Family relationships extend beyond household boundaries, with a great deal of “caring and sharing” often occurring between members of the extended family network. Most infants and children aged 4–5 years see at least one of their grandparents on a weekly or more frequent basis (Gray, Misson, & Hayes, 2005), with grandparents being important providers of informal child care, especially for children under the age of 5 years (Australian Bureau of Statistics [ABS], 2006), and some grandparents assuming full responsibility for raising their grandchildren (Ochiltree, 2006). In addition, many grandparents provide financial support to grandchildren and the parents, especially in times of crisis (Millward, 1998).

Where parents are separating, grandparents can play an important role in assisting children to cope. However, not all grandparents can or wish to have much to do with their children (Ochiltree, 2006), and among those who are involved, not all play out their roles in positive ways (Fergusson, 2004). The dynamics of post-separation relationships between grandparents, grandchildren and the parents of these grandchildren can be complex and maintaining these relationships will not always be of benefit to the family. For example, some grandparents may “take sides”, perhaps adding fuel to the conflict between the parents and to the distress of the grandchildren (Fergusson, 2004).

Previous research suggests that grandchildren whose parents have separated are more likely to have contact with their maternal than paternal grandparents (Cherlin & Furstenberg, 1986; Lussier, Deater-Deckard, Dunn, & Davies, 2002; Weston, 1992).

12.1 Grandparents and the 2006 family law reforms

One of the aims of the 2006 family law reforms was to lessen the potential for parental separation to diminish or sever the relationship between children and their grandparents and other people who play a significant and beneficial role in the children’s lives.

The Shared Parental Responsibility Act 2006 (Cth) recognises that “children have a right to spend time on a regular basis with, and communicate with, both their parents and other people significant to their care, welfare and development (such as grandparents and other relatives) where this is consistent with their best interests” (s60B(1)(2)(b)). By so doing, the important role that grandparents (and other relatives) can play in children’s lives following the separation of their parents has been more specifically recognised. The stated objective behind this change was to “facilitate greater involvement of extended family members in the lives of children”.1

12.1.1 Key evaluation questions

In light of this objective, the present chapter considers the following questions:

■ What are the views of parents in general about children maintaining contact with each set of grandparents after the children’s parents separate?

■ How close or involved is the relationship between grandchildren and grandparents in separated and non-separated families?

■ Where the parents have separated, to what extent does the grandparent–grandchild relationship vary according to the living arrangements of the grandchild?

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What are the preferences of parents and grandparents regarding the grandparent–grandchild relationship after parental separation?

What is the impact of parental separation on the relationship, as perceived by parents and grandparents?

How common is it for parents to consider grandparenting time when developing their post-separation parenting arrangements?

Have family lawyers noticed any change in the number of grandparents seeking their advice, and are family lawyers more inclined to advise grandparents that, since the reforms, they are in a stronger position in relation to spending time with their grandchildren?

What are grandparents' views about various aspects of the 2006 reforms?

What are family relationship service providers’ perceptions of changes in the engagement of grandparents in post-separation families?

12.1.2 Datasets

The analyses in this chapter are based on several datasets:

- General Population of Parents Survey (GPPS) 2006 and 2009—Each of these surveys of both separated and non-separated parents included a module eliciting parents’ views about the relationship between their own parents and their children. In addition, the GPPS 2009 tapped parents’ attitudes concerning the importance of grandchildren maintaining the same level of contact with grandparents on both sides after parental separation. All parents in each of these surveys had at least one child under the age of 18 years.

- Longitudinal Study of Separated Families Wave 1 (LSSF W1) 2008 and Looking Back Survey (LBS) 2009—Each of these surveys asked about whether, in deciding on post-separation parenting arrangements, time with grandparents was taken into account. All these parents had at least one child under the age of 18 years at the time of separation and interview.

- Grandparents in Separated Families Study (GSFS) 2009—This online survey sought information on the grandchild's living arrangements and relationship with their grandparent, the grandparent’s awareness of the explicit reference to grandparents in the reforms, their views about the likely impact of this specific reference on contact between grandparents and grandchildren, and any services they had used to remain in contact with their grandchild.

- Focus groups from the GSFS 2009—A sub-sample of grandparents who had completed the online survey then participated in one of a series of focus groups. This was designed to understand the day-to-day experiences of being a grandparent to one or more children whose parents had separated.

- Survey of Family Relationship Services Program [FRSP] Clients 2009—Many of these clients had attempted to negotiate arrangements about their grandchildren. The survey included questions on the outcomes of these negotiations and their workability.

- Online Survey of FRSP Staff, 2008 and 2009—These surveys included questions on whether there had been a growing interest in grandparenting post-reform and the effectiveness of services in dealing with grandparenting issues.

- Qualitative Study of FRSP Staff 2008 and 2009—Among other issues, these studies tapped the views of FRSP staff members, including managers, about the benefits and difficulties associated with including grandparents (directly or indirectly) in post-separation parenting discussions and the extent to which grandparents and grandparenting had increasingly featured in discussions and service delivery.

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2 Parents were also asked about the relationship between grandparents on the other parent’s side and their children (GPPS 2006) or their youngest child (GPPS 2009). It is beyond the scope of this chapter to provide details on this.

3 This online survey was limited to grandparents with at least one grandchild aged 2–10 years whose parents separated between 1 January 2004 and 31 December 2008. It is important to note that the sample would not be representative of the Australian population of grandparents in this position. The survey was first conducted in Victoria in order to derive the necessary information to select focus group participants and then extended nationally. Recruitment was achieved through the placement of newspaper advertisements and a number of seniors’ publications.
Family Lawyers Survey (FLS) 2008—This online survey asked family lawyers about whether, since the reforms: (a) more grandparents had been seeking their advice; and (b) the lawyers were more inclined to advise grandparents that they are in a stronger position in relation to spending time with their grandchildren.

12.1.3 Identification and grouping of separated parents and grandparents for analysis

This section outlines differences in the way the groups of separated parents were identified between the GPPS 2006 and GPPS 2009, the means of identifying grandparents in the GSFS 2009 whose grandchildren had different care-time arrangements, and the number of respondents represented in all the groups that are compared in subsequent sections.

In the GPPS 2006, the identification of separated parents with different care-time arrangements was based on two questions that were asked of separated parents about their children from their previous relationship(s): (a) “Do any of them live with their other parent?”, and (b) “Do any of them live with you?” Separated parents were classified as resident parents if they indicated that at least one of their children lived with them and that none lived with the other parent, or as non-resident parents if they said that at least one of their children lived with other parent and that none of their children lived with them. Most mothers who had a child living elsewhere also had resident children (n = 66). There were only 12 non-resident mothers in the sample according to these classifications and even fewer with a living parent (i.e., grandparent to their child). Some separated parents (66 mothers and 92 fathers) indicated that some but not all their children lived with them. It is not possible to determine whether the children of these parents were in shared care-time arrangements or whether at least one child lived with one parent and another child lived with the other parent.

In the GPPS 2009, questions on care-time arrangements (and involvement) related to the youngest child only. Respondents were asked whether the child mainly lived with them, with the other parent or elsewhere. Some respondents (57 fathers and 31 mothers) volunteered that their child lived with both parents equally, but not all these respondents had living parents. It was decided that all groups that were to be included in the analysis would consist of at least 40 respondents.

The views of the following groups of parents who had at least one living parent are compared:

- non-separated fathers (GPPS 2006: n = 1,529; GPPS 2009: n = 1,523);
- non-separated mothers (GPPS 2006: n = 1,761; GPPS 2009: n = 1,805);
- non-resident fathers (GPPS 2006: n = 177; GPPS 2009: n = 143);
- resident fathers (GPPS 2006: n = 79; GPPS 2009: n = 62);
- resident mothers (GPPS 2006: n = 599; GPPS 2009: n = 497); and
- equal care-time fathers (GPPS 2009: n = 51).

