what’s causing this mess. I couldn’t possibly understand how she feels, going through a custody battle, and just had to wait for it all to finish really, so at times it was pretty hard.

Hence, these couples came under what could be considered severe levels of stress, often during the early stages of their relationships, because of conflict with former spouses over children’s residence and/or financial arrangements. The parents in this group appeared to feel threatened by the former spouses’ attitudes towards them, the potential loss of custody of the children, or issues related to joint property. The conflict between the former spouses, including the ongoing legal “battles”, sometimes affected the step-couples’ relationships, becoming a source of disagreement for some of them, and making it harder for them to develop their relationship and the step-family while they were feeling under a state of “siege”.

Not pulling their weight!

Another experience that some participants talked about were the ongoing feelings of frustration or sense of unfairness that arose when some former spouses' demands or lack of contribution led to a sense of increased pressure for the step-couple. These experiences were less severe than those in the previous theme, but were an ongoing source of stress. A number of participants felt that the other parent was not pulling their weight, whether financially, in provision of child care, or both. One mother talked about her frustration at her child’s father and her concern for her child that her father was not meeting his parenting responsibilities:

There’s this person who’s never grown up and they’re not going to … And it frustrates me, for [daughter’s] sake as well. It’s just that kind of responsibility thing when somebody just doesn’t fundamentally get that as a parent they have a responsibility. He’s never organised a holiday. He’s never paid me a cent of maintenance. He’s never been to any of [daughter’s] important dates at school!

Couples also talked about the financial pressures they were under, and perceived that these were exacerbated by the demands of former spouses. One couple talked about the stress associated with each of them having an ex-spouse whom they perceived placed a financial burden on their household. They reported that one of the former spouses, a father, contributed nothing financially for his child; and the other former spouse, a mother, made ongoing requests for financial support for her child over and above the monthly support payment. As the couple said about the woman’s former spouse:

We won’t go into character assassination, but his father basically told [son], you know, he was not his responsibility. He was entirely my responsibility and not to expect anything from him. (Step-father)

He’s the type of parent who won’t go out and get a job to support his other two children and his [new] partner because it means paying me more child support. (Mother)

This couple also felt that the mother of his child, who was on a benefit, was also demanding. He talked about the pressure he was under and his guilt about his daughter, and appeared to feel torn between his former spouse, daughter and wife:

It was like I was paying out this money [child support], and she would say, “Our child wants to go on a schooip”. I can’t afford to do it and I’d be like, “What do I do now?”, because I don’t want any more money going out, but its affecting my child and it would really become difficult. And then I would have my wife saying, “We can’t afford to do much” … and I would think, “I know, but my daughter is missing out”, and I used to feel like I was in the middle of everything.
Another father talked about feeling similarly torn and resentful towards his ex-wife for not working and not contributing more to the financial support of their sons:

I feel resentful sometimes about forking out, because she treats us like the bank. But I don’t want the children to go without. Don’t get me wrong, but it does piss me off, excuse my language.

Finally, one couple talked about a mother who had given up much of the responsibility for her children, both in terms of child care and economic support, because of her changed personal circumstances. As a result, the stepmother, who was at home with her young children born to her new marriage, had become, by default, the main caregiver for her step-children, and talked about the difficulties of fulfilling a parenting role for them:

I’m not saying that [father] doesn’t take responsibility, but at the moment because of what’s been going on, it’s just even more highlighted the fact that I’m actually the primary caregiver and making these decisions [about the step-children] and trying to feel my way through this … I find it hard to actually understand and believe that she’s just about dropped them like hot potatoes.

While this step-mother appeared to be managing well with her step-children and the couple reported the children were happy in their home, for her it came as an unexpected shock that she should become the primary caregiver for the step-children, and this was also a source of tension between the couple.

**Lack of cooperation**

A number of participants talked about their disappointment or frustration at what they perceived to be an ongoing lack of cooperation from the other parent, usually over care of the children. This lack of cooperation took many forms. It included an unwillingness of some spouses to allow some flexibility in care arrangements to fit in with contingencies, to communicate or negotiate, and/or to cooperate with a step-parent:

Another step-parent.
to cooperate with negotiate, and/or communicate or negotiate, and/or to cooperate with arrangements to fit in with contingencies, to allow some flexibility in care to allow some flexibility in care from the other parent, including an unwillingness to allow some flexibility in care arrangements to fit in with contingencies, to communicate or negotiate, and/or to cooperate with a step-parent.

I feel resentful sometimes about forking out, because she treats us like the bank. But I don’t want the children to go without. Don’t get me wrong, but it does piss me off, excuse my language.

Finally, one couple talked about a mother who had given up much of the responsibility for her children, both in terms of child care and economic support, because of her changed personal circumstances. As a result, the stepmother, who was at home with her young children born to her new marriage, had become, by default, the main caregiver for her step-children, and talked about the difficulties of fulfilling a parenting role for them:

I’m not saying that [father] doesn’t take responsibility, but at the moment because of what’s been going on, it’s just even more highlighted the fact that I’m actually the primary caregiver and making these decisions [about the step-children] and trying to feel my way through this … I find it hard to actually understand and believe that she’s just about dropped them like hot potatoes.

While this step-mother appeared to be managing well with her step-children and the couple reported the children were happy in their home, for her it came as an unexpected shock that she should become the primary caregiver for the step-children, and this was also a source of tension between the couple.

**Lack of cooperation**

A number of participants talked about their disappointment or frustration at what they perceived to be an ongoing lack of cooperation from the other parent, usually over care of the children. This lack of cooperation took many forms. It included an unwillingness of some spouses to allow some flexibility in care arrangements to fit in with contingencies, to communicate or negotiate, and/or to cooperate with a step-parent, when this was required.

For some participants, this lack of cooperation began or was exacerbated when the parent repartnered.

One father, for example, described how he and his ex-spouse had developed a workable routine for handing over the children from one home to the other and how this had changed since he repartnered:

It’d gone from being businesslike, where we would occasionally, at hand-over time, meet in a café and have a morning tea together with the children and try to normalise things. The kids would say goodbye to me, kiss and cuddle, and off they’d go … [Now] we’ll meet outside Burger King. You park on one side of the place, I’ll park on the other, and the kids can walk over the carpark. And, you know, back to deep freeze, sort of frosty. We are back to that.

Another couple talked about problems with former partners on both sides. The father had child care issues with an ex-wife and the couple also perceived a lack of cooperation from her ex-husband (as each is both a parent and step-parent, they are referred to by gender):

Female: But then we had other issues on the other side, just trying to make everything fit, and that person [ex-husband], I don’t know why, being difficult!

Male: Her dad being difficult!

Female: Just over school holidays really.

Male: Yeah, and other stuff. When he’s got one person to think about, we don’t understand why he was difficult.

Female: He doesn’t care!

Male: Doesn’t care what we do!

Female: As far as he’s concerned, our family unit is none of his business.

One couple with parents living overseas had difficulty gaining permission from the children’s mother to allow the children to visit their grandparents. As the step-mother said:

When we wanted to go on a holiday, and she had agreed to it, and then she withdrew her agreement. And we’d already bought the overseas tickets and the kids thought they were going. And then she’s saying they they couldn’t go, or it had to go through the court for the court to say, “Yes, they could go to see their grandparents”. And I just hate that!

Another couple also experienced a lack of cooperation from the children’s step-mother. This couple had moved house in the early stages of repartnering, and the oldest child, who normally got on well with his step-father, was objecting to the new living situation. The couple told the story of what happened when the mother rang the children’s father to ask for support while they worked through the issues with the teenager:

Mother: I asked for the dad’s support, which he gave me, but the woman that he’s married used the opportunity to undermine us …

Step-father: They went to their dad’s that night, so we weren’t there to talk about it that evening. Then the following night they came back with these questionnaires that the step-mum had written out, like, what do they feel about living here?

Mother: And using the same questionnaire to ask the children about what it was like at their place as well. Yeah, that wasn’t useful.

Another mother talked about her frustration and disappointment with her daughter’s father...
and his unwillingness to help out, especially during the school holidays. This couple did not have any extended family support:

For us as a family, we don’t have people that help us with our kids … There’s just us, so that really is where it kind of bites. You get six weeks of summer holidays and you’re both working and there’s this other person who’s just gone. They’re not there for six weeks every summer.

Hence, some of the participants talked about their disappointment and frustration at the lack of cooperation that they experienced with the other parent, or in one case, step-parent. This added to their stresses and appeared to put pressure on them as a couple. Over time, some also appeared to learn to live with the lack of cooperation and were less frustrated by it. As one mother said, referring to the decrease in the effects of problems with the former spouse, “Once it was an elephant in the room, now it’s a little mouse in the field”.

The other parent’s negativity towards the step-parent or the new step-family

A number of parents and step-parents talked about their concerns or worries that the former parents’ negativity towards the step-parent or step-family situation might adversely affect the children and the children’s attitude towards the step-parent or living in a step-family, thereby undermining the efforts they were making to build the step-family and care for the children.

One mother did not allow the children to visit the new step-family household for the first few months. Over time, the step-mother became involved in picking the children up from school, assisting them with homework, helping to make lunches for them, and found the mother’s treatment of her difficult to accept. This situation came to a head and improved after the step-mother stood up for herself. Following a call where the mother had spoken rudely to her, she said:

I’m not the nanny. I’m not the receptionist. I’m bringing your children up whether you like it or not. They’re with us nearly 50% of the time … You can’t even have the decency to be civil to me when I ring up or to acknowledge that fact that I’m picking them up from school! … I said I spend my good earned money on them buying them clothes and food, and you’ve got the nerve to treat me like this! … And I said we have the decency to treat [your new partner] with respect and talk to him directly!!

While this type of response might have been followed by ongoing conflict or difficulty between the mother and the step-mother, in this instance, the mother apologised and the relationship became more civil. It is also important to note that in this instance, the young children did not appear to develop any negative attitudes towards their step-mother and were reported to be moving between houses quite happily.

Another couple talked about their worries about the mother’s negative attitude towards the step-mother and their concerns about how this affected the children. This couple had a relatively smooth transition into step-family life, and the greatest challenge was the ex-wife’s response to the remarriage. The father talked about his ex-wife’s reaction to his new partner and his concerns about this:

My ex-wife hasn’t reacted at all well to [step-mother] being on the scene, and insinuated in the early part of our relationship that the girls completely disliked [step-mother] … She wrote this vitriolic email saying about how insensitive it was for me considering marrying...
someone who the girls obviously disliked so much … The data didn’t match what I was seeing … I’m not paranoid about it, but I still worry to an extent what she will feed the girls about us.

A step-father also spoke about what he perceived as interference from the step-mother in the children’s other home. He talked about his perceptions that the step-mother acted as if she was the mother of the children but failed to accept his role as a step-father:

I’ve met her a few times and she blanked me completely … There’s a couple of things she has done that I’ve felt have been against me … Her interference seems to be a lot, and thinking she’s the mother, whereas although I’ve been around less time, I don’t think I’m the dad. That’s been difficult.

Finally, a mother’s story of her preschool child’s experience provides some insight into how loyalty issues affect children. She talked about the effects on her son of the non-residential father’s attempts, as she perceived it, to turn the child against his step-father. The mother talked about her concerns for her partner’s feelings and for the wellbeing of her son:

The only time we’ve really had difficulties with [step-father] and [son] is when he’s come back from his father’s and, “Me and my dad hate you”, this sort of stuff … I said to [step-father] at the time, “You need to remember that this is [my ex-] talking. That is not my son because he absolutely idolises [his step-father]”. [Later] I said to [my son], “Why did you say that about [step-dad]? You don’t hate him”, and he said, “Because my dad said”. And he was so young!

Hence, some parents and step-parents experienced the other parent(s) as competing for the children, and attempting to turn the children against them or to win the children over to their side. In only one instance, a step-mother was seen as the main instigator of the difficulties. The other instances concerned former spouses’ lack of acceptance and angry responses to the step-parent or the new step-family situation.

Discussion

Previous research suggests that co-parenting relationships can deteriorate when a former spouse repartners (Christensen & Rettig, 1996; Coleman et al., 2001). This study provides insights into how this can occur and the effects it has on step-couples. A number of the parents observed an increase after they repartnered in the conflict they experienced with former spouses over the children’s residence, child support and/or joint property. This appeared to be heightened for couples where one of them had repartnered early during the post-separation period, when issues around child contact and joint property were not yet resolved, and feelings on both sides were still running high. On the other hand, disturbance in some co-parenting relationships also occurred after repartnering when the divorce had taken place some years earlier. A small number of parents perceived that former spouses were being deliberately difficult in response to their repartnering.

For some parents, the conflict over child contact and financial issues was associated with high levels of stress and added a great deal to the pressure that couples were experiencing as part of their adjustment to step-family living. It also placed stress on their relationships with each other, and this was exacerbated if they disagreed over how to manage the issues with the former spouse. It was also difficult at times for the step-parents to accept and deal with the stress associated with the conflict between their partners and former spouses. On the other hand, it is important to note that around a third of the parents who participated in the study did not talk about experiencing problems in their co-parenting relationships with former spouses as part of their adjustment to step-family living.

These results support the notion discussed earlier that remarriage and the entrance of new parental partners can destabilise family systems (Christensen & Rettig, 1996), either by exacerbating difficulties that exist or leading to new problems that need to be resolved. It also provides indirect support for previous evidence that the entrance of a new parental partner into the extended family system can lead to feelings of insecurity and a fear that the parent is not only being replaced as partner but also being replaced as a parent (Miller, 2009).
This may be particularly difficult for former spouses who observe step-couple closeness and attractive step-parent qualities. It may also be difficult for individuals who are struggling emotionally. This appeared to be so in a small number of instances discussed in the thematic analysis, in which the participants talked about the attitude of the former spouse to the step-parent and had a sense that their ex-partner was attempting to turn the children against the step-parent and perhaps the remarriage. This supports Papernow’s (2006) conclusion that some former spouses engage in jealous behaviour that makes co-parenting difficult and places stress on the step-couple. In a small number of instances, couples perceived that the former spouse’s negativity was directed at the step-parent. In some instances, this lead to increased tensions between the step-couple and/or feelings of insecurity for the step-parent.

As found previously (Braithwaite et al., 2003), however, step-parents did not appear to deal with or negotiate with former spouses on anything but an occasional basis. This was left mainly to parents. An exception to this was a wife of a former spouse who was seen as interfering directly with the management of the children, and one step-mother who attempted to assist with resolving disagreements. She stepped back from this, however, when it was unsuccessful.

It is also important to note that some of the stressors associated with former spouses were not severe, but were an ongoing source of stress or irritation that made life more difficult for the couples at times. Some former spouses were experienced as being inflexible or refusing to negotiate special requests or one-off changes to routines to allow for special arrangements or events. Some ex-spouses were experienced as not meeting their responsibilities, either through child care (such as assisting with holidays), or in providing financial support of the children. Some parents thought that the other parent was not pulling his or her weight financially and found this added to the financial stressors they were already experiencing. There was also some evidence to support previous finding that some fathers in step-family situations feel torn between former spouses, their children and current partners, in regard to financial support (Hans & Coleman, 2009).

As researchers, we were surprised to note that five of the six co-parenting relationships that we considered came under severe levels of stress, were between repartnered fathers and their ex-wives. On the other hand, it has been found consistently that men tend to repartner more quickly than women (Cartwright, 2010) and some men in this study repartnered within six months of separating, at a time when issues around child care and finances were still under negotiation and the relationship between the two former spouses was still emotionally fraught. Early repartnering is likely to lead to heightened distress for former spouses, especially when they have not wanted to divorce.

American researchers (e.g., Hetherington & Kelly, 2002) and step-family therapists (e.g., Papernow, 2006) have observed that repartnering parents often have unrealistically positive expectations of step-family life, believing, for example, that step-children will love their new partners as much as they do. Some step-couples in this study also appeared surprised or taken aback by their former spouses’ responses to them or their new partner following repartnering, including those who repartnered quickly. It may be that some step-couples are not cognisant of the problems that can arise with former spouses if repartnering occurs quickly after a separation, before the necessary period of adjustment has taken place. The likelihood of step-couples having realistic expectations may also be affected by the lack of research in the area of co-parenting following remarriage, and also the lack of norms to guide parents and step-parents in how to relate to each other (Weston & Macklin, 1990). It might be helpful for those considering repartnering to understand that relating to former spouses can become an obstacle course if the former spouse feels threatened or believes that they have not been treated fairly. It may also be helpful for former spouses to be aware of the strong emotions that are evoked by their exes repartnering, and to have guidance about how to manage themselves during this stressful period.

It is important to acknowledge the limitations of this study and briefly discuss future research directions. First, this sample of participants volunteered to be interviewed and may not be representative of step-couples generally. The sample may have included a greater proportion of people who had experienced considerable difficulty and wanted to talk about this to a researcher. Second, the views of former spouses were not included in this study and hence their experiences and viewpoints are missing. Research that includes all the adults involved is likely to provide greater insights into the dynamics of co-parenting within step-family situations. Third, because of the nature of the interviews, participants who told the story of the development of their relationships tended to talk only about the problems and challenges they experienced with former spouses, and not pulling his or her weight financially and found this added to the financial stressors they were already experiencing. There was also some evidence to support previous finding that some fathers in step-family situations feel torn between former spouses, their children and current partners, in regard to financial support (Hans & Coleman, 2009).

As researchers, we were surprised to note that five of the six co-parenting relationships that we considered came under severe levels of stress, were between repartnered fathers and their ex-wives. On the other hand, it has been found consistently that men tend to repartner more quickly than women (Cartwright, 2010) and some men in this study repartnered within six months of separating, at a time when issues around child care and finances were still under negotiation and the relationship between the two former spouses was still emotionally fraught. Early repartnering is likely to lead to heightened distress for former spouses, especially when they have not wanted to divorce.

American researchers (e.g., Hetherington & Kelly, 2002) and step-family therapists (e.g., Papernow, 2006) have observed that repartnering parents often have unrealistically positive expectations of step-family life, believing, for example, that step-children will love their new partners as much as they do. Some step-couples in this study also appeared surprised or taken aback by their former spouses’ responses to them or their new partner following repartnering, including those who repartnered quickly. It may be that some step-couples are not cognisant of the problems that can arise with former spouses if repartnering occurs quickly after a separation, before the necessary period of adjustment has taken place. The likelihood of step-couples having realistic expectations may also be affected by the lack of research in the area of co-parenting following remarriage, and also the lack of norms to guide parents and step-parents in how to relate to each other (Weston & Macklin, 1990). It might be helpful for those considering repartnering to understand that relating to former spouses can become an obstacle course if the former spouse feels threatened or believes that they have not been treated fairly. It may also be helpful for former spouses to be aware of the strong emotions that are evoked by their exes repartnering, and to have guidance about how to manage themselves during this stressful period.

It is important to acknowledge the limitations of this study and briefly discuss future research directions. First, this sample of participants volunteered to be interviewed and may not be representative of step-couples generally. The sample may have included a greater proportion of people who had experienced considerable difficulty and wanted to talk about this to a researcher. Second, the views of former spouses were not included in this study and hence their experiences and viewpoints are missing. Research that includes all the adults involved is likely to provide greater insights into the dynamics of co-parenting within step-family situations. Third, because of the nature of the interviews, participants who told the story of the development of their relationships tended to talk only about the problems and challenges they experienced with former spouses, and not pulling his or her weight financially and found this added to the financial stressors they were already experiencing. There was also some evidence to support previous finding that some fathers in step-family situations feel torn between former spouses, their children and current partners, in regard to financial support (Hans & Coleman, 2009).

As researchers, we were surprised to note that five of the six co-parenting relationships that we considered came under severe levels of stress, were between repartnered fathers and their ex-wives. On the other hand, it has been found consistently that men tend to repartner more quickly than women (Cartwright, 2010) and some men in this study repartnered within six months of separating, at a time when issues around child care and finances were still under negotiation and the relationship between the two former spouses was still emotionally fraught. Early repartnering is likely to lead to heightened distress for former spouses, especially when they have not wanted to divorce.

American researchers (e.g., Hetherington & Kelly, 2002) and step-family therapists (e.g., Papernow, 2006) have observed that repartnering parents often have unrealistically positive expectations of step-family life, believing, for example, that step-children will love their new partners as much as they do. Some step-couples in this study also appeared surprised or taken aback by their former spouses’ responses to them or their new partner following repartnering, including those who repartnered quickly. It may be that some step-couples are not cognisant of the problems that can arise with former spouses if repartnering occurs quickly after a separation, before the necessary period of adjustment has taken place. The likelihood of step-couples having realistic expectations may also be affected by the lack of research in the area of co-parenting following remarriage, and also the lack of norms to guide parents and step-parents in how to relate to each other (Weston & Macklin, 1990). It might be helpful for those considering repartnering to understand that relating to former spouses can become an obstacle course if the former spouse feels threatened or believes that they have not been treated fairly. It may also be helpful for former spouses to be aware of the strong emotions that are evoked by their exes repartnering, and to have guidance about how to manage themselves during this stressful period.

It is important to acknowledge the limitations of this study and briefly discuss future research directions. First, this sample of participants volunteered to be interviewed and may not be representative of step-couples generally. The sample may have included a greater proportion of people who had experienced considerable difficulty and wanted to talk about this to a researcher. Second, the views of former spouses were not included in this study and hence their experiences and viewpoints are missing. Research that includes all the adults involved is likely to provide greater insights into the dynamics of co-parenting within step-family situations. Third, because of the nature of the interviews, participants who told the story of the development of their relationships tended to talk only about the problems and challenges they experienced with former spouses, and not pulling his or her weight financially and found this added to the financial stressors they were already experiencing. There was also some evidence to support previous finding that some fathers in step-family situations feel torn between former spouses, their children and current partners, in regard to financial support (Hans & Coleman, 2009).

