CHILDREN & FAMILIES IN TRANSITION

towards a child-centred integrated model of practice

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ACKNOWLEDGEMENTS

I am extremely grateful to Birte Schmidt, Karolyne Quinn and the rest of the research team who have worked tirelessly in this project and who have supported me and each other along the way.

We are all committed to improving the well-being of children whose families are separating, and to offering guidance to parents, relatives and service providers so they can better address the needs of children in the separation process. We hope that our research findings will suggest more creative ways to provide child-centred services to families from different cultural groups.

We have strived to provide a fair, accurate and balanced account of the reports and experiences of the research participants gathered during our survey and phone-in.

We appreciate the assistance given by the Telstra Foundation who have generously funded the project and offered support along the way.

We are also grateful to the Women’s Information Switchboard (WIS) for the use of their premises for the phone-in and to the staff from Centacare Family Services and WIS who volunteered their time to respond to the many calls.

Thank you also to Centacare staff who assisted with the phone-in and provided valuable feedback on our research protocols.

Last, but by no means least, we would like to acknowledge all the children, parents, relatives and service providers who participated in the research. Their contributions will be of enormous value to legislators, policy makers and service providers who work in the family relationships field.

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May 2006
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EXECUTIVE SUMMARY

The project *Children and Families in Transition* (CAFIT) is an ongoing, collaborative research-based project between the Conflict Management Research Group, Hawke Research Institute, University of South Australia and Centacare Family Services, funded by the Telstra Foundation.

This report outlines the findings of our research with service providers, nationally and internationally, and with children and their families experiencing separation and divorce. The aim of our research was to identify existing strengths and gaps in service provision and to develop a best practice, culturally appropriate model of child-centred service delivery for these families.

Research in the first stage of the project (2005) included:

- a literature review
- a national and international online survey with service providers who work with families in transition
- interviews with service providers who have experience in working with Indigenous children and parents who are going through separation
- telephone interviews with children, parents and their relatives who have experienced separation.

Our research found that, despite high divorce rates and the overall intention to better meet the needs of children and families in transition, there remain fundamental gaps in service provision to these families.

Children were identified as being voiceless in the separation process, despite their view that they have the right to contribute to decisions that affect them; they were not given enough information or support to enable them to cope with the family transition. They wanted more information about the reasons for their parents’ separation and what would happen to them in the process.

A close link between parental separation and parental conflict and violence emerged throughout the data. A high number of families had experienced conflict, violence and/or abuse. However, it was found that many families and children did not receive adequate support. Our research highlighted the harmful effects this had on the children and the need to promote safety for children as well as their parents.

The data also revealed that there was often a lack of support for children and parents during the separation process in general, including around issues of grief and loss. Parents and children had trouble accessing appropriate services, including counselling and legal information and advice, either because of long waiting lists or because they did not know where to go to get help.

The research highlighted a general lack of understanding of culturally relevant issues among non-Aboriginal service providers who have contact with Aboriginal people, as well as a need to employ more Aboriginal staff and to educate and support those already employed. The needs and experiences of Aboriginal children and their families were not adequately understood or addressed by non-Aboriginal service providers.

Throughout the research it was reported that families and children who lived in rural and remote areas were more likely to face inadequate service provision.
Based on these findings we established 7 sets of recommendations:

1. To hear children’s voices when their parents separate we need:

   - a child-centred model of service delivery that includes structures that give children the opportunity for input into decisions that affect them during the separation process;
   - to encourage the development of creative parenting plans that prioritise the needs and rights of children and consider their attachment needs and developmental stages;
   - to develop culturally relevant models of service delivery that explicitly address the needs of Indigenous children and families.

2. To enhance communication between parents and their children before, during and after separation we need to:

   - assist parents to talk with their children about the reasons for the separation prior to the separation where possible, and to clearly explain the processes involved during and after the separation;
   - assist parents to identify, understand and focus on their children’s needs and to differentiate their own needs from their children’s needs.

3. To minimise the effects of parental conflict, violence and abuse on the children involved we need to:

   - prioritise safety for all parties at all times, especially for children;
   - provide early intervention programs to prevent the escalation of parental conflict and domestic violence during separation;
   - provide early intervention programs to minimise parental conflict and domestic violence and the effects on children;
   - educate and train professionals to distinguish between domestic violence and high-level parental conflict and to understand the effects of each on the children involved;
   - educate parents about the effects of parental conflict and domestic violence on children;
   - teach parents conflict resolution skills;
   - provide appropriate referrals to relevant sources of support for both perpetrators and victims of domestic violence;
   - provide spaces for children to talk with professionals, extended family, each other and their parents about their experiences of parental conflict, violence and abuse;
   - use different approaches to service delivery to redress power imbalances between couples;
   - encourage parent educators, in content and the words they use, to conduct their programs with the knowledge that victims and perpetrators of violence may be present in their groups, in spite of screening procedures.

4. To assist parents to help their children to cope with the separation we need to:

   - provide up-to-date, research-based information and education to service providers and parents with a focus on the effects of separation and divorce on children;
   - educate parents about the importance of attachment and the value of maintaining stability and continuity in a child’s life;
   - provide parents with a range of flexible parenting options which pay attention to the safety, attachment and developmental needs of children in the selection of an appropriate plan;
• provide affordable and accessible services that encourage parental cooperation and promote stability and continuity in the life of the child, including mediation, counselling, education and therapeutic groups for parents and for children;

• teach parents how to resolve their conflicts and communicate effectively with each other and with their children during family separation;

• provide separate groups for non-resident fathers to teach them parenting skills;

• run groups with fathers and mothers, with or without their ex-partners, parallel to groups with their children to assist parents to understand the needs of their children and to respond effectively to communications arising from the children’s group;

• develop group-work packages for work with parents that will be linked to the CHaT First (Children and Teens First) website.

5. To support children during the separation of their parents we need to:

• develop an accessible, child-centred ‘one-stop shop’ that will house a variety of affordable services, including legal information and advice and child-focused and child-inclusive counselling, group work and mediation for parents and for their children;

• provide a range of services to children in urban and rural areas that are affordable and easily accessible and that address the coping needs of children during family separation by providing information, education, social support and counselling, both individually and in groups;

• advertise services in child-friendly ways for children whose parents have separated;

• educate and train school counsellors to work with children of separation, individually and in groups, and provide group-work packages containing workbooks and videos to assist them with this task;

• link the content of the group-work packages developed for use with children with the CHaT First website;

• provide research-based education for service providers about the experiences and needs of children whose parents are separating;

• provide opportunities for networking between service providers from different professions to enhance collaboration and the provision of integrated services;

• provide assistance to extended family members so they can understand and address the needs of the children, through providing relevant information and education groups.

6. To support Aboriginal children during the separation of their parents we need to:

• educate and train all professionals working with Aboriginal children and families to be culturally aware;

• provide additional education and training opportunities and support for Aboriginal workers working with children and families;

• develop culturally appropriate services that specifically cater to the needs of Aboriginal children and families in transition, taking into consideration the fifth set of recommendations for children.
7. To develop a best practice child-centred model of service delivery for children and families in transition we need to:

- develop multi-disciplinary, integrative and collaborative practices in relation to children and families in transition;
- construct child-centred and child-friendly buildings to house services for children and families in transition;
- place the child at the centre in all considerations of safety, health and welfare during the transition;
- ensure that, where possible, each child is provided with an opportunity to have a voice in all considerations of their ‘best interests’;
- provide culturally appropriate services for special needs groups, including Indigenous people, gay and lesbian persons, linguistically diverse and differently-abled persons and those from rural and remote areas;
- promote collaboration between Aboriginal and non-Aboriginal agencies and service providers, and between those organisations and Aboriginal families and communities;
- provide ongoing research-based education and training for service providers;
- provide a range of easily accessible and affordable services for children and for their parents including child-inclusive and child-focused mediation and counselling, education and therapeutic groups for children and for parents, with links to a child-focused website (CHaT First) with sections for children, teens, parents and relatives;
- build in action research and ongoing evaluation strategies to ensure that the model remains appropriate and relevant for the end-users;
- incorporate the aforementioned six sets of recommendations.

In accordance with these findings, the second stage of the project (2006) aims to develop and evaluate child-focused and child-inclusive mediation and counselling models and education packages for children and parents, which address all aspects of the separation process and offer strategies to assist families to cope with the changes inherent in separation. Children will receive assistance and support for feelings of guilt, anger, grief and loss, loyalty conflicts and other issues associated with separation. The effects of witnessing high-level conflict and violence, or of direct experiences of abuse, will also be addressed through specific service provision as well as through appropriate referrals. Services provided will be evaluated using action research strategies and as a result will be updated to meet the needs of children and parents. The education and groupwork material will be linked to our new website, Children and Teens First (CHaT First), which will also be developed throughout the second stage of the project and will be available on a national and international level to service providers and children, young people, parents and their relatives who experience separation.

While this best practice model of service delivery will be piloted through Centacare, it is the researchers’ intentions that the model will be used widely by a variety of service providers in the best interests of the child.
1. INTRODUCTION

The three stories that follow are not those of individuals but are a blend of stories received from children and parents experiencing separation and divorce (hereafter referred to as ‘children and families in transition’). Each story gives expression to the experiences of the children and parents who are working through separation and who contributed to our research project. The sharing and combination of such stories and lived experiences have assisted us in our aim to improve service provision to families in transition.

Joey’s story
My name is Joey. My parents separated when I was 5. That is now 7 years ago. It was a really hard time and it still is sometimes. I thought it would never end, which is kinda true. Although there are good ways and bad ways to deal with the separation it depends on so many things such as how your parents handle things, the other people involved and how strong you feel as a child, I guess. What is hard for me is that I never see my parents together anymore; that makes it really hard to believe I still have a family. First it was quite difficult to talk to my parents. It got better. It’s very easy for us to make up reasons why our parents split up. I always thought I did something wrong. My mum explained later that that wasn’t true. I lived with my dad and had to move school and leave my friends. When you feel bad anyway leaving everything doesn’t make it better at all. That was very hard. I felt bad for my mum too and also wanted to be with her. I wanted to be there for her, she looked so upset and cried when I left on the weekends I was with her. We had good times though and a lot of fun. It’s just so hard to be completely happy when you always feel that the one you are not with feels bad because you spend time with the other parent. I felt I was the reason for it. Before my parents split up they fought a lot, screaming and stuff but not physically. Sometimes I was frightened but not so much. I think I was lucky because I heard from some of my friends that their parents hit each other and they saw it all. My granddad was great, I could just cry and he was so calm. I love being with my grandparents, I feel I can just be happy there and don’t need to worry. I didn’t really have anyone else to talk to – I sometimes wished I had a brother or sister who was going through the same stuff with me. Would I see a counsellor? No, I wouldn’t know where to go. My parents didn’t ask me where I want to live. I think they thought I was too young. They decided what they thought was the best. I’m not sure if it would have been easier when I had lived with my mum. But even if I was young I think they should have asked and given me some sort of a say. Children have rights. What I think children need is people to talk to, otherwise it’s all happening in their heads.