Other groups of respondents comprised fewer than 30 respondents who had a living parent.

The following groups of grandparents represented in the GSFS are compared:

- paternal grandparents whose grandchild lived mainly with the mother (n = 204);
- maternal grandparents whose grandchild lived mainly with the mother (n = 166);
- paternal grandparents whose grandchild had an equal care-time arrangement (n = 51); and
- maternal grandparents whose grandchild had an equal care-time arrangement (n = 41).

There were fewer than 20 respondents in other groups.

The precise number of respondents in each group who answered the various questions examined in this chapter varied slightly.
12.2 Views of parents in general about the grandparent–grandchild relationship

12.2.1 Parents’ attitudes concerning children maintaining contact with their grandparents after parental separation

In the GPPS 2009, parents in general were asked to indicate their level of agreement or disagreement with the statement: “It is important for children to maintain the same level of contact with their grandparents on both sides after parental separation”. The response options were: “strongly agree”, “agree”, “mixed feelings”, “disagree” and “strongly disagree”. Some parents expressed uncertainty, and these responses have been combined with the “mixed feelings” category.

Table 12.1 shows that approximately 90% of both fathers and mothers agreed (either strongly or moderately) with this statement.

<table>
<thead>
<tr>
<th></th>
<th>Fathers</th>
<th>Mothers</th>
<th>All</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strongly agree</td>
<td>38.5</td>
<td>45.4</td>
<td>42.3</td>
</tr>
<tr>
<td>Agree</td>
<td>50.5</td>
<td>44.8</td>
<td>47.4</td>
</tr>
<tr>
<td>Mixed feelings/don’t know</td>
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<td>6.4</td>
<td>7.0</td>
</tr>
<tr>
<td>Disagree</td>
<td>2.8</td>
<td>2.9</td>
<td>2.9</td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>0.4</td>
<td>0.5</td>
<td>0.5</td>
</tr>
<tr>
<td>Total</td>
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<td>100.0</td>
<td>100.1</td>
</tr>
<tr>
<td>Number of observations</td>
<td>2,248</td>
<td>2,750</td>
<td>4,998</td>
</tr>
</tbody>
</table>

Note: Percentages may not total exactly 100.0% due to rounding.
Source: GPPS 2009

Figure 12.1 shows the patterns of answers provided by parents (both separated and non-separated, with different care-time arrangements) regarding the importance of children maintaining the level of contact that they had with their grandchildren prior to separation.

The overwhelming majority of parents in all groups agreed either strongly or moderately with the statement (between 85% and 94%).

These results suggest that attitudes of Australian parents, including those who have separated, are very consistent with the objective of the reforms: to facilitate the continued involvement of grandparents in the lives of their grandchildren after parental separation.

12.2.2 Parents’ perceptions of current grandparent–grandchild relationships

The three surveys used for this analysis complement each other. The GPPS 2006 and GSFS 2009 asked respondents to indicate the closeness of their relationship with their grandchild(ren), the GPPS 2009 asked about level of involvement, and the GSFS 2009 examined frequency of contact (an aspect of involvement). Levels of closeness and involvement are here seen as representing different dimensions of the meaningfulness of a relationship. The analysis below first outlines the views of non-separated parents and separated parents with different residence status on the closeness of the relationship between their own parents and their children.

The two GPPS surveys first identified whether one or both of the respondent’s parents were still alive. The GPPS 2006 subsequently asked whether the relationship between the respondent’s parents and their children had become closer, stayed the same, or become more distant since the separation, and whether the current relationship was “very close”, “close”, “not close” or “non-existent”. Some respondents volunteered that the relationship for the different children varied. In the GPPS 2009, parents were asked to indicate whether their own parents were “very involved”, “quite involved”, “not very involved”, “not at all involved” in their youngest child’s life, and whether they would like their parents to be “a lot more involved”, “a little more
involved”, “a little less involved”, “much less involved”, or whether they thought that the level of involvement was “about right”.4

Figure 12.2, which is based on data from the GPPS 2006, summarises the views of separated and non-separated fathers and mothers regarding the closeness of the relationship between their own parents and their children. The separated parents are divided into three groups: resident and non-resident fathers, and resident mothers, with the groups sorted according to the proportion of parents in each who indicated that the relationship was either very close or close (from highest to lowest proportion).

In addition to the above-mentioned groupings (fathers and mothers who had not separated, resident fathers and mothers and non-resident fathers), in the 2009 survey there were 49 fathers who indicated that their child lived with each parent for much the same time. Figure 12.3 shows the patterns of answers of these six groups regarding their own parents’ level of involvement in their child’s life. The groups are sorted according to the proportion of parents in each group who described the relationship as either very involved or quite involved (from highest to lowest proportion).

Of the five groups of parents in the GPPS 2006, very close relationships between their own parents and their children were most likely to be reported by mothers who were not separated (58%), followed by resident fathers and resident mothers (51–55%), then fathers who were not separated (41%). Non-resident fathers (19%) were the least likely to provide such a description (Figure 12.2).

Patterns of responses of resident fathers and mothers were very similar: 51–55% of resident fathers and mothers described the relationship between their children and their parents as very close, while 13–18% described it as not close, non-existent or “varies”.

Although non-separated mothers were more likely than resident mothers to report very close relationships between children and their grandparents in the GPPS 2006, the reverse was the case regarding the level of involvement recorded in the GPPS 2009: resident mothers were

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4 A small number of parents (n = 14) who only talked about the relationship between their own children and stepchildren were excluded from the analysis.
more likely than non-separated mothers to indicate that their parents were very involved in their child’s life. In fact, resident mothers were the most likely of all groups to report this (40% compared to 14–28%) (Figure 12.3).\(^5\)

Much the same proportion of resident fathers and non-separated mothers indicated that grandparents were very involved in their child’s life (27–28%), while the proportion of fathers with equal care-time who stated this was slightly lower (24%). It is interesting to note that, while non-separated fathers in the GPPS 2006 were more than twice as likely than non-resident fathers to indicate that their parents and children had a very close relationship with each other (41% compared to 19%), in the GPPS 2009 only 14% of each of these groups of fathers indicated that their parents were very involved in their child’s life. However, the fathers who had not separated were slightly more likely than non-resident fathers to indicate that their parents were quite involved (33% compared to 27%). Thus, the data suggest that separation status and care-time arrangements are both important influences on the closeness of the grandparent–grandchild relationship.

**12.2.3 Parents’ preferences regarding level of involvement of grandparents**

As already noted, parents in the GPPS 2009 were asked whether they would prefer their own parents to become more or less involved with their child or whether the level of involvement was about right. Figure 12.4 shows the patterns of preferences of parents in the six care-time arrangement groups regarding the level of involvement of their own parents in their child’s life.

More than half the parents in all groups reported that the level of involvement was “about right” and almost no parents preferred to see the level of involvement decrease. Those who were most likely to indicate that the level of involvement was “about right” were resident fathers and fathers with equal care time (roughly 80%), while those who were least likely to report this were non-resident fathers (53%). Non-resident fathers, on the other hand, were the most likely to prefer to see their parents have greater involvement in their child’s life, followed by fathers who had not separated (47% and 41% respectively).

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\(^5\) Data from the LSSF W1 2008 suggest that the proportion of parents who lived with their own parents varied little according to care-time arrangements. However, resident mothers were more likely than resident fathers to have young children (aged under 5 years) (see Chapter 7) and previous research suggests that grandparents are more likely to be involved in the care of younger than older grandchildren (ABS, 2006; Gray et al., 2005).
Note: Percentages may not total exactly 100% due to rounding.
Source: GPPS 2009

Figure 12.3 Perceived current level of involvement of their own parents in children’s lives, by separation and care-time arrangements, fathers’ and mothers’ reports, 2009

Note: Percentages may not total exactly 100% due to rounding.
Source: GPPS 2009

Figure 12.4 Preference regarding level of involvement of own parents, by separation and residence status, fathers and mothers, 2009
12.3 Parental separation and the grandparent–grandchild relationship

12.3.1 Grandparents’ perceptions of current grandparent–grandchild relationships in separated families

The respondents to the GSFS 2009 comprised grandparents with a grandchild aged between 2 and 10 years whose parents had separated between 1 January 2004 and 31 December 2008. Two issues regarding the grandparent–grandchild relationship are examined in this section: (a) the current level of closeness of the relationship, and (b) current frequency of contact.