As researchers, we were surprised to note that five of the six co-parenting relationships that we considered came under severe levels of stress, were between repartnered fathers and their ex-wives. On the other hand, it has been found consistently that men tend to repartner more quickly than women (Cartwright, 2010) and some men in this study repartnered within six months of separating, at a time when issues around child care and finances were still under negotiation and the relationship between the two former spouses was still emotionally fraught. Early repartnering is likely to lead to heightened distress for former spouses, especially when they have not wanted to divorce.
spouses. Hence, this study is informative about the types of problems that step-couples experience, but not of positive co-parenting relationships following repartnering. Around a third of the participants appeared to have non-problematic relationships with former spouses, but little data were collected about these relationships because of the focus on the step-couples’ challenges and the experiences they regarded as important to them.

In terms of future research, it is important that family transition researchers in Australia and New Zealand focus more on the areas of co-parenting following remarriage, and the relationships between former spouses, parents and step-parents. No previous research has been conducted in either country in this area. The lack of research in this area may also exacerbate a lack of norms to guide repartnering parents and former spouses. In line with this, in order to better understand how co-parenting relationships work, it is also important to study well-functioning co-parenting relationships and how these develop or are maintained following the repartnering of at least one former spouse. Finally, given that the majority of separated parents will eventually re-partner, and some will do so quickly, it may be desirable for educational programs and literature aimed at separated couples to include information about the stressors associated with the transition into step-family life and their potential effects on co-parenting relationships between former spouses.

References


Dr Claire Cartwright and Dr Kerry Gibson are both at the Doctor of Clinical Psychology Programme, School of Psychology, the University of Auckland, New Zealand. This paper is based on a presentation made at the 12th Australian Institute of Family Studies Conference, 25 July 2012, Melbourne.
Increasing fathers’ involvement in their children’s lives post-separation, encouraging parental agreement without lawyers and courts, and protecting children from family violence and abuse were key aims of major Australian family law and process changes from 2006 to 2008. The changes included significant amendment to the parenting provisions of the *Family Law Act 1975* (Cth) (FLA), the introduction of pre-filing family dispute resolution (FDR) for parenting disputes in most cases (along with the establishment of 65 federally funded Family Relationship Centres to help provide this), and a new Child Support formula from July 2008 (reflecting the shared parenting ethos of the FLA changes).

Our three-year qualitative study, conducted from 2009 to 2011, aimed to explore links over time between parenting arrangements (especially shared time) and financial arrangements (property, child support and spousal maintenance). The impetus for the study was previous research finding that there tends to be “maternal drift” (Brown, Joung, & Berger, 2006) from shared parenting time back towards primary mother care in the few years after parental separation (e.g., Maccoby & Mnookin, 1992 [US]; Juby, Marcil-Gratton, & Le Bordais, 2005 [Canada]; Smart & Neale, 1999 [England]; Smyth, Weston, Moloney, Richardson, & Temple, 2008 [Australia]). Our main aim was to explore how post-separation parenting arrangements were related to financial arrangements over the three years of our study, and in particular whether mothers and children suffered financial disadvantage if time sharing reverted to primary mother care.

We interviewed the same 60 separated parent volunteers in Victoria once a year over three years (2009–11) (see Box 1: Sample characteristics and Box 2: Methodology on page 30). Given our particular study aims (see above), we sampled purposively, over-sampling those with post-separation shared-time parenting arrangements who could provide information relevant to addressing our aims. In Year 3 (2011), we included a sub-
Box 1: Sample characteristics

Sixty parent volunteers were recruited for the study in 2009.

<table>
<thead>
<tr>
<th>Characteristics of the 60 parent volunteers recruited in 2009</th>
<th>N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fathers</td>
<td>20</td>
</tr>
<tr>
<td>Mothers</td>
<td>40</td>
</tr>
<tr>
<td>Age of parent (average 40 years)</td>
<td></td>
</tr>
<tr>
<td>20s or 30s</td>
<td>26</td>
</tr>
<tr>
<td>40s</td>
<td>31</td>
</tr>
<tr>
<td>50+</td>
<td>3</td>
</tr>
<tr>
<td>Previously legally married</td>
<td>42</td>
</tr>
<tr>
<td>Not previously married (2 never lived with a partner)</td>
<td>18</td>
</tr>
<tr>
<td>Age of children (many had children of mixed ages)</td>
<td></td>
</tr>
<tr>
<td>Has preschool children (aged 0–4 years)</td>
<td>21</td>
</tr>
<tr>
<td>Has primary school children (5–11 years)</td>
<td>42</td>
</tr>
<tr>
<td>Has secondary school children (12–18 years)</td>
<td>18</td>
</tr>
<tr>
<td>Residential location</td>
<td></td>
</tr>
<tr>
<td>Victorian rural or regional area</td>
<td>17</td>
</tr>
<tr>
<td>Inner Melbourne suburbs (mainly north)</td>
<td>14</td>
</tr>
<tr>
<td>Outer Melbourne suburbs (mainly east and south)</td>
<td>29</td>
</tr>
<tr>
<td>Work status</td>
<td></td>
</tr>
<tr>
<td>Full-time (≥ 35 hours/week)</td>
<td>15</td>
</tr>
<tr>
<td>Part-time</td>
<td>29</td>
</tr>
<tr>
<td>Not employed or studying</td>
<td>16</td>
</tr>
<tr>
<td>Education level</td>
<td></td>
</tr>
<tr>
<td>High school only</td>
<td>13</td>
</tr>
<tr>
<td>TAFE certificate or diploma</td>
<td>21</td>
</tr>
<tr>
<td>Degree or higher</td>
<td>26</td>
</tr>
<tr>
<td>Care arrangements between parents</td>
<td></td>
</tr>
<tr>
<td>Equal shared care (at least 46% of nights/time each)</td>
<td>14</td>
</tr>
<tr>
<td>Substantial shared care (at least 30–45% of nights/time each)</td>
<td>18</td>
</tr>
<tr>
<td>Traditional care (primary carer &gt; 70% of nights/time)</td>
<td>28</td>
</tr>
</tbody>
</table>

Gross personal incomes ranged from $7,000 to $127,000 per annum (ex-partners’ incomes were often higher).

Family violence was described by 32 participants (see text).

Box 2: Methodology

The research was conducted as a three-year longitudinal qualitative study from 2009 to 2011.

Recruitment

Sixty volunteer parents, separated or divorced, resident in Victoria, Australia, were recruited via:

- newspaper and online advertisements;
- study brochures in reception at mediation/FDR services and mailed out with final orders of the Family Court of Australia and Federal Magistrates (now Circuit) Court; and
- information about the study provided to lawyers through the Family Law Sections of the Law Council of Australia and the Law Institute of Victoria.

The eligibility criteria for the parents were:

- at least one child under 16 years of age from a previous relationship; and
- separated from their child’s other parent after June 2006 (most had been separated for one to three years; around two years on average); and
- not in Family Law Court proceedings, nor expected to be within 6 months.

Interview methodology and data analysis

Interviews were semi-structured, face-to-face and usually took between one and two hours, with the Year 1 interview often taking longer. Only one parent per family was interviewed, so there are no couple data. Interviews were conducted in English (although our participants included non–Australian born parents and new immigrants) and were recorded, transcribed, manually coded and analysed. All four members of the research team were actively involved in the interview, coding and analysis process, which involved cross-checking and discussion of individual team members’ coding sheets, along with identification and discussion of themes, from Year 1 of data collection. We thus used both a thematic analysis and a systematic analysis.

A sub-sample of 22 children was interviewed in Year 3, adopting the same approach. Permission was given by the parent involved in the study and interview protocols were supervised by a trained child psychologist. The children were aged from 10 to 18 years and included 5 sets of siblings.

All participants, including the children, were paid $25 for each interview.

Attrition

Participant attrition is a key challenge for longitudinal research but was low for our study. All 60 parents completed two interviews, but 56 parents completed all three interviews (one per year): four parents had completed only two interviews because at Year 3 two declined re-interview, one could not be contacted and one had reconciled with his former wife.
sample of 22 children of our parent participants (most were aged 11–16 years).

To our knowledge, no similar research has been undertaken in Australia or elsewhere. The Australian Institute of Family Studies’ Evaluation of the 2006 Family Law Reforms (the AIFS Evaluation: Kaspiew et al., 2009) found some evidence (mainly from legal system professionals) that the changes were encouraging fathers to seek shared time outcomes, and that this was having an effect on financial negotiations and settlements. The report concluded that “there is still much we don’t know about the connections between financial and parenting arrangements” (p. 222). The richness of our qualitative, longitudinal data builds on existing knowledge by providing a sense of parents’ diverse descriptions and experiences of their post-separation parenting and financial arrangements post-2006, and offers an opportunity to deepen our understanding of the findings of larger, quantitative studies, such as the AIFS Evaluation.

The following is an overview of key findings to emerge from our project. More detailed findings have been published in Family Matters (Fehlberg, Millward, & Campo, 2011; Millward, Campo, & Fehlberg, 2011) and elsewhere (e.g., Fehlberg, Millward, & Campo, 2009, 2010; Campo, Fehlberg, Millward, & Carson, 2013), or are forthcoming (Fehlberg, Millward, Campo, & Carson, in press).

Since our study began, there has been continuing evolution in FDR and legal practices and processes, and further legislative amendment in relation to family violence, through the Family Law Legislation Amendment (Family Violence and Other Measures) Act 2011 (Cth). Some of the issues we identify may therefore have been addressed, although the extent to which this is so is unclear. Significant developments are noted throughout the paper.

Pathways to parenting and financial arrangements

Consistent with the AIFS Evaluation findings (Kaspiew et al., 2009, Chapter 4), the parents in our study arrived at their parenting and financial arrangements in several ways: informally (just between themselves), by using FDR (including mediation), by using lawyers, and sometimes as a result of court orders (usually by consent) (Fehlberg, Millward, & Campo, 2009, 2010). Specifically, just over half (33) had used both FDR and family law services for parenting matters and/or property division. A further 14 had used family law services (especially lawyers and sometimes courts) but not FDR. Eight had used neither FDR nor legal services, and four had used FDR but sought no legal advice. Thus, a total of 12 parents had no legal advice about parenting or property arrangements. At least eight participants indicated that FDR was attempted in relation to both parenting and financial matters (primarily property division).

Parents in our study were, however, more likely to use FDR for parenting matters and to use family law services for financial (especially property) matters, reflecting a greater availability of FDR services for dealing with parenting matters (Fehlberg, Smyth, & Fraser, 2010). Most who had accessed FDR had done so between 2006 and 2008. Since then, the Australian Government’s Better Partnerships’ Legal Assistance Partnerships Program, piloted from 2009, has led to lawyer-assisted FDR in some cases, including some relating to financial disputes (McClelland, 2009, Moloney et al., 2011), but the availability of these services varies between Family Relationship Centres, and using FDR for financial matters remains uncommon.

Half of the 60 parents in our study used both FDR/mediation services and legal services. Parents’ descriptions of the services used were consistent with the AIFS Evaluation data, which indicated “considerable overlap between client use of lawyers and client use of FDR” (Kaspiew et al., 2009, pp. 109–110). Those who used both types of services commonly described having uncooperative, dominating and sometimes violent or abusive ex-partners who undermined the FDR process and rendered it ineffective, at which point legal services were accessed.

“Sally” said that one year after separation, she and her ex-husband had attended voluntary mediation conducted by a major provider of family relationship services. Sally was very dissatisfied with the process, saying that her ex-husband “never listens. He is like a stone wall. You cannot penetrate … There’s no negotiation, you know; it’s just ‘Bang, that’s it’ … He only operates in a lawyer-type forum.” She described experiencing pressure from the FDR practitioner to enter a parenting plan for shared time for their two children (then aged 2 and 3 years). Litigation for four years regarding parenting and property—costing Sally more than $80,000—resulted in adjudicated parenting orders for a complicated substantial time arrangement (involving a 21-day cycle, with Sally having most of the weekday care) and consent property orders.

Our study included parents who said FDR was attended in order to meet the pre-filing FDR requirement (FLA s60I) introduced in 2006, but also cooperative parents who utilised...
FDR to enhance their negotiations and had no intention of accessing lawyers or courts. The latter group was not typical of those accessing FDR in our study or the parent sample interviewed for the AIFS Evaluation (Kaspiew et al., 2009) and subsequently (Qu & Weston, 2010), who often described significant conflict and family violence. However, their presence and descriptions in our study did suggest to us that some parents who might have used no services had they separated prior to 2006 may now be using more services.

Will described his post-separation relationship with his ex-partner as cooperative and mainly amicable. He had sought FDR at a Family Relationship Centre a few months after separation in order to discuss and firm up parenting arrangements. “I found it was helpful for me because, I suppose, it helped sort of legitimise my concerns and my problems … [My ex-partner] had reservations about how [shared time] was going to work … It acted as a sounding board, I suppose, for our fears and reservations and hopes.”

Whether parents used FDR or family law services, positive experiences and outcomes were more likely when parents were cooperative, child-focused and able to negotiate.

Parents’ reasons for dissatisfaction with FDR and family law services differed in some respects. Those expressing satisfaction with FDR referred to reaching agreement, avoiding escalation of conflict and legal costs, the value of having a third party facilitate communication with the other parent, having timely access to FDR services, and the support and information provided by FDR services as positive aspects of their experience. Those expressing satisfaction with family law services referred to the reliable advice and supportive service they had received. A common element appeared to be that participants greatly appreciated feeling supported by service providers—an element which, in cases where parents are not cooperative, may be easier to meet for lawyers, as advocates for their clients, than for FDR practitioners, who must be independent of the parties (FLA s10F(b)).

Parents’ reasons for dissatisfaction with FDR and family law services also differed in some respects. Parents were particularly critical of the limits of FDR in overcoming dominating or controlling ex-partners (see Sally’s case study above). Parents’ reports in our study were also broadly consistent with the AIFS Evaluation finding that 35% of parents with safety concerns “indicated their fears weren’t adequately addressed” during FDR (Kaspiew et al., 2009, p. 241). While the legal system did not necessarily control dominating ex-partners (as in Sally’s case), parents with legal representation were less directly exposed to that behaviour. Criticisms of family law services focused more on the poor quality of the legal services received (including experiencing pressure from the lawyer to agree to shared time; a complaint also commonly voiced by those attending FDR), the high financial cost of the legal services, and the legal proceedings not leading to fair outcomes.

The observations of some parents underlined the challenges in ensuring that the right services are available to families at the right time. Similar to Maccoby and Mnookin’s groundbreaking study (1992, pp. 247–248), and more recent AIFS research (Qu & Weston, 2010), we found that if parental hostility cooled over time, parents were more likely to become disengaged than cooperative, but relationships that were initially detached rather than hostile could become more cooperative over time. At Year 3 (2011), three parents (all mothers) reported a change in communication with their ex-partner over time, with a gradual dulling of the stress and conflict experienced in the initial post-separation period. Reflecting on their experiences, two felt that they had attended FDR at a point when they were emotionally fragile and not able to participate effectively. Consistent with recent AIFS research (Qu & Weston, 2010), several parents attended two or three rounds of FDR over the course of our study. Experiences of FDR continued to be mixed: some parents described later FDR as being more satisfactory and others not, with the key factor once again appearing to be the extent to which the relationship was or had become more cooperative.

Post-separation parenting over time: Some “maternal drift”

For most parents in our study, parenting arrangements did not change markedly over the three years. Overall, primary parenting arrangements, where children lived mainly with one parent (usually their mother), were the least likely to change, followed by ongoing substantial time (at least 30–45% of nights with each parent), followed by ongoing equal time (at least 46% of nights with each parent). When change occurred, it was usually from shared time to primary parenting time (usually with the mother). Less often, change was in the opposite direction, from primary to shared time, but in all these cases, the change resulted in increased time with the father, almost always at his instigation.
Other recent Australian research has found similar patterns of parenting stability and prevalence of mother’s primary care (e.g., Kaspiew et al., 2009; McIntosh, Smyth, Kelaher, Wells, & Long, 2010), as well as a tendency for increased time being spent with fathers once children are older and at school (e.g., Qu & Weston, 2010). The patterns we found were also broadly consistent with mothers’ continuing greater responsibility for care of children in intact relationships (Baxter, Gray, & Hayes, 2010).

**Parenting arrangements: Key themes**

Key themes to emerge from our parenting data were: the importance of having cooperative, flexible and child-focused parenting relationships, regardless of the parenting time split; the ongoing role of mothers as the main caregivers and decision-makers for children, regardless of the time split; fathers’ satisfaction with shared time; the often divisive role played by new partners; and the negative effects of family violence when perpetrators continued to exercise control through parenting arrangements.

**Cooperative, child-focused parenting relationships**

Consistent with previous research (Kaspiew et al., 2009; Smyth, Caruana, & Ferro, 2004; Sodermans, Matthijs, & Swicegood, 2013), we found that shared time seemed to work best for parents and children when mutually agreed by parents who were civil, cooperative, flexible and child-focused.

Penny’s daughter was aged 2 in Year 1 of our study. Penny described an amicable post-separation substantial shared time arrangement with her ex-partner, reached through private discussion and without use of services. At Year 1, the child spent 5 out of 14 nights with her father, but by Year 3, this had reduced to 3 out of 14 nights, due to the child starting school and the father having heavier work commitments. The arrangement was flexible and child-focused: “It’s good. If she misses [her father] and she wants to see him, then we pop over and see him and have dinner or something there. He’ll come over here if he wants to see her. So it’s really flexible, and it’s about her”.

However, and also consistent with previous research, we found that these features were also strengths of workable parenting arrangements more generally (Fortin & Hunt, 2012; Maccoby & Mnookin, 1992; Qu & Weston, 2010; Smart & Neale, 1999).

After her parents’ separation three years previously, Miranda, aged 15, chose to live with her mother. Miranda described recent conflict with her mother and emphasised how much she enjoyed spending every second weekend with her father. Miranda also had lots of flexibility in relation to changing arrangements. While she said she would like to spend more time with her father, she also said that, “I think the reason why I love going to Dad’s, when I do it, is limited time, so it’s really special”. While Miranda mentioned some logistical problems (her father lived a half hour away by car, so the driving could be “annoying”, and the packing and unpacking meant she sometimes forgot things), these were not significant issues for her.

**Mothers as the main caregivers and decision-makers**

When fathers had shared children’s care before separation, the transition to shared time after separation appeared easier. Even so, both mothers and fathers said that mothers had been the main managers and facilitators in children’s lives, and commonly this continued to be the case after separation, even in shared time arrangements.

Paula’s two sons were aged 5 and 3 in Year 1 of our study. She described an amicable post-separation substantial shared time arrangement with her ex-partner, reached through private discussion and without the use of services. The children had spent 6 of 14 nights with their father since separation in 2008, but Paula said she was responsible for the bulk of the parenting work: “I am the one who does all the driving around during the week to school and back. I feed them dinner on Friday night before he picks them up, and bath them and all of that, and give them breakfast and all of that when he drops them back off”.

**Shared time**

**seemed to work best for parents and children when mutually agreed by parents who were civil, cooperative, flexible and child-focused.**
Ongoing maternal organisational responsibility and “gate keeping” has also been noted by other studies (e.g., Smart & Neale, 1999; Trinder, 2008). Mothers who had been primary parents, especially of very young children, were particularly concerned that shared time was disruptive for their children’s development and/or had concerns about the children’s health and wellbeing when with the other parent.

Maria and her ex-husband had a substantial shared time arrangement for their two primary-school-aged boys, formalised in consent orders and agreed to by her under pressure when her husband took her to court seeking shared time, soon after the 2006 amendments came into effect. “I was satisfied when it was every alternate weekend and weekly contact. I’m not satisfied now. The children are not satisfied, and therefore I’m not satisfied … They find it tiring; they find it confusing … They don’t like being with Dad as much now … Before, he was the good time entertaining Dad and now he’s stressed to the max … If I was a really selfish person, this whole deal has been best for me, because I’ve actually got more time to myself.”

However, mothers often also expressed concern that fathers did not see their children enough, that they needed a break themselves, had money worries, and had difficulties juggling paid employment and parenting.

Alice was the primary carer of two children aged 4 and 2 at Year 1 of our study. Her ex-partner had care of the children every Sunday during the day so that Alice could go to work. Alice would have preferred his greater involvement, for her children’s and her own sake: “It is not fair. You know, one night a week sleepover would be rather nice. But I don’t know, because I don’t think he can cope with it, so therefore they are exposed to his moods and attitudes and behaviours”.

Sometimes, mothers’ concerns diminished over time as parents and children adjusted to new routines.

Janine described an increasingly cooperative post-separation parenting arrangement and expressed pleasure that her ex-husband had gradually become more involved in parenting their children (partly due to the influence of his new partner): “He stood up. Yeah, it’s lovely, it’s really nice … and he enjoys it!” Janine described herself as becoming more accepting over time of their different parenting styles (the children ate McDonald’s at his house, but had their vegetables at her’s).

Fathers’ satisfaction with shared time
In general, fathers were more satisfied with shared time than mothers were (see also
Cashmore et al., 2010). However, workable routines, flexible arrangements and cooperative relationships were also linked to both mother and father satisfaction with shared time arrangements.

Andy, at Year 1, said his two primary-school-aged children were in an equal shared time arrangement, but by Year 3 he had become the majority carer in a substantial time arrangement, due to his ex-partners’ work commitments. Andy supported his ex-partner’s business focus, and she provided significant financial support to him and the children. The parents were highly cooperative, child-focused, lived close to each other and were financially comfortable. “[The] current [arrangements], yeah, work well … I couldn’t see a way of improving them. The kids are quite happy with it. As I say, we’ve tried a few variations on it and decided, no, it didn’t work … By and large, if I suggest something, [the children’s mother] will go along with it—to do with medical, dental, schooling.”

Consistent with previous research, fathers in our study were more inclined to focus on time allocations and the fairness of these to themselves—a rights-based approach (referred to by Smart and Neale, 1999, as an “ethic of justice” approach). Mothers were more likely to focus on whether the parenting arrangements were in their children’s best interests and to emphasise the importance of the father having an active role in the children’s lives (referred to by Smart and Neale, 1999, as an “ethic of care” approach; also see Rhoades, Graycar, & Harrison, 2000; Smyth et al., 2004).