Maggie’s story
My name is Maggie. It is now 3 years ago since I moved out of our family home where I was living with my partner, Robert, and our 2 children, Peter who is now 13 and Helen, who is now 6. I took the children with me; too many bad things happened that I didn’t want to leave them with Robert. Now, after going through court, the children are with him every second weekend. I tried to explain to the children why they are not living with their father anymore but it is hard when you have to deal with your own feelings. It feels that all the energy went into the Family Court rather that the children. When I heard young Peter saying to his sister that I left because their
father was smoking cigarettes I realised that I didn’t talk enough to my children. You have to find a way in between, to protect the children but also to be honest with them. I think for both children it would have been more destructive if I had stayed with Robert. Now I think they adapted quite well given the circumstances. Robert and I both went to court over parenting arrangements. First I was very afraid of going to court; I didn’t know anything about it and what you hear doesn’t sound too good. I got support from the Women’s Legal Service which helped a lot. I didn’t experience the court as friendly; you don’t understand the language and neither do the children. Lawyers don’t seem to know much about children. Robert and I are trying to keep conflict away from our children but they are not stupid. Sometimes it is just so frustrating to see that he is still trying to have control over me and that he is trying to do it through the children. First he didn’t want to pay child support. Now he is, but it feels as if he thinks he is paying this money for me and not the children. Robert and I had a session with a family court counsellor; one session is just not enough. I wish my children had counselling but it is too expensive; going through court costs a fortune and there is not much money left after. Friends and my family were very helpful; I don’t know what I would have done without them. The children were not consulted about decisions that affected them; they were too young, and I didn’t want to give them the feeling I didn’t love them by asking them if they wanted to live with their dad. I think safety is the most important thing parents need during separation. Safe parents means safe children. For children I think it is important to be loved and to show them it is not their fault. Ideal services should offer free counselling for parents as well as for children all ages; maybe also to have information sessions around legal and financial issues in separate groups for men and women. The court offers those sessions but there you are afraid you will meet your ex-partner. I also think help before separation is important as well.

Peter’s story

Our separation was 7 months ago. Something wasn’t working and she moved out with our daughter. It wasn’t an easy decision. I know that. Lisa was about 17 months when Sandy left. I tried to see her as much as possible but the conflict between me and my ex made it hard. Somehow we always argue when we see each other even when we both think it shouldn’t happen in front of the child. I’m okay with her having the child as long as I can have her every second weekend. I really want to be there when she gets older. I might try to get more contact then. We didn’t go to court or anything. We didn’t do anything basically, she just left and that was it. Maybe that is why there are still so many emotions now when we see each other. I think child support is a joke; they should change the whole thing. I don’t see the sense in paying all that money when I only have the child every second weekend. That makes me really angry. But from what I’ve heard, going through the court wouldn’t make it better. Other people I talked to went through mediation before court so I think I’d try that first. At the moment Lisa seems to be going pretty good. She is a happy kid. I sometimes start to worry how it will be when she gets older and how she will be treated at school. But a lot of other parents split up too these days. I think when children are very young parents should make their decisions and when they can’t agree they should go to mediation. I’m not sure if we will ask Lisa later if she wants to live with me. I think we should but you never know what things her mum told her about me. So at the end it might not be a ‘free’ decision anyway. As a male I wouldn’t know where to go. I would like to have a place to go to and talk but then you also feel that you shouldn’t show emotions and stuff. There should be more services for males and I would really like to talk to someone about what I can do about the child support. I think the most important thing children need is both parents.
2. OVERVIEW OF THE PROJECT

2.1 Aim of the project
During the time of separation, families often require help with focusing on and addressing the needs of their children. As research demonstrates, this is especially important where families experience ongoing or entrenched conflict, and is particularly difficult where there is family/domestic violence. Our research to date strongly suggests that, in spite of the increased policy and legislative focus on children during separation, there is still a tendency for parents and service providers to concentrate on the needs of adults (parents and carers) and to overlook the children, or to focus on the child, more often than not through the parents, but not necessarily put the child in the centre of their thinking, their interventions or their decisions. However, it is the children who have the most to lose if poor decisions are made at this critical time. Our project aims to address this by bringing the child to the fore of thinking when providing service delivery to families in transition.

Our overall aim is to develop, pilot and evaluate a research-based ‘best practice’ model of child-centred interventions for children and families experiencing separation and divorce, which can then be of use nationally. It is envisaged that this pilot model will offer a range of appropriate, culturally sensitive, child-centred services and early access to relevant information and support as these children and families transit through the separation and divorce process.

The objectives of the Children and Families in Transition project were to use a range of research strategies to understand the experiences and meanings attached to separation and divorce and the special needs of children and families experiencing conflict and violence associated with separation (2005), and to use this research data to inform the provision (in 2006) of:

1. early and timely child-centred intervention strategies to assist separated parents and caregivers to handle their parenting and associated conflicts in a cooperative manner;
2. timely and age-appropriate information, education and support to those children whose parents/caregivers are involved in the separation process, as individuals and in groups;
3. appropriate education for separating parents/caregivers about the needs of their children;
4. early intervention strategies to prevent or minimise the escalation of conflict and violence, in particular where the conflicts involve children;
5. appropriate education and training for those professionals who are involved in assisting families in the separation and divorce process so that they may become skilled in the use of child-centred and child-focused practices in order to meet the needs of the children affected; and
6. an evaluation of the effectiveness of various strategies and approaches to intervention with children and families experiencing separation and divorce in order to develop and refine a ‘best practice’ model which can then be promoted nationally.
2.2 Child-centred practice

The Children and Families in Transition research project aims to put the child in the centre of a ‘best practice’ model of service delivery to families and children experiencing separation and divorce.

In child-centred practice and enquiry the intention is to try to keep the interests and wellbeing of children central to the process. To do this you have to engage with children and involve them wherever possible in issues that concern them. (Ridge, 2003, p. 5)

A child-centred model of practice incorporates child-focused, child-inclusive dispute resolution and a wide range of direct and indirect approaches to work with children. Webb and Moloney (2003, p. 32) describe child-focused interventions as those ‘that follow processes and reach conclusions that are in each child’s interests’. Moloney and McIntosh (2004, p. 72) describe child-focused practice in facilitated dispute resolution as ‘finding the child’s voice in the absence of the child’ and child-inclusive practice as ‘finding the child’s voice in the presence of the child’.

Separated families often need help in focusing on, and addressing, the needs of their children. As research continuously demonstrates, and as our research in 2005 confirmed, this is particularly important where families experience ongoing or entrenched conflict, and difficult where there is family/domestic violence. Our research suggests that, in spite of the increased policy and legislative focus on children during separation, there is still a tendency for parents and service providers to concentrate on the needs of adults (parents and carers) and to overlook the children, or to focus on the child, more often than not through the parents, but not necessarily put the child in the centre.

2.3 Current services for children and families in transition

Most services for separating families in Australia are designed for adults. Our work has confirmed earlier research that indicates there are too few services designed for children experiencing the separation and divorce of their caregivers, and even fewer for children with special needs (Australian Law Reform Commission and Human Rights and Equal Opportunity Commission, 1997; McIntosh, 2000a). Our research has also confirmed previous findings that many service providers in the community sector, including counsellors and mediators, are currently under-trained and poorly equipped to work with children, and manage with less resources in the face of increasing demand for services (Australian Law Reform Commission and Human Rights and Equal Opportunity Commission, 1997). In particular, the special needs of children who experience ongoing and/or high levels of parental conflict or abuse, either directly or indirectly, are currently not being adequately addressed. Some children are in double jeopardy, namely children from rural and remote areas, children from migrant, refugee and non-English-speaking backgrounds, children with parents in a same-sex relationship and Indigenous children (Australian Law Reform Commission and Human Rights and Equal Opportunity Commission, 1997; Bagshaw & Chung, 2001; Bagshaw, Chung, Couch, Lilburn & Wadham, 2000; McIntosh, 2000b).

Recently the House of Representatives Standing Committee on Family and Community Affairs (2003) consulted with children and young people, among more than 2000 others, in order to find a way to make the family law system better for children and young adults, parents and extended families. Their recommendations included finding ways to ensure that children had access to positive shared parenting (Recommendation 3) and
to grandparents and extended family (Recommendation 24), that multi-level strategies be developed for community education and family support to promote positive shared parenting after separation, and that assistance be provided to those who cannot achieve and sustain shared parenting on their own to:

- develop the skills to communicate effectively about their children’s needs and to manage cooperative parenting;
- enable them to resolve their ongoing conflict and develop a long-term ability to share their parenting responsibilities in the interest of their children; and
- include the perspective and needs of their children in their decision making, with and without assistance from the family law system (Recommendation 7).

The committee recommended that all processes, services and decision-making agencies in the system have as a priority built-in opportunities for appropriate inclusion of children in decisions that affect them (Recommendation 13). Screening for issues of entrenched conflict, family violence, substance abuse and child abuse, including sexual abuse, was also given high priority (Recommendation 15) (House of Representatives Standing Committee on Family and Community Affairs, 2003, pp. xxi–xxvii).

We do not believe that the recent release of funding by the Commonwealth Government for 65 new Family Relationship Centres in Australia in areas with high numbers of young families will address the issues that face children in any significant way. To cite Mr Ruddock, the Federal Attorney-General, ‘the centres are to be the first port of call when people need help to make their relationships stronger or when relationships end’ (Ruddock, 2005). However, families will only be seen for a short period of time at these centres and will then be referred elsewhere, in particular the more complex cases involving children, such as where there is domestic violence. Domestic violence is significant in the population of families that attend for dispute resolution and other support services during separation and divorce and is even more likely to be present in the client population that proceeds to trial in the family court system (Kaye, Stubbs & Tolmie, 2003). Our research confirms that the needs of these families and their children are currently not being attended to in any significant way in Australia, in particular where there is family violence or where abused children fall between the family law system and the welfare system.