The grandparents were divided into four groups: paternal and maternal grandparents, where the grandchild mostly lived with the mother; and paternal and maternal grandparents, where the grandchild experienced an equal care-time arrangement.6

Grandparents rated their level of closeness to the youngest of their grandchildren aged between 2 and 10 years (whose parents had separated). The rating scale ranged from 0: “extremely distant/no relationship” to 10: “extremely close”. Ratings of 8–10 on this scale are here classified as “very close”, while ratings of 5–7 and of 1–4 are classified as “moderately close” and “not close” respectively. Grandparents were also asked: “How often do you get together, or spend time with this grandchild?”. The response options were: “daily/most days”, “at least every week”, “at least every fortnight”, “at least every month”, “at least twice a year”, “once a year or less often” and “never”.

Figure 12.5 shows the patterns of answers provided by grandparents concerning the closeness of their relationship with this grandchild, while Figure 12.6 shows their patterns of answers concerning how often they saw this grandchild.

Consistent with the above-mentioned trends based on parents’ views, the grandparents’ reports suggest that children’s involvement with, and closeness to, their grandparents is quite strongly connected with the children’s care-time arrangements. Of the four groups, those most likely to report a very close relationship and very frequent contact were maternal grandparents whose grandchild lived mostly with the mother, while paternal grandparents whose grandchild lived mostly with the mother were least likely to report this; indeed, 17% of these paternal grandparents indicated that they never saw their grandchild. The GPPS data based on parents’ reports suggest that such trends relate mostly, but perhaps not entirely, to which parent the child is mainly living with, rather than to whether this parent is the grandparent’s daughter or son.

Where the child spent much the same time with each parent, paternal grandparents were more likely than maternal grandparents to report being very close to the grandchild (76% compared to 63%). However, these two groups provided a similar picture regarding frequency of contact.

12.3.2 Parents’ views of the impact of parental separation on the closeness of the grandparent–grandchild relationship

Figure 12.7 (on page 284) shows that the three groups of separated parents in the GPPS 2006 (resident mothers, resident fathers and non-resident fathers) most commonly believed that the level of closeness of the relationship between their parents and children had remained much the same after separation. However, the two groups of resident parents were much more likely than non-resident fathers to indicate that the relationship had become closer since separation (36% compared to 13%), and much less likely to report that it had become more distant (6–8% compared to 36%).

Parents in the GPPS 2009 reported on whether the grandparents’ level of involvement in their child’s life had increased, remained the same, or decreased (Figure 12.8, on page 284). Resident fathers were considerably more likely than all other groups to indicate that involvement had increased (47% compared to 17–29%), while 62% of resident mothers and 59% of fathers with equal care time said that the level of involvement had remained much the same.

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6 Grandparents were asked with whom their focus child mainly lived. The response options included: “lives mainly or only with his/her mother”, “lives mainly or only with his/her father”, “lives about the same time with each parent”, “lives mainly or only with you” and “lives mainly or only elsewhere”. The grandchild was considered to be in an equal care-time arrangement if grandparents reported that the child “lives about the same time with each parent”.

Figure 12.5  Current levels of closeness of relationship between grandparents and grandchildren after separation, grandparents’ reports, 2009

Source: GSFS 2009

Figure 12.6  Current frequency of grandparents getting together or spending time with grandchildren after separation, grandparents’ reports, 2009

Note: Percentages may not total exactly 100% due to rounding.
Source: GSFS 2009
Chapter 12

Figure 12.7 Changes in relationship between their own parents and children since separation, by residence status, parents’ reports, 2006

Note: Percentages may not total exactly 100% due to rounding.
Source: GPPS 2006

Figure 12.8 Changes in involvement of grandparents in grandchildren’s lives since separation, by residence status, parents’ reports, 2009

Source: GPPS 2009
Although just over half the non-resident fathers indicated that the level of involvement had not changed, nearly one-third said that their parents’ level of involvement with their child had decreased.

### 12.3.3 Grandparents’ views of the impact of parental separation on the closeness of the grandparent–grandchild relationship

In the GSFS 2009, change in grandparent–grandchild relationships was assessed by asking grandparents to indicate their level of closeness to their grandchild before their grandchild’s parents separated and at the time of the survey (i.e., at some stage after the parents had separated). Although most grandparents in all groups indicated that a very close relationship existed before the parents separated, those least likely to suggest this were paternal grandparents whose grandchild lived with the mother after parental separation (65% of paternal grandparents compared to 76–83% of other groups) (Figure 12.9). And whereas most grandparents in the other groups also indicated that they had a very close relationship with their grandchild at the time of the survey, this was suggested by only a minority of paternal grandparents whose grandchild lived with the mother (44% compared to 63–87%). In other words, paternal grandparents whose grandchild lived with the mother were considerably less likely to indicate that a very close relationship existed at the time of the survey than prior to the parents’ separation.

![Figure 12.9 Level of closeness of relationship with grandchild, before parental separation and at the time of the survey, as reported by grandparents, 2009](image)

Maternal grandparents whose grandchild experienced equal care time were also less likely to indicate that a very close relationship existed at the time of the survey than prior to parental separation (63% compared to 78%). Of all groups, maternal grandparents whose grandchild lived with the mother were the most likely to report a very close relationship in both pre- and post-separation periods (83% and 87%). Paternal grandparents whose grandchildren had equal care-time with both parents also reported maintaining their very close relationships both before and after separation (78% and 76%).

Figure 12.10 provides another perspective on the level of change in closeness of the relationship, as perceived by the four groups of grandparents. Change in perceived relationship with grandchildren is derived from grandparents’ ratings of closeness to grandchildren before parental separation and current closeness on a scale ranging from 0: “extremely distant/no
relationship” to 10: “extremely close”. The same rating for the two periods was taken as reflecting no change in the closeness of the relationship. The relationship was classified as having become more distant if the rating for the current situation was at least two points lower than that for the pre-separation period. The relationship was classified as having become “marginally more distant” if the current rating was one rating point lower than the pre-separation rating. Similarly, where the rating for the current situation was at least two points higher or one point higher, the relationship was classified as having become “closer” and “marginally closer” respectively.

Between 18% and 25% in each group indicated that the relationship had become closer since their grandchild’s parents had separated. However, where the grandchild lived with the mother, a more distant relationship was reported by around half the paternal grandparents and only 12% of the maternal grandparents. Where the grandchild was in the care of each parent for much the same number of nights, maternal grandparents were more likely than paternal grandparents to indicate that the relationship had become more distant (38% compared to 28%).

Given that most children live with their mother after their parents separate, these results suggest that most children with grandparents continue to experience a close relationship with their maternal grandparents, but for at least half, their relationship with their paternal grandparents (which was already not as close as their relationship with their maternal grandparents) became more distant. The results suggest that, where children have an equal care-time arrangement, a substantial minority experience a more distant relationship with their paternal and maternal grandparents than they had prior to their parents’ separation, with the effect being more apparent for maternal grandparents than paternal grandparents. It should be borne in mind that such results refer to children aged 2–10 years exclusively.