The role of new partners

In any type of parenting arrangement, an ex-partner’s new spouse could interfere and/or be unwelcoming to step-children. Sometimes (for example, in Janine’s case, above), they could be a positive influence, encouraging contact and making an effort for their new partner’s children. More often in our study, were in their children’s best interests and to emphasise the importance of the father having an active role in the children’s lives (referred to by Smart and Neale, 1999, as an “ethic of care” approach; also see Rhoades, Graycar, & Harrison, 2000; Smyth et al., 2004).

Family violence

Just over half of our participants (32 of 60 parents, including 12 of 20 parents with court orders, which in our study were commonly by consent) reported experiencing (and in a small number of cases, perpetrating) some form of family violence or abuse in their former relationship (mainly psychological and financial abuse, but also physical and sexual abuse, as well as child abuse). More mothers than fathers said they had been exposed to family violence. Also, descriptions by fathers (6) who said they had been exposed to family violence did not convey coercion, control or fear, as the current legislative definition requires (FLA s 4AB), while mothers’ descriptions commonly conveyed one or more of these elements. Mothers, but not fathers, in our study said they had called the police, obtained intervention orders, left the family home, sought refuge accommodation, changed their phone number to stop verbal abuse, and/or declined or given up seeking property settlement or child support due to family violence. In cases meeting the FLA definition, physical and sexual violence ceased after separation, but emotional and financial abuse often continued.

Family violence, including past violence, could have a continuing and pervasive negative effect on parenting arrangements (and also on financial arrangements—see below).

Eloise said at Year 1 that she was frightened of her ex-partner, whom she said had anger management problems and depression. She described herself as having very little control over the parenting arrangements of their two primary-school-aged children. These arrangements involved Eloise having continuous primary care over the three years of our study, with her ex-partner electing to vary his level of care to between 7% and 20% during that time: “I try and avoid talking to him unless it’s something to do with the kids … He’s never shown any interest in being involved, even when we were married”. Eloise’s child support payments were also in arrears, which made paying the bills difficult.

Consistent with previous research, our parents’ descriptions suggested that the family violence they described did not limit the perpetrator’s parenting role, and that disclosure of family
Children were more satisfied with their living arrangements if they had had a say in deciding them, and if parents were flexible, child-focused, civil and cooperative.

Children’s views on parenting arrangements

Of the 22 children we interviewed, about half lived in shared time arrangements, and half lived almost all of the time with one parent, usually their mother (for our findings on the children’s views, see Campo et al., 2012). Half had been in ongoing care arrangements since separation, and half had experienced at least one and sometimes several changes to parenting arrangements. The most common change described by children was from shared time to primary mother time. Most children with changed arrangements said it was their own decision to change. These tended to be teenage children, aged 14 years or older. Some explained that they wanted one stable home.

Consistent with our parent interviews, regardless of the time split, children were more satisfied with their living arrangements if they had had a say in deciding them, and if parents were flexible, child-focused, civil and cooperative.

Primary-school-aged Finn had been in a substantial shared time arrangement since his parents separated four years ago. His parents were friendly and spoke to each other often: “Yeah they’re friendly. Sometimes, like they go to dinner plenty of times with us and them … It’s not like, ‘Oh my God, I hate you’ or anything like that. It’s just like, ‘Oh, I don’t, like, love you, but we’re still friends’. ‘They’re still friends’.

Several children had sought to change their living arrangements because they did not get along with a step-parent or step-sibling, a step-parent treated them unfairly or was “difficult” or controlling, or their time or relationship with their mother or father had changed because of a new step-parent.

After 18 months of equal time, Benjamin, in his mid-teens, instigated a change in 2010 to living with his mother. He described anxiety and depression arising from moving between two homes, but, “The main thing was the sight of a woman changing my Dad. I thought my Dad was a rock, and she changed him. I just thought, ‘I don’t like that’. Then I guess I didn’t like Dad a bit for that, thinking: ‘Dad, have a bit of control over yourself’ and stuff … I just sort of laughed at Dad and thought, ‘Man up Dad, we’re your kids, [you should] spend more time with us than her’.

The level of difficulty arising from the logistics of living between two homes depended on a range of factors, including the distance between homes, frequency of moves, the level of conflict between parents and the child’s personality and preferences (consistent with previous research, e.g., Cashmore et al., 2010; Haugen, 2010; Tucker, 2006). Children in shared time arrangements with ongoing conflict between parents were particularly likely to express concern about the trouble of getting to and from school, getting to after-school activities, seeing friends, leaving homework behind, not having everything needed at both homes, and the fatigue of constantly moving back and forth between homes.

Financial arrangements

Property division

Most of the parents in our study described having moderate-sized property pools. Net property values ranged from $2,000 to $2 million, with an average of $460,000 and a median of $322,000.

In most cases, parenting arrangements did not play a major role in how property was split. Rather, a wide range of factors influenced property division, including parenting arrangements at the time and whether the parents were married. Our participants separated before 1 March 2009, when FLA amendments brought de facto financial disputes under the Act (including superannuation splitting). Other factors were the availability of professional assistance (involvement of lawyers tended to improve outcomes), the presence of family violence (trading safety for property), wanting to avoid the financial and emotional costs of fighting over what usually amounted to modest property, and perceptions of “fairness” (mostly to parents, not children) (see Fehlberg, Millward, & Campo, 2010, for a more detailed
analysis of our participants’ property and child support arrangements).

Parents in our sample did not “revisit” or adjust their property splits later on if children’s living arrangements changed. This was not surprising, given parents’ usual preference to avoid conflict, the modest property pool in most cases, and the expense involved in obtaining legal advice. Spousal maintenance was paid in just a few cases, on a short-term basis (consistent with previous research by Behrens & Smyth, 1999).

**Child support**

In contrast to property arrangements, child support arrangements commonly changed over time. Despite this, links between child support and parenting were not as clear as we had expected. Relevant factors included: “self-administration” cases (i.e., cases with no Child Support Agency [CSA; now Child Support] involvement) having differing arrangements from what CSA would assess; inaccurate parental yearly incomes being used in CSA assessments; parents being unemployed or having non-declared “cash-in-hand” income; parents’ non-compliance with CSA assessments or parenting orders; parents describing “trade-offs” between receiving child support and/or property; or parents being unwilling to pay child support. Parents consistently said that they found the child support system complex, bewildering and frustrating, and avoided CSA communication if they could: “They send us pieces of paper and I put it in the recycle bin” (Andy).

Most parents said that a CSA assessment was in place, but said it was paid privately (consistent with recent data on CSA’s caseload, see Carr, 2012). About half of liable parents paid at or (in a minority of cases) above the assessed rate, while half paid below the rate or not at all. Those not paying at all or underpaying included CSA Collect cases (where the CSA assesses the amount of child support payable and has responsibility for collection) as well as Private Collect cases (where a CSA assessment is made but payment is arranged privately between parents). Variable and unreliable financial support often occurred in the context of poor post-separation parenting relationships.

Eloise described having negligible property to divide ($2,000), 80% of which was retained by her ex-partner. At Year 1, he was employed but paid only the minimum amount of child support (about $7 per week) and for occasional items for the children. At Year 2, a CSA Collect arrangement was in place, but Eloise said payment was late. “I can’t count on it … it may change, because he’s only had [CSA collect] for two months or something. I mean he may get to the stage where he is reliable and I can count on the money”. At Year 3, Eloise again said child support was often late, and not for the assessed amount of about $600 per month. Her ex-partner also refused to contribute towards any additional costs for the children, such as educational or medical costs: “When it went up last year, he just said, ‘Nah, you can take it out of the child support’”. The parents continued to avoid each other.

The number of parents using the CSA to collect payments increased over the three years of our
study. This could be due to conflict between parents, the payer's unreliability, and/or the payer feeling a lack of connection with the children. One-fifth of mothers were liable to pay child support, and while the compliance rate of mothers and fathers as payers was similar, the reasons for non-compliance were somewhat different for men and women (see Millward et al., 2011).

Maximising their personal benefit from child support payments did not seem to be the major motivation for parents to seek increased or decreased shared time in our study. However, there were certainly mothers who resisted shared time because their child support payments would decrease, and fathers who wanted to move to shared time to reduce their child support payments or share the Family Tax Benefit (FTB). Generally, mothers seemed more clearly focused on their children's financial interests rather than their own.

Cameron said he pushed for and obtained revised parenting consent orders when he realised he officially had 33% of care of his child rather than the 35% or more needed to claim FTB (and pay less child support): “But the whole reason for the second parenting order was because … I realized … it was 33% it worked out to be, not 40%, and I was shocked … Because then I found out later that I wasn’t entitled to settlement benefits either because I was under 35% or something”. Interviewer: “And so what kind of benefits were they, the Family Tax Benefit?” Cameron: “Just the Family Tax Benefit, yeah that’s it.”

Mothers’ financial disadvantage
As a group, the mothers in our study were more financially disadvantaged than fathers due to their lower incomes, the lower share of property they received relative to the amount of time spent with children, and the volatility of child support payments. The mothers in our study were more financially disadvantaged than fathers due to their lower incomes, the lower share of property they received relative to the amount of time spent with children, and the volatility of child support payments. (exceptions include Haugen 2005; Lodge & Alexander, 2010; Parkinson, Cashmore, & Single, 2005). We sought to explore children's understandings of their parents' financial positions and arrangements for their support.

Children living primarily with their mother noted greater financial difficulties and greater differences in wealth, assets and division of costs between parents. However, across all parenting arrangements, children described mothers as paying their everyday expenses, while some saw fathers paying for “big ticket items”, such as paying half of their orthodontic costs.

Interviewer: “What does Mum worry about?”
Child: “Not being able to feed us … paying the bills”

Children with shared time were more likely to describe parental conflict over who was paying for what, rather than their parents’ concern about being able to pay bills and education costs. This is consistent with the observation in previous research that shared time tends to be utilised by parents with a reasonable level of socio-economic wellbeing (Smyth et al., 2004). Children in shared time also appeared to be more aware of child support arrangements than were children with primary parent time.

Olivia, in her mid-teens, and her two sisters had been in an equal shared time arrangement for several years and described her father paying school fees and other costs, as well as reimbursing her mother for expenditure, rather than paying child support directly to her mother, which the mother and girls experienced as a form of controlling behaviour: “No, they don’t have child support, but Dad chose to pay for everything. But that doesn’t work … I don’t think it’s fair … Dad does pay for a lot, but also they did have an agreement that Dad would pay for clothes, and Mum has predominantly been paying for clothes, which Dad doesn’t understand, especially because we’re still growing”. Several children in our study were reluctant to comment on the fairness of financial arrangements for fear of appearing disloyal to either parent (Neale, Flowerdew, & Smart 2003). Older children, especially teenagers, were more forthcoming in this regard, expressing criticism in relation to fathers who did not pay enough, but also mothers who complained about inadequate financial support from the other parent:

Mum’s always talking about it, and how Dad should pay for this, and how Dad should pay for that, but it just gets a little annoying (Miranda, 15 years old, ongoing primary mother care)
Mothers therefore appeared to be in a difficult position: if they were unable to provide for their children they were likely to feel highly anxious and inadequate, but if they expressed concern, this was readily understood as undermining the father, leading to children’s criticism. Mothers who were stoically and significantly self-sacrificing received the highest praise from children in our study.

Concluding comments

A recurring theme throughout our study was that positive experiences and outcomes for parents and children were more likely when parents were cooperative and child-focused, and could negotiate and mutually agree on matters concerning their children. Where there was controlling, violent and/or hostile behaviour, parental dissatisfaction with services and outcomes was likely to be evident. Similarly, we were left with the impression that if parents were cooperative, flexible and child-focused, this significantly enhanced their children’s lives, regardless of the parenting arrangement. For children, “shared parenting” could exist—or be absent—regardless of the time split.

In the end, our research suggests that changed care arrangements were a factor in financial disadvantage for some parents, but that several other factors were also important. These were the socio-economic position of both parents, the quality of their relationship, the positive or negative influence of new partners, the particular parent’s (especially father’s) sense of responsibility for their children, and the difficulties of navigating the “system” to change child support amounts. Some of these factors are more able to be addressed by family law reforms than others.

The position of most parents in our study would have been improved by the availability of free or inexpensive ongoing personalised support and advice in relation to their financial issues, especially property division and child support. The Australian Government’s Better Partnerships Legal Assistance Partnerships Program (which from December 2009 has aimed to facilitate legal and FDR professionals working together, principally through the provision of legal services within the Family Relationship Centre context, including in some financial matters) and the Australian Government-funded coordinated family dispute resolution (CFDR) pilot program (which provides assistance for families affected by family violence) are among the more recent initiatives that we think the parents in our study would support, but are in their early days (as has been emphasised in the evaluations by AIFS of both programs: Moloney et al., 2011, and Kaspiew, De Maio, Deblaquiere, & Horsfall, 2012 respectively). The need for accessible, affordable services that are able to support separating parents to deal in a child-focused way with the wide-ranging issues they face in relation to both parenting and finances is ongoing.

Endnotes

1 To preserve anonymity, pseudonyms are used throughout this article.

References


Professor Belinda Fehlberg and Dr Christine Millward are at the Melbourne Law School, University of Melbourne. The research was funded by an Australian Research Council Discovery Grant.
Children’s proceedings are unlike any other civil litigation in this land. I mean, where else do you have the principal party, about whom the action is and the orders will affect, who doesn’t have an audience? (Family Court judge in interview, 2009)

In Australia, hearing directly from children in family law court proceedings is very rare. There is a perception that involving children closely in adversarial proceedings between their parents can be harmful for children (Chisholm, 1999; Bryant, 2006). A meeting between a judge and a child is, perhaps, the most appealing mechanism for children to participate directly, because the meeting occurs in private and the child does not give evidence in open court and is not cross-examined. Even so, of the hundreds of children’s matters decided in the Family Law Courts around Australia each year, there are only a couple of cases (literally one or two per year) in which a judicial officer will meet with a child.

This article discusses the issue of children’s direct participation in family law matters by examining why some judges, in Australia and more commonly in other jurisdictions, choose to hear directly from children. The article discusses judges’ views on meeting with children, drawing on results from the author’s survey of Australian family law judicial officers about their experiences and attitudes to meeting with children. It examines why meetings between Australian judges and children are so rare and makes recommendations for how children can better be heard. These issues are discussed in the context of the literature on children’s views about their level of participation in family law proceedings.

It is necessary to make two qualifications before proceeding. First, while the author promotes direct participation by children, it is not advocated that judges meet with children in every case. A judge should be satisfied that meeting with a child is in the child’s best interests and this would include considerations such as whether the child had expressed a wish to meet with the judge, the age and maturity of the child and what might be gained by meeting with the child. Second, this research adheres
Children have emphasised the importance of “having a say” rather than having the power to make family decisions themselves.

Children’s views about their level of participation

Despite the view that children should be protected from the harmful effects of family separation, a wealth of research conducted in Australia and elsewhere has consistently found that children want to have more of a say in decisions that affect them. In a survey distributed to young people in schools and detention centres and reported in the Australian Law Reform Commission and Human Rights and Equal Opportunities Commission (ALRC and HREOC) *Seen and Heard* report, 85% of the 623 child respondents were of the view that children should have a greater say in family law decisions.1 Children have emphasised the importance of “having a say” rather than having the power to make family decisions themselves (Morrow, 1998).

Children appreciate having their views sought (Gollop, Smith, & Taylor, 2000), and involving them directly makes them “feel respected, valued and involved” (Hale, 2006, p. 124). There is evidence that the increased sense of control felt by children who are able to participate effectively in decision-making processes concerning their family separation is strongly related to children’s psychological and physical health (Kelly, 2001).

Many children have expressed a particular desire to speak directly with the judge who is to make decisions on their parenting arrangements after family separation (Nicholson, 2002; Cashmore, 2003). Children are able to understand that it is the judge, and not the child, who has the responsibility for making decisions about their parenting arrangements. However, as Raitt (2007, p. 217) described:

Children who do wish an opportunity to express their views have sometimes talked to researchers about the importance of having access to the ultimate decision-maker. This might be because they lack confidence that anyone else was paying attention to them, as well as the affirmation that can be conveyed by a judge being willing to see them.

In an Australian study by Parkinson, Cashmore, and Single (2007), the authors interviewed children who had been the subject of parenting matters. Eighty-five per cent of the 35 children interviewed said that children should have the opportunity to talk to the judge in chambers if they wished to do so.

The main reasons children gave for wanting to speak directly with judges were wanting to have a say in decisions and wanting to have their views heard by the decision-maker. They wanted to have themselves and their views acknowledged and thought that this would result in better decisions being made. Interestingly, only a minority assumed that by talking to a judge a decision would automatically be made that accorded with their views. Most expressed a fair level of trust and hope that the judge would do what he or she thought was best and right for the child.

Limitations of other methods of hearing children’s views

The various methods by which the court receives evidence of children’s views are well known and widely used. These include accounts from others, including the child’s parents and other witnesses, as to what the child has said to them, reports from a family consultant who has met with the child and evidence led by the Independent Children’s Lawyer. The Chief Justice of the Family Court said:

> It is apparent from countless judgements delivered by the Court over its thirty year history that the Court does take children’s views into account. However available research tends to suggest that this is not well understood by children and young people. (Bryant, 2006, p. 137)

Even when children are aware of the methods by which their views are heard, many are dissatisfied with them. None involve direct participation by the child. Studies have shown that children are unhappy about a process that requires them to express their views to a third person who subsequently includes those views, among other matters, in a report to the court. Children have said that they are not happy with the techniques employed by report writers, including the use of what they consider to be “trick” questions (Trinder, 1997), the lack of confidentiality, the feeling that their views are not properly understood or taken seriously and their views being filtered and reinterpreted by the report writer (Cashmore, 2003; Henderson, 2000).

Similarly, children often feel marginalised by the role of the Independent Children’s Lawyer (ALRC and HREOC, 1997), who is a
“best interests” advocate. This contradicts the understanding of many children, who expect that “their lawyer” will represent their views and not their “best interests” (Family Law Council, 2004). In light of this understanding about what children feel about their current level of participation in family law matters, perhaps it is time we seriously consider how children’s voices can better be heard.

**Why judges meet with children**

The view of judges internationally who are in support of judicial meetings with children is that meeting with a child allows the judge to hear direct evidence of children’s views without filtering by a third party (Hale, 2006; Reynolds v Reynolds (1973) 47 ALJR 499 at 503 per Mason J). Having the opportunity to see and interact with a child may better equip judges to focus on the individual child’s needs (Kelly, 2002; Boshier, 2005) and make a decision that promotes the child’s best interests, as required by the *Family Law Act 1975* (Cth). The judge can explore options that the judge is contemplating with the child, to discover what arrangements may best suit the child (Parkinson & Cashmore, 2007; Carl, 2005).

Many judges see meeting with a child as an important recognition of the child’s right to be heard. They see it as the judge’s responsibility to meet the person for whom they are making a decision and to explain that decision to the child directly once the decision has been made.³

One district judge from the United Kingdom, when reflecting on a child protection matter, observed:

Shanika’s presence did not add to my knowledge of her case nor did it assist in a decision which was agreed in any event. However, … I hope and believe that when she looks back on the awful events which changed the course of her life she will feel that she was acknowledged and respected by the family justice system. (Crichton, 2006, p. 850)

In the New Zealand case of S v S [2009] NZFLR 108 a 9-year-old child expressed very strong views that she wanted to move to live with her father (who lived a short plane flight away). The child requested to meet with the judge and he agreed to do so. Upon speaking with the child, it became apparent to Murfitt J that the child was not unhappy with either parent but that she wanted a more balanced experience of life with both of her parents. She wanted to be able to spend “normal” time with her father, with whom she had previously spent only school holiday time. Orders were made for the child to spend one school term with her father, holiday time with both parents, then to return to her mother for one school term. The matter would be reviewed once the child had an opportunity to experience a more balanced life with both parents. This is an example of a creative solution being found as a result of meeting with a child. It is doubtful this solution would have been pursued had the matter simply proceeded to a hearing without a judicial meeting.

Meeting with children lets the judge know what is important to the child, which may not otherwise be apparent. In one case recounted by an Australian Family Court judge in an article titled “Judges Receiving Evidence Directly From Children” (Benjamin, 2012), a group of about five children aged between 8 and 16 had parents who had been involved in litigation for about eight years. Benjamin J was very concerned about the current living arrangements, which had the elder children travelling to school every day by catching two buses and then walking several kilometres. His Honour decided to meet with the children before making any changes to their living and transport arrangements. Benjamin J recounted his interaction with the 14-year-old child:

Mate, are you thinking of changing how I get to school? I replied: The thought had crossed my mind, why what do you think? The child said: That’s the best part of my day, that’s when I have got my friends, I do my homework and it is really good, plus I carry a bit of weight and [pointing at my stomach] you know what I mean. From my perspective, I thought this transport arrangement had been a burden for the children, but for the children it was actually a very good part of their day. By taking this evidence, the court had a better understanding of the impact of an order which I had considered would have on the children and as a result I did not change the transport arrangements. (Benjamin, 2012, p. 101)

Meeting with children lets the judge know what is important to the child, which may not otherwise be apparent.
In these two cases the views expressed by children were not controversial or difficult to interpret. Anyone in the position of the judge would have found the process helpful and been pleased that they had agreed to meet with the child. It is clear that the children in these cases would also have benefited from the experience. Despite this, judicial meetings with children in Australia are few and far between. The author conducted a study to find out why.

What Australian judges think about meeting with children

In-depth interviews were conducted with four Family Court judges, following which a survey was distributed to all family law judicial officers in Australia. The survey asked respondents about their experiences of meeting with children and their views about the practice. Copies of the survey and invitations to participate were sent to the Family Court of Australia, the Federal Magistrates Court and the Family Court of Western Australia, which all approved the survey and undertook to distribute it to all judges, federal magistrates and magistrates working in those courts (collectively termed “judges” in this article for ease of reference). Respondents were given the option to participate anonymously, and responses were returned by mail. Of the 92 judicial officers hearing children’s matters at that time, 44 responded, constituting a response rate of nearly 48%. The results of the survey have previously been published in an article by the author titled “What Do Australian Family Law Judges Think about Meeting with Children?” (Fernando, 2012b).