### 2.4 How our project is addressing the issue

During the first year of the project, with funding from the Telstra Foundation (November 2004 to November 2005), the Children and Families in Transition (CAFIT) project has researched the experiences and special service needs of separated families and their children in order to inform the development of early intervention strategies that promote positive, cooperative parenting and responses appropriate to the needs of children. Our preliminary findings are informing the development of a ‘best practice’ model of child-centred service provision to be piloted and tested by Centacare Catholic Family Services (SA) in partnership with the CAFIT research team from the University of South Australia during the second year of the project.

Based on the findings of our research, a more comprehensive model of service delivery will be designed, trialled and evaluated in collaboration with Centacare Family Services’ rural and metropolitan staff. The focus will be on assisting separating families to recognise and centralise the best interests of their children in their post-separation arrangements through strategies such as child-inclusive mediation and counselling, educational
groups for children, educational groups for parents, therapeutic groups for children to assist them to deal with issues such as grief and loss and domestic violence, and a specially designed educative, interactive website with separate sections for children, teens, parents/caregivers and grandparents/relatives. Within the limits of our resources attention will also be paid to addressing the special identified needs of Indigenous children and families and children in rural areas.

2.5 Who is involved in the project?

The Children and Families in Transition project involves professional workers from Centacare Family Services working with academic research staff from the Conflict Management Research Group, Hawke Research Institute, University of South Australia, with contributions from postgraduate students from the Conflict Management programs and fourth year Bachelor of Social Work Honours and field education students.

An interdisciplinary research team was formed for the purpose of the CAFIT project in 2005 and included people with different professional backgrounds and with different expertise. As the project is run in cooperation with Centacare Family Services, the research was also guided by the practical experience of Centacare staff.

University of South Australia project team members 2005

Associated Professor Dale Bagshaw from the School of Social Work and Social Policy, University of South Australia, Director of Conflict Management Research in the Hawke Research Institute, initiated, coordinated and managed the project during all stages. This included supervising the researchers, developing ethics protocols and research instruments, participating as a researcher in the phone-in, supervising and conducting the analysis of data and writing of the report.

Research assistants were all part-time and drawn from staff and students at the University of South Australia. Some gave their time voluntarily.

Karolyne Quinn – Research Assistant with extensive research experience, qualifications in counselling and work with women’s health and domestic violence in her Community Health Worker position at Southern Women’s Community Health Centre. Karolyne worked on ethics approvals, survey and instrument design, phone-in interviews, analysis of data, and the compilation and writing of both the interim and final reports.

Birte Schmidt – Research Assistant and Master of Psychology intern from Bremen University, Germany, with experience in research and interviewing. Birte completed the comparative Germany and Australia surveys and analysis, conducted phone-in interviews, co-constructed the CAFIT website, designed the front cover, stories and appendices for the interim report, and has been involved in all general and ongoing research work.

Jeannette Fiegehen – Research Assistant, lawyer, and Master of Conflict Management student, with knowledge of domestic violence and family law and extensive administrative experience. Jeannette conducted phone-in interviews, deciphered and typed the hand-written transcripts, assisted with the literature review, reviewed all project instruments and contributed to the general research project work.

Catherine Opitz – Bachelor of Social Work Honours student, conducted and analysed interviews with service providers to Indigenous families for her Honours thesis and as a member of the CAFIT project team.
Amanda Shea Hart – PhD student and consultant to the project, was closely involved with the inception and beginning stages of the project. Amanda gave feedback and input on the original instrument design for the phone-in and made important contributions to the education and training workshops for Centacare Family Services staff in 2004.

Dr Alan Campbell was a consultant to the project in its beginning stages, and made important contributions to education and training workshops for Centacare Family Services staff in 2004 and 2005.

Angela Parker – Bachelor of Social Work Field Education student, conducted phone-in interviews and in-depth interviews with two children, participated in planning sessions for education groups for parents and assisted with the accurate compilation and citing of the references for the report.

Edwin Thomas – Bachelor of Social Sciences and Human Services student collated and wrote the glossary of terms.

Centacare Family Services project team members, 2005

Elizabeth O’Connor – Manager, Centacare Family Services was a Centacare liaison person for the project and authorised the activities involving Centacare staff.

Pauline Frick – Manager, Centacare Family Mediation was a Centacare liaison person for the project and authorised activities involving Centacare mediators.

Valerie Matsumoto – a UniSA Master of Conflict Management student and a family mediator at Centacare, conducted phone-in interviews, assisted with website design and provided general input and support where the CAFIT project intersected with Centacare Family Services.

Clare Swetenham – a UniSA Master of Conflict Management student and a family mediator at Centacare Family Services, conducted phone-in interviews and provided general input and support where the CAFIT project intersected with Centacare Family Services.

Support provided for the research

The Women’s Information Service (WIS), especially Wendy Thompson, assisted with the advertising and the conduct of the phone-in. WIS provided premises and telephones and specially trained and sensitive staff and volunteers who supported the research team with interviewing the participants. Callers who needed assistance were linked by phone to appropriate contacts and/or were provided with other appropriate relevant information.

Michele Nardelli, a journalist with the University of South Australia, assisted with advertising the phone-in and with disseminating the findings by writing a report on the project for the UniSA Researcher1 and arranging for radio and newspaper journalists to interview the project manager.2

2 Examples of newspapers reports on the CAFIT project:
Annie Campbell, Education, Arts and Social Sciences Business Manager, assisted with the financial and business aspects of the project.

Dr Joan Kelly, is a clinical and research psychologist, assistant clinical professor at the University of California at San Francisco, and was previously director of the Northern California Mediation Centre. Joan assisted by providing relevant articles and valuable resources pertaining to group work and other aspects of the project.

2.6 Education and training of the professionals and students involved
Education, training and support was provided by the University of South Australia to all professionals and students involved in the project to ensure knowledge and understanding of child-centred and child-inclusive theories and practices (Campbell, 2002; 2003; McIntosh, 2000a). Throughout the project they will be provided with the necessary knowledge and skills to ensure that the needs of all children affected by both the separation process, and the conflict and violence that is often inherent in it, are addressed, including how to interview children, stages of child development, grief and loss issues for children, child-inclusive practices, the effect of witnessing violence on children and so forth.

2.7 Developing a ‘best practice’ model of service delivery
Based on a review of the literature and our current research findings, various models of child-centred practice will be explored in a series of workshops with Centacare staff in 2006, with the aim of developing one ‘best practice’ comprehensive model of service delivery which will be piloted and evaluated.

Based on the findings of our research to date we are also developing a special child-centred website for children and families in transition (Children and Teens First – CHaT First) to complement the service delivery, with four separate sections for children, adolescents, parents and relatives. In particular, the content of this website will complement the education groups for parents and for children, which will also be packaged and trialled in various schools. This website and associated group-work packages for children and for parents will be a useful resource for service providers and for all children and families in Australia (and beyond) who are experiencing separation or divorce.

2.8 What are the specific outcomes we seek?
In the first year of funding we have used multi-method research strategies (a literature review; national and international online survey with service providers, a phone-in with children, parents and relatives, a survey of Centacare staff) to inform the development of a comprehensive, child-centred ‘best practice’ model of service delivery to families and children in transition to be delivered in a child-centred space by Centacare Family Services and in other child-centred locations, such as schools.

In the second year of funding we propose to:

- offer early intervention strategies to enhance the coping skills of children and parents in the process of separation and divorce based on our research;
- educate children and families about the process of separation and associated issues, such as managing grief and loss;
• assess the effects of high-level conflict and family violence on children and assist children and their caregivers to minimise and/or manage these effects through providing information, education, group work, child-focused and child-inclusive mediation and counselling;

• continue to educate and train family law professionals to work directly with children;

• educate, train and support family law professionals to work cooperatively across disciplinary and organisational boundaries within a child-centred framework;

• enhance children’s opportunities to contribute to decisions that affect their future well-being;

• provide opportunities for parents and their children to understand and respect each other and work together;

• integrate services to children and families and build community support networks;

• use ongoing action research and evaluation strategies to continue to enhance interventions;

• educate the Australian public about the needs and interests of children and cooperative approaches to managing conflict during separation and divorce through the dissemination and publication of research findings via the development of a special website, the internet, seminars, papers in refereed journals, national and international conference papers and, in the longer term, via a publication of a book based on our research findings.

Based on our research, we anticipate that engaging with children and their parents in a variety of positive, strengths-oriented ways will assist parents to work together more effectively and ensure that services provided will be relevant to children’s needs. By including children it is anticipated that they will ‘learn to express their needs … consider the needs of others … develop skills of cooperation, negotiation and problem solving …[and] grow in confidence and self-esteem’ (Ridge, 2003, p. 7). We want to construct a child-friendly context and do more than give the children a voice; we want to engage them as collaborators in the research and demonstrate that we really do listen to their voices and value their contributions. For this purpose we will form a Children’s Advisory Panel which will advise on the development of the website and also on appropriate ways to deliver services to children.

During the two-year funded period a student field education program (undergraduate and postgraduate) is being developed to help support the program beyond the funded period.

2.9 Stages of the project

Stage 1 (2005): The research

• A comprehensive literature review of Australian and international research has been ongoing. We are also collecting a library of reports, articles and books which are valuable to participants in the project.

• Research methods used to ascertain and understand the experiences and service needs of the children, parents, extended family members and service providers have included a large, in-depth online national (199) and international (108) survey (see Appendices 1 and 2); 117 telephone interviews over two days
with children, parents and relatives (see Appendices 3, 4 and 5) and a focus group and interviews with 9 service providers to Indigenous communities (see Appendix 6).

- Information provision, education and training of Centacare Family Services staff based on the findings of our research, including in areas of: interviewing children, the special needs of children in transition, taking into account their ages and the stages of child development; the special needs of parents in relation to their children; children as witnesses of domestic violence and child abuse; grief and loss issues for children; models of child-centred and child-inclusive practices; flexible options for parenting plans; and group work with children.

- Development of a new child-centred location, the Corner Store, Anzac Highway by Centacare for use by the Reunification project and the CAFIT project.

- Development of a special website for children, young people, parents and relatives experiencing separation and divorce.

- Development of the content of education groups for parents and education groups for children, linked to the information on the website.