Grandparents who participated in focus group discussions described their experience of eroding relationships with grandchildren as follows:

"The baby wasn’t born ‘til June and I looked after him and walked him to school … From then on it sort of slid down the banner when I don’t see them at all. I’d made birthday visits and it’s very cold and I’m just at the crossroads … where do you go and how do you heal?" (Maternal grandmother, grandchild with shared care time)
Before they separated, we were seeing her [the child] for probably not every day, but every second day at the most, or out of seven days we’d probably see her five. They lived close by. But then when they separated, unfortunately she was used as a bit of a ploy and we didn’t see her for probably six to eight weeks. (Paternal grandmother, grandchild lived with mother)

[The time around the separation] I was ordered out of the house; I was told not to ever touch her baby: “You’ll never see her [the child] again”. Three days later, she’d gone. My son came home from work. So I then didn’t see her [the child] for 18 months. (Paternal grandfather, grandchild lived with mother)

At times, the pragmatics of the circumstances surrounding a separation seem to “favour” a grandparent:

So we used to see them [the children] once or twice a year sort of thing, and that was about all that we got to see them … Since then we have established a marvellous relationship with our grandchildren—we see them every week. We come down, he [the father] brings them up. He’s more than happy for them to be at home. He rang us up a couple of weeks ago and said he was having some trouble with the oldest one, would we take him for a few days, and things like that. So it’s turned around the other way completely … We have a wonderful relationship with our grandchildren that we didn’t have before. (Maternal grandfather, grandchildren lived with father)

But although separation can result in more frequent contact between grandparents and their grandchildren, the future can feel uncertain.

I see a lot more of them now than what I saw before because when we used to go and see them, she’d disappear with the children. So I see more of my grandchildren now, which I’m very grateful for, but who knows what’s going to happen tomorrow? It’s an ongoing thing and I don’t know what more to say to be honest. I just find it frustrating because I can’t even pick up the grandchildren without being abused and I don’t know where you go. (Paternal grandmother, grandchild with shared care time)

12.3.4 Grandparents’ level of satisfaction with their relationship with their grandchildren post-separation

Grandparents were asked to indicate how satisfied they were with their current relationship with their grandchild, with the use of a scale ranging from 0: “completely dissatisfied” to 10: “completely satisfied”. The patterns of results for the four groups of grandparents are depicted in Figure 12.11.

Consistent with the trends shown above for closeness of relationship and apparent changes in closeness, maternal grandparents whose grandchild was living with the mother were the most likely of all groups to indicate that they were highly satisfied with their relationship with their grandchild (79%), followed by maternal (58%) and paternal (54%) grandparents whose grandchild experienced equal care-time arrangements. Paternal grandparents whose grandchild was living with the mother were the least likely to state this. Indeed, only one-quarter of these grandparents indicated high satisfaction, compared with over 50% of grandparents whose grandchild had an equal care-time arrangement, and nearly 80% of maternal grandparents whose grandchild lived with the mother.

The reports of parents and grandparents, when taken together, suggest that the closest and most involved relationships are between grandparents whose sons or daughters have the majority of care time, followed by those whose sons or daughters have equal care-time arrangements. Those who “miss out” are grandparents whose sons have minority or no care nights. From the perspective of the grandchildren, those who live with their mothers appear to be most likely to

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7 While there were only 19 paternal grandparents in the GSFS 2009 whose son was the resident parent, there were 79 resident fathers with a living parent in the GPPS 2006 and 62 such fathers in the GPPS 2009. A higher proportion of these fathers than fathers with equal care time indicated that the relationship between their parents and children were close (tapped in the 2006 survey) and involved (tapped in the 2009 survey). Given that there were only 8–14 non-resident mothers with a living parent and only 15 grandparents whose daughter was the “non-resident parent”, no attempt was made to assess the strength of the relationship between maternal grandparents and their grandchildren who lived with the father.
maintain or strengthen their relationship with their maternal grandparents but to become less involved and have a more distant relationship with their paternal grandparents.

![Bar chart](image)

Source: GSFS 2009

**Figure 12.11 Satisfaction with relationship with grandchild, grandparents’ reports, 2009**

### 12.4 Consideration of time with grandparents when making parenting arrangements

Three surveys included questions on whether their focus child spending time with grandparents was taken into account when the parents were sorting out their parenting arrangements.\(^8\)

It appears that many parents who had sorted out arrangements had considered time with grandparents when making their decisions. In the LSSF W1 2008, just over half the parents who sorted out parenting arrangements (53%) indicated that the focus child’s time with grandparents was considered in reaching parenting agreements. The percentage based on the LBS 2009, comprising parents who had separated before the reforms, was somewhat lower (40%). In the LSSF W1 2008, a similar proportion of fathers and mothers indicated that time with grandparents was taken into account (52% and 53% respectively). In the LBS 2009, on the other hand, mothers were more likely than fathers to report that time with grandparents had been taken into account (48% compared to 38%) during the process of sorting out parenting arrangements for their focus child.

Grandparents in the GSFS 2009 also commonly indicated that their time with their focus grandchild was taken into account when the parents of this child separated. Specifically, 53% of grandparents reported that their time with the grandchild was taken into account either fully or to a fair extent, while 34% said that this was not the case, and 13% expressed uncertainty.

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\(^8\) In the LSSF W1 2008, parents who had sorted out parenting arrangements for their focus child were asked: “When you were deciding the parenting arrangements for [focus child], was spending time with grandparents, on either side, taken into account?” In LBS 2009, parents were asked: “When you were deciding the parenting arrangements for [focus child] in [year separation took place], was spending time with grandparents, on either side, taken into account?” (These parents had separated between January 2004 and May 2005.) Response options were “yes” or “no” for each of these questions. In the GSFS 2009, grandparents were asked: “At the time your grandchild’s parents separated, to what extent did they take the needs of this grandchild to have a continuing relationship with you into account?” Response options were: “fully taken into account”, “to a fair extent”, “a little” and “not at all taken into account”.

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288 Australian Institute of Family Studies
Figure 12.12 shows that post-reform parents were more likely than their pre-reform counterparts to report that time with grandparents had been taken into account, regardless of the main dispute resolution or decision-making pathway taken. The difference was most pronounced with respect to the “discussions with other parent” pathway and least pronounced when the main pathway was obtaining assistance from lawyers.

![Figure 12.12 Proportion of parents indicating that time with grandparent was considered in parenting arrangements for focus child, by main pathways, pre- and post-reform](chart)

Although about half of the separated parents in the LSSF W1 2008, the LBS 2009 and the GSFS 2009 reported that they had considered time that their children would spend with grandparents in their parenting arrangements, a few grandparents in the focus groups indicated that they had to fight through the legal system to have access to their grandchildren. For example:

I see him [the grandchild] more regular now … because I won … I see him once a fortnight … But I had to go through nine months court to do it because she said I wasn’t going to see him and we tried all the mediation. I went through everything I could. (Paternal grandparent, grandchild lived with mother)

I was adamant at the outset as [grandchild]’s grandmother that I wouldn’t lose any contact—I mean, I would have flown to the end of the earth if I had to. But it simply wasn’t viable and there was no … I wasn’t going to lose that contact. As a consequence of that, myself and my husband have a very close relationship with [the grandchild]. (Paternal grandmother, grandchild lived with mother)

In summary, there appears to be a little more willingness among post-reform separated parents to include grandparents in post-separation parenting arrangements. This is not linked to one resolution or decision-making pathway, though it is least pronounced when lawyers were nominated as the main pathway.

### 12.5 Family lawyers’ perceptions

The FLS 2008 examined any impact of the insertion of the principle that recognises the child’s right to spend time and communicate on a regular basis with people significant to their care, welfare and development, including grandparents. Lawyers in the survey were asked to indicate
their agreement or disagreement with two items: (a) “Since the reforms, more grandparents are seeking advice”; and (b) “Since the reforms, I am more inclined to advise grandparents that they are in a stronger position in relation to spending time with their grandchildren”. Possible responses were: “strongly agree”, “mostly agree”, “mostly disagree”, “strongly disagree” and “can’t say”.