The results confirmed that the incidence of meetings between family law judicial officers and children is very rare. Only six of 44 respondents had ever met with a child for the purposes of hearing the child’s views, meaning that 86% had never met with a child for this purpose. Of those who had met with children in the past, most had done so only once or twice. This differs remarkably from judges in New Zealand. In a study by Caldwell (2011) of New Zealand Family Court judges in 2009, 65% of judges who responded said that they often, very often or always meet with a child who is the subject of a parenting dispute.3

Australian judges were also not very likely to meet with children in the future. Only eight of 42 respondents (19%) agreed that they would meet with a child to hear the child’s views in the future. Twenty-six respondents (62%) disagreed that they would be likely to meet with a child, and eight indicated that they were undecided. Further, there didn’t appear to be a correlation between judges who had spoken with children in the past and those who said they may be likely to do so in the future. There was also no apparent correlation between respondents’ stated likelihood to meet with a child in the future and those who had been more recently appointed or those who had previously been Independent Children’s Lawyers.

One interesting finding was that nearly half the cohort (21 out of 44) thought that meeting with children could provide judges with
useful evidence of children’s views. This is significant, because although judicial meetings are very rare in Australia the results showed that many judges think that such meetings may be useful. Further, 39% (17 out of 48) agreed that meeting with a child may give judges greater understanding of children’s needs and best interests than other methods of hearing children’s views. Therefore, many Australian judges are of the view that meeting with children can have significant benefits. Perhaps it is curious, then, that more judges do not take the opportunity to meet with children.

The results conveyed that judges may not be able to overcome some concerns about the practice. The majority (55% or 24 out of 44) believed that judges lack the skills and/or training to speak with children and interpret their views. This is so even under the model, which includes the presence of a family consultant to assist with the meeting and with speaking with the child. This result is consistent with the view generally accepted by those working in the Australian family law system that judges lack the expertise to speak with children (Chisholm, 1999) or to draw out and interpret their views (Cashmore, 2003).

Again, this differs from other jurisdictions. Despite a lack of regular or compulsory training, New Zealand judges are generally confident about their ability to speak appropriately with children concerning their views (Mill, 2008). Similarly, in Scotland, Raitt (2007) found that even when Scottish judges felt apprehensive about their skill and ability to speak with children, they were often committed to finding a solution. It is suggested that judges in New Zealand and Scotland may believe that the benefits of meeting with a child outweigh any limitations on the capacity of judges to conduct the meeting.

The views of judges in New Zealand and Scotland about their ability to meet with children can be contrasted with the attitude of one Australian Family Court judge:

To my mind, [the prospect of meeting with a child] is just about as scary as handing me a scalpel and saying “Just a bit of brain surgery before lunch please, Judge”. It almost gets into that realm for me. I’m terrified of it. (Judge B, Family Court judge, in interview with the author, 2009)

A vast majority of Australian judges expressed concern that judicial meetings may encourage parents to manipulate or pressure their children, with 84% or 37 out of 44 agreeing or strongly agreeing with this proposition. It is notable that judges were not overly concerned with two other difficulties commonly associated with judicial meetings with children, being adherence to due process and requests for confidentiality from children. The majority of respondents were satisfied that the proposed model, whereby the family consultant is present and reports back to the parties, satisfied the principles of due process and natural justice. This was particularly so in circumstances where the parents receive a recording or transcript of the meeting in addition. Most also said that they would be able to deal with a situation where a child makes a disclosure and then requests it be kept “confidential” in the sense that it not be disclosed to their parents. The vast majority of respondents (86%) were of the view that an allegation of abuse disclosed by a child during a judicial meeting must be treated in the same way as a disclosure of abuse made in any other setting. This was said to include referring the matter to the family consultant for mandatory reporting to the relevant child protection agency, informing the parties of the disclosure, referring the matter for expert assessment and ensuring the safety of the child.

For disclosures that do not contain an allegation of abuse, respondents’ views were more varied. Some judges were of the opinion that the disclosure should remain confidential. Others said that they would keep the confidentiality unless the disclosure was relevant to the court’s decision-making. In those circumstances, the parties would have to be informed of the disclosure. Over 40% of respondents noted that the child would have been told, prior to the meeting, that nothing they said would remain confidential. So long as it would not put the child in a situation of danger, these respondents were of the view that the disclosure would need to be revealed to the parties.

One of the most interesting aspects of this research is that it uncovered wide discrepancies in Australian judges’ views on direct participation by children. Some Australian judges have, in the past, made thoroughly positive statements about meeting with children, such as:

I’m a strong supporter … of the participation of children in proceedings affecting their interests, and as part of that the idea of judicial interviews with children … Even … that brief exposure … where I did [speak with a child] had an impact on me, that I had the opportunity to see and speak to the children about whom I was making a very important decision. (Stephen O’Ryan, former Family Court judge, Radio National Law Report, 26 June 2012)

Listening to a child on that one occasion had an amazing therapeutic effect on the entire family, and I felt so good.
We need to find ways to increase direct participation of children in family law matters. One way is to encourage judges to consider whether to meet with a child in every case that comes before them.

I mean, my associate was in tears, my wife who’d come on circuit with me walked into the back of the court, and she was in tears, I was holding back tears. It was a very fulfilling experience. (Judge quoted by Parkinson, and Cashmore, 2007, p. 173)

Meeting with a child gives a judge a much higher empathy for [a child] because you have got that child in your eye. Not only a mental vision because you can sometimes get that from a photograph. But … you have got an actual experience of having interacted with that child. And that is a lot more compelling than a photograph. (Judge C, Family Court judge, in interview with the author, 2009)

In stark contrast, there are a number of Australian judges who are completely opposed to judicial meetings with children in all but the most extreme of circumstances. One judge said:

If the family consultant is going to be there anyway … then you may as well have the family consultant do it and tell you what happened rather than be involved in the process … If all I am doing is seeing the child and knowing what their face looks like, I don’t need to do that. (Judge D, Family Court judge, in interview with the author, 2009)

Eleven judges who answered the author’s survey (25% of respondents) included written comments indicating that they were not in favour of judges meeting with children:

They … should not undertake speaking with children. They shouldn’t do it, trained or untrained.
Judicial officers should not speak with or to children.
I am opposed to children speaking to the judge who is to decide.
A judge should not have access to material different from all parties.
Meetings with children should not occur.
You don’t conduct interviews with children as a judicial officer.
[Judicial meetings] should not occur.
I do not think it is a desirable practice … The practice is inappropriate.
I do not agree with [judicial] meetings.
I do not agree with speaking with children.

Recommendations and conclusion

There is a significant body of research that suggests that we need to find ways to increase direct participation of children in family law matters. One way is to encourage judges to consider whether to meet with a child in every case that comes before them.

There are guidelines for judges meeting with children in New Zealand (Family Court of New Zealand, 2007), and guidelines have also recently been promulgated in England and Wales (Family Justice Council, 2010), where judicial meetings with children do not often occur. The guidelines for England and Wales are “to encourage Judges to enable children to feel more involved and connected with proceedings … and to give them an opportunity to satisfy themselves that the Judge has understood their wishes and feelings and to understand the nature of the Judge’s task” (p. [1]). A majority of the respondents to the author’s survey (65%) were in favour of guidelines being promulgated to give some direction on how judicial meetings should be conducted. It is hoped that this may encourage judges who may otherwise be uncertain to consider meeting with a child.

The author has drafted guidelines, which have been published in an article titled “Proposed Guidelines for Judges Meeting with Children in Family Law Proceedings” (Fernando, 2012a). The proposed guidelines encourage judges to consider factors a judge may consider in deciding whether to meet with a child, how a meeting should be conducted, who else may be present and how the outcome of a meeting may be reported back to the parties in the proceedings, including whether a recording or transcript should be made available.

In ZN v YH and Child Representative (2002) NZ v YH and Child Representative (2002) FLC 93-101, former Chief Justice Nicholson recommended that training for judges in meeting with children be added to regular judicial training. A strong majority of respondents to the author’s survey (83%) agreed that training should be offered. However, some respondents to the survey were vehemently opposed to further training for judges in meeting with children, demonstrated by the following comments:

J udges cannot be social workers and psychologists as well! In the rare case of a judicial meeting, the judge’s own experience and instinct should suffice.
Judges are appointed on the basis that they are able to do the job for which they are appointed and can decide what they need to learn to do it properly as well as the method by which they can learn. To dictate to a judge [that they should undergo training before speaking with children] is not only improper, it is impractical. One cannot make somebody conform to the beliefs and attitudes of others.

Children have a right to participate in judicial and administrative proceedings, which is enshrined in the United Nations Convention on the Rights of the Child. Children have expressed that they are dissatisfied with the ways in which their voices are currently
heard in family law proceedings. Better acknowledgement of children’s right to be heard in family law processes may be as simple as a judge listening to what a child has to say. This ensures at once that the child’s voice has been heard and, importantly, that the child is aware that their voice has been heard. Judges have indicated support for the idea of hearing from children directly but are held back from meeting with children because of concerns about the practice. While initiatives such as the promulgation of guidelines and judicial training may go some way to alleviating these concerns, it is unlikely that the incidence of meetings between judges and children in Australian family law proceedings will increase in the near future.

Endnotes
1 Around 2000 surveys about children and legal issues were distributed as part of the ALRC and HREOC inquiry into children and the legal process, and 845 responses were received.
2 See, for example, comments made by Mullane J in N and N (2000) FLC 93-059.
3 The survey was sent to 45 judges, being the entire complement of Family Court judges at the time. It yielded a response rate of 71%. It is argued, therefore, that Caldwell’s findings were fairly representative of the Family Court of New Zealand judiciary.

References


Dr Michelle Fernando is a lecturer in family law at the School of Law, University of South Australia. This article is based on a presentation made at the 12th Australian Institute of Family Studies Conference, 27 July 2012, Melbourne.
The development of the field of family dispute resolution (FDR) in Australia since 2008 has invited reflection about the practice of family mediation. Are FDR services accessible to all Australians, particularly those who may be vulnerable or disadvantaged? Is FDR practice sufficiently responsive to difference? How might FDR practitioners be supported to ensure their practice is culturally competent?

Two community-based organisations that manage Family Relationship Centres (FRCs) in western Sydney—with populations characterised by high levels of cultural, linguistic, ethnic and religious diversity, as well as socio-economic disadvantage—sought to answer these questions by initiating research in partnership with the University of Western Sydney. The research aimed to identify good practices in enhancing access for and engaging with clients from culturally and linguistically diverse (CALD) backgrounds in the FDR process. It also aimed to identify appropriate ways to support and sustain culturally responsive practices in FDR. This paper summarises the findings of the two reports of this research (see Armstrong, 2010a, 2012) to provide guidance about enhancing the responsiveness and effectiveness of services for people from CALD communities, and to identify ways in which to support culturally responsive FDR practice.

**Context**

**FDR and professional practice**

Family dispute resolution is a form of family mediation that aims to help separated parents manage and resolve disagreements about their children’s care. Since the 2006 family law reforms, FDR has become the gateway to the family law system for many such parents. Except where there are allegations or risks of violence or child abuse, or the matter is urgent, disputing parents must attempt FDR before they can file court applications (*Family Law Act 1975*, s 60I). The Federal Government funds community-based organisations to provide direct, telephone or online FDR through their own services or through the FRCs they manage.
More than 100,000 people used these services in 2010, with about half using FRCs (Attorney-General’s Department, 2011). Legal Aid Commissions, courts and private practitioners also offer FDR services. The rapid growth of FDR since 2006 has created a significant need for continuing professional and organisational development to enrich and monitor practice.

One area of FDR practice identified as needing support is in assisting FDR professionals to provide culturally competent service. In 2009, FRC professionals rated themselves as being not very confident in working well with families from CALD backgrounds (Kaspiew et al., 2009). A review of FDR practice in Legal Aid Commissions recommended that culturally and religiously appropriate models of FDR be developed and that culturally and religiously competent professional development be provided for FDR practitioners, managers, lawyers and intake personnel (KPMG, 2008). Other recent reports have recommended that the Australian Government support culturally responsive FDR and develop a cultural competency framework for the family law system, including in professional development (Australian Law Reform Commission & New South Wales Law Reform Commission, 2010; Family Law Council, 2012).

Access to FDR

The particular needs of vulnerable and disadvantaged children and families, including those from CALD and refugee backgrounds, are recognised by policies to promote accessibility, responsiveness and outcomes for clients using services, including FDR, within the Commonwealth Family Support Program (Department of Families, Housing, Community Services and Indigenous Affairs [FaHCSIA], 2011a, 2011b). Despite policies promoting access and inclusion, families from CALD backgrounds are generally under-represented in FDR services (Armstrong, 2010b). The Family Support Program data collection system shows that between 2006 and 2009 only 8% of FDR clients were born in a country where English is not the dominant language, even though they then comprised 14% of the Australian population (Armstrong, 2010b; Australian Bureau of Statistics [ABS], 2007). A change in the Family Support Program data collection method in 2010, which now identifies CALD clients on the basis of whether they speak a non-English language at home, suggests an even lower CALD participation rate in FRCs (3% in 2011–12) (FaHCSIA, 2012).

While there are pockets of good practice at variance with this trend (Ojelabi, Fisher, Cleak, Vernon, & Balvin, 2011), it appears that people from CALD backgrounds—particularly those with other markers of vulnerability and disadvantage, such as recently arrived migrants, women and refugees—use family law and FDR services less often than do others in the community (Family Law Council, 2012; Women’s Legal Services NSW, 2007). This is despite a significant documented need for relationship and family law services for families from CALD and refugee backgrounds (Dimopoulos, 2010; Fraser, 2009; Reiner, 2010; Stoyles, 1995).

In general, cultural communities consulted about their family law needs have expressed interest in using mainstream non-adversarial methods of resolving disputes, including family mediation and dispute resolution (Family Law Council, 2012; Legal Services Commission of South Australia, 2004). Research and consultations with people from CALD communities indicate that they understand some of the benefits of mainstream family mediation and would be willing to use it if they were confident that service providers were culturally competent and if their communities were educated about the process (Family Law Council, 2012; Pankaj, 2000). There is little research about what works to engage CALD families in family law services, particularly family mediation. Successful strategies are generally premised on community development principles of working with community gatekeepers and multicultural or culturally specific services to understand the cultural needs and diversity of needs, and building partnerships that develop appropriate responses (Butt, 2006; Dimopoulos, 2010; Family Court of Australia, 2008; Family Law Council, 2012; Sawrikar & Katz, 2008). Such strategies require sustained leadership, resources and policy commitment, in particular to develop a workforce that is culturally representative, culturally aware, culturally sensitive and culturally competent (Armstrong 2010b; Butt, 2006; Family Law Council, 2012; Sawrikar & Katz, 2008).

Culturally competent FDR

Cultural competence is the organisational and professional capacity to provide effective and appropriate service delivery to individuals from non-dominant cultural groups (Cross, Bazron, Dennis, & Isaccs, 1989). Culturally competent workers “build on and subsume” cultural awareness (knowledge of cultural norms) (Sawrikar & Katz, 2008, p. 14) and cultural sensitivity (recognition of diversity within cultural groups) to develop an appreciation of their own cultural norms and of the dynamism, complexity and significance of culture in
shaping individual and community identity and the processes of meaning-making (Education Centre Against Violence, 2006). They approach working with clients from minority cultural backgrounds from a perspective of “informed not-knowing”, which places the client as the expert in their relationship with their culture (Laird, 1998, cited in Furlong & Wight, 2011, p. 39). They demonstrate “cultural humility” rather than competence, as they engage in reflective self-critique, recognise white privilege, check power imbalances and identify needs through client-focused and respectful service (McPhatter & Ganaway, 2003; Mederos & Woldeguiorguis, 2003; Tervalon & Murray-Garcia, 1998; Walter, Taylor, & Habibis, 2011).

Culture plays an important role in conflict and conflict management, including in mediation. Culture influences perceptions of selfhood and relational connections, attitudes to conflict and approaches to resolving it, and “how identities and meanings play out” in negotiating the issues (Le Baron & Pillay, 2006, p. 16; see also Avruch, 1998; Brigg, 2003). Dispute resolution practitioners should be aware of how culture is embedded in mediation processes and of the cultural values and communication patterns they and the parties bring to the process, and understand when and how people use culture and cultural tools in mediation. This awareness will help them to engage in respectful dialogue about cultural contexts, respond ethically to the cultural power dynamics present in the mediation, and support the control that parties have over the mediation (Astor, 2007; Brigg, 2009; Doerr, 2012). It will also help FDR practitioners fulfil their ethical and legal obligations to support children’s right to enjoy their culture (Armstrong, 2011; Family Law Act, s 60C).

Design of the study

The first stage of the research described here aimed to understand how FRCs might enhance access to FDR for families from culturally diverse backgrounds, and to identify good FDR practices that are responsive to culture. The main data gathering method used was an open-ended interview, as this kind of inquiry is particularly powerful for understanding and evaluating the how and why of processes (Patton, 2001). The research participants were professionals providing services directly to CALD and minority faith communities, and professionals working in FDR services. More than 200 invitations were mailed to prospective participants. Twenty-two FDR practitioners and two FRC personnel from 16 FRCs and organisations providing FDR in urban and regional cities across the country, and 20 professionals from 11 organisations assisting families from culturally diverse backgrounds in western Sydney agreed to participate in an interview. Inductive thematic analysis was adopted to analyse the interview data (Brown & Clarke, 2006). Meaningful extracts of data were coded using a data management software program, and subsequently collated into common narrative themes. These themes were conceptually refined following critical review. The themes inform the substance of the stage one research findings.

The second stage of research sought to build on the stage one findings by identifying the perceptions of a wide range of FDR professionals about their own and their organisation’s cultural competence, and to identify their views about what might enhance this. This inquiry was conducted using a mixed-methods approach that combined an online survey with a semi-structured interview. Invitations to participate in the research were emailed to 324 individual FDR practitioners and 178 institutional FDR providers. The SurveyMonkey online survey was completed by 219 respondents. The survey data were tabulated and analysed using descriptive statistics for demographic and professional characteristics. Frequencies (number and percentage) of the rating of all other questions were reported. Differences in survey response by work role, length of time in role and service type were explored using one-way analysis of variance (ANOVA). Post hoc comparisons were made using Bonferroni, Tamhane or Tukey tests. The post hoc test was chosen on the basis of results of Levene’s Test for Equality of Variances. FDR practitioners comprised 70% of survey respondents, with intake personnel, administrative officers and child consultants comprising the rest. Slightly more than half worked in FRCs, and 17% from Legal Aid Commissions. Non-government community-based FDR providers comprised 15%, while 10% were private FDR providers. In addition, 24 survey participants responded to an invitation to participate in a half-hour telephone interview to explore participants’ experiences of “real learning” about culture. Inductive thematic analysis was also used to analyse the stage two interview data, as described above.

What can FDR providers do to enhance access for CALD families?

The stage one research findings indicate that the most effective way to enhance access to FDR
is for FDR providers to establish relationships with the gatekeepers of CALD and minority faith communities. Such relationships assist FDR providers to identify the service needs of the specific CALD communities in their catchment area and to understand the barriers to using FDR that might exist. Initiatives to establish relationships also provide community leaders with the opportunity to assess the organisation’s commitment to working with diverse communities, and to develop trust in the organisation’s capacity to assist clients in a culturally respectful manner. Relationships also create a platform for developing mutual referral pathways, working in partnership, and fostering community capacity for appropriate service choice.

Fostering relationships

The starting point for initiating relationships is to speak with a wide range of organisations to:

find out what the issues are and don’t assume anything about that community … You’ve got to find out … who the community is and focus … on getting to know the community. (Lawyer, minority faith-based women’s service)

It is important to connect with the leadership and workers in community-based and ethno-specific organisations, which are often gatekeepers to CALD communities. But as one observed:

that’s not enough … You’re going to have to go where the people are going, to the mosque and churches, to resolve family disputes. (Manager, culturally specific service)

Many stressed the importance of developing:

links with our religious leaders … Religious leaders play such an important role at times of family disputes, even for people who have a very low level of religiosity. (Lawyer, minority faith-based women’s service)

This view was not universal however, and one respondent cautioned that in her experience religious leaders have “a very strong bias towards men and not breaking up families” (Manager, children’s service). Identifying and meeting with community and religious leaders may be complex and require assistance from agencies working with CALD families.

Some referred to misunderstandings that might discourage the use of FDR by both women and men. Women “have no idea what’s their rights here, what’s the law here” and men may perceive:

that the Family Relationship Centre is a place to give the woman more than her rights and they will be something unfair to [the men] … because divorce happens easier here. (Family support worker, culturally specific service)

In some cultural and faith communities it is unlikely that people contemplating divorce would attend an FRC “because that’s duplicating already what is happening” in the mosque (Manager, minority faith-based service) or “through elders and family members rather than using something like an FRC” (Manager, FRC).