- Drawing from the research data and our preliminary analyses, working with relevant Centacare staff in meetings and workshops to share our research findings and involve them in the consideration of how they might reshape their services and design and develop a more child-centred model of intervention for families in the early stages of separation and divorce.

Stage 2 (2006): Development and evaluation of the service model
It is important that family interventions are timed to minimise the escalation of conflict and to maximise opportunities for separating couples to handle their conflicts constructively, whilst keeping their children’s interests and well-being central. Based on our research findings to date, we envisage that this service model will include the development of an education package for use with groups of parents in the Corner Store, schools and other strategic locations, which will address the needs and best interests of their children; an education package for children which will address all aspects of the process of separation and divorce and offer strategies to assist them to cope; and also the development of individual and group-work strategies to support children with guilt, loyalty conflicts, anger, grief and loss, and other issues associated with separation and with the effects of witnessing high-level conflict and violence (Australian Law Reform Commission, 1995a; Australian Law Reform Commission & Human Rights and Equal Opportunity Commission, 1997; Campbell, 2002; Cummings & Davies, 1994; Di Bias, 1996; Funder, 1996; Laing, 2000). Education material for use with groups with parents and with children will be evaluated using action research strategies, linked to material on the new Children and Teens First (CHaT First) website and in time may be packaged for use by appropriately trained facilitators in schools and other child-oriented sites at a national level.

Where appropriate, parents will be encouraged to attend education groups and voluntarily to use child-inclusive or child-focused mediation, conciliation or counselling services. Evidence suggests that, if introduced early or in a timely manner, these approaches can minimise the escalation of conflict that occurs when parents become involved in the adversarial system of law (Charlesworth, Turner & Foreman, 2000; Haynes & Charlesworth,
However, further evidence is needed to ensure that these services do foster a child-centred approach, do prevent the escalation of conflict and violence and do lead to improved outcomes for children. As the new child-centred approach is being implemented, parents and children who use these services will be interviewed and surveyed to ascertain the short and long-term effectiveness of the various strategies used. In the ‘best practice’ service model developed there will be provision for early identification and intervention or referral where there has been, or there is potential for, domestic violence (Australian Law Reform Commission, 1995a; Bagshaw, 2003; Laing, 2000). Where there has been domestic violence, or prolonged, entrenched or high levels of parental conflict, specialised services for the affected children will be trialled and evaluated, some based on the Jannawi Resources previously evaluated in different contexts by Bagshaw, Campbell and Jelinek in 2002 (Bagshaw, Campbell & Jelinek, 2002; Burke, 1994; 1999).
3. RESEARCH METHODOLOGY

3.1 Research methodology: Stage One

In Stage One of the project, a multi-method phased research approach has been used to ascertain the experiences and special service needs of children and parents/caregivers experiencing separation and divorce in Australia. The research and the associated activities were conducted in the following ways:

1. A literature review identified current research and recent trends around children in separation. The review included literature about domestic violence, the family law system and children’s rights in the context of separation and divorce. A summary of findings can be read throughout this report.

2. An online survey of Australian (see Appendix 2) and international, mainly German, (see Appendix 3) service providers, to identify their experiences in working with children and families in separation. The Australian version of the online survey had 83 questions with a mixture of quantitative and qualitative questions. The German version had 80 questions and also had a mixture of quantitative and qualitative questions. The variation in the number of questions was due to cultural differences and the deletion of questions in the German-specific survey that pertained to nationality other than ‘Australian’. Participants in the German survey were from family services contacted via email. Participants in Australia included a variety of professionals who currently work with children and families in transition, also contacted via email. Emails were sent to the Chief Executive Officers of key national organisations, such as the Family Court, the Magistrates’ Court, Relationships Australia, Family Services, Catholic Family Welfare, Legal Services Commission and various law societies, the Family Law and Social Policy Network, various domestic violence groups and other known service providers. The emails included a covering letter of invitation to participate from the Manager of the CAFIT project, an information sheet about the Children and Families in Transition project and a hard-copy for those who did not have computer access or preferred to fill the survey out as a Word document. The University of South Australia’s online Tell Us 2 program was used to collect and store data. Some people filled in hand-written or Word documents, which we typed into the TellUs2 program so that all survey responses were stored as a single database and analysed together.

Rationale for the online survey:

- The online survey allowed access to a wide range of service providers from all over Australia (including rural and remote areas) and overseas.
- The online survey allowed for complete anonymity.
- The online survey provided a rich source of data from which the researchers designed the questions for the phone-in.

3. A state-wide phone-in elicited responses from the target groups (parents with children, children and young people and relatives: see Appendices 4–6) in relation to the separation of their families. The phone-in was conducted by researchers from the University of South Australia and service providers from Centacare Family
Services, with assistance from staff and volunteers from the Women’s Information Service. The phone-in was advertised in a range of media including:

- *The Advertiser* and Sunday Mail newspapers
- The Messenger Press urban and regional papers
- other rural newspapers
- regional, metropolitan and national radio stations
- electronic mail distribution to University of SA staff and students
- electronic mail distribution to other target groups
- posters and flyers.

The advertisements in newspapers and on posters included two different versions: one child-friendly version for children and young people who had experienced the separation of their families and one adult version for parents and relatives who had experienced separations that involved children.

The phone-in offered a non-threatening opportunity for children, parents and relatives who had been through the experience of separation to speak anonymously about their experiences and needs, and to make suggestions on how to improve services. The phone-in was conducted over two days between 10 am and 8 pm on a Monday and Tuesday in May 2005, to allow individuals to call at a time that best suited them. Because of the large response, some participants were called back at a later date by arrangement. Callers comprised 55 mothers, 35 fathers, 11 girls, 9 boys, 6 female relatives and one male relative (117 in total). People kept calling the university for some weeks after the phone-in but resources were not available to continue the interviews. Interviews with parents averaged 2–3 hours. Interviews with children were much shorter and averaged between half an hour to an hour. The length of the interviews demonstrates the need that people had to tell their stories and also the depth and the extent of the information gathered from each interview. Different versions of semi-structured interview schedules were used by the interviewers for parents, children and young people, and for relatives. Prompts guided the interviewers through each interview and detailed notes were taken. Those notes were typed up by one researcher and analysed by another two, with assistance from QSR’s computer software program NVivo (Bazeley & Richards, 2000). Throughout the analysis researchers looked for dominant themes and repetitive comments and made a concerted attempt to control their biases and to avoid interpretation.

Rationale for the phone-in:

- The phone-in allowed for complete anonymity.
- The phone-in provided a rich source of data from various groups in rural, remote and urban locations in a relatively small amount of time.
- The phone-in had the advantage of providing access for people who are not currently using services.

4. **Focus groups and individual interviews** were conducted by a Bachelor of Social Work (BSW) Honours student, Catherine Optiz, with service providers to Aboriginal families and children to ascertain the experiences and special service needs of this population (see Appendix 7). With permission of all the group members and individuals involved, the focus groups and interviews were audio-taped and the tapes were transcribed and analysed. Individuals were not identified in any way and the tapes have been destroyed.
Rationale for the focus groups:

- The focus groups allowed the researchers to gain a larger amount of data in small amount of time.
- The focus groups provided a discussion forum for participants from different backgrounds.

5. **Data analysis** was divided into several different tasks: Birte Schmidt analysed the survey data, Karolyne Quinn the parents and relatives phone-in data and Dale Bagshaw the children’s phone-in data. Dale Bagshaw provided guidance and feedback on all the analyses and others also contributed to the feedback to control for any biases and to include multiple perspectives.

6. **Report writing** was shared amongst the researchers. Feedback was again used to control for any biases and to include multiple perspectives.

The goal of this study was to make visible participants’ experiences and the meanings given to them in today’s world, in particular the experiences of children. Since the 1960s there has been increased dissatisfaction with positivist research methodologies, and feminist thinking has produced the most influential challenges to assumptions underpinning social and behavioural science (Fraser & Nicholson, 1990; Haraway, 1988; Harding, 1987; Hoff, 1996; Ribbens & Edwards, 1998; Weedon, 1987; Worell, 1996; Yeatman, 1994). Out of, and alongside of, feminist theory, post-structuralism has arisen to challenge positivist notions of ‘reality’. Post-structuralist researchers interrogate language, meaning and subjectivity and value the use of multiple methods (Weedon, 1987). It was for this reason that we adopted a post-structuralist, feminist qualitative approach to our research, where emphasis is placed on a ‘reflexive, multi-voiced text that is grounded in the experience of oppressed people’, rather than a social text that purports to represent the world of lived experience (Denzin & Lincoln, 1994, p. 14).

We adhered to the feminist-post-structuralist view that all knowledge is situated and that this has implications for research and researchers (Haraway, 1988). This meant recognising that political and ideological agendas influenced our research, therefore representing or speaking for others was difficult, if not suspect. As researchers we acknowledged that we were implicated directly in the research process and outcomes, giving rise to the need for self-reflexivity (Gergen & Gergen, 1991; Ribbens, 1989; Steier, 1991).

Reflexivity means ‘reflecting upon and understanding our own personal, political and intellectual autobiographies as researchers and making explicit where we are in relation to our research respondents’ (Mauthner & Doucet, 1998, p. 121). Reflexivity is required both within the interaction, and in the production and interpretation of the research account (Probyn, 1993). It is based on the idea that ‘worlds are constructed, or even autonomously invented, by “scientific” inquirers who are simultaneously participants in their worlds’ (Steier, 1991, p. 1). A reflexive approach was required in the CAFIT project so that we could ensure that, as adult researchers, we adequately represented the voices of child participants and others in the research process. Self-reflexivity was assisted by supervision sessions, by sharing our work on all sections of the research, and through regular analytic discussions between the researchers.

3.2 **Ethical considerations**

All research conducted by staff or students in the University of South Australia is carefully scrutinised and approved by the University’s Human Research Ethics Committee (HREC). Ethics approval was obtained from
HREC, firstly for the overall project and again at each phase of the research and for each of the instruments used.