The survey suggests that 50% of the family lawyers surveyed agreed that there has been an increase in the extent to which grandparents are seeking advice (8% strongly agreed). On the other hand, 37% disagreed with this proposition (10% strongly disagreed), while the remainder were unable to say. The majority of family lawyers (57%; 9% strongly agreed) agreed that, since the reforms, they were more inclined to advise grandparents that they were in a stronger position in relation to spending time with their grandchildren. But again 34% disagreed (8% strongly disagreed) and 10% were unable to say.

12.6 Grandparents’ knowledge and use of legislation and services under the 2006 reforms

12.6.1 Grandparents’ knowledge about the 2006 family law reforms

Grandparents in the GSFS 2009 were asked whether they were aware of the 2006 changes in the Family Law Act that recognise the right of children to have a relationship with their parents and others important to them, including grandparents. They were asked to indicate whether they were “fully aware”, “to a fair extent”, “a little” or “not at all aware”. They were also asked if, in their opinion, the legislative changes would make any difference in helping children to maintain contact with their grandparents, by indicating if they thought they would be: “a great deal of help”, “some help” or “no help at all”. At least four in ten grandparents indicated that they were aware of the explicit reference to grandparents in the legislation, with 17% indicating that they were fully aware of the reference and 27% stating that they had some knowledge of it.

Grandparents tended to welcome the legislative changes, with 42% reporting that the explicit reference to grandparents would greatly help grandchildren to maintain contact with their grandparents, 38% considering that this would be “some help”, and only 13% indicating that they were fully aware of the reference and 27% stating that they had some knowledge of it.

While many grandparents who participated in the GSFS 2009 reported that they were aware (“fully” or to “a fair extent”) of the reference to grandparents in the 2006 changes to the Family Law Act, the focus group discussions with grandparents suggested that they had little understanding of the reforms in general, although they may have heard or read about them. For example:

I thought there were some changes to the financial side of it and, as you said, the amount of time you spend—whether it’s 50–50, 60–40—but the contribution from the father, money coming from the father, was actually less now than it was before. (Maternal grandmother, grandchild lived with mother)

The only thing I recently read was they are actually reviewing 50–50 custody. Is that currently happening? (Maternal grandmother, grandchild with shared care time)

I only heard that grandparents now have rights, that’s all I heard. I didn’t hear how you had rights, but I just hear that grandparents now have rights. (Maternal grandmother, grandchild with shared care time)

I don’t know a lot about them. I remembered when they were talked about and I read a little bit about them. I asked my son what was going to happen. He said that he felt it was going to be a fairer system between him and his ex-wife. (Paternal grandmother, grandchild lived with mother)

Responses in the grandparent focus groups tended to reflect the situations in which individual grandparents found themselves. Thus, one grandmother who was reasonably satisfied with how matters had panned out put it this way:

My understanding of the law reforms is that actually the parents and the grandparents, we don’t have rights. The children have the rights. We have responsibilities. So the
children, they’ve said, have a right to spend time with their parents and grandparents. (Paternal grandmother, child lived with mother)

Another, largely dissatisfied, grandmother suggested:

I have rung up to find out grandparents’ rights but like most of you here, government agencies are very big on talk about grandparents’ rights, but when it gets down to the nitty gritty it doesn’t work. (Paternal grandparent, grandchild with shared care time)

12.6.2 Grandparents’ use of services or the courts

In the GSFS 2009, grandparents were asked whether they had ever sought help or advice or used any services to facilitate contact or help improve their relationships with their grandchildren. Those who answered in the affirmative were then asked to indicate where they went. The following response options, which also included reference to use of a court, were offered to them:

- a Family Relationship Centre (FRC);
- other counselling, mediation or family dispute resolution (FDR) service;
- a grandparents organisation or advocacy group;
- a family violence service;
- a lawyer or legal services (such as a legal advice line, private lawyer, legal aid);
- a court (such as the Federal Magistrates Court [FMC] or the Family Court of Australia [FCoA]);
- or
- other (please specify).

Responses that were provided for the “other” category were then coded.

Table 12.2 suggests that about two-fifths of paternal grandparents and one-fifth of maternal grandparents made use of either a service or the courts. The service used most often by both paternal and maternal grandparents was that of a lawyer or legal service. Although some sort of relationship-focused service was also used fairly often by this group, so too were the courts.

<table>
<thead>
<tr>
<th>Services/courts used (if any used)</th>
<th>Grandchild lived with the mother</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>FRC</td>
<td>%</td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>Other counselling, mediation or FDR service</td>
<td>20.9</td>
<td>17.8</td>
<td>20.0</td>
</tr>
<tr>
<td>Grandparent organisation or advocacy group</td>
<td>3.8</td>
<td>8.9</td>
<td>5.3</td>
</tr>
<tr>
<td>Family violence service</td>
<td>1.9</td>
<td>0.0</td>
<td>1.3</td>
</tr>
<tr>
<td>Lawyer or legal service</td>
<td>59.1</td>
<td>55.6</td>
<td>58.0</td>
</tr>
<tr>
<td>Court</td>
<td>24.8</td>
<td>26.7</td>
<td>25.3</td>
</tr>
<tr>
<td>Other</td>
<td>18.1</td>
<td>13.3</td>
<td>16.7</td>
</tr>
<tr>
<td>Did not use any service/court</td>
<td>%</td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>Number of observations</td>
<td>262</td>
<td>212</td>
<td>474</td>
</tr>
</tbody>
</table>

Source: GSFS 2009

It was clear from grandparents in the focus groups that many had a very incomplete knowledge of the non-legal services that were available for them, their adult children or their grandchildren. Few had knowledge of more than one of a list of relevant services handed out during the focus
groups. Referring to a list of services handed out at the focus group, only one of which she recognised, one grandmother observed:

> I think that all solicitors should be made, under law, to give out a list like this to people for free services. (Maternal grandparent, grandchild with shared care time)

Some grandparents were more proactive:

> If I find things in *The Age* about family violence or children, separate parents [sic] or—and they've usually got a web page or they've got a contact number—I've chopped those out and I fold them into a little thing and I say here's some compulsory reading. We laugh. Other things as well that I think are interesting for childrearing. But at the library, it has the pamphlets on all manner of things. I've seen things there on your role as a parent and grandparent and children and those sorts of things, so I think that's a source. (Maternal grandparent, grandchild with shared care time)

This level of proactivity was unusual among the focus group grandparents. In addition, a few were uncomfortable with navigating websites as a way of finding information. Others seemed inclined to see family law issues in the more traditional terms of them being essentially legal problems.

### 12.6.3 Making grandparenting arrangements at FRSP services

In addition to seeking information from grandparents via focus groups, further information was obtained from grandparents who participated in the Survey of FRSP Clients 2009. Of these, 79 (83%) indicated that they had attempted to develop arrangements while at the service about spending time with or the care of grandchildren. Of the 95 grandparents who participated in this survey, 63 were clients of FRCs, 6 attended an FDR service, 13 attended another post-separation service (PSS) and 13 attended an early intervention service (EIS). Of these, the following number of grandparents had attempted to develop arrangements about the care of their grandchildren while at the service: 58 who had attended an FRC, all 6 who had used an FDR service, 7 who had used another PSS and 8 who had used an EIS.

The following issues are examined:

- basic circumstances of the respondents and focus grandchild;
- whether agreement was reached while at the service on all or some aspects of arrangements for their focus grandchild and whether a certificate allowing the matter to be taken to court was issued;
- grandparents’ opinions about the extent to which the arrangements made at the service worked for them and for their grandchild or grandchildren, including whether the needs of their grandchild or grandchildren were adequately considered; and
- frequency of contact between grandparents and their focus grandchild.

### Circumstances of respondents and grandchildren

Table 12.3 shows that nearly 90% of the respondents in the survey were grandmothers, and two-thirds were paternal grandparents. The average age of their focus grandchild was 5.5 years, with all except 8% being under 12 years old.