Others speculated that people were uncertain whether the FDR organisation will “really understand where I’ve come from” (Family support worker, multicultural service). Unless people were confident that organisations were sensitive to the cultural and religious dynamics of separation, they would question:

why would I go [when] … I’m pretty vulnerable? Why would I walk into a service that might judge me on how I live my life? (Lawyer, minority faith-based women’s service)

The kind of engagement required to foster relationships and:

build trust … requires time ... It’s evolving, and it spreads in a network way. It’s not about what you know, it’s about who you know. (FDR practitioner, FRC)

Working in partnership

A key theme in the stage one interviews was the importance of working in partnership with communities, and with the services that work closely with them. As one respondent observed:

If FRCS are serious about expanding their services to the whole community, the only way that they can do that is in collaboration with organisations that work specifically with those communities … We know how to work with the community. (Counsellor, ethno-specific service)

Another cautioned that:

commitment to being culturally responsive has to be financially viable, because those [community] agencies are usually very small agencies. (FDR practitioner, minority faith-based service)
Working in partnership required that mainstream organisations:

think how they can support these [community] services as well … How can they integrate the services that they provide? … Can they operate outreach programmes? (Manager, minority faith-based service)

One area of need identified by a number of respondents was “education for their communities” about the law and legal system, and about FRCs and family law in particular (Manager, FRC). However, other cultural communities:

didn’t want information about family law systems … The real key thing for them was the stuff … that will support [their] parenting. (Manager, FRC)

As another participant observed:

it’s really about engaging with the community that you’re providing the services for … Listening and seeking advice: “Well you know, we’re thinking of doing this, what should we do?” (Manager, minority faith-based service)

Working in partnership enhances mutual understanding and increases community capacity to navigate mainstream processes and, ultimately, make more informed service choices. It requires time, but also genuine commitment to the goal of facilitating access by CALD families, equality and the mutuality of partnerships, and the resources and capacity to sustain relationships.

Establishing structures that facilitate access

The need for structures to facilitate access was a recurring theme in the stage one interviews.

The capacity to sustain relationships, and to develop trust in a mainstream organisation, may effectively be invested in “a community development person or community liaison person” (Manager, culturally specific service). Individuals are important, as:

people need to build connections with each other as human beings … People relate to that person, and they will come back. (Manager, culturally specific service)

Several respondents remarked on the value of employing bicultural and bilingual staff, but there were divergent views. They “bring an enormous amount of knowledge and experience” about communities (Cultural liaison officer, FRC). Some clients might:

prefer to find someone from the same culture, [because] that’s easy to build rapport and trust (Family support worker, multicultural service)

but, equally, others may:

feel ashamed to talk about their issues in front of someone from the same culture, so they prefer someone else. (Family support worker, culturally specific service)

Employing bicultural staff can also lead to a perception that the organisation is culturally competent when this may not be the case. As one explained, it may be risky if:

bicultural workers buy into their cultural belief system, and haven’t explored and dissected that for themselves. (Manager, children’s service)

Establishing mechanisms for accessing a range of community views is important, and has been achieved by some FDR organisations through a cultural consultative committee of professionals and community leaders. Others cautioned that the time invested by community groups in formal consultative structures was considerable and that such a committee should:

be very clear about what it needed from … the members they’ve invited around the room … [and that you] follow through with what we’ve given, what we’ve offered. (Manager, culturally specific service)

Culturally responsive FDR

Stage one of the research also sought to identify culturally responsive FDR practices. The data indicate that culturally responsive FDR professionals appreciate the relevance of cultural contexts to mediating post-separation disputes and the potential importance of these contexts to the families in dispute. They have developed the capacity to sensitively explore culture with each individual and family, and the ability to respond appropriately to this in the FDR process. They recognise that cultural responsiveness in FDR will be limited by the
law, FRC processes and resources, and the preferences, needs and capacities of the parties.

**Appreciating the value of and limits to accommodating culture in FDR**

Themes from the stage one interviews indicated that FDRP awareness of the relevance of culture was critical to many clients’ capacity to effectively participate in FDR. As one noted:

we can only understand what our clients are going through and what the children are going through if we have an increased sensitivity to the cultural parameters within which they create meaning out of their family and their society. (Manager, FRC)

Another FDRP acknowledged the challenges of trying to understand a client’s cultural world, saying:

it’s very important … to be educated and to find out more, but some of these matters are so diverse and complex, it’s almost impossible. (FDR practitioner, FRC).

There was agreement that:

it’s very hard for people to separate [culture and religion] and to distinguish the two … I find it difficult myself sometimes. (FDR practitioner, FRC)

One practitioner referred to the:

complexities of managing the gender stuff, [because it] was extremely difficult to know what’s appropriate and what’s not … You don’t know whether you’re bringing in your own cultural assumptions about what men and women should and shouldn’t do. (FDR practitioner, FRC)

For this reason, it was important for practitioners to reflect on the influence of their own cultural contexts. Some positioned themselves as translators of the dominant culture to assist clients to better navigate it, and saw their role as:

explaining the dominant culture … that is sitting there in the room. That’s the bridge, and then we can work with everybody. (Manager, children’s service)

An appreciation of the significance of culture also meant practitioners were aware of the limits of cultural responsiveness and avoided feeling paralysed by their perceived obligations to “acknowledge culture and be culturally aware all the time” (Manager, children’s service). One FDR practitioner referred to her experience of using law to challenge what may be considered “cultural” by giving:

a very clear understanding of what’s acceptable … within our Family Law Act … and in fact what he sees as OK is for us violence. My risk is that he loses faith or trust in me being impartial. (FDR practitioner, FRC)

The interview responses suggest that it is not the level of cultural knowledge that distinguishes the responsive mediator, but an appreciation of cultural complexity, an awareness of the influence of their own cultural frameworks, an attitude of humility, and a disposition for sensitive inquiry.

**Exploring the relevance of culture with each family**

The disposition for sensitive inquiry is evident in an approach which places the family as:

the experts of their culture and … the expert of their stories and their experience. (FDR practitioner, FRC).

This requires practitioners to:

approach each family with an open mind … Rather, be informed by what they tell you, how they are operating, what’s important to them, because often it’s about how they interpret their culture and religion. (Lawyer, minority faith-based service; emphasis in original)

It also means that practitioners must adopt a perspective of “informed not-knowing” (Laird, 1998, cited in Furlong & Wight, 2011). One participant highlighted the need to probe more deeply:

particularly when I have a sense of thinking that things don’t make sense … So that’s when I need to be a little bit more curious, and respectfully curious, with clients in terms of working out just where they are coming from. (FDR practitioner, FRC).

**Responding appropriately to cultural contexts in the FDR process**

The stage one interview responses demonstrate that culturally responsive practitioners and services develop a repertoire of responses that are respectful of cultural difference and are framed by the legal and practice contexts in which FDR occurs. They engage in dialogue with clients to understand their preferences, which may be simply asking what they need, “giving them options … giving them that choice” (Counsellor, multicultural service). This may involve assisting a client:

who is struggling with the idea of a woman having some kind of control around what’s happening to him [to participate more effectively in FDR by seating him] opposite the male FDRP and I would be opposite the female so that I can be attentive to her first and foremost, but also be able to be respectful of him in the way that he understands within his culture. (FDR practitioner, FRC)

Culturally responsive practice may involve helping parents to understand what is in the child’s best interests when they say: “Well, I want the child because, according to our tradition, the child should be with the father” or “the child should be with the mother” (FDR practitioner, FRC).
practitioner, minority faith-base FDR service). It may involve advocating for children to promote their right to see their grandparents and extended family, “and impress upon [parents] the children have a right to see them as well” (FDR practitioner, FRC).

Many respondents stressed the importance of considering the role of the extended family in post-separation care, or their possible reaction to the agreements that parents reach. Some were developing an “extended family model of FDR … [where] it’s a benefit to the outcomes for the child” (Manager, FRC). Others were exploring how:

people from the communities [or support personnel] can support a family through the mediation process and … assist the family to use mediation and get the best from it. (FDR practitioner, FRC)

They also observed that such approaches were likely to require more resources because “you’ve got to go a little gentler and a little slower and work at it a little differently” (FDR practitioner, FRC). Making culture visible, exploring its relevance and responding to it appropriately can promote party self-determination in the dispute resolution process, and also support the interests of vulnerable third parties, like children, including their right to enjoy their culture.

Supporting culturally responsive FDR

The survey and interviews responses in the second stage of this research identified a significant commitment among FDR professionals to culturally responsive practice, a high level of self-reported cultural responsiveness by FDR professionals, and a strong desire to be supported in this with a range of resources and professional development strategies.

Professional cultural competence

Almost all participants from the online survey agreed it was important to provide culturally responsive FDR, and three in four agreed they felt culturally responsive in their FDR work. A large majority (85+%) agreed or strongly agreed that they had confidence in maintaining impartiality when working with CALD clients; inquiring about clients’ cultural backgrounds; identifying a client’s need for an interpreter; communicating with clients from CALD backgrounds; helping clients consider their children’s right to enjoy their culture; identifying cultural influences in the FDR process, including their own; assisting clients whose religious affiliation differed to their own; and identifying the presence of violence in families from CALD backgrounds. Figure 1 reveals that a lower proportion of FDR professionals agreed or strongly agreed that they had confidence in:

- helping clients reach FDR outcomes that are culturally appropriate (73%);
- adapting FDR processes to facilitate participation by CALD clients (71%);
- managing cultural power imbalances (70%);
- responding to the cultural dynamics of FDR processes (68%); and
- asking about a client’s religious affiliation (58%), although only a third of participants agreed their services regularly did this.

Statistically significant differences were identified between groups of professionals’ feelings of cultural competence. Less experienced and Legal Aid FDR professionals were less confident responding to cultural contexts in FDR. Administrative officers working in FDR services were less likely than all other respondents to agree that they felt culturally responsive, that it was important to be culturally responsive and that they would like to further develop this capacity in their FDR work.

Organisational cultural competence

While most participants in the online survey said that they felt culturally responsive, fewer believed the organisation in which they worked was culturally responsive. Participants agreed or strongly agreed that their organisations were succeeding in: identifying clients’ cultural
background at intake or assessment (87%); encouraging professional development to foster cultural competence (86%); providing cultural awareness training (80%); adopting best practice with interpreters (77%); and considering cultural issues in debriefing and supervision practices (77%).

However, Figure 2 reveals that only half agreed or strongly agreed that their organisation actively engaged local CALD communities or worked with CALD service providers to support CALD families. And a lower proportion of participants agreed or strongly agreed that their organisations were culturally responsive in the following domains:

- working in partnership with CALD communities (49%);
- having a dedicated position to promote engagement with CALD communities (44%);
- working with CALD communities to understand community-based dispute resolution (42%);
- developing mutual referral processes with CALD services and communities (40%);
- being adequately resourced to engage with CALD communities (39%);
- adapting parenting education programs commonly held prior to FDR (39%);
- developing protocols to respond to the needs of CALD clients and involve the extended family in the FDR process (39%);
- identifying the religious background of clients (35%);
- providing outreach to CALD communities (34%); and
- developing mutual referral processes with religious leaders or services (23%).

Statistically significant differences were identified in the responses of Legal Aid FDR professionals. They were less likely to agree than other FDR professionals that their organisation was adequately resourced to engage with communities from CALD backgrounds, or that Legal Aid Commissions had developed referral processes with CALD communities or with minority faith communities.

What would support FDR professionals to be culturally responsive?

Although most survey participants said that they felt culturally competent, most (88%) also wished to further develop this capacity. They agreed that professional development activities, as well as a range of human, information and financial resources, would support them to develop and sustain culturally responsive practice and service. Cultural awareness training and external professional development activities were rated as being the most useful ways in which to support cultural responsiveness (both 92%), and other helpful factors included:

- being provided with examples of good practice of working with CALD communities (91%);
- undertaking professional development activities specifically designed for their practice (89%);
- having access to information about local cultural organisations, cultural facilitators and cultural resources (88%);
- having adequate funding for community engagement (87%);
- appointing staff and FDR practitioners from culturally diverse backgrounds (83%); and
- having more emphasis on cultural issues in vocational FDR training (80%).

Survey participants indicated that their preferred professional development activities were forms of collaborative, engaged and experiential learning. Most support was expressed for having conversations with CALD community members and agencies about their issues (93%), and participating in collaborative reflective practice and discussion with FDR colleagues about culture and FDR (90%). Almost all survey participants agreed...
that developing the following abilities would support their practice and service provision:

- adapting FDR processes to facilitate the participation of CALD clients (93%);
- developing cultural self-awareness (95%);
- supporting children’s rights to enjoy their culture (96%);
- assisting CALD families experiencing domestic violence (96%);
- managing cultural dynamics in FDR (97%);
- working with interpreters (98%);
- facilitating children’s best interests in cross-cultural contexts (99%); and
- recognising different communication styles (99%).

More than 90% of participants agreed that better understanding of the following matters would support culturally responsive FDR:

- community-based dispute resolution (94%);
- how to engage CALD communities effectively (95%);
- cultural and religious norms about parenting, separation and family (98%);
- the role of culture in dispute resolution (98%); and
- cultural influences on child development (99%).

The preference for collaborative, reflective and conversational learning modes was reinforced in the stage two interviews. Participants were asked about their moments of “real learning” about culture and how this kind of learning might be facilitated in FDR professional contexts. Many spoke of the need to avoid a “compartamentalised, stereotyped approach” to understanding culture in FDR, and questioned the “superficial” and “cynical” approaches to culture evident in some cultural awareness training. They voiced a preference for something that was “more tailored to my particular practice” and which allowed them “to drill down a little bit more” to analyse the complexities of culture in FDR. Many of the moments of real learning about culture concerned failures of dialogue, of making unwarranted assumptions or not inquiring effectively. One queried her failure to ask:

that question in the right way, to find out that, no, there is no way she wanted to be in the same room as him … How could I have missed that?

To remedy such omissions, interviewees suggested engaging in authentic and mindful dialogue with parties. Such dialogue required that professionals reach out to find common ground, to “develop compassion”, to interact “from an authentic base, a sense of humility”. Practitioners should approach every session:

as an intercultural session … where different cultures meet, and probably just be tentative and curious about how people use culture, much more than what it is. (emphasis in original)

Interviewees suggested that it was essential for professionals to have conversations with
themselves about culture, “to focus your attention on the questions that you constantly have to ask yourself”. These conversations with self required practitioners to be aware of their own influences on the client and the process, and to be “really, really, really present in the situation”.

Interview participants also highlighted that their preferred learning context was the conversations that they had with colleagues—whether informally, or more formally in debriefing, supervision and peer supervision meetings, and with the wider FDR or mediation community. As one explained, conversation with colleagues:

> sharpens what you think, what you do, and focuses your attention again to the questions that you constantly have to ask yourself.

The themes of dialogue and of collaboration were also evident in interviewees’ awareness that genuine and mutual engagement with cultural communities, despite its many challenges, was the most potent source of learning for communities and for FDR providers. One remarked that to deepen her understanding of culture in FDR, she “would appreciate actually hearing the stories from people within those communities”. Several expressed the view that the most effective way to learn about cultural communities, and for people in communities to appreciate FDR, was to be involved in “community education and development, like the outreach component, to go out to those communities” (Project Manager, FRC). This needed to be done with care and consultation, to avoid raising unrealistic expectations, and to ensure there was the capacity to sustain the connection.

**Discussion and implications**

**Supporting FDR services to engage with CALD communities**

The research findings suggest that the most effective way to enhance access to FDR by families from CALD backgrounds is to foster relationships and develop partnerships with CALD community leaders and with agencies working directly with communities. Research participants indicated that “conversations with CALD community members and agencies about their issues” in a manner that encouraged mutual listening and dialogue was most likely to support culturally responsive practices. Many agreed that the appointment of cultural liaison personnel would facilitate CALD community engagement and ultimately enhance access, but that few organisations did this. There was also strong endorsement of the provision of resources showcasing good practices with CALD communities, and for guidance about effective engagement. FDR professionals were not confident that their organisations engaged well with CALD communities, developed community partnerships, or were adequately resourced to do either. Nor did they believe their organisations had developed mutual referral processes with cultural or minority faith communities.

Engaging CALD communities should not overtax service providers or communities, or create unrealisable expectations (Urbis Keys Young, 2004). Good practice for mainstream services engaging with CALD communities, particularly in the challenging area of family breakdown, emphasises principles of reciprocity, equality and trust (Family Court of Australia, 2008; Legal Services Commission of South Australia, 2006). To facilitate better outcomes, the purposes, complexities and challenges of community engagement and of appropriately supporting these families at and following separation needs to be better understood, adequately resourced and properly guided. This is particularly important in light of the collaborative stakeholder relationships that the Vulnerable and Disadvantaged Client Access Strategy now requires of most Family Support Program services, including FRCs (FaHCSIA, 2011a). It is also necessary to appreciate that “the process of successfully engaging communities is an outcome in its own right” (Family Court of Australia, 2008, p. 43), and that effective, sustainable engagement is resource-intensive and requires high levels of organisational cooperation, commitment and capacity.

**Supporting people from CALD backgrounds to participate in FDR**

A number of strategies were suggested to support the participation of CALD clients in FDR. Acknowledging the importance of culture and religion during family separation for many from CALD backgrounds, and providing the opportunity to engage in respectful dialogue about these matters may support party control in the FDR process. Such discussions may also provide guidance about what, if any, adjustments might be made to enhance participation, as FDR professionals said they did not feel confident in this area. The survey results indicate that few organisations adapted their parenting education programs to facilitate the participation of CALD parents. The role of such programs in encouraging parents to focus on their children’s post-separation needs has been clearly established (McIntosh & Deacon-Wood, 2003). It would follow that...
such programs could be adapted to enhance CALD parental participation, and to promote better understanding of the interests and rights of children in this context.

Participants in the survey reported that few organisations routinely identified the religious background of clients, few felt confident asking about this, and the intersection between culture and religion seemed poorly understood. Religious leaders and organisations play an important role in supporting family relationships, assisting couples to resolve problems, and referring people to family relationship services (Kaspiew et al., 2009; Macfarlane, 2012). Given this, it would be useful to further explore how religion might be better understood in the context of family separation, and how appropriate channels of mutual communication and referral might be established. Other strategies identified by the research as being useful include developing protocols to respond to the needs of CALD clients, and to involve support people and the extended family in the FDR process, although the survey results suggest that few organisations do this. It would be valuable to identify and publicise good practice in these areas.

**Supporting practitioners to provide culturally responsive FDR**

Although professionals generally rated themselves as being culturally competent, they indicated the need for further support in sustaining this in their FDR practice. Responses by FDR professionals working in administrative capacities, who were newly appointed or working in Legal Aid Commissions, demonstrated particular need for support. Elements of good FDR practice with families from culturally diverse backgrounds included awareness of the role of and complexity of culture in post-separation family disputes (particularly professional self-awareness of the influence of their own cultural contexts), and the capacity to engage in sensitive dialogue about culture with clients and adjust their practice to facilitate participation by clients.

Participants expressed support for engaging in professional development, including cultural competence training, so long as this also provided opportunities to analyse the complexities of culture in FDR. They indicated that the most effective way to sustain responsiveness to culture in FDR was to participate in regular, structured, collective opportunities to critically reflect on the way in which culture manifests in FDR. Such activities could model “the kinds of questioning, collaborative and conversational techniques which can lead to a richer understanding of client and practitioner perspectives and the way culture shapes these” (Armstrong, 2011, p. 245; see also Bagshaw, 2008). This preference confirms the value of taking part in collaborative, reflective professional learning in family relationship services (Urbs Keys Young, 2004) and other professional fields, including mediation (Collin & Karsenti, 2011; Lang & Taylor, 2000; Reynolds, 2011).

FDR organisations are responsible for creating the opportunities to facilitate these kinds of professional conversations, possibly in existing debriefing and supervision practices. The process of “cultural auditing”, developed to guide and structure reflective practice and facilitate dialogical thinking about culture in counselling, offers a very promising model that may be readily adapted to FDR (Collins, Arthur, & Wong-Wylie, 2010), as does the cultural competence case study approach developed by the NSW Education Centre Against Violence (2006).

**Conclusion**

Family dispute resolution is the default option for large numbers of separating couples in dispute about their parenting arrangements. It is important then that steps are taken to ensure that vulnerable populations, including families from CALD backgrounds, are supported to understand and participate effectively in FDR. Developing services and professional practices that are culturally competent can assist CALD families become aware of and exercise greater control in FDR processes. The responsibility for developing and sustaining culturally competent FDR rests jointly with the professionals, organisations and funding bodies that provide these services.

**Endnotes**

1. From 2006, 65 FRCs were established across Australia to provide a “single shop front single entry point into the broader family law system” (Australian Government, 2005, p. 11). FRCs are funded by the Federal Government, but run by a variety of non-government organisations selected by competitive tender. The core business of most FRCs is now FDR.
2. CatholicCare Sydney and Anglicare Sydney were the lead partners in the consortium, which successfully tendered for the FRCs in the Sydney suburbs of Bankstown and Parramatta respectively.
3. The acronym CALD is used as shorthand to refer to minority ethnic communities, including new, emerging and refugee communities, despite the significant differences within and between such groupings and the problematic nature of the term (Sawrikar & Katz, 2009).
4 It is difficult to accurately calculate the response rate as institutional providers may employ a few or many FDR professionals.

5 All quoted comments from the stage two interviews are by FDR practitioners, unless otherwise indicated.

References


Department of Families, Housing, Community Services and Indigenous Affairs. (2012). *FDR FBC client profile report 1/7/11–30/6/12*. Canberra: FSP Operational Branch, FaHCSIA.


Education Centre Against Violence. (2006). *Cultural competence in working with suicidality and interpersonal trauma*. Sydney: ECAN.


Dr Susan Armstrong is a Senior Lecturer, School of Law, at the University of Western Sydney. This is an edited version of a paper presented at the 12th Australian Institute of Family Studies Conference, 26 July 2012.
Bullying has been defined broadly as the “systematic abuse of power” (Rigby, 2002). Its prevalence in schools has been confirmed in many countries (Due et al., 2009; Molcho et al., 2009). In Australia, it has been estimated that one child in four is bullied in some way every several weeks (Cross et al., 2009). The harm it can do has also been widely investigated (Rigby, 2003). Not only has it been reported that children who are bullied at school have significantly poorer mental health than others, but they are also significantly more likely than others to experience mental illness as adults.