In our 2005 research, participation in the online survey and phone-in did not require participants to identify themselves and any potential identifying data was not included in reports. However, ethics approval was required and granted for both. Participation in face-to-face interviews with individuals and groups was voluntary and required participants to read an information sheet and sign a consent form. All written or transcribed material generated from the research is kept in confidence and will be securely stored for seven years. Pseudonyms were used for the names of participants in all reports. No individual participant can be identified in any way. Audio-taped recordings of interviews were destroyed after transcription.
4. LITERATURE REVIEW

4.1 Introduction
On 5 January 1976, the *Family Law Act 1975* (*the Act*) came into effect, allowing for ‘no-fault’ divorce. This singular ground for divorce, namely ‘irretrievable breakdown of marriage’, was measured as the separation of spouses for at least one year (Australian Bureau of Statistics, 1995). The subsequent effect on the number of divorces granted in Australia is revealed in the data for the 1971 and 1976 censuses, which reveal 12,947 divorces granted in 1971. However, during 1976 (the year that the Act was implemented), 63,230 divorces were recorded (Australian Bureau of Statistics, 2003). While the number of divorces has not been as high in Australia since that first year, they do show a general pattern of increase.

The financial cost of marriage separation and divorce to taxpayers in Australia has been estimated at 3.6 billion dollars a year in social security payments, as well as court and other costs, but family experts claim that it is the long-term social costs that are more damaging (Owen-Brown & Booth, 2003). One area that has received little consistent focus is the immediate impact and long-term effect on parties directly affected by separation and divorce, particularly children. In 1998, 51,600 Australian children under the age of 18 were involved in the divorce of their parents; an increase from 9.7 per 1000 to 10.9 per 1000 over 10 years (Bagshaw, 2003). In 2003 a further 49,900 children were involved in divorce, a 4% increase on those recorded for 10 years earlier in 1993 (48,100) (Australian Bureau of Statistics, 2003). In 62% of the 2003 divorces where children were involved, the youngest child was less than 10 years of age and in 36% the youngest child was between five and nine years old (Australian Bureau of Statistics, 2003). These figures are not restricted to Australia. In England, in 1985, it was declared that one child in five would experience their parents’ divorce before they left school (Mitchell, 1985). Similarly, in 1996, in the United States, it was predicted that every second marriage registered that year would end in divorce (Arbuthnot & Gordon, 1996). In Canada, in 2000, some 37,000 children were the subjects of custody orders (Done, Fischer & Ficca, 2003). This is without taking into consideration the number of separating families each year that are not traceable by paper trail or are not covered by marital law, such as same-sex or de facto relationships. The exact number of adults and children affected by separation and divorce each year is not known. However, the figures that are available are consistently high.

Separation and divorce involves multiple losses for children, who are particularly vulnerable during this transition and who need security and support at a time when their parents are least able to provide it (Bagshaw, 1998a). Research indicates that children often bear the psychological, economic and moral brunt of divorce (Wallerstein & Blakeslee, 1989). Parents, who may be caught up in their own feelings around anger, rejection and bitterness during separation and divorce, need help in understanding their children’s feelings (Mitchell, 1985). However, most services for separating families in Australia are designed for adults. There are too few services designed for children experiencing the separation and divorce of their caregivers and even fewer for children with special needs (Australian Law Reform Commission & Human Rights and Equal Opportunity Commission, 1997; McIntosh, 2000a). In addition, many service providers in the community sector, including counsellors and mediators, are currently poorly trained or equipped to work with children and are managing with fewer resources in the face of increasing demand (Australian Law Reform Commission & Human Rights and Equal Opportunity Commission, 1997). In particular, the special needs of children who experience ongoing
and/or high levels of parental conflict or abuse, either directly or indirectly, are currently not being adequately addressed. Some children may experience double jeopardy because they are from rural and remote areas, or because they are Indigenous, from migrant, refugee and non-English-speaking backgrounds or because they are children with parents in same-sex relationships; all groups that already experience reduced service provision (Australian Law Reform Commission & Human Rights and Equal Opportunity Commission, 1997; Bagshaw & Chung, 2001; Bagshaw et al., 2000; McIntosh, 2000b).

In 1990, Australia ratified the United Nations’ Convention on the Rights of the Child. However, almost a decade later, Bayes (1997) reiterated the need for governments to sponsor active community and parent education programs specifically directed at improving awareness and understanding of the convention in order that the rights of children can be more fully realised.

The limitation of services available for children extends to the Family Court and the adversarial processes that surround separation and divorce proceedings. Since the Family Law Reform Act 1995 there has been increasing pressure on legal and social science professionals to involve children in family law matters that affect them (Bagshaw, 1998b). Research and models of practice that highlight the importance of child-focused and child-inclusive practices have encouraged legal and court systems to adopt a process whereby the voice of the child is heard during proceedings. Limited research indicates that there is a growing realisation by some Family Court professionals of the value of a child-focused process (Smith & Taylor, 2003). However, little appears to have changed since the Family Law Pathways Advisory Group argued, in 2001, that overall the current system has a limited child focus. Furthermore, ‘children whose parents come into contact with the family law system through separation and divorce are often overlooked and marginalised’ (Family Law Pathways Advisory Group, 2001, p. 71).

In 1997, the Australian Law Reform Commission observed that children are ‘lost between warring parties in an adversarial system … dominated by legal strategising by competing parties to maximise their chances of winning the case’ (Australian Law Reform Commission, 1997). Such inadequacies of adversarial processes in dealing with disputes over children have become a focus for some social researchers who are looking at the well-being, safety and inclusiveness of children in the family separation process. In 2003, an inquiry into ‘child custody arrangements’ by the House Standing Committee on Family and Community Affairs (2005) in the Australian House of Representatives unambiguously opted for changes that would move decision-making processes in a non-adversarial, child-inclusive direction. In the words of the chair:

*During this inquiry, our greatest delight was hearing from the nine children and five young adults … These fourteen young people talked about the important issues of the inquiry ... They told us their stories and as a result, the real meaning of the inquiry was understood.* (House Standing Committee on Family and Community Affairs, 2005)

As the chair and her colleagues came to appreciate, current litigation processes leave little room for the telling of children’s stories or the discovery, from a child’s perspective, of the ‘real meaning’ of parenting disputes.

This literature review was conducted in the first stage of research for the Children and Families in Transition (CAFIT) project and has been ongoing. It reviews Australian and overseas research on the effects of separation and divorce on children and families and the literature about current service delivery to children within
Australia and overseas, with a view to identifying service delivery strengths and gaps for children and parents experiencing separation and divorce.

4.2 Children’s experiences of separation and divorce

From the outset we take Kelly’s (2003b) advice and acknowledge that while some children are harmed by parental separation or divorce the majority of the findings show that most children do well in the longer term. In reviewing the research findings on children’s experiences of their parents’ separation or divorce, the reader must therefore be careful not to generalise the findings of research to all children of divorce, in particular where research is based on small, unrepresentative or clinical samples.

For around forty years ‘parental divorce has been viewed as the cause of a range of serious and enduring behavioural and emotional problems in children and adolescence’ (Kelly & Emery, 2003, p. 352). However in the past decade it has been acknowledged that this is a simplistic view and social science research has contributed to a more complex understanding of factors that contribute to children’s well-being in both marriage and divorce. It must be remembered that many children are unhappy in ‘intact’ married families and, although on average the psychological well-being of children in divorced families is lower than for those in happy married families, the majority of children from divorced families are emotionally well adjusted (Amato, 2001; Hetherington, 1999). Kelly and Emery (2003) have reviewed a range of research literature on the adjustment of children following divorce and have identified particular factors that increase the risks for children and also those that are protective and promote resiliency in children and adolescents.

The perception of divorce as a crisis or catastrophe shifted several decades ago to what Rutter (1985) has referred to as a life transition involving ‘transactional events’ or ‘turning points’. There are important elements of change attached to this life transition and there are equally as many important questions to be asked in establishing the best possible path to transition for children and adults. These revolve around the resources children need, the barriers that prevent healthy adaptation by children and their families and, as a precursor to service provision, understanding the impact divorce and separation has on individuals. How do children and adults experience the changes brought about during this time and what are their needs arising from this?

The initial period following parental separation is stressful for the vast majority of children and adolescents, and even more so where there has been high-level conflict or violence in the marriage (Kelly & Emery, 2003). Most children are not adequately informed by their parents about the separation or divorce (Dunn, Davies, O’Connor & Sturgess, 2001; Smart, Neale & Wade, 2001; Wallerstein & Kelly, 1980). The majority are not emotionally prepared and react with distress, anxiety, anger, shock and disbelief (Wallerstein & Kelly, 1980; Hetherington, Cox & Cox, 1982). Where children have strong attachments to a caring parent the abrupt and total absence of contact is distressing and painful (Wallerstein & Kelly, 1980). Children have to deal with many different things psychologically and emotionally at this time including: moving between two households and deciding what to take with them; adapting to unfamiliar schedules, different rules and physical spaces; accommodating to the absence of the other parent; dealing with a parent’s anger and so forth (Kelly & Emery, 2003).

Research also indicates that a large part of many individuals’ experiences of separation and divorce is grief, and that children’s grief is often overlooked at the time of separation and divorce (Bagshaw, 1998a). Furthermore,
children’s needs are often lost to those of their parents and processes that marginalise and silence young people and children.

**Parental conflict**
Research indicates that a major stressor for children is persistent conflict between their parents, both during the marriage and following separation and divorce (Emery, 1982; Johnston, 1994; Johnston & Roseby, 1997; Kelly & Emery, 2003). Children in divorcing families can have varied experiences of parental conflict, some of which may have been present prior to the separation and some of which can be ignited by the separation itself and the impact of adversarial legal processes (Johnston & Campbell, 1988; Kelly, 2002; Kelly & Johnston, 2001; Kelly & Emery, 2003). For some children parental conflict can decrease after divorce. There is some evidence to suggest that children from high-level conflict and violent marriages may benefit most from their parents’ divorces (Booth & Amato, 2001).

Research findings have repeatedly demonstrated the association between intense marital conflict and children’s poor adjustment, but the findings are mixed on the long-term impact of post-divorce conflict on children (Kelly & Emery, 2003). Children can experience stress, anxiety, depression and loyalty conflicts where parents express their anger or are verbally or physically aggressive to their ex-partner in front of them (Johnston, 1994), ask children to carry hostile messages, denigrate the other parent in front of the child, or prohibit the child from mentioning the other parent in their presence (Kelly & Emery, 2003).

In their review of research on children’s adjustment following divorce, Kelly and Emery noted that, where there is high-level conflict, it is not uncommon for it to be one-sided, with one parent being enraged or defiant and the other emotionally disengaged and attempting to avoid or mute conflict that involves the child (Kelly & Emery, 2003, p. 353). They also noted that a stressor for children that is linked to conflict ‘is the impact of inept parenting both prior to and following divorce … Mothers in high-conflict marriages are reported to be less warm, more rejecting and use harsher discipline, and fathers withdraw more from and engage in more intrusive interactions with their children compared with parents in low-conflict marriages’ (p. 354).