One in five respondents indicated that their grandchild’s parents were living together and, in all except one of these 16 cases, the grandchild was living with the parents. Three-quarters of the grandparents indicated that the parents of their focus grandchild were not living together. Where the parents were not living together, most of the grandparents indicated that their grandchild was living with their mother, and 21% reported that the grandchild was living with them.

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9 Of the 95 grandparents who participated in this survey, 63 were clients of FRCs, 6 attended an FDR service, 13 attended another post-separation service (PSS) and 13 attended an early intervention service (EIS). Of these, the following number of grandparents had attempted to develop arrangements about the care of their focus grandchild while at the service: 58 who had attended an FRC, all 6 who had used an FDR service, 7 who had used another PSS and 8 who had used an EIS.
Agreement outcomes while at the service

As noted above, the 79 respondents included in this analysis had indicated that they had attempted to develop arrangements while at the service about spending time with or the care of grandchildren. The question on care of grandchildren was only asked of the minority whose grandchild was living with them. Table 12.4 shows that more than half the grandparents (57%) indicated that no agreement had been reached. The remainder were fairly evenly divided between indicating that they had achieved agreement on all or on only some aspects of the

### Table 12.3 Circumstances of grandparents who sought help regarding time with or care arrangements of a grandchild, grandparents’ reports 2009

<table>
<thead>
<tr>
<th>Circumstance</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Age of focus grandchild</strong></td>
<td></td>
</tr>
<tr>
<td>Mean age (years)</td>
<td>5.5</td>
</tr>
<tr>
<td><strong>Age distribution</strong></td>
<td></td>
</tr>
<tr>
<td>0–2 years</td>
<td>25.3</td>
</tr>
<tr>
<td>3–4 years</td>
<td>22.8</td>
</tr>
<tr>
<td>5–11 years</td>
<td>44.3</td>
</tr>
<tr>
<td>12–14 years</td>
<td>7.6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100.0</td>
</tr>
<tr>
<td><strong>Status of grandparents</strong></td>
<td></td>
</tr>
<tr>
<td>Grandmothers</td>
<td>86.1</td>
</tr>
<tr>
<td>Paternal grandparents</td>
<td>67.1</td>
</tr>
<tr>
<td><strong>Number of observations</strong></td>
<td>79</td>
</tr>
<tr>
<td><strong>Where the parents were not living together, focus grandchild’s living arrangements (n = 61)</strong></td>
<td></td>
</tr>
<tr>
<td>Mainly or only with mother</td>
<td>62.3</td>
</tr>
<tr>
<td>Mainly or only with father</td>
<td>6.6</td>
</tr>
<tr>
<td>About the same time with each parent</td>
<td>1.6</td>
</tr>
<tr>
<td>Mainly or only with respondent</td>
<td>21.3</td>
</tr>
<tr>
<td>Mainly or only elsewhere</td>
<td>6.6</td>
</tr>
<tr>
<td>Unsure</td>
<td>1.6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100.0</td>
</tr>
</tbody>
</table>

Notes: Sixteen grandparents reported that their focus grandchild’s parents were living together, with one indicating that the grandchild was living with him/her. Two grandparents were unsure if their focus grandchild’s parents were living together.

Source: Survey of FRSP Clients 2009

### Table 12.4 Outcomes of care arrangements for grandchild(ren), grandparents’ reports, 2009

<table>
<thead>
<tr>
<th>Outcome</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Level of agreement achieved while at the service</strong></td>
<td></td>
</tr>
<tr>
<td>Agreement achieved on all aspects</td>
<td>20.3</td>
</tr>
<tr>
<td>Agreement achieved on some aspects</td>
<td>22.8</td>
</tr>
<tr>
<td>No agreement achieved</td>
<td>57.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100.1</td>
</tr>
<tr>
<td><strong>Number of observations</strong></td>
<td>79</td>
</tr>
<tr>
<td><strong>Where agreement on only some aspects or no aspects had been achieved:</strong></td>
<td></td>
</tr>
<tr>
<td>Certificate issued</td>
<td>49.2</td>
</tr>
<tr>
<td>No certificate issued</td>
<td>46.0</td>
</tr>
<tr>
<td>Unsure</td>
<td>4.8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100.0</td>
</tr>
<tr>
<td><strong>Number of observations</strong></td>
<td>63</td>
</tr>
</tbody>
</table>

Note: Percentages may not total exactly 100.0% due to rounding.

Source: Survey of FRSP Clients 2009
arrangements. Almost half of those who indicated that partial or no agreement had been reached reported that they had been issued with a certificate allowing the matter to be taken to court.

Grandparents’ evaluations of agreed-upon arrangements

Grandparents were asked to indicate how well the arrangements made at the service worked for them and how well they worked for their grandchild or grandchildren. Table 12.5 shows that, of those who answered this question and reported that agreement had been reached on at least some aspects of the arrangements, most provided positive evaluations of the workability of arrangements (indicated by at least 70%). Grandparents were marginally more likely to report that the arrangements were not working for themselves than to indicate that the arrangements were not working well for their grandchild(ren) (24% compared to 15%).

<table>
<thead>
<tr>
<th>Table 12.5 Evaluations of agreed-upon arrangements and level of child focus in agreement process, grandparents’ reports, 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly agree/agree</td>
</tr>
<tr>
<td>----------------------</td>
</tr>
<tr>
<td>Workability of arrangements made (where full or partial agreement was achieved)</td>
</tr>
<tr>
<td>Arrangements worked for self</td>
</tr>
<tr>
<td>Arrangements worked for grandchild(ren)</td>
</tr>
<tr>
<td>Grandchild(ren)’s needs were taken into account</td>
</tr>
<tr>
<td>Where partial or full agreement was achieved</td>
</tr>
<tr>
<td>Where no agreement was achieved</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

Note: Percentages may not total exactly 100.0% due to rounding.
Source: Survey of FRSP Clients 2009

Overall, 57% believed that the grandchild(ren)’s needs were taken into account, while nearly two-fifths disagreed. Such evaluations were strongly related to the achievement of agreement on at least some aspects of the arrangements: positive appraisals were provided by most grandparents (82%) who indicated that at least some agreement had been reached and by only one-third of grandparents who indicated that no agreement had been reached.

Frequency of contact with grandchildren

Grandparents were also asked to indicate how often, if at all, they spent time with their focus grandchild: (a) before they attended the service, and (b) since attending the service. The response options were: “daily/most days”, “at least every week”, “at least every fortnight”, “at least every month”, “at least twice a year”, “once a year or less often” and “never”.

Figure 12.13 summarises the answers provided by the remaining 65 grandparents who were not living with their grandchild at the time of the survey. Close to one in three of these grandparents indicated that they never saw their grandchild before attending the service and a marginally higher proportion indicated they had never seen their grandchild since they attended the service. On the other hand, the proportion of grandparents who saw their grandchild daily, weekly or at least fortnightly increased from 23% to 35%.

However, the greatest change occurred in the proportion of grandparents who indicated that they saw their grandchild less frequently than once a month—that is, those who saw their grandchild “at least twice a year” or “less than twice a year”—35% reported that this situation applied to them before they attended the service and only 19% indicated that they experienced this situation since attending the service. Much of this difference represented a decrease in the
proportions who indicated that they saw their grandchild “once a year or less often”, from 17% before attending the service to 3% since attending the service.10

In summary, this section focused on grandparents who attempted to develop arrangements while attending an FRSP service about spending time with or the care of their grandchildren. Most of these respondents were grandmothers and most were paternal grandparents who had attempted to reach agreement in relation to spending time with grandchildren who were living with their mothers. Nearly one in five were living with their grandchild both before and after they attended the service. More than half the grandparents indicated that no agreement had been reached, and of these respondents and those who reported the achievement of partial agreement, one-quarter indicated that they had been issued with a certificate allowing them to take the matter to court.