In a study conducted in Finland a sample of 2,713 eight-year-old schoolboys were identified as being repeatedly bullied and/or bullying others at school, based on reports from teachers, parents and the children themselves (Ronning et al., 2009). Their mental health status was assessed some 10 to 15 years later when they were examined psychiatrically on registering for compulsory national service. Those boys who were identified as being involved in bullying at school were approximately three times more likely than others to be rejected as mentally unfit, commonly displaying high levels of anxiety, depression and personality disorder. A further longitudinal study of schoolchildren (N = 6,437) in England produced comparable results (Schreier et al., 2009). These researchers concluded that peer victimisation in childhood, especially if it is chronic or severe, is associated with psychotic symptoms in early adolescence.

It could be suggested that children who become involved in bully–victim problems are mentally less well than most students to begin with, and would be mentally unwell as adults, regardless of whether they had become involved in bullying at school. However, some findings strongly suggest that the mental health of children is, in fact, affected negatively by their involvement in bullying. A study reported by Rigby (1999), involving 78 secondary school students in South Australia, indicated that the level of self-reported victimisation in Year 8 significantly predicted a deterioration in both mental and physical health in the period leading up to Year 11. Bond, Carlin, Thomas,
Parents are commonly unaware that their children are involved in bully–victim problems at school.

Rubin, and Patton (2001) subsequently reported similar findings for Victorian schoolchildren, using a larger sample (N = 2,680). They reported that being victimised in Year 8 predicted high levels of anxiety and depression in Year 9. A recent study in South Australia, drawing upon retrospective accounts of being bullied, further suggests that those experiencing being bullied at school are at risk of significant long-term mental health problems (Allison, Roeger, & Reinfeld-Kirkman, 2009).

Bullying can best be conceived as a relationship problem to which many factors contribute. There is evidence that some children are genetically predisposed to act aggressively; some others are more inclined towards timidity and find it hard to be assertive (Ball et al., 2008). Wide discrepancies in peer victimisation between schools suggest that the nature of the school environment and how schools respond—proactively and reactively—to the problem of bullying may also affect the prevalence of bullying (Ttofi & Farrington, 2011). It is unclear in the general picture how important the influence of parents, parenting and family life can be on bullying behaviour, but there is now considerable evidence suggesting that they too can have a significant effect. This paper examines what is known about how parents and families may contribute to the problem of school bullying and how they can assist in addressing it more effectively.

Parental awareness of bullying

Studies have shown that parents are commonly unaware that their children are involved in bully–victim problems at school. In the study conducted in Finland by Ronning et al. (2009), parents were much less likely to identify that their child was involved in such a problem (see Table 1), a finding confirmed by Holt, Kaufman, and Finkelhor (2009).

Unlike children and teachers, parents are rarely present at schools to observe how their children are being treated by peers. They must therefore rely to a large extent on what they are told by teachers and by their own children. Notably, teachers are often unaware that a child is being bullied, as only about one-third of students who are being bullied report to teachers that they are being victimised (Rigby, 2002). In addition, many students do not inform their parents if they are being bullied. According to Smith and Shu (2000), in England only 45% of those bullied have told anyone in their family (most commonly a parent). Hence, parents are largely dependent upon their own children reporting to them any bullying they experience. Where parents are believed to be supportive and capable of providing practical help, one would expect children to disclose if they were being bullied at school.

### Early child development

Following John Bowlby (1969), emphasis is often placed upon the role of attachment or bonding in the early years of infancy as the primary factor in determining the capacity of individuals to relate positively to each other. Attachment has been defined broadly as a strong affectional tie we feel for special people in our lives that leads us to feel pleasure and joy when we interact with them and be comforted in times of stress (Berk, 2000).

There is now evidence that insecure attachment by infants, as assessed through behavioural observation (see Ainsworth, Blehar, Waters, & Wall, 1978), is related to involvement in bully–victim problems years later at school (Smith & Myron-Wilson, 1998; Troy & Sroufe, 1987; Williams & Kennedy, 2012). The early pioneering work by Ainsworth et al. suggested that the insecurity may take either of two forms: avoidant, in which case the child appears emotionally detached from the caregiver; and resistant or ambivalent, in which case the child seems to want to have a close relationship with the caregiver but at times stubbornly resists any overtures from the caregiver. Both conditions appear to be precursors to having poor or inconsistent relations with peers at school. Avoidant insecurity has been reported as being correlated with a lack of concern for the feelings of others, resulting in bullying behaviour; resistant/ambivalent insecurity is associated with a need to please, which may result in being victimised by others (Williams & Kennedy, 2012). The failure to establish a close emotional relationship with a caregiver as a baby appears to have serious implications for relationships with others later in life, including the likelihood of bullying others and being victimised in the school environment.

A further line of inquiry relating to early childhood development has suggested that some children can be psychologically harmed if they are left in preschool care centres for long periods, and that the effects of such

<table>
<thead>
<tr>
<th>Table 1: Students identified as frequently being victimised or bullying others, by parent, teacher and child reports</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reported by parents (%)</td>
</tr>
<tr>
<td>-------------------------</td>
</tr>
<tr>
<td>Frequently victimised</td>
</tr>
<tr>
<td>Frequently bullied others</td>
</tr>
</tbody>
</table>

Source: Adapted from Ronning et al. (2009)
experiences become evident later in disturbed relations with others at school (Biddulph, 2006; Manne, 2005). Support for this view has been derived from a longitudinal study of the social development of American children \(N = 1,364\) between the ages of four and a half years to the end of grade six (Belsky et al., 2007). After controlling for the quality of parenting in the early years—the most predictive of all the factors examined—time spent in child care centres independently predicted externalising behaviour, as reported by teachers. The measure of externalising behaviour included a measure of the extent to which children hit other students. The authors concluded that “children with more experience in centre settings continued to manifest somewhat more problem behaviours through sixth grade” (p. 697). It remains unclear whether this association persists into adolescent years. Neither is it clear whether the association is due to a loss of attachment to a primary caregiver during early childhood or a result of being closeted with other students whose behaviour is relatively unregulated for long periods of time; conceivably it could be affected by both.

**Family functioning**

Family functioning has been identified as a factor that is associated with how well or badly a child interacts with peers at school. One Australian study made use of the Family Functioning Adolescence Questionnaire designed by Roelefse and Middleton (1985). This is a 42-item Likert-type scale of high internal consistency assessing the quality of family life as perceived by adolescents. The questionnaire was administered to 856 adolescent students in South Australia (Rigby, 1993, 1994). The students also reported on the extent to which they had bullied others and/or had been bullied by others at school. For both boys and girls, family dysfunction was greater for students who reported bullying others. For instance, children who reported that they bullied others at school were significantly more likely to disagree with these statements: “My family sympathises and understands when I feel sad” and “Members of my family are encouraged to work together in dealing with family problems”. Notably in this study, girl victims were likely to come from dysfunctional families, but this was not so for boys.

Victims of bullying, in both sexes, have been reported as coming from families that are too “enmeshed” for the good of the children; that is, families may be too self-contained, limiting the opportunities for family members to interact with others and develop the social skills necessary for establishing and maintaining good relations with their peers (Bowers, Smith, & Binney, 1992). This claim was based on the outcome of an experimental study undertaken with middle school children in England. Students who were identified from self-reports as victims of bullying were compared with a control group on a Family Relations Test in which participants were asked to place figures representing themselves and family members on a board according to their perceived positions in relation to each other. The victimised children grouped the figures significantly more closely together. This finding was interpreted as consistent with the claim that victims of school bullying are more likely than others to have been overprotected by well-meaning family members, especially, according to Olweus (1993), by their mothers. The Olweus study was based upon interviews with parents of schoolchildren in Norway and reports of teachers regarding which children were being victimised by peers. High levels of parental protection of children—for example being restricted from taking part in activities with other children outside the home—were found to be associated with children being victimised at school.

**Parenting style and parent characteristics**

There is much agreement that an authoritarian—as opposed to an authoritative or democratic style of parenting—is more likely to give rise to bullying by children; for example reports from studies conducted in Australia (Rigby, 1994), in Italy (Baldry & Farrington, 2000) and in the United States (Espelage, Bosworth, & Simon, 2000) have each indicated significant associations between authoritarian parenting and the relatively high involvement of school children in bullying others at school. According to Baumrind (1966), authoritarian parents are obedience- and status-oriented, and expect
their orders to be obeyed without question. Failure to do so usually results in punishment, which tends be physical and is accompanied by an angry, emotional outburst (Roberts, 2000). Authoritarian parents fail to explain the reasoning behind these rules. They impose high demands, but are not responsive to their children. In one recent study (Lee & Song, 2012), authoritarian parenting was inferred from South Korean children in grades 7 to 9 agreeing to these statements: “My parents use physical discipline for punishments” and “I think my parents want to have control over almost every aspect of my life”. However, unlike studies conducted in Australia, Italy and the United States, Lee and Song found that in South Korea, authoritarian parenting was not significantly associated with bullying behaviour by children. It appears the relationships between style of parenting and bullying behaviour may vary cross-nationally.

According to Ahmed and Braithwaite (2007), children who bully believe that their parents would not forgive them if they did something wrong. Arguably, they learn from their parents to be unforgiving towards others, and feel justified in acting aggressively towards those they believe may have offended them. Generally, where adolescents report that they dislike or have negative relations with one or both parents, they are more likely to bully at school (Rigby, 1993). Further, Flouri & Buchanan (2003) found that where adolescents report that either one or both their parents are constructively involved in their lives, they are significantly less likely to engage in bullying. Parental involvement was inferred from respondents in this study agreeing that their mother and/or father “talk through your worries with you” and “help with your plans for the future”. Different explanations for these findings are possible. Frustration on the part of children who have negative relations with parents who treat them badly or fail to provide support may result in them directing the aggression they feel towards their peers. It may also be the case that children who behave aggressively towards other students also behave aggressively towards their parents who, as a consequence, treat them in a generally negative and unsupportive manner.

It has been suggested that highly permissive parenting can also lead to bullying behaviour. For instance, children who report that their parents often do not know their whereabouts are more prone to engage in bullying (Georgiou, 2008). Arguably, this is more likely to be true in relation to children who are more inclined to act aggressively and require close surveillance. With respect to being victimised, significant gender differences have been reported. For boys, having negative relations with parents...
apparently does not affect their victim status. By contrast, girl victims at school tend to have poor relations with their mothers and are apt to feel over-controlled by their parents, especially by their fathers (Rigby, Slee, & Martin, 2007).

Some studies have focused upon the role of parents who seek to bolster the self-esteem of their children by praising them. An important distinction should be made between praising a child for things done well and/or for the effort made, and the giving of indiscriminate or excessive praise regardless of what the child has done. It has been suggested that the latter may give rise to a state of narcissism in which the child may feel that anything he or she does is praiseworthy—including bullying others (Baumeister, Smart, & Boden, 1996). However, high self-esteem (as distinct from narcissism) appears to have a positive effect in rendering a child less vulnerable to bullying. Studies have shown that victims of school bullying tend to have relatively low self-esteem (Egan & Perry, 1998; Slee & Rigby, 1993). Low self-esteem in family relations has been reported as being more prevalent among boys (though not girls) who are cyberbullied (Brighi, Melotti, Gali, & Genta, 2012). Feeling positive about themselves may result in children exhibiting more confidence and more assertive behaviour that prevents them from being viewed as an “easy target”.

We should recognise the role of parents and families of acting as “shock absorbers” when their children are hurting, whether the pain is related to being bullied or is independent of being bullied. For example, in Australia, Rigby and Slee (1999) reported that suicidal ideation—which is commonly associated with chronic victimisation—is significantly lessened among children who receive social and emotional support. A study conducted in Italy revealed that psychological distress accompanying bullying is significantly less among children who have positive relations with their parents (Baldry, 2004; Davidson & Demaray, 2007; Rigby, 2000).

Parents’ beliefs about peer victimisation of children

Although many parents are deeply concerned about the effects of peer victimisation on the wellbeing and mental health of their children (see Rigby, 2008), a substantial proportion hold that peer harassment is a natural and common part of growing up and has no significant effects upon children’s socio-emotional development. In fact, as Troop-Gordon and Gerardi (2012) demonstrated in a longitudinal study of 3rd- and 4th-grade school children and their parents in the United States, parents holding such beliefs significantly predicted increased victimisation of their children and an increase in their social withdrawal and depression. The authors concluded that “parents who view peer victimization as normative may fail to provide their children with needed emotional and instrumental supports and may not intervene to prevent further peer harassment” (p. 47).

A consequence of the belief that bullying is an inevitable part of growing up is the conviction that schools are unable to do anything about it. Research has shown that this is a false belief. Contrary to what the media often assert, bullying in schools on a world scale is reducing (see Rigby & Smith, 2011), arguably due to the thoughtful work of an increasing number of schools in adopting both proactive and reactive strategies that bring about reductions in bullying. There has been a notable growth in policies and programs addressing what schools can do, with some evidence indicating that some anti-bullying programs can reduce the prevalence of bullying in schools by around 20% (Ttofi & Farrington, 2011). Moreover, some strategies for dealing with cases of bullying have been evaluated and shown to be at least moderately successful (Rigby, 2010; Thompson & Smith, 2011). Among the most successful are the Support Group Method pioneered by Robinson and Maines (2008) and the Method of Shared Concern (Rigby & Griffiths, 2011). Hence, effective action can be taken by schools to reduce bullying among school children and address the concerns that parents have when their child is being victimised by peers.

Implications for parent education about bullying

There is a need to increase the general awareness among many parents of the prevalence and potential harmfulness of peer victimisation of their children, both short- and long-term.

It needs to be more widely recognised that parenting style and the quality of relations between parents (and families) and children may affect the likelihood of children becoming involved in bully/victim problems at school and suffering serious socio-emotional consequences. Improving one’s knowledge and understanding of the nature of a child’s relations with other children at school can lead to the early detection of problems associated with bullying. This can more readily be achieved by cultivating supportive and trusting relations with one’s
children so that they are more likely to disclose any problems.

Parents need to be aware that being bullied at school is not an inevitable part of a child’s social experience, and that schools can take steps to reduce the prevalence of bullying and deal effectively with most, if not all, cases of bullying among school children.

Collaboration between parents and schools is desirable in order to deal effectively with bully/victim problems of school children. According to research conducted in the United States, about a third of the parents did not think that they should work in conjunction with school staff to deal with bullying (Holt et al., 2009).

Responsibility for educating parents about bullying lies in part with schools, which need to keep parents informed about what policies and practices they are adopting to counter bullying, and the opportunities they are providing for meetings with parents to discuss issues and cases. In addition, further advice and interventions are needed to assist families and parents in preventing and dealing with problems associated with school bullying. Over the past decade, a number of articles and books have sought to provide such assistance (see, for example, Orpinas & Horne, 2006; Rigby, 2008; Roberts, 2007).

As research continues to throw more light upon the causes and consequences of school bullying, parent training courses progressively need to incorporate what is being discovered, and especially identify specific components that contribute to the reduction of peer victimisation in schools and the promotion of more harmonious relationships among children at school.

References


Lee, C-H., & Song, J. (2012). Functions of parental involvement and effects of school climate bullying


**Dr Ken Rigby** is Adjunct Professor (Research) at the Hawke Research Institute and School of Education, University of South Australia. <www.kenrigby.net>. This article is based on a paper presented at the 12th Australian Institute of Family Studies Conference, 26 July 2012, Melbourne.
Parental involvement in preventing and responding to cyberbullying

Elly Robinson

The role that parents play in the cyber-safety education of their children cannot be understated. (Joint Select Committee on Cyber-Safety [JSCCS], 2011a, p. 277)

Internet use has become virtually universal among Australian adolescents. In the 12 months prior to April 2012, 96% of 9–11 year olds and 98% of 12–14 year olds used the Internet at home or school, and use increases with age (Australian Bureau of Statistics [ABS], 2012). Alongside this is a growing recognition that Australia’s long-term social and economic prosperity will increasingly rely on professionals with high-quality skills in the use of technology, as outlined in the National Digital Economy Strategy (Department of Broadband, Communications & the Digital Economy, 2011).1 As such, technological competence will be crucial for the children and adolescents of today, who are destined to become the next generation of professionals.

Young people are exposed to an increasingly open and collaborative online social culture, which allows them to access information and maintain friendships and relationships with family. There are also substantial educational and social benefits associated with engagement in online activities, such as creative content production, dissemination and consumption (Collin, Rahilly, Richardson, & Third, 2011). At this age, however, young people are at a dynamic stage of development in which risk-taking behaviours and immature decision-making capacities can lead to negative outcomes (Viner, 2005). This is evident in the growing recognition and consequences of cyberbullying.

Parents’ involvement in the safe use of technology starts from a child’s first use, and they are a critical part of ensuring their teenage children’s responsible and safe use of online services as part of a whole-of-community response to cyberbullying. This paper outlines definitions and statistics related to cyberbullying, differences between cyberbullying and “offline” bullying,2 and parents’ roles and involvement in preventing and responding to cyberbullying incidents. The aim of the paper is to inform practitioners and other professionals of ways...
in which to help parents clarify their roles, and provide them with the tools to help their teenage children engage in responsible online behaviour.

Definitions and characteristics of cyberbullying

Definitions of cyberbullying vary widely, which has implications for research and policy. The Australian Parliament report of the Joint Select Committee on Cyber-Safety (2011a) highlighted the importance of the future development of an appropriate definition for cyberbullying that is nationally consistent and includes a clear idea of the consequences. For the purposes of this paper, cyberbullying, practised over time, is defined as including:

- but is not limited to, mean, nasty or threatening text messages/instant messages/pictures/video clips/emails that are sent directly to a person through the Internet or mobile phone. (Pearce, Cross, Monks, Waters, & Falconer, 2011, p. 2)

One of the ways in which a definition of cyberbullying is determined is to look at its similarities and differences to offline bullying. Similar characteristics in both forms of bullying include:

- power differential, repetition of behaviour and intent to harm (Spears, Slee, Owens, & Johnson, 2008)—if two people of a similar status fight online, it is more likely to be “cyberfighting” (McGrath, 2009; Spears et al., 2008); and
- spreading rumours, making threats and derogatory comments (Mishna, Saini, & Solomon, 2009).

The reasons that underpin a decision to cyberbully are often similar to reasons why offline bullying occurs (Vandebosch & Van Cleemput, 2008).

Differences between the two types of bullying include:

- cyberbullying is more likely experienced outside of school, whereas offline bullying is more likely to be experienced in school (Smith et al., 2008);
- repetition of behaviour associated with bullying can be seen to have a different meaning in cyberbullying, as the sharing of materials can continue to occur long after the incident itself (Spears et al., 2008);
- younger students experience offline bullying more frequently than older students (Pellegrini & Long, 2002), but cyberbullying tends to be more common in the later years of high school (Cross et al., 2009);
- young people who experience cyberbullying may be less likely to tell someone than if they are bullied offline (McGrath, 2009);
- cyberbullying is perceived as being anonymous, which may reduce empathy (O’Brien & Moules, 2010); in reality, however, young people are most likely to be cyberbullied by people they already know (Willard, 2011). The Joint Select Committee report suggested that the anonymity associated with cyberbullying is fast becoming a fallacy, as many young people who bully online also bully offline (JSCCS, 2011a); and
- young people who experience cyberbullying are less able to easily defend themselves (Smith et al., 2008) or escape from cyberbullying (O’Brien & Moules, 2010), particularly as there is a large number of potential supporters of online bullying (Cross et al., 2009).

In terms of predictors for cyberbullying and offline bullying, one Australian study found that prior engagement in offline relational aggression (covert bullying, such as spreading rumours) predicted later cyberbullying behaviours (Hemphill et al., 2012). Additional predictors for traditional bullying included previous bullying victimisation, family conflict and academic failure. It is possible that cyberbullying and offline relational aggression both provide a similarly indirect (i.e., not face-to-face) avenue for engaging in bullying.

Boundaries between cyberbullying and offline bullying

There is a general sense within the literature that adults and young people think differently about the online and offline world. For children and young people, the online and offline world are “seamless” in providing a holistic arena of communication, socialisation, play, research and learning (JSCCS, 2011a; Willard, 2011). Consequently, children and young people don’t necessarily see any difference between online and offline bullying (JSCCS, 2011a)—in one study, young people described cyberbullying simply as “bullying via the Internet” or “bullying using technology” (Vandebosch, & van Cleemput, 2008). This is further supported by the idea that many young people who perpetrate cyberbullying also engage in offline bullying, and many young people who have experienced cyberbullying have also experienced offline bullying (Smith et al., 2008; Pearce et al., 2011).
Location of cyberbullying

There is often a transference and continuation of cyberbullying behaviours from home to school or vice versa, with some suggestion that more students experienced cyberbullying outside of school than in school hours (Smith et al., 2008). Spears et al. (2008) described this as “cyclical” bullying, where location but also type of bullying (offline/online) may change over time. This “24/7” nature of cyberbullying highlights the importance of parental involvement, in partnership with schools, in preventing and addressing cyberbullying.

Prevalence of cyberbullying

The prevalence of cyberbullying is difficult to establish. Statistics vary considerably across studies due to the differences in the way in which cyberbullying is defined, the age of study participants, the reluctance of children to disclose either perpetrating or being the victim of cyberbullying, the use of different measures of cyberbullying and the study timeframes.

With this in mind, estimates of cyberbullying from Australian data range from 7% to 20%. Findings from Australian studies on cyberbullying include:

- 7–10% of Year 4–9 students had been cyberbullied over the duration of a school term (Cross et al., 2009);
- over a 12-month period, between 10% and 20% of children and young people had been cyberbullied, with 10–15% students experiencing cyberbullying more than once (JSCCS, 2011a);
- victimisation via the Internet was the most commonly reported form of cyberbullying experienced by Year 6–12 male students (9–18 years) in Sydney and Brisbane, with 11.5% of students reporting at least one incident during the school year (Sakellariou & Carroll, 2012);
- one in five Australian teenagers aged 12–17 years received hateful messages via their mobile phone or through an Internet-based medium during the current school year (Lodge & Frydenberg, 2007); and
- in terms of perpetration, data from almost 700 Victorian school students indicated that at Year 9, 15% of students had engaged in cyberbullying, and 7% of students had engaged in both cyberbullying and traditional bullying (Hemphill et al., 2012).