**Domestic/family violence and abuse**
Children’s experiences of domestic or family violence and the related effects first became a direct focus of research and intervention in the United States in the 1980s (Peled, 1996). Many couples separate or divorce because of domestic violence and the risk of children being exposed to domestic violence, including homicide, increases dramatically at the time of separation (Bagshaw & Chung, 2000a).

The Partnerships Against Domestic Violence (PADV) website defines domestic violence as

> an abuse of power perpetrated mainly (but not only) by men against women in a relationship or after separation. It occurs when one partner attempts physically or psychologically to dominate and control the other. Domestic violence takes a number of forms. The most commonly acknowledged forms are physical and sexual violence, threats and intimidation, emotional and social abuse and economic deprivation. Many forms of domestic violence are against the law. For many indigenous people the term family violence is preferred as it encompasses all forms of violence in intimate, family and other relationships of mutual obligation and support.
It is important to highlight that domestic violence is not limited to physical violence but includes all forms of violence including verbal abuse. The decisive factor is the misuse of power in a relationship.

Children are often referred to as ‘silent’, ‘forgotten’, or ‘invisible’ victims of family violence (Tomison, 2000; Shea Hart, 2004). In the 1990s, figures from a range of studies in Australia and overseas indicated that a high number of children witnessed or experienced domestic violence, ranging from abusive language to extreme forms of violence such as assault of their mothers using threats and/or a weapon and/or homicide (James, 1994).

Until recently there has been a tendency to separate domestic violence and child protection issues in Australia. Child abuse has been regarded as ‘a health and welfare issue’ and domestic violence ‘regarded as a matter for police, courts, women’s refuges and other women’s support services’ (James, 1994) There is now increasing recognition that these are not separate phenomena and that children’s exposure to domestic violence is a form of child abuse. Tomison (2000, p. 8) states that ‘children’s witnessing of domestic violence epitomises the relationship between child maltreatment and domestic violence’. Edleson’s (2002) review of 35 studies has demonstrated a high correlation between child abuse and domestic violence and found that the rate of co-occurrence of children’s exposure to domestic violence and direct forms of child abuse has been consistently estimated as being between 30 and 60 per cent (Edleson, 2002, p. 91). A recent extensive Australian study conducted by Irwin, Waugh and Wilkinson (2002) found that in child abuse notifications to the NSW child protection authorities domestic violence was present in a significant number of cases.

In their South Australian domestic violence study, Bagshaw and Chung (2001) identified a variety of violent behaviours that children may experience where there is domestic violence. These are:

- abuse (usually of the mother), ranging from verbal abuse and ‘put-downs’ through to life-threatening physical violence (some involving weapons), sometimes with children being caught in the fray;
- torture or killing of their pets by kicking, strangling, hanging or with weapons such as knives and guns, often in front of them;
- obsessive control over what they eat and when they eat, including locking food in cupboards – some mothers reported that they and their children were regularly starved of food; and
- unreasonable control over their outings and friendships and rudeness to visitors to the home.

Concern for children in families where there is domestic violence is twofold. First they may be sole (or primary) victims of abuse from one or both parents/caregivers or they, along with their mothers, may be victims of abuse from adult males (fathers/intimate partners/spouses) (Featherstone & Trimble, 1997; Stark & Flitcraft, 1988). Children may also be ‘secondary victims’ and suffer trauma and other significant emotional and psychological effects through witnessing violence, usually directed at their mothers by male partners/fathers (Hyden, 1994; James, 1994; Gary, 1991). Being exposed to domestic violence is not limited to the direct visual experience of physical acts. It may also involve indirectly witnessing the violence, for example hearing abuse or being confronted with its ramifications (Tomison, 2000).

Studies have shown a high degree of overlap between violence towards women and violence towards children (Hughes, 1986; Straus, Gelles & Steinmetz, 1980; Queensland Domestic Violence Task Force, 1989). Many studies show that both male perpetrators and female survivors abuse their children, or use severe violence more frequently against a child (Peled, 1996). However the research literature identifies that the quality of violence
between male and female perpetrators of violence toward their partner differs in terms of severity and means, with males inflicting more harm (Bagshaw & Chung, 2000b).

When determining the impact that exposure to violence might have on children, all the features of a child’s life in a violent household need to be considered. There is growing evidence that households in which domestic violence occurs also include high levels of additional developmental risk factors such as poverty and parental substance abuse (Laing, 2000; Tomison, 2000). Tomison (2000) and Laing (2000) have reviewed numerous research studies that have considered the effects of domestic violence on children and have outlined the possible consequences of a violent incident for the child, for example dealing with an injured mother, changing accommodation or a resulting lack of parenting capacity. One study by Maxwell and Caroll-Lind (1998, cited in Laing, 2000) identified several factors influencing a child’s perception of a violent event, such as: the person hurt is someone they love; the events happen in the child’s home; the hurt is intentional; the perpetrator is a trusted person; the child feels partly responsible; the child has no control; or other ‘bad’ things are happening.

Shea Hart’s (2004) review of contemporary international research studies has identified remarkably consistent findings about the adverse effects on children across all ages and stages of development from their exposure to domestic violence and its disruption of the normal tasks of childhood (see Blanchard, 1993; Jouriles, McDonald, Norwood & Ezell, 2001; Edleson, 2002). There are a range of short and long-term risks for children that can include emotional, behavioural, physical, psychological, cognitive and relational problems. Child victims of domestic violence can typically display elevated emotional problems that include increased anxiety, aggressive behavior or depression (Fantuzzo & Mohr, 1999). Children’s almost universal reactions to exposure to domestic violence are distress and fear, and these continue to be present once the violence has become established as a reality within the family (Mullender, Hague, Imam, Kelly, Malos & Regan, 2002).

The research literature notes that children’s responses to exposure to violence vary by gender, age and stage of development. Other variables influencing the effects of domestic violence on children include the extent and the frequency of the violence, the role of the child in the family, the number of repeated separations and moves, cultural background, the parents’ ability to parent, the personality of the child, and economic and social disadvantage and, of significance to this project, the child’s coping strategies and individual resilience (Peled, 1996; Tomison, 2000). Two factors influencing the level of children’s resilience are the presence of support figures outside the family (Jaffe, Wolfe and Wilson, 1990) and the quality of the relationship between children and those who provide support (Bagshaw & Chung, 2001). There is evidence that children’s perception of their own involvement and responsibility for their parents’ arguments influences the way in which the violence affects them. Taking these findings into account, it is desirable to work toward empowering these children (James, 1994, p. 10).

Shea Hart (2006) cites a growing body of research that demonstrates that it is common for child victims of domestic violence to be exposed on a number of occasions to a range of direct and indirect forms of violence, both before and after separation. The rates of domestic violence in separated families are significant when compared to intact families (Jaffe, Lemon & Poisson 2003; Smyth, 2004). Following family breakdown, where children continue to be exposed directly and indirectly to domestic violence they are faced with more frightening and complex family relationships (Greenwald, O’Brien & Nadkarni, 2000; Mullender et al 2002;
Jaffe, Lemon & Poisson 2003; Shea Hart 2004). They are confronted with the reality that the act of family breakdown has not protected them (Shea Hart 2004).

There are clear correlations between children’s adjustment to separation and the frequency and intensity of domestic violence (Smith, O’Connor & Berthelsen, 1996). Post-separation parenting disputes occur at the particularly dangerous time of post-separation adjustment where child victims of domestic violence become more traumatised from witnessing violence toward caregivers to whom they are closely emotionally attached (Kelly, 2001). Some of the consistently identified difficulties to which children in these situations may be exposed include: a continuation of unhealthy, unstable family relationships; inappropriate role modelling; failure of parents to prioritise the needs of the children; ongoing denial of the children’s experience of violence; the children being used by the violent parent to convey private information about the other parent; and the children’s internalisation of patterns of violent behaviors (Sturge & Glasser, 2000).

Where contact with the violent perpetrator occurs after separation, children are without their mothers’ direct protection and are more accessible to the violent father (Pagelow, 1990). They can become the prime focus of the perpetrator’s violence (Peled, 1996; Ptacek, 1999; Rendell, Rathus & Lynch, 2000; Harne, 2004). This is of grave concern when parent–child contact is granted to the alleged perpetrator of direct child abuse, including interim and/or supervised contact (Harrison, 1989; Rayner, 1997; Shea Hart, 2006).

A small number of child-inclusive studies on children’s exposure to domestic violence have consistently found that children are more aware than parents believe them to be of the actual violent events, as well as the extent and repetition of violence within the home (Jaffe, Wolf & Wilson, 1990; Abrahams, 1994; McGee, 2000). Children have been found to have been exposed to a full range of types of violence post-separation (Abrahams, 1994; Hester & Radford, 1996; McGee, 2000; Mullender et al., 2002).

Shea Hart (2006) has also cited child-inclusive studies that have identified what children from domestic violence situations perceive as their strongest needs. Children have stated they need safety, continuity of familiar structures in their lives, and ongoing support, particularly from their mothers and siblings (Blanchard, 1993; Mullender et al., 2002; Irwin, Waugh & Wilkinson, 2002). These expressed needs are consistent with research accounts of the significant protective factors for establishing children’s equilibrium to aid recovery following a major crisis in their lives (Katsikas, Petrletic-Jackson & Knowles, 1996; Hester & Radford, 1996; Jaffe & Geffner, 1998; Murch, 2005). It has been found, however, that many children from domestic violence situations have not had strong support systems within their extended families, or from the community (Irwin, Waugh & Wilkinson, 2002), or from peer groups, with the exception of some older girls who may have close peer relationships (Mullender et al., 2002).

Child-inclusive studies have also identified children’s wishes and needs to be believed as reliable witnesses to their lived experiences of the violence and to be included in discussions about responses to the violence and in deciding their family’s future (McGee, 2000; Irwin, Waugh & Wilkinson, 2002; Mullender et al., 2002). Research on children’s coping capacity has found that when children’s views are respected and their autonomy is supported their coping capacity is enhanced (Grotberg, 1997).
Loss, grief and attachment

Over the last twenty to thirty years research has indicated that most children experience separation and divorce as a painful process of change, involving many losses and requiring adaptation by the whole family in various areas of their life (Wallerstein & Kelly, 1980; Ochiltree & Amato, 1985; Dunlop & Burns, 1988; Emery, 1994; Funder, 1996).