12.7 FRSP staff perceptions about grandparent–grandchild relationships

12.7.1 Level of interest in grandparenting

In the Online Survey of FRSP Staff 2008, respondents were asked whether their services had attracted a growing level of interest in grandparenting since the reforms had come about.11 The results are summarised in Table 12.6.

10 The proportions of grandparents who indicated that they saw their grandchild at least twice a year were: 18% before they attended the service and 15% since attending the service.

11 The question asked was: “Since the reforms came into effect, the service has experienced: (a) an increasing proportion of fathers wanting their children to spend time with grandparents; (b) an increasing proportion of mothers wanting their children to spend time with grandparents; and (c) an increasing proportion of grandparents wanting their grandchildren to spend time with them”. Response options were: “strongly agree”, “agree”, “disagree”, “strongly agree”, “can’t say/don’t know” or “not applicable”. Staff who did not work in the FRSP sector prior to 1 July 2006 are likely to have interpreted this question as meaning: “Have the services experienced a change over the period July 2006 to 2008 when the survey was conducted?”
Almost two-thirds of the Family Relationship Advice Line (FRAL) staff who took part in the survey agreed or strongly agreed that since the reforms there had been an increasing proportion of mothers and fathers wanting their children to spend time with their grandparents. About one-third were unable to say one way or the other. A smaller proportion (52%) of FRAL staff thought that there had been an increase in the proportion of grandparents wanting to spend time with their grandchildren since the 2006 changes.

About three-quarters of FRC staff agreed or strongly agreed that the proportion of mothers and fathers wanting their children to spend time with their grandparents had increased since the 2006 changes and almost two-thirds thought there had been an increase in the proportion of grandparents wanting to spend time with their grandchildren.

Around two-fifths of FDR service staff agreed or strongly agreed that an increasing proportion of fathers wanted their children to spend time with their grandparents, 23% agreed or strongly agreed that this was the case with mothers and 67% that an increasing proportion of grandparents wanted to spend time with their grandchildren. The difference in views of FRC and FRAL staff compared to FDR staff is likely to reflect the fact that FRCs offer a considerably broader range of services and information than FDR services.

About half of other PSS staff (other than FRC and FDR staff) agreed or strongly agreed that there had been increasing numbers of grandparents wanting to spend time with their grandchildren, while 45% thought there had been increasing numbers of fathers and 33% thought there had been increasing numbers of mothers wanting their children to spend time with grandparents.

About a half of the EIS staff felt unable to answer the questions about the extent to which, after the 2006 changes, more parents and grandparents wanted grandchildren to spend time with grandparents. Of those who provided answers to these questions, the majority agreed or strongly agreed that their services had attracted a growing level of interest in grandparenting.
In the Qualitative Study of FRSP Staff, participants were not asked specifically about grandparents. A small number of participants, however, mostly from FRAL, indicated at the time of interview that there seemed to be an increasing number of grandparents engaging with the family relationships sector.

In summary, there is evidence, largely from the Online Survey of FRSP Staff 2008, that approximately eighteen months into the process, most staff members in all but FDR services who felt able to answer the question agreed that since the reforms were enacted there has been an increasing engagement by and on behalf of grandparents on grandparenting.

### 12.7.2 FRSP services support for grandparents and other family members

Table 12.7 addresses two questions of the same group of services, this time asked as part of the Online Survey of FRSP Staff 2009. The questions focused on children's relationships with extended family members and on grandparents.

<table>
<thead>
<tr>
<th>Table 12.7 FRSP staff perceptions about support their service provides for grandparents and other family members, 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>This service assists clients to improve their relationships with extended family members</strong></td>
</tr>
<tr>
<td><strong>EIS PSS All services</strong></td>
</tr>
<tr>
<td><strong>%</strong></td>
</tr>
<tr>
<td>Strongly agree</td>
</tr>
<tr>
<td>Agree</td>
</tr>
<tr>
<td>Strongly disagree/disagree</td>
</tr>
<tr>
<td>Can't say/don't know</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
<tr>
<td><strong>How would you rate this service’s capacity to provide a service that caters to the needs of grandparents?</strong></td>
</tr>
<tr>
<td><strong>Very poor/poor</strong></td>
</tr>
<tr>
<td><strong>Average</strong></td>
</tr>
<tr>
<td><strong>Good</strong></td>
</tr>
<tr>
<td><strong>Excellent</strong></td>
</tr>
<tr>
<td>Can’t say/don’t know</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
<tr>
<td><strong>Number of observations</strong></td>
</tr>
</tbody>
</table>

Notes: “Not applicable” responses were excluded. Due to the small number of responses, the “strongly disagree” and “disagree” categories are reported together and the “poor” and “very poor” categories are reported together. Percentages may not total exactly 100.0% due to rounding.

Source: Survey of FRSP Staff 2009

In the first instance, staff members were asked to respond to the statement that the service to which they belonged assisted clients to improve their relationships with extended family members. Most staff members in all services agreed or strongly agreed that this was the case. A maximum of 10% felt unable to answer the question. On the other hand, up to a fifth disagreed or strongly disagreed with the proposition.

Staff members were also asked how they would rate their service’s capacity to cater to the needs of grandparents. A substantial majority rated this as good or excellent, with only a handful of staff members unable to say and very few judging it to be poor or very poor.

Data from the Qualitative Study of FRSP Staff 2009 suggest that services have become increasingly aware of grandparents accessing services, particularly in FRAL and those services offering FDR. Thus, one FRAL legal advisor noted that: “We take a lot of grandparent calls”.

A FRAL parenting advisor put it this way:

Yes, grandparents, I think, are a reasonable chunk of our work—certainly not a majority, but we do get regular calls from grandparents.
And an FRC practitioner observed:

> We’ve always seen lots of grandparents … We are seeing a lot more grandparents really wanting to have set time to see their grandkids.

References to grandparent cases by FRSP staff largely referred to three groups:

- Grandparents who had taken on the care of their grandchildren—According to one Children’s Contact Service (CCS) manager: “We have some grandparents that the children live with them (and some who come here to visit the children and some who do changeovers as well)”.

- Grandparents who were seeking contact with their grandchildren after their grandchildren’s parents had divorced—A FRAL information officer spoke of a grandparent who reported: “that the family has broken down and she won’t allow me access to the grandchildren”. The FRAL information officer added: “Usually the ones I’ve had are sons’ mothers calling, feeling that helplessness and what are my rights, things like that”, while an FRC manager noted: “We usually see a surge after school holidays and Christmas holidays, possibly due to not seeing the grandkids during that time and wanting to put something in place for next time. So it is usually around those times when we see grandparents come in and just the relationship has broken down and they are scared that they are not going to be seeing the grandchildren anymore because their son was the one that ended the relationship or the bad feeling—just all of those sorts of things. So it is just grandparents being scared that they are going to lose contact. A lot of it is very new isn’t it; a couple of months after the separation, the grandparents are coming in: ‘Okay I don’t want to lose contact with my grandchildren, what can we do’”.

- Grandparents who were seeking contact with their grandchildren where no separation or divorce had occurred, but there has been a breakdown in the relationship between the grandparents and their own children—An FRC manager noted: “We’re also seeing grandparents coming in of intact families because there’s been some sort of family conflict where they’re not seeing the grandkids as much as they would like and they really want set times to see their grandkids. But it’s like: ‘You already see them, they all come around to dinner on Sunday night as a family or you go to family barbecues and you do this. It’s not like you’re not seeing them’. It’s just that ‘I want to have all day Saturday because I need to see my grandkids’. They’re actually wanting a parenting plan for their grandkids.”

It was also reported that grandparents contact services regarding post-separation issues on behalf of their own adult children. Most commonly in this category, it is grandmothers who engage the service on behalf of their adult sons who have lost contact with their own children. Again, this seems to be most commonly experienced in FRAL.