European research indicates similar statistics, with 13% of young people aged 9–16 years in one study reporting having received a hurtful or nasty online message within a 12-month period (Green, Brady, Olafsson, Hartley, & Lumby, 2011). European comparisons suggest that bullying online is more common in countries in which offline bullying is also more common, as opposed to where the Internet is more established. This supports the notion that online bullying is a new form of an old problem rather than a product of the technology itself.

Is cyberbullying more or less harmful than offline bullying?

I did not dread coming home to an email from someone who hated me, I dreaded the prospect of going to school with someone who hated me and having those written words be spat at me before getting my jumper ripped off me and being put in some new and innovative choke hold. In an email there’s always a delete button, in an instant message there’s always a block button, in a five on one fight behind the school building there’s no such thing. (Male participant, JSCCS, 2011a, p. 65)

There is limited evidence at this stage to establish whether cyberbullying is more or less harmful than offline bullying, but there is an indication in the literature that young people may either underplay, not attribute or deny the harm associated with cyberbullying (Spears et al., 2008). A three-year Australian study on the consequences of cyberbullying found that mental health problems, including anxiety and depression, were more prevalent among children who reported that they had been cyberbullied compared to those who had been bullied offline. Interestingly, the students in this study stated that they felt cyberbullying was not as bad as offline bullying, even though the actual results showed that it was (JSCCS, 2011b).

In one UK study, while young people who had experienced cyberbullying indicated that it had affected their confidence, self Esteem and mental wellbeing, the most common answer for how it had affected them was “not at all” (O’Brien & Moules, 2010). However, three-quarters thought cyberbullying was just as harmful as other forms of bullying—those who felt it wasn’t harmful stated so because it was not physical, and it was easier to escape. These thoughts were also reflected in the JSCCS (2011a) survey.

Some young people see cyberbullying as being harder to avoid, whereas others see offline bullying as being more so (Spears et al., 2008). Respondents in the JSCCS (2011a) survey indicated differing reactions to cyberbullying—some were deeply affected, some were able to shrug it off, and others did not interpret certain acts as cyberbullying. Smith et al. (2008) suggested that the type of cyberbullying may influence the way in which
young people perceive the impact, with misuse of photographs and bullying using a mobile phone being perceived as having the greatest effect, and chat room and email incidents having the least effect.

Young people may not be aware of the harm they cause through cyberbullying (O’Brien & Moules, 2010), and young people who are cyberbullied may take a message or email extremely seriously, while the sender may consider it a joke or idle remark (Cross et al., 2009).

**Online risk vs online harm**

It is important to point out that, from a developmental perspective, exposure to online risk does not automatically translate to exposure to online harm. Risk-taking, rebellion and experimentation are all characteristics of adolescent development, and risky experiences can help to develop coping strategies and resilience (Green et al., 2011). It has been argued that young people with limited access to the Internet and less experience of usage may in fact be more vulnerable in terms of online safety (Cross et al., 2009).

Excessive monitoring by parents of Internet use, for example, may limit children’s development of understanding about using technologies responsibly in other contexts. An analogy is a child who holds a parent’s hand every time he/she crosses the road, and without the opportunity to cross it alone he/she may not learn to do so independently (Office for Standards in Education, Children’s Services and Skills [Ofsted], 2010).

Efforts to encourage cybersafety need to find a balance between monitoring behaviour and allowing young people to independently and age-appropriately negotiate their own boundaries. Most young people have a wealth of experience in using technology and are more adept at handling situations online than is often assumed by adults (Third, Richardson, Collin, Rahilly, & Bolzan, 2011).

**Vulnerable children and young people**

There are anecdotal suggestions within the literature that children and young people who are at risk online are likely to be those at risk offline. If young people are disengaged from offline groups they may move online to engage with others, but they may lack the skills to disengage if confronted by an inappropriate situation (JSCCS, 2011a). The vulnerability of these young people is an under-researched area, even though their skill and knowledge level regarding technology is often low and, as such, their need for information around cybersafety is greater than other young people (JSCCS, 2011a).

**The “digital divide”?**

Although statistics show that use of the Internet by adults is high and continues to rise, McGrath (2009) suggested that young people use technology in a different way to adults—adult use tends to be for more practical or business purposes, whereas for young people, technology is a vital part of their social life and identity development.

Children and young people’s perception of their parents’ knowledge about new technology influences the level of acceptance and value that they place on the advice offered by parents regarding online safety. In one US study of almost 800 teenage children (12–17 year olds), those whose parents were Internet users considered their parents as a greater influence on their online behaviours than those with parents who did not go online (Lenhart et al., 2011). There was, however, a prevailing attitude among the children and young people in the JSCCS (2011a) survey that their parents didn’t have a comprehensive awareness of “what happens” on the Internet. As such, the children and young people thought that their parents overstated the dangers and risks of Internet use.

The literature also discusses the extent to which children and young people think they know more about the Internet than their parents: over 70% of 9–16 year olds in one study felt that this was “very true” or “a bit true” (Green et al., 2011). Being better informed than their parents led to examples in another study where, at times, students needed to remind their own parents of basic cybersafety rules (Ofsted, 2010).
How parents can help prevent and respond to cyberbullying

Cybersafety isn’t like teaching your child to ride a bike. It’s not a skill that you had when you were younger and that you can pass on to your child. It’s an area where things are changing so much, so quickly, that as a parent you need constant reiteration and updating and strategies to protect our children. (JSCCS, 2011a, p. 276)

The above section indicates the importance of parental involvement both in monitoring their children’s online interactions and relationships and in communications activities when it comes to preventing and addressing cyberbullying. The strategies that parents currently undertake, or are encouraged to undertake, to prevent cyberbullying are explored in this section.

Monitoring Internet usage

Monitoring the Internet usage of their teenage children is a strategy that is often suggested for parents, and the literature indicates that the majority of parents do engage in monitoring behaviours at least some of the time. Monitoring behaviours include checking that sites are appropriate for their child’s use, and keeping an eye on the screen, with checks more likely to occur at younger ages (81% of 8–15 year olds compared to 51% of 17 year olds) (Australian Communications and Media Authority [ACMA], 2007).

In one study, most children and adolescents agreed that the amount of parental interest in their online activities is appropriate and should remain the same (71%). Interestingly, 9–10 year olds were more likely to express a desire for parents to show more interest in their Internet use than older children (Green et al., 2011), possibly indicating that parents should become involved in monitoring behaviours at an age younger than they expect. In this respect, it seems important to note that if parents are willing to provide access to mobile phones and computers for their children, with this access comes a responsibility to understand, role-model and communicate the fundamentals of good digital citizenship.

Certain factors are seen as making it difficult for parents to monitor and manage children’s Internet use (ACMA, 2007), including:

- not being able to keep an eye on the screen or what the child is doing all of the time. This is especially pertinent in the age of wireless connections and Internet-enabled mobile phones, and access that is occurring within school time;
- the amounts of time children and young people spend on, and the all-consuming nature of, Internet-related activities;
- children’s resistance to usage time limits;
- the difficulty of preventing exposure to inappropriate content;
- children’s own control of the technology (e.g., through use of passwords, phone locks and hiding web browser history); and
- the difficulty parents have in keeping up with the pace of change on the Internet, particularly social networking and virtual reality sites.

The significance of “13 years old”

As part of their privacy policies, social networking sites such as Facebook, Twitter and YouTube specify that users must be at
least 13 years old, a requirement that parents
may often be unaware of. However, close to
half of teenagers who use social networking
sites admitted to lying about their age at one
time or another so they could access a website
or sign up for an account. It is worth noting
that there is no onus on website operators to
verify the age of users (Lenhart et al., 2011).

The minimum age stipulations are based on
the requirements of the US Congress, as set
out in the Children’s Online Privacy Protection
Act (see US Federal Trade Commission, 2000,
on how to comply with the Act). The Act
specifies that website operators must gain
verifiable parental consent from parents prior
to collecting any personal information from
a child younger than 13 years old (O’Keeffe
& Clarke-Pearson, 2011). As such, social
networking sites such as Facebook avoid this
requirement by setting a minimum age of use
at 13 years old. O’Keeffe and Clarke-Pearson
(2011) have called for efforts for this age limit
to be better respected, and it is suggested that
educating parents about this age limit may be
one worthwhile step towards this.

Disclosure of cyberbullying

Two important factors in addressing
cyberbullying once it has occurred are the
willingness for a child or young person to tell
a parent about cyberbullying incidents, and
the parent’s capacity to respond appropriately.
In the JSQCS (2011a) survey of children
aged 9–15 years old, between 25% and 65% of
respondents who had been cyberbullied
(depending on age) had told an adult or family
member about the cyberbullying. The most
likely group to tell an adult or family member
was 9–12 year old females, and the least likely
were 13–15 year old males. Similarly, Green
et al. (2011) found that for children who
identified as having been cyberbullied, one in
two thirds had been unaware of this.

There is a strong indication that young
people are less likely to tell an adult about
cyberbullying if they think that, as a result,
their access to technology will be limited
(Cross et al., 2009; JSQCS, 2011a). Parents
need alternative strategies in responding
to cyberbullying other than restricting their
teenagers’ use of technology, and need to
communicate that restrictions will not be
enforced if cyberbullying does occur.

Identifying and responding to
cyberbullying

It may be difficult for parents to know if a child
has experienced cyberbullying. Some of the
indicators may be similar to offline bullying,
such as changes in mood or behaviour, an
increase in physical health problems, changes
in friendships, difficulty sleeping, and wishing
to avoid school or extracurricular activities
(Cybersmart, 2013). If these indicators are
present, parents should be encouraged to
communicate their concerns to the child and
offer their support, and ask the child what they
would like to do about it.

Where a cyberbullying incident has occurred,
the parent should report the incident(s) to
the school as soon as possible, and ask for
and accept help from the school, no matter
whether the child is engaging in the bullying
behaviour, is being bullied or has been a
witness to bullying. In recognition of the
“flow” of cyberbullying between school and
home, good communication and relationships
between parents and school personnel are
critically important.

Parents and schools working
together

As mentioned previously, the relationship
between parents and schools is a critical
aspect of addressing cyberbullying. Parents
should be encouraged to inquire about the
strategies that schools undertake to educate
children and young people about cybersafety
and cyberbullying, and the ways in which they
involve parents in cyberbullying initiatives and
in developing cyberbullying policies. In one
review of school approaches to cybersafety in
the UK, the best schools were seen as having
excellent, continually developing relationships
with families (Ofsted, 2009). Parents also
actively worked together with senior school
leaders, governors and staff to develop
strategies for cybersafety.

One of the main strategies used by schools
in Australia is the responsible/acceptable
use policies that both parents and students
are required to sign. Responsible use
policies should be unambiguous, and clear
consequences for inappropriate behaviours
should be spelt out in the policy (Ofsted, 2009).

Schools are increasingly recognising that
cyberbullying is more likely to happen outside
of rather than in school (Cross et al., 2009; Smith
et al., 2008). As a result, there is an increased
trend for schools to be prepared to take
responsibility for what happens outside school
to ensure continuity of care (McGrath,
2009). The South Australian Department for
Education and Child Development (2009),
for example, has explicitly recognised this
responsibility by stating clearly in their policy
document, Cyber-Safety: Keeping Children Safe
in a Connected World, that any cyberbullying incident should be treated as a behaviour management issue and dealt with via relevant school policy, even if the incident occurs outside of school hours.

The literature also indicates that while there is evidence that cyberbullying and cybersafety programs increase young people’s awareness, there is limited evidence to show that they lead to behaviour changes (Mishna, Cook, Saini, Wu, & McFadden, 2009). While parents may be aware that schools run such programs, they also need to be mindful of, and engage in discussion with children about, the ways in which they can practise cybersafety skills online.

Parents’ role in preventing and addressing cyberbullying

The following points that have been raised in this paper can guide practitioners in supporting parents to play a role in preventing and addressing cyberbullying. Parents can:

- increase their knowledge and become more adept at the use of technologies being used by their children (Mishna, Cook et al., 2009; O’Keeffe & Clarke-Pearson, 2011; Spears et al., 2008). Learning alongside children and young people can be an effective way to achieve this, with parents being encouraged to let their children be the “experts” and help them understand the tools that they are using online;

- build a contextualised understanding of the importance of technology in children and young peoples’ lives (Mishna, Cook et al., 2009), including contemporary online friendships and peer groups (Spears et al., 2008);

- take an active role in discussing with their children the benefits of online engagement, and how to respond to cyberbullying and other negative online behaviours, framed in a discussion about good cyber-citizenship (O’Keeffe & Clarke-Pearson, 2011);

- develop an online use plan, in partnership with other family members, which includes details of appropriate online topics, privacy setting checks and any inappropriate posts that have occurred on online profiles (O’Keeffe & Clarke-Pearson, 2011). Children and young people need the same moral and ethical guidance and clear, appropriate boundaries for online behaviour as they do for offline behaviour (Spears et al., 2008);

- be aware of the strategies undertaken by their children’s school to prevent and address cyberbullying, and support these strategies at home;

- inform themselves of the details in their children’s school’s responsible use policies and the rights and responsibilities of the school to take action if behaviour occurs outside of school hours. Children and parents should be actively involved in cyberbullying policy development (JSCCS, 2011a);

- encourage young people aged under 13 years old to abstain from using social networking sites such as Facebook or YouTube, including an explanation as to why this is important (see above);

- engage in open discussion and communication about online monitoring, as opposed to relying solely on filtering tools (O’Keeffe & Clarke-Pearson, 2011); and

- proactively and regularly access cybersafety resources designed for parents (see Resources section below), to become familiar with emerging technologies and online trends.

Cyberbullying parent education initiatives are currently being trialled in Australia. An example is the Cyber Friendly Parents’ Project—conducted by the Child Health Promotion Research Centre at Edith Cowan University in Western Australia—which responds to an expressed need for parents to better understand and help their children use social networking services safely (Child Health Promotion Research Centre, n. d.). A pilot test of the resources showed positive results, with most parents responding that the resources used in the program improved their skills, understanding and self-efficacy to respond to cyberbullying. Programs such as these, if successfully replicated, will be important additions to parent support in the area of cybersafety and cyberbullying.

Resources

Some of the more popular social media sites provide information specifically tailored to help parents understand their child’s use of the site. For example:

- Facebook: Help Your Teens Stay Safe <www.facebook.com/safety/groups/parents>; and

- YouTube: Parent Resource <support.google.com/youtube/bin/answer.py?hl=en&answer=126289>.

The JSCCS (2011a) report indicated that while a great deal of information on cyberbullying is available, many parents/carers have trouble discerning what information is valuable and useful. With this in mind, the following resources are suggested as being helpful.
to parents. Further links and information, if needed, can be found in Online Safety (Lohoar, 2011, see <www.aifs.gov.au/nch/pubs/sheets/rs25/index.html>).

Cyberbullying and cybersafety information

Bullying No Way! <www.bullyingnoway.gov.au>

The Bullying No way! website is a “one-stop” portal that provides evidence-informed information and advice on bullying, harassment and violence for teachers, parents and students. The parent information page can be found at: <www.bullyingnoway.gov.au/parents/index.html>.

CyberSmart <www.cybersmart.gov.au>

The ACMA Cybersmart service provides activities, resources and practical advice to help young kids, kids, teens and parents safely enjoy the online world. The links contain audiovisual materials, tips and links to a wide range of resources. The Cybersmart parents' page can be found at <www.cybersmart.gov.au/About%20Cybersmart/Cyber%20resource%20centre.aspx>. Translated brochures are also available in Arabic, Chinese, Greek, Italian and Vietnamese.


The Australian Government’s Cybersafety Help Button provides Internet users, particularly young people, with a “one-stop shop” for cybersafety information and assistance. The help button is a free application which, once downloaded, sits on the desktop or in the tool bar. When double-clicked, the button allows users to talk, report or learn about cybersafety issues such as cyberbullying, scams and fraud, and unwanted contact. There are links to KidsHelpLine, Scam Watch, Australian Federal Police and ACMA, where you can report prohibited or inappropriate online material. Educational resources include links to the Cybersmart and Stay Smart Online websites.

ThinkUKnow Australia <www.thinkuknow.org.au/site>

ThinkUKnow is an Internet safety program delivering interactive training to parents, carers and teachers. Originally created by the UK Child Exploitation and Online Protection Centre, ThinkUKnow Australia has been developed by the Australian Federal Police and Microsoft Australia. Users will need to subscribe to the site to gain access to its tools and resources.

Reporting inappropriate online content

Inappropriate, harmful or criminal activities can be reported to ThinkUKnow Australia, and offensive content can be reported to ACMA at <www.acma.gov.au/Citizen/Take-action/Complaints/Internet-content-complaints>. Children and young people can contact the Cybersmart online helpline (Kids Helpline) to discuss cyberbullying issues. Details at: Online Help and Reporting <www.cybersmart.gov.au/Report.aspx>.

Endnotes


2 The term “offline bullying” is used in this paper to indicate more traditional forms of bullying that occur without the use of electronic communications devices. Types of offline bullying may include physical, verbal, relational (e.g., exclusion) and indirect (e.g., rumour spreading) bullying (Smith et al., 2008).

3 In 2010–11, 79% of persons aged 15 years or above had accessed the Internet in the past 12 months, compared with 74% in 2008–09 (ABS, 2011).

4 For further information, see Facebook’s Statement of Rights and Responsibilities <www.facebook.com/legal/terms> under “4. Registration and Account Security”.

5 For further information, see the Twitter Privacy Policy <twitter.com/privacy> under “Our Policy Towards Children”.

6 For further information, see YouTube’s Parent Resources <support.google.com/youtube/bin/answer.py?hl=en&answer=126289>.

References


Bullying Prevalence Study (ACBPS). Perth: Child Health Promotion Research Centre, Edith Cowan University.


Elly Robinson is a Research Fellow and the Manager of Child Family Community Australia information exchange at the Australian Institute of Family Studies. The author would like to thank Cara Webber (ACMA), Jodie Lodge (AIFS) and Sharme Moore (AIFS) for their helpful feedback and comments on earlier drafts of the paper.

The National Families Week theme for 2013 draws attention to the sometimes difficult task of achieving balance in our lives. Achieving balance can be helped by working together in our immediate and extended families, as well as with friends, neighbours and the wider community.

One of the pressing challenges today is finding the balance between the hours spent in paid work and the time spent with family and friends, in community activities, and looking after our own health and wellbeing. This factsheet highlights some of the ways in which such time commitments vary over the life course, and how families manage these and other competing demands on their time. It draws on a range of Australian data to highlight some current trends.

Employment over the life course

Almost all people are in the labour force at some stage in their lives, although there are distinct differences in the levels of involvement of men and women at different life stages and transitions. This is apparent if labour force status by age (according to the 2011 Australian Census) is examined for men and women (Figure 1 on page 78).

- When men and women are young (aged 15–24 years), patterns of labour force involvement are quite varied. In 2011, more than one in three were not in the labour force (36%), but many of these people would have been studying or training full-time. Some had difficulties finding work, as indicated by the percentages unemployed (9% and 7% for young men and women respectively, which are higher rates than for any other age group). Just over half of this age group were employed, but part-time work (that is, working fewer than 35 hours per week) was quite common. For some, this reflects combining part-time work with...
study or training, while for others (mostly women), this reflects some take-up of part-time work by those who had had their first child.

- The patterns of men’s labour force participation then stay quite stable from ages 25 through to 54 years, with over 70% employed full-time, 12–14% employed part-time, 5% or fewer unemployed and 9–12% not in the labour force. Women’s labour force status looks quite different to men’s, with more part-time work being done by women, especially between the ages of 25 and 54 years. Also, more women than men were not in the labour force at this stage. The different patterns of involvement by women at these ages reflects that many women withdraw from paid work, or reduce their hours of paid work, when they have young children to care for.

- In the 55–64 years age group, employed men begin to retire from or reduce their involvement in paid work, and this is true too of women. The percentages employed at this age, and older ages, are therefore lower than at younger ages. For example, 24% of men and 13% of women aged 65–74 years were employed in 2011. At ages 75 years and over, very few men and women are employed. More detailed analyses of parental employment patterns, including trends over the last 30 years, are presented in Australian Family Trends No. 1.

Work and family over the life course

Differences in employment participation through the pre-retirement ages are clearly related to family reasons, with mothers often taking time out of employment, or reducing hours to part-time when they have young children at home. This is evident when looking at time use data from the Household, Income and Labour Dynamics in Australia (HILDA) survey for men and women at different life stages.2

The first life stage considered is that of young men and women (aged less than 35 years) who still lived with their parents. They were found to spend 20 hours per week on paid work or commuting3 and 6 hours per week on household tasks, errands or outdoor work. One hour or less per week was spent on parenting/playing with children or volunteering/caring. Unlike for the other life stages, these data are not shown in Figure 2, since one of the likely ways in which these people spend their time is not captured in these data; that is, time spent in study or training. This would account for a considerable amount of the day for some of these young men and women.

Figure 2 shows the time spent by men and women at other life stages in employment, doing household-related tasks, parenting/playing with children, or volunteering/caring.
Across the life stages, there are different gendered patterns of engagement in work and family life.

■ When living apart from parents, but before having children, young men and women had similar patterns of time use, although men spent more time than women in paid work and associated commuting (on average, 42 hours compared to 35 hours per week respectively). Men and women in this group spent similar amounts of time on household work (averages of 12 hours and 14 hours per week respectively).

■ Compared to fathers, mothers with young children (aged less than 5 years) in the home, spent less time in paid work/commuting (on average, 14 hours per week, compared to 46 hours for fathers), but more time on household work (averages of 32 hours and 15 hours per week respectively) and more time on child care (41 hours and 17 hours per week respectively).

■ When children were a little older—when the youngest was aged 5–14 years—fathers spent an average of 46 hours per week in paid work/commuting. Mothers’ average time in paid work/commuting at this life stage increased to 25 hours per week. Time spent in household work for men and women remained at similar levels to parents of younger children (29 hours per week for women and 17 hours for men), while time spent in parenting declined (18 hours per week for women and 11 hours for men).