Interviews with children have elicited grief as a common experience for them in the separation transition due to the many losses that occur (Wallerstein & Kelly, 1980; Wallerstein, 1985; Mitchell, 1985; Walczak & Burns, 1984; Wallerstein & Blakeslee, 1989; Bagshaw, 1998a). However, adults often fail to make the connection between a child’s behaviour and grief during the divorce process (Amato & Kieth, 1991). Parents are generally preoccupied with their own experiences, which also include grief, and are unable to offer the understanding, support and attention a child needs to express her or his own grief (Wallerstein & Kelly, 1980; Raphael, 1983; Fausel, 1986; Bagshaw, 1998a).

Kelly and Emery’s review of research on children’s adjustment following divorce indicates that children from divorced families ‘face the risk of longer-term erosion or loss of important relationships with close friends, extended and new family members, and particularly non-resident parents, who typically are their fathers’ (Kelly & Emery, 2003, p. 354). Non-resident mothers are more likely to maintain regular contact with their children. They found that on average 18 per cent and 25 per cent of children have no contact with their fathers 2–3 years after divorce and that diminished or no contact with fathers is due to a variety of factors including: fathers’ personality limitations, the influence of new partners, parental remarriage and the demands of new children, painful depression due to no contact leading to further reduction in contact, paternity role identity issues, maternal attitudes or hostility, hostility generated by adversarial processes, domestic violence and restricted visiting plans. They also found copious research to indicate that children, particularly boys, want more time with their fathers. Other researchers have found benefits to children’s mental health when their father is available to them in salient ways post-separation (Kelly, 2000; Amato & Gilbreth, 1999). It is now well understood that high levels of parental conflict threaten the father–child relationship (Buchanan, Maccoby & Dornbusch, 1996) and cooperative parental relationships, in particular maternal support for fathers, are critical in ensuring fathers’ continued involvement in their children’s lives (Madden-Derdich & Leonard, 2000).

Marriage breakdowns can lead to frequent moves and consequently many other losses for children, including economic losses, loss of community, extended family, house/home, pets, familiar neighbourhood, siblings, sense of self/identity, loss of idealisation of parent figures and the mother/father relationship, loss of symbols, traditions, and the continuity of the whole or intact family. This varies slightly where there has been violence. In these instances the loss of the offending parent may offer relief to some children, but grief may still occur (Bagshaw, 1998a). Research indicates that the effects of loss on children can be severe and for some can last well into adult life if grief is not resolved (Bowlby, 1980; Raphael, 1983; Bagshaw, 1998a).

The concepts of ‘bonding’ and ‘attachment’ are relevant to understanding children’s experiences of grief and loss when parents separate. Parental separation inevitably disrupts children’s relationships with their primary attachment figures and provides opportunities for continuing changes and disruptions in parent-child relationships when parents find new partners, cohabititate, remarry and/or redivorce. The effect of serial attachments and losses may interfere with children’s future intimate relationships (Kelly & Emery, 2003).
Bonding refers to a parent’s psychological tie to a child and usually occurs in the early hours/days of an infant’s life (Sroufe, 1991). It implies no particular response on the infant’s part but requires ongoing, frequent contact between the parent and the child. On the other hand, attachment theory, which was developed by Bowlby in 1969, refers to children’s need for quality, security and continuity in their relationships with a parent or primary caregiver. ‘Infant–parent attachments promote a sense of security, the beginnings of self-confidence, and the development of trust in other human beings’ (Kelly & Lamb, 2000, p. 298; Bowlby, 1969).

Attachment begins from the moment the child is born, becomes more obvious during the second six months of an infant’s life, and continues to develop during childhood (Sroufe & Ward, 1984). From 6 to 12 months psychological attachment is a primary task (Sroufe, 1979). Attachment occurs through mutual interaction between the child and the caregiver and results in a secure base and the development of trust for the infant (Sroufe & Ward, 1984). Disruptions to this process can lead to later psychological problems (Rutter, 1985). During the second year of life children begin to individuate from their parents and if disruptions occur ‘separation anxiety’ can arise in the child and associated problems can persist into later life (Bray, 1991).

Research has consistently indicated that, with some exceptions, children do better when they maintain a stable and consistent bond with a parent to whom they have an attachment (Bowlby, 1969; Rutter, 1985; Sroufe & Ward, 1984; Kelly, 1988; 2005). Throughout the life cycle all children need some degree of continuity and stability in their lives (Sroufe & Ward, 1984). ‘Marital conflict and the abrupt departure of one parent from the child’s daily life may foster insecurity in the child’s attachments and should thus be avoided’ (Kelly & Lamb, 2000, p. 304). When considering the best interests of children when parents separate, there is a need to balance continuity, which promotes attachment, with stability, which promotes security (Kelly, 1988). This poses a dilemma, in particular where there are young children. Young children have a limited capacity for memory and primitive concepts of time (Santrock & Yussen, 1987). Because of their psychological needs and cognitive limitations, frequent visits with the non-resident parent for shorter periods of time may be required for attachment to occur and to be maintained (Kelly, 2005). However this requires a level of cooperation between the parents which is sometimes difficult to achieve in the early stages of separation.

Silent voices
Just as parents’ immersion in their own experiences of separation and divorce often results in their children’s grief going unrecognised, children also report that they are not given a voice in decisions that affect them during this time. According to Bond’s (1998) study children want earlier and greater involvement in contact arrangements and, if effective communication is established, 18 per cent of children make their own contact arrangements. Parenting arrangements have also been found to be more important to post-separation adjustment of children than the type of intervention that is used (Fisher & Pullen, 2003). In an Australian study, Smith and Taylor (2003) found that fewer than one fifth, or 19 per cent, of children reported being consulted about their initial residence arrangements and slightly more than one third, or 37 per cent, reported being consulted about initial contact arrangements. They found that children appreciated and valued having their views sought.

Dunn and Deeter-Deckard (2001) found that of 467 children whose parents had separated, a quarter of the children said no-one talked to them about the separation when it happened and only 5 per cent said they were given full explanations and the chance to ask questions. Most reported that they were confused and distressed by the separation. This confusion and distress is increased when children are not seen as competent enough to
participate in the separation and divorce process and therefore are excluded from the proceedings (Findings, 2001).

As early as 1985, Mitchell (1985, p. 177) found that ‘parents ascribed their own feelings to their children and were unaware of their children’s needs for information and for continued contact with both parents’. Bagshaw’s (1993; 1998a) reviews of research also found that children’s wishes regarding future relationships with both separated parents often remained disregarded by adults who assumed that they were cognisant of their children’s feelings.

In 2005 Taylor reported on the *Children’s Participation in Family Law Proceedings in New Zealand*, which outlined a study of 107 children aged between 7 and 18 years who had experienced the separation or divorce of their parents. Some 52 per cent of those children reported having little or no input into the decision making around contact arrangements with the parent they did not live with. The research found a huge variation in the degree of involvement children wanted and were given in the separation process, with some children reporting that they were constantly asked what they wanted and others complaining about having no choice at all. In the same report, some 829 family law judgments were also reviewed, revealing the objectification of children and their views either being discounted or given a cursory mention by the judges involved. This report promoted a ‘whole child’ approach, with increased children’s participation particularly in government and community decision-making processes that affect them (Taylor, 2005). The report concluded by recommending the involvement of children in all decisions that affect them.

The experiences of older children have also been studied, and a survey of 60 adolescents aged between 12 and 19 found that ‘[h]alf the young people reported that they had no say at all in where they would live after separation’ (Parkinson, Cashmore & Single, 2005). Parkinson et al. (2005) state that debate around the process of separation and divorce ‘has been dominated by the voices of adults’, which ignores findings that the more ‘say’ a child has, the more likely they are to be happy with subsequent decisions.

This silencing of children extends beyond the family unit and into family law processes, as seen in the adversarial system where children have become ‘the silent majority’, without voice, despite a ‘best interests’ principle (Shea Hart, 2003, p. 31).

**Long-term outcomes for children**

Longer term resilience of children after divorce has been highlighted over the past decade’s research in this area, and in particular this resilience occurs where children are assisted by appropriate and timely interventions (Emery, 1994). Factors influencing the long-term adjustment of children of divorce include their adjustment prior to separation, the quality of parenting they received before and after divorce and the amount of conflict and violence between parents that they experienced during marriage and after divorce (Kelly & Emery, 2003, p. 358). Kelly and Emery reviewed the research on children’s adjustment following divorce and found that,

> Despite the increased risk reported for children from divorced families, the current consensus in the social science literature is that the majority of children whose parents divorced are not distinguishable from the peers whose children remained married in the longer term (Kelly & Emery, 2003, p. 357).
They stress that it is important to emphasise that in the long term approximately 75–80 per cent of children and young adults do not suffer from psychological problems and they achieve their education and career goals and retain close ties with their families (p. 358). This finding is at odds with Wallerstein, Lewis and Blakeslee’s (2000) study which reported long-term, negative, immutable effects of divorce on children. Kelly and Emery (2003) heavily critiqued that study as it was based on a clinical sample with no comparison group and note that more rigorous studies have found that most divorced parents were competent and caring toward their children in the years following their divorce (Hetherington, 1999; Hetherington & Kelly, 2002).

Research has found that children may harbour painful memories of and feelings about their experiences of their parents’ divorce in the long term but can still function well. Laumann-Billings and Emery (2000) found in their study of well-functioning college students that feelings of loss were the most prevalent of their painful feelings and the majority missed not having their father around. They also found that where there were higher levels of ongoing parental conflict and maternal sole custody arrangements, young adults reported greater feelings of loss and paternal blame and were likely to be affected by the divorce in the longer term. Another study also found that a decade after divorce young adults reported that after divorce they had wanted to spend more time with their fathers but they were given no voice or choice in this matter (Fabricius & Hall, 2000). Positive links have been made between the amount of contact with fathers and the amount of support paid by fathers (Fabricius, Braver & Deneau, 2003).

In Australia, Kate Funder’s (1996, p. 160) research with children at a later stage in the separation process (5 to 8 years after the separation of their parents) found that ongoing ‘sadness and longing seemed to coexist with variations in self image, in adjustment to change, and happiness in the homes of their mothers and fathers’. Funder (1996, p. 16) identified that a common feeling for children and young people was that the family was ‘divided in two with them in the middle’. However, Funder also found that severing relations with children does not seem to affect non-resident fathers, their children or their former spouses adversely in the longer term.