In addition, grandparents featured in cases described by family relationship service providers in which there are complex extended family problems that predate the parental separation. For example, one FRC practitioner spoke of grandparents who just “want FDR because they want contact with their grandchildren [but] they don’t want to address the issues that are there”.

Another FDR practitioner spoke of how the child’s parent:

> will allude to this sexual abuse but it’s never been substantiated because, you know, back in that time you didn’t talk about it as well. So then you’re dealing with something that’s never been substantiated, there’s some allegations but they won’t even now come right out with it for fear of consequences in the family. So there’s a lot of dynamics. It’s not usually straightforward with grandparenting issues.

An FRC manager had yet another take on the complexity of some grandparenting cases:

> So it is quite difficult, especially with some grandparents laying blame. So it is one thing to talk to the parents about communication with each other and in front of the child, but quite often it is grandparents that aren’t doing the right thing and so that is where the breakdown happens. So they are wanting to see the children but when they are around the children they are running one or the other down to the child. So by us being able

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12 Examples of courts decisions where grandparents have applied for contact with grandchildren in such circumstances are: *Church and M Overton and Anor* [2008] FamCA 953; *Samson & Jacks* [2008] FamCA 176; *Bermet and Swallow (No. 2)* 2008, Family Court, unpublished.
to engage them I think that that’s beneficial, even if it doesn’t get to dispute resolution. They are able to hear what that damage is because that is just so important.

Another FRC manager simply observed:

So when you’ve got grandparent involvement, it often flags up issues around mental health and substance abuse issues.

And an FDR manager spoke of having:

two sets of grandparents in the room with the biological parents trying to sort out—not straight away of course—lots of work to get up to there, but trying to figure out, well, when do the kids get to see grandparents? Just like some mums might not recognise the importance of dads, both parents sometimes don’t recognise the importance of grandparents to children … Some grandparents come to our “Children in Focus”. When they come they just sit there and cry the whole time.

A number of practitioners also spoke of the very practical difficulties associated with accommodating grandparents. One FRC practitioner observed that:

Wednesday night is really, you know, paternal grandmother, dad’s parents and the other one should be mum’s parents. Actually, when you look at an actual calendar and try and put that in there, mum and dad feel ripped off too, at times.

Some FRSP staff were concerned that like some parents, grandparents can be more focused on their own rights than on the wellbeing of their grandchildren and the children’s parents. According to one FRC manager:

They’ve got “rights” … We’re getting so many grandparents coming in now because they’ve got “rights” to see their grandkids. “So I want every second weekend plus the Wednesday night in the middle”, which for this poor mum means that she spends no time with her kids because the dad, of course, gets every other second weekend and supposedly Wednesday nights, so God knows how that’s going to work. But grandparents are very much coming in and being very demanding. “I need to see my grandkids” and “I have a right because I’ve been told that I have a right to see my grandkids”.

The upsides, downsides and at times sheer complexity of involving grandparents and extended family members in discussions and arrangements after parental separation were all reflected in the grandparent focus groups. Grandparents told stories that covered the whole range of emotions—from joy and optimism to anger and desperation. Some grandparents had made great sacrifices, both financial and emotional, in order to maintain good relationships with their sons/daughters and sons/daughters-in-law and thus remain involved in their grandchildren’s lives. Some told stories of problematic relationships with sons/daughters-in-law that predated the separation and then spilled over into post-separation dynamics.

By no means were all grandparents in favour of the emphasis on shared care-time arrangements or shared decision-making about matters affecting children’s long-term wellbeing. Some spoke of the tensions that, in their view, such circumstances created between the separated parents and a few spoke of how, again in their view, shared care-time arrangements or shared decision-making could be used, by both mothers and fathers, as a weapon in their conflict. One grandmother was especially angry at what she saw as the consequences of an emphasis on shared care-time arrangements leading, in her view, to the child’s father preventing her daughter from taking the child back to her home state for a holiday. Her option, as she saw it, was to move to the other side of Australia or see her grandchild only occasionally.

12.8 Summary

Most parents agree that it is important to maintain the same level of contact with grandparents as was occurring before the separation. Most parents, but especially mothers, also considered that their children had a close or very close relationship with their grandparents.

Most separated parents in 2006 thought that the relationship between their own parents and their children was close or very close, but non-resident fathers were least likely to think this.
In addition, non-resident fathers in 2009 were also the least likely to rate their own parents as being very involved or quite involved in their children's lives.

These trends were consistent with the reports of grandparents in 2009. Maternal grandparents whose grandchildren lived mostly with the mother were most likely to report close or very close relationships with their grandchildren. Paternal grandparents whose grandchild lived mostly with the mother were least likely to indicate this. In addition, maternal grandparents whose grandchild lived mostly with the mother were the most likely of all groups to report at least weekly contact. Next most likely were maternal and paternal grandparents whose children had an equal care-time arrangement. Least likely were paternal grandparents whose grandchild lived mostly with the mother. Thus, from the perspective of both parents and grandparents, relationships between paternal grandparents and grandchildren who live with their mother are the most tenuous in terms of closeness and involvement (including frequency of contact).

Resident mothers, resident fathers, and non-resident fathers most commonly believed that the relationship between their parents and children had remained much the same after the separation, with a slightly higher proportion of resident parents stating this than non-resident fathers. However, resident fathers and mothers were much more likely than non-resident fathers to indicate that the relationship had become closer since separation.

Resident fathers, resident mothers, fathers with equal care-time and non-resident fathers were more likely to report that since the separation, the involvement of their own parents with their children had either increased or stayed the same. But non-resident fathers were the group most likely to say that involvement between their own parents and their children had decreased, while resident fathers were the most likely to report that it had increased.

Consistent with the trends noted above, maternal grandparents whose grandchild was living with the mother were the most likely to indicate that they were highly satisfied with their relationship with their grandchildren, followed by maternal and paternal grandparents whose grandchildren experienced an equal care-time arrangement. Paternal grandparents whose grandchild was living with the mother were the least likely to state this. Indeed, only one-quarter of these grandparents indicated high satisfaction.

Most post-reform parents who had sorted out their parenting arrangements felt that time with grandparents had been taken into account, and most grandparents confirmed this perception. Pre-reform separated parents, on the other hand, were less likely to have taken grandparents into account. This change is consistent with the aspirations of the reforms.

Only a minority of grandparents made use of services in relation to the separation and, among this group, lawyers and legal services were cited considerably more often than any other source of assistance. Consistent with this finding, few grandparents in the focus groups had knowledge or understanding of the range of services available. Most were pleasantly surprised to know they existed, although a few felt that they would make no difference.

Paternal grandparents were considerably more likely to seek the support of services than maternal grandparents. More than half the mainly paternal grandparents in the Survey of FRSP Clients 2009 who sought help from services regarding arrangements with their grandchildren indicated that no agreement had been reached. Of these grandparents and of those who reported reaching partial agreement, almost a half indicated that they had been issued with a certificate allowing them to take the matter to court. In addition, nearly one in five of the grandparents in this survey were living with their grandchild both before and after they attended the service.

Interviews and surveys with FRSP staff revealed a growing appreciation of the importance of including grandparents in the negotiations and discussions where appropriate. Lawyers, too, were somewhat more likely to advise grandparents of their more prominent position under the legislation. There was also an appreciation by FRSP staff of the complexity of some extended family situations, and the need to avoid automatically assuming that involvement of grandparents would contribute positively to the children's lives. The stories from the grandparent focus groups reflected this complexity.

The overall picture is of grandparents being very important in the lives of many children and their families, with some evidence suggesting that, in the view of grandparents, and in the practice of family lawyers, the legislation has contributed to foregrounding this. Clearly grandparents can also be an important resource when families are struggling during separation and at other times. But as complexities multiply, dispute resolution and decision-making in cases involving grandparents are likely to prove increasingly difficult and time-consuming.