■ The next life stage examined includes men and women who did not have children aged under 15 years living in the home, but were aged between 35 and 54 years, and so had not reached the typical retirement age. At this life stage, men spent 42 hours per week, on average, in paid work/commuting. This is slightly fewer hours than among men with children in the home. Women’s paid work/commuting hours increased to 31 hours per week at this life stage.

■ The next life stage group presented is for men and women aged between 55 and 64 years without children living in the home. At these ages, men and women have reduced their time in paid work/commuting (averages of 31 hours and 18 hours per week respectively), and time spent on household tasks is a little higher than that apparent for the 35–54 age group (averages of 17 hours and 28 hours per week for men and women respectively).

■ For those aged 65 years and over, most have significantly reduced their labour market involvement, with men and women each spending less time in paid work/commuting (averages of 5 hours per week for men and 2 hours for women). Household tasks took up, on average, 30 hours per week for women and 22 hours for men.

■ The average time spent volunteering or caring is greatest at the two later life stages examined here, though the average time in these activities only amounted to 3–5 hours per week for men, and 5–6 hours per week for women.

Sharing child care and housework

The Longitudinal Study of Australian Children (LSAC) also provides some insights into mothers and fathers sharing child care and household work. For couple parents with children aged under 5 years, it is estimated that, per day:

■ mothers spent 5.1 hours on child care and 3.8 hours on household work; and
■ fathers spent 2.2 hours on child care and 1.3 hours on household work.

The estimates for mothers with a youngest child aged under 5 years decline with increasing paid work hours. Figure 3 shows that, per day:

■ those who were not in paid employment spent 5.7 hours on child care and 4.5 hours on housework;
■ those who worked part-time hours spent 4.9 hours on child care and 3.5 hours on housework; and
■ those who worked full-time hours spent 3.6 hours on child care and 2.4 hours on housework.

Source: LSAC Waves 2–3, B and K cohort

Figure 3: Time spent on child care and housework, mothers and fathers, by mothers’ paid work hours, parents with youngest child aged under 5 years, 2006–08
When mothers spend longer hours in paid work, fathers spend slightly more time doing child care and housework. Figure 3 shows that, per day:

- when mothers were not in paid employment, fathers spent 2.1 hours on child care and 1.3 hours on housework;
- when mothers worked part-time hours, fathers spent 2.2 hours on child care and 1.3 hours on housework; and
- when mothers worked full-time hours, fathers spent 2.6 hours on child care and 1.8 hours on housework.

Note that regardless of mothers’ employment status, most fathers were themselves in full-time employment, and their paid work hours remained relatively high. The following trends are apparent for partnered fathers who were employed and whose youngest child was aged under 5 years:

- when mothers were not in paid employment or worked part-time hours, employed fathers worked an average of 47 hours per week; and
- when mothers worked full-time hours, employed fathers worked an average of 46 hours per week.

Differences in the time use of mothers and fathers are evident when examining how couples share specific child care activities. Using the 2011 HILDA survey, Figure 4 shows the reports of parents of children up to 12 years old regarding which person in the household undertook specific child care activities:

- For all tasks, the majority of parents stated that the mother always or usually did each activity, or that they were done by the mother and father equally.
- The activities that were more often undertaken by mothers than fathers were: helping children get dressed and staying home with children when they are ill.
- The activities that were more evenly shared were: playing with the children (or participating in their leisure activities) and getting the children ready for bed.
- The reports of mothers and fathers were similar for each activity, although fathers were more likely to say that they and the mother shared the responsibility for the activity than were mothers, who more often reported that they alone always or usually undertook the activity.

**Time pressure and work–life balance**

For many people, a consequence of trying to balance the responsibilities of work, family and other activities is that they feel that they are often rushed or pressed for time. In 2011, the HILDA survey showed that of all people aged 15 and over:

- 30% of men said they were almost always or often rushed or pressed for time, 45% said they sometimes were, and 25% said they rarely or never were; and
- 38% of women said they were almost always or often rushed or pressed for time, 43% said they sometimes were, and 18% said they rarely or never were.

Figure 5 (on page 81) shows that these perceptions vary with employment status and also the presence of children aged under 15 years.

- The men who were most likely to indicate feeling rushed or pressed for time were employed, with children aged under 15 years. In this group, 47% were always or often rushed or pressed for time, 42% sometimes, and 11% rarely or never.
- Employed women with children were more likely than other women to be rushed or pressed for time, with 62% always or often being rushed, 32% sometimes, and 6% rarely or never.
- For both men and women, those who were employed but without children were
the next most likely to be often or always rushed or pressed for time.

When asked about the flexibility of their jobs, employed men and women in the HILDA survey reported quite high levels of satisfaction with the flexibility that they had to balance their work and non-work commitments. Figure 6 shows that:

■ fewer than 1 in 20 employed men and women reported being very dissatisfied about the flexibility they had in balancing their work and non-work commitments;
■ around 6 in 10 employed men and women reported being very satisfied about this issue; and
■ satisfaction did not appear to vary according to whether these employed men and women were parents of children aged under 15 years.

However, satisfaction appears to vary according to job characteristics. For example, as might be expected:

■ among men and women who were able to access flexible start and finish times, 71% were most satisfied with their flexibility to balance work and non-work commitments, 27% scored in the middle of the range, while fewer than 2% were at the most dissatisfied end of the scale; and
■ among men and women who were not able to access flexible start and finish times, 47% were most satisfied with their flexibility to balance work and non-work commitments, 46% scored in the middle of the range, and 7% were at the most dissatisfied end of the scale.

Community engagement beyond the labour market

Men and women can also make a vital contribution to the Australian community through unpaid or voluntary work. Here, three different forms of unpaid work are considered, with data sourced from the 2011 Australian Census. Of those aged 15 years and over:

■ 11% of women and 5% of men had undertaken unpaid care of someone else’s children in the two weeks prior to Census night;
■ 13% of women and 9% of men had provided care or help to someone due to that person’s disability, ill health or old age in the week prior to Census night;
■ 21% of women and 17% of men had volunteered through an organisation or group in the twelve months prior to Census night; and

■ in general terms, 34% of women and 25% of men reported undertaking some form of unpaid work.\(^6\)

The percentage of men and women involved in various unpaid or voluntary activities is shown by age in Figure 7 (on page 82).

■ The percentage who undertook at least one of the unpaid activities peaked in the 55–64
and 65–74 age groups for both men and women, and was also higher than average for those aged 45–54 years.

- The percentage reporting that they provided unpaid care of others’ children peaked in the 55–64 and 65–74 years age groups, especially for women.
- Caring for someone due to their ill health, disability or old age also peaked at 55–64 years, with some gradual increase with age in the percentage undertaking this activity up until the 55–64 age group, followed by a gradual decline into older ages.
- Volunteering through groups or organisations was undertaken by men and women of varying ages, with the percentage only dropping in the oldest age group.

Engagement in the wider community can also be reflected in the types of social engagement people have with friends and family, including those outside their household. In the 2010 ABS General Social Survey, men and women aged 18 years and over were asked about their social activities in the previous three months. Figures did not vary a great deal for men and women, so results are presented for all people:

- 92% had visited or been visited by friends;
- 75% went out or met with a group of friends for outdoor activities;
- 73% went out or met with a group of friends for indoor activities;
- 40% spent some time in Internet-related social activities; and
- 43% undertook other informal social activities.

While the majority had engaged in some social engagement, the 8% who had not visited or been visited by others in the previous three months may represent a group of quite socially isolated people who are in need of supports and services.

When analysed by age, Figure 8 shows that:

- high levels of participation in visiting or being visited are apparent across all ages, with around 95% of people aged under 54 years having visited or been visited by friends in the previous three months, declining to lows of 81% for those aged 75–84 years and 85% for those aged 85 years and over;
- participation in other social activities tended to decline more with age; and
- the greatest age-related differences were for participation in Internet social activities, with more than 70% of 18–24 year olds having undertaken this form of social activity, compared to around 20% of 55–64 and 65–74 year olds.

**Conclusion**

This facts sheet has described some of the ways in which men and women of various
ages and life stages spend their time, focusing on paid work, caring and volunteering, and the social aspects of spending time with family and friends. At different points in our lives, these various ways of spending time can compete with each other, causing feelings of time pressure for many people. It is valuable to be reminded of the need to find the balance between these competing demands on our time, and to be mindful of finding time to care for our own wellbeing as well as that of others around us.

Endnotes


2 The HILDA project was initiated and is funded by the Australian Government Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) and is managed by the Melbourne Institute of Applied Economic and Social Research (Melbourne Institute). The findings and views reported in this paper, however, are those of the author and should not be attributed to either FaHCSIA or the Melbourne Institute. These data are derived from Wave 11 (2011) of the HILDA survey. All estimates include those who did not report any time on the activity.

3 Commuting time is included in all these estimates of time in paid work. Out of an overall average of 26.0 hours per week spent on employment and commuting, 23.3 hours was on employment and 2.7 hours was on commuting.

4 The data here are derived from LSAC Waves 2–5, B and K cohort (N = 6,586 responses from 4,485 couple families). LSAC is conducted in a partnership between the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), the Australian Institute of Family Studies (AIFS) and the Australian Bureau of Statistics (ABS). The findings are those of the authors and should not be attributed to FaHCSIA, AIFS or the ABS.

5 These analyses are based on 1,321 households in which mothers and fathers both provided responses to these questions. Responses were excluded if someone other than the mother and/or father was said to do these activities. Sample sizes were smaller for some items (e.g., helping with homework was not applicable to families with only very young children).

6 The different reference periods for each set of data here makes this somewhat difficult to interpret, but an aggregate result is also provided.


Dr Jennifer Baxter is a Senior Research Fellow at the Australian Institute of Family Studies. A version of this facts sheet was prepared and published for Families Week 2013.
As social processes become increasingly complex, longitudinal studies are indispensable for social researchers to establish temporal patterns, measure change and make stronger causal interpretations.

Australia is a relative newcomer to longitudinal research and we can thus learn a great deal from the experiences of other nation's longitudinal studies. In this seminar, Professor Elliot presented an introduction to the main longitudinal studies that have been conducted in her native Britain, as well as providing wide-ranging examples of some of the research and concepts that have arisen from them. Professor Elliot is particularly interested in promoting longitudinal research, increasing cross-institutional collaboration, and encouraging researchers to think in new ways when analysing quantitative and qualitative longitudinal data.

Many nations have longitudinal studies, but Britain has ongoing studies that started as far back as 1946 and 1958. Professor Elliot is thus well placed to introduce us to British longitudinal research and the successes generated from them. One of the studies covered in depth in the seminar was of the 1958 British Birth Cohort, known as the National Child Development Study. Interestingly, the National Child Development Study started 10 years after the creation of the National Health Service and was not planned as a longitudinal study but rather as a perinatal mortality study of children born in the first week of March 1958. Seven years later, however, there was a need to review children’s progress in primary education, and the same sample was used, paving the way for the study to become a longitudinal study. Participants were subsequently followed up at ages 11, 16, 23, 33, 42, 46 and 50 years. Around 10,000 people are still participating in the study and there is a wealth of quantitative and qualitative data available for research purposes.

Professor Elliot notes that longitudinal studies are probably the most powerful tools available for social researchers. As the various British studies show, by tracking the same people over decades, researchers can obtain a much stronger evidence base for analysing social phenomena than would be possible through other data collection methods.

By providing cross comparisons of several research projects, Professor Elliot introduced some interesting points about the effectiveness of cross-longitudinal analysis as well as the relative importance of the different approaches of data collection and analysis. She noted that the narrative elements of qualitative data can be particularly effective for analysing certain research topics. A good example of the benefits of narrative analysis was evident in research conducted on children’s gender and career aspirations from the 1958 National Child Development Study. The research involved analysing essays written by children when they were 11 years old and showed that there was great diversity in career aspirations based on gender. This type of research demonstrates that changing the analysis of narratives from the qualitative paradigm of analysis into the quantitative paradigm of analysis can yield important results.

The strength of the quantitative data garnered from longitudinal studies was also discussed in the seminar. Professor Elliot noted that the progressive quantitative data that has been gained, for example, from the participants of the 1958 National Child Development study, is of far greater detail than could ever be collected from participants in a two- or three-hour qualitative in-depth interview. Thus, Professor Elliot argues that quantitative data collection can yield more information than many of its detractors believe, and this is especially if it is collected prospectively, as is the case for longitudinal studies.

Analysing early life data and comparisons between different cohort studies can also be very useful for researchers. This was particularly evident in the research done on changes in the value of skills over time. Professor Elliot noted, however, that researchers need to be mindful of the limitations of making comparisons between cohorts and that concepts like social class, deprivation or gender may mean different things at different times.

Professor Elliot concluded the seminar with an introduction of CLOSER (Cohorts and Longitudinal Studies Enhancement Resources)—of which she is the Director—which has been created to promote excellence and collaboration in longitudinal research. CLOSER has been working carefully to harmonise the various British longitudinal datasets, training staff and improving the quality of the metadata. We anticipate further collaboration with Professor Elliot and CLOSER into the future.
Every day care: Family life and parent–child relations in Germany today

Professor Wolfgang Hantel-Quitmann

Seminar held at the Institute on 26 February 2013

Report by Carlie Dieber

The wellbeing of our children is an important indicator of family function. This engaging seminar by Professor Wolfgang Hantel-Quitmann presented results from the 2nd World Vision Children Study (2010), which examined the wellbeing of children and the state of German families. The seminar highlighted the following, (among other) interesting findings:

Education

- Attitudes toward school were largely positive; however, interest in and satisfaction with school appeared to decrease with age.
- Views toward further education were more positive among children in higher socio-economic groups, and differed by gender, with females reporting more enjoyment and academic success.

Poverty

- When defining poverty as coping with less than 50% of the average net income, approximately 10% of the families experienced poverty.
- Some of the participants’ definitions of poverty included: no vacations, visits to the pool or watching movies; wearing second-hand clothing; forgoing savings or having to work themselves to help make ends meet.
- Experience of poverty also influenced the fears of the children, with those reporting poverty conditions being quite fearful of their parents becoming unemployed.

Conflict

- Conflict is inevitable, and in the family setting should not necessarily be viewed as a sign of disharmony. Emotionally charged events and developmental life stages are more susceptible to conflict.
- Conflict was in fact viewed as being normal in some scenarios. One young participant defined “family” in these terms: “If you have breakfast together and go on vacation together and if you … yell at each other”, suggesting the presence of conflict is part of normal life.

Family climate

- Children need to be taken seriously and encouraged in their development. Appreciation builds stronger self-confidence and self-esteem.
- Family climate is a more important factor in children’s wellbeing than socio-demographic factors. Family values—such as love, appreciation, freedom and support—will positively influence children’s wellbeing.

Professor Hantel-Quitmann’s presentation suggests that the majority of children in Germany today are content and feel good about their circumstances. This seminar provided an interesting look at contemporary life in Germany, and while the results may not be applicable...
Institute seminars

universally, it cannot be denied that there are many similarities to be found in Australian family life. The key message to take away is that there are many factors that affect family wellbeing; however, generally speaking, children are more likely to be happier if they are raised in an environment where they feel loved, cared for and appreciated.

The seminar slides are available on request.

Eroticising inequality: Pornography, young people and sexuality

Maree Crabbe and Dr David Corlett

Seminar held at the Institute on 11 April 2013

Report by Mary Stathopoulos

Maree Crabb and Dr David Corlett presented on the research into understanding how young people are navigating pornography and their own sexuality.

Ms Crabb and Dr Corlett suggested that pornography has become more mainstream and is characterised by quite hard-core depictions of sexuality. This means that pornography now includes more exploitation and more “marginal” sexual tastes. They were clear in articulating that marginal sexual acts in themselves are not the problem. For young people, there is a lack of any alternative presentations of sexuality or sex education beyond the tropes presented in hard-core porn, to which they have greater access via the Internet. The tropes in pornography relate to women’s degradation and men’s dominance. Interviews with pornography industry insiders suggest that there is demand from both the industry and consumers to push the limits of sexuality. Particularly for the female performers, there is an expectation for them to push themselves physically, as there is a perception that this is what the audience wants.

There appears to be a lack of diversity in how sexuality is presented, and young people are not exposed to other sexual narratives or sexual scripts. Porn is no longer part of a repertoire, but a central mediator of how young people learn about sex. The presenters discussed some of the issues that young people were exploring that had been informed by the pornography they had been exposed to or viewed, including:

- body image issues;
- sexual health issues—there is a distinct lack of condoms in pornography and certain acts can cause sexual health issues if caution isn’t taken;
- pleasure;
- negotiating consent;
- gender, power and aggression; and
- performance—there appears to be an elevation of performance over pleasure (this can be particularly problematic if pornography presents aggression as being pleasurable).

Ms Crabb and Dr Corlett suggested that young people do push back on the images and presentations of sexuality available in pornography; however, they also questioned how young people are expected to think critically about pornography when they don’t have any alternative frameworks through which to do so. Young heterosexual and same-sex attracted people discussed their sexual missteps, and a powerful message conveyed was that pornography was a ubiquitous reference point. Young women felt they needed to perform acts to please their male partners, young men felt they couldn’t measure up to male performers in pornography, and same-sex attracted young people had noticed a dominant/submissive demonstration in same-sex pornography they felt mirrored heterosexual pornography.

The presenters believe a means to correcting the current situation would be through the provision of a more conceptual approach to sex education. They seek to teach a more critical way for young people to think about pornography. Rather than teaching the mechanics of sex, teaching about consent, desire, respect and pleasure would be a more positive way forward. An important component is to teach young people how to say no and how to accept their partner saying no. This would empower young people to express their sexual desire and request sexual interaction, while being equipped to understand that rejection is not a blow to their self-esteem. An important function of having alternative expressions of sexuality is to allow young people to expand their frame of reference when it comes to making decisions about their own intimate sexual encounters.

AUSTRALIAN SOCIAL POLICY ASSOCIATION

The Australian Social Policy Association (ASPA) has been established to promote debate about and increase understanding of social policy in Australia, and to enable productive collaborations between those working and researching in social policy locally, across the Asia-Pacific region and internationally. It is a non-profit organisation and professional association of social policy researchers, educators, practitioners and policy-makers.

Key objectives of the association are:

■ to support and foster research, practice and education in social policy in the university, non-government and government sectors
■ to create a forum for the exchange of information and ideas about social policy in national and international contexts
■ to facilitate and encourage higher degree research training in social policy
■ to establish links with other Australian and international organisations that have an interest in social policy issues

Membership of ASPA brings you into a network of social policy practitioners, policy-makers, researchers and students. ASPA will play a leadership role in raising the profile of the discipline of social policy within the academic sector, and promoting its use within government and non-governmental agencies.

Your membership will contribute to the development and profile of ASPA and will entitle you to the following:

■ advance notification of ASPA events, including occasional lectures, workshops and seminars
■ a regular newsletter
■ a digest of articles on contemporary policy
■ discounted conference registration and journal subscription fees, including to the Australian Social Policy Association Conference (ASPC) and the association’s journal, *The Australian Journal of Social Issues* (details are currently under negotiation)

A membership application form can be downloaded from the ASPA website at: <www.aspa.org.au> or by emailing the association at: <enquiries@aspa.org.au>.

---

Growing Up in Australia and Footprints in Time

**LSAC and LSIC Research Conference**
13–14 November 2013
Rydges Melbourne, 186 Exhibition Street, Melbourne

Register today!
Email: lsac-lsic13@aifs.gov.au
Family Matters order form and tax invoice

ABN 64 001 053 079 Date: ________________________

Note: Family Matters is available for free download from the AIFS website. Subscription payments are only required for printed copies.

Given name: ___________________________________________ Family name: ___________________________________________
Position: _____________________________________________ Section: _____________________________________________
Branch/department: ___________________________________ Organisation: _______________________________________
Address: __________________________________________________________________________________________________
City/suburb: __________________________________________ State: __________________ Postcode: ___________________
Country (if outside Australia): _______________________________________________________________________________
Phone: ______________________________________________ Fax: ________________________________________________
Email: _______________________________________________ Website: ____________________________________________

Family Matters 2013–14 subscription
Subscription price* No. of copies Total amount
Australia—Individual $80.00
Australia—Organisation $120.00
International $145.00

Total $________

Payment details
Sorry, we cannot accept purchase orders. All orders must be accompanied by payment.

☐ I wish to pay by cheque

 Please make cheques payable to: Australian Institute of Family Studies

☐ I wish to pay by ☐ Mastercard ☐ Visa

Name of cardholder: __________________________________________________________________________________
Cardholder’s signature: ________________________________________________________________________________
Card number: _______________ _______________ _______________ _______________ _______________ _______________
Expiry date: ______________________________ (mm/yy)

International payments
Please pay by credit card or, if by cheque, send a bank draft in Australian dollars drawn on an Australian bank.

Please return this form with your payment to:

Publications Sales
Australian Institute of Family Studies
Level 20, 485 La Trobe Street
Melbourne VIC 3000
Australia

Phone: +61 3 9214 7888
Fax: +61 3 9214 7839
Email: publications@aifs.gov.au
Web: www.aifs.gov.au

This form becomes a tax invoice upon payment. Please retain a copy for your records.

Thank you for your order

Australian Government
Australian Institute of
Family Studies
The Institute is a statutory authority that originated in the Australian Family Law Act 1975. It was established by the Australian Government in February 1980.

The Institute promotes the identification and understanding of factors affecting marital and family stability in Australia by:

- researching and evaluating the social, legal and economic wellbeing of all Australian families;
- informing government and the policy-making process about Institute findings;
- communicating the results of Institute and other family research to organisations concerned with family wellbeing and to the wider general community; and
- promoting improved support for families, including measures that prevent family disruption and enhance marital and family stability.

The objectives of the Institute are essentially practical ones, concerned primarily with learning about real situations through research on Australian families.