Severing relations appears to have advantages in at least some cases, especially where conflict continues (as it tends to) for out-of-touch fathers. ... Children’s wellbeing seems mainly tied to their relationship with the resident mother and relationships between the parents carry some minor, but inconsistent affects on children's wellbeing. (Funder, 1996, p. 168)

In summary, the reviews of research by Kelly and Emery (2003) and Funder (1996) on children’s adjustment following separation and divorce support the general proposition that, in spite of the problems in the early phase of the transition, and given appropriate and timely assistance, by the end of the divorce transition children and their parents generally return to normal levels of well-being in society.

4.3 Parents’ experiences of separation and divorce

The normative course of the divorce process is one of heightened anger and conflict, diminished communication, and sadness or depression for one or both partners. Frequently caused by feelings of betrayal, abandonment, suspicion and sharp disappointment, these emotions are often accelerated by the separation and adversarial nature of divorce. The majority of couples significantly diminish their anger and conflict in the first two or three years following divorce...
Parents’ experiences of separation and divorce will be different depending on each couple’s circumstances, behaviours during the relationship prior to separation, how and why the separation occurred, and contributing factors such as the presence of family or domestic violence. Couples rarely mutually agree to separate. In about 75 to 80 per cent of separations, one partner initiates the decision, and it is more often women than men that do so (Hetherington & Kelly, 2002; Kelly, 2003c).

The majority of separating couples manage their separation or divorce with no or minimum assistance from legal or social science professionals. In this section, however, we will review research that informs us about factors that give rise to, sustain or exacerbate parental conflicts and disputes over children that require professional intervention.

We will also address the issue of domestic violence, which is often confused with, but is very different to, high-level conflict (Bagshaw & Chung, 2000c) and which can appear and/or escalate at the time of separation. Domestic or family violence inevitably impacts on parenting and on the well-being of children (Bagshaw, 2003).

Parents might experience ‘rational anger’ as a ‘reaction to real and threatening circumstances that often occur as a result of divorce’ (Somary & Emery, 1991, p. 185). Alongside of anger, and often underpinning conflict and violence, adults who are separating are also likely to experience grief, and responses to grief vary for each individual.

**Conflict and anger**

Kelly explains that behaviours before the marriage and/or the way that the separation occurs can contribute to conflict and anger in one or both parents after separation. Separation can also alter perceptions of behaviours that were previously tolerated and exacerbate conflict as partners become more anxious and less trusting or forgiving. In addition, parental conflict at the time of separation can be consolidated, aggravated, heightened and/or extended by the nature of the adversarial process (Kelly, 2003c). In our adversarial legal system the emphasis is on dichotomous, polarised, positional, judgemental thinking (finding fault or blaming the other) and on winning your case, all of which escalate conflict and diminish the possibility of parental cooperation and constructive communication, which are essential to children’s ongoing well-being. Established legal practices, such as sending hostile letters or affidavits, and other tactics used by a parent to win their case, such as failing to share vital information or making false allegations or false denials, can have damaging effects on ongoing parental relationships and ultimately on important parent–child relationships and the well-being of the children involved (Kelly, 2003c).

Kelly has found that where parents have serious psychological problems or character disorders at separation, they are far more likely to continue to be in conflict with their ex-partner over children, sometimes ten or more years after the divorce. She explains how borderline, narcissistic or antisocial personality disorders, or a history of mental illness in one or both parents, can contribute to entrenched and prolonged conflict over children (Kelly, 2003c).
Emotional anger most often arises in a parent when there is a likelihood of reduced contact time with children, or as a result of a reduced standard of living, and may stem from a loss of trust in the marital unit (Somary & Emery, 1991). According to Somary and Emery (1991, p. 187) the expression of anger during separation and divorce, can, if managed well, help to facilitate a smoother transition for parents; in particular ‘emotional’ anger, which can be unpredictable and has less to do with substantive changes in the transition process and more with ‘psychological pain’.

Kelly (2003c, p. 37) points out that ‘there are multiple pathways by which separating parents become entrenched in intense, recurring conflict’. In addition, based on her extensive experience, she believes that entrenched child disputes can result primarily from one parent’s actions, and estimates that, in about one third of entrenched parental disputes, ‘one parent is clearly the high-conflict parent. In these cases the other parent has emotionally disengaged and is being financially depleted and emotionally abused by the continuing legal and child-focused conflict’ (Kelly, 2003c, p. 38). Parents with enduring disputes are characterised by high conflict and intense anger and also have a number of characteristics which McIntosh has listed as distrust, poor or nonexistent communication, disregard or contempt for the other (or both), extreme polarisation of views, imperviousness to rational positions or arguments, unsubstantiated allegations of abuse or poor parenting, loss of child focus, frequent use of the child to express rage toward the ex-partner, and in some cases physical and/or emotional abuse of the other partner (McIntosh, 2003).

**Domestic or family violence**

An Australian survey conducted by the Australian Institute for Family Studies and commissioned by the Office of the Status of Women found that ‘when broadly defined, spousal violence is not an exceptional circumstance for divorced women and men but rather the norm’ (Sheehan & Smyth, 2000, p. 117). There is considerable research evidence to support the premise that violence against women is a serious problem in Australia (Jones, 1994; Partnerships Against Domestic Violence website). As explained in the children’s section, central to most definitions of domestic or family violence is power and control by one person over another, who in turn experiences fear and intimidation. The Australian *Family Law Act 1975* currently defines ‘family violence’ as:

> conduct, whether actual or threatened, by a person towards, or towards the property of, a member of the person’s family that causes that or any other member of the person’s family to fear for, or to be apprehensive about, his or her well being or safety.

Hoff (1988, p. 270) highlights the private nature of domestic violence and notes that victims of violence are often blamed by the perpetrator or others for causing the violence and/or blame themselves:

*Victim-blaming and self-blame of battered women are traced to traditional values about women, marriage and the family and to interpretations of violence as a medical phenomena or ‘private’ matter between the couple.*

Many forms of violence that are deeply rooted as well-established practices in Australian and other societies have not been named as ‘violence’ in historical accounts, nor in definitions of violence. Abusive behaviours are often subtle, invisible to onlookers, or in many instances encouraged by custom, language and law. This means that recognising and naming ‘violence’ as violence and then responding to it accordingly is a difficult task. What gets named as violence is important for developing strategies to eradicate it (Cook & Bessant, 1997).
Feminist analyses of violence focus on the gendered social contexts within which violence occurs and highlight that the meaning of the term ‘violence’ is socially constructed. Prevailing notions of ‘culpability’, ‘victimisation’, the characteristics of the victim, and particular social, historical and cultural contexts all influence interpretations of violence (Richardson & May, 1999). In spite of the rise of feminism, women worldwide continue to struggle to have their experiences and needs recognised and met within male-dominated systems (Davies, 1997). Any contest between the ‘truths’ or experiences and perceptions of men and women will be affected by patriarchal contexts within which the rights of men are favoured.

Domestic violence research findings clearly indicate that women are more likely to be ‘victims’ of domestic violence and men are more likely to be ‘perpetrators’ and that violence often escalates at the time of separation and continues after separation (Archer, Newburn & Stanko, 1994). More recently research has focused on the links between violence against women and dominant discourses about masculinity. However, this does not mean that all males are perpetrators, or that females do not perpetrate violence against males. There are a small percentage of males who are victims of female violence (Bagshaw & Chung, 2000c).

Violence is hard to quantitatively measure because the abuse of power gives rise to emotional and psychological responses from victims that make experiences of violence difficult to report. In addition, victims and researchers often fail to identify non-physical forms of abuse as ‘violence’. For example, in a recent South Australian study of the needs of men, women and young people who have experienced domestic violence, the researchers asked victims ‘how often’ the violence and abuse happened (Bagshaw et al., 2000). They often reported that ‘he only hit me once or twice in a month, but I live in the fear he will hit me everyday’. In this study, the 120+ respondents (mainly women) from South Australia were asked during in-depth interviews to consider the full range of abusive behaviours. When asked how frequently abuse happened, 84 per cent responded that they experienced abuse at least once or twice a week or more often. Forty-nine per cent reported abuse as a daily experience. Many reported that multiple forms of abuse occurred simultaneously. Controlling and intimidating perpetrator behaviours, leading to fear, were central to the experience of all of the victims interviewed.

An imbalance of power between perpetrators and victims distinguishes domestic violence from what Johnson (1995, p. 284) describes as ‘common couple conflict’, where there is roughly equal balance of power between the people involved. Johnson uses the term ‘patriarchal terrorism’ to describe male violence against women because it has the advantage of ‘keeping the focus on the perpetrator and keeping our attention on the systematic, intentional nature of this form of violence’. He argues that this form of violence, which is the focus of ‘feminist’ or ‘violence against women’ research, differs from what he calls ‘common couple conflict’,¹ which is commonly identified in surveys conducted by ‘family’ researchers. He points out that the two traditions of research are dealing with non-overlapping phenomena – the sampling decisions give access to populations experiencing different forms of violence. Johnson also notes a possible sampling bias in self-reported survey data aimed at identifying prevalence rates of domestic violence:

> Men who systematically terrorize their wives would hardly be likely to agree to participate in such a survey, and the women whom they beat would probably be terrified at the possibility that their husband might find out that they had answered such questions. (Johnson, 1995, p. 289)

In reviewing a wide range of domestic violence research literature Bagshaw and Chung (2000c) provided evidence to confirm some of Johnson’s views. They found that ‘family’ researchers, unlike ‘feminist’
researchers, tended to ignore the context of domestic violence and the complex issues that link gender and power and therefore their findings cannot readily be compared to the findings of feminist researchers for whom these issues are central. The commonly held view that domestic violence is mainly physical – such as hitting, slapping and pushing – has also been challenged by Bagshaw et al.’s (2000) study and most other domestic violence research. The vast majority of victims interviewed in their study reported that verbal, psychological and emotional abuse occurred daily and was more devastating and long lasting in its negative impact. In particular, many spoke about the unpredictable nature of abusive events, with psychological and emotional abuses occurring around the ‘little things’ of daily life. Most victims reported that threats of physical violence were as powerful in maintaining control as the actual incidents of violence. One of the reasons for this was that perpetrators had shown that they were capable of carrying out the threats (Vissing, Straus, Gelles & Harrop, 1991).

Recently in Australia, in part due to increasing political pressure from men’s rights and father’s rights groups, there has been increasing concern that some victims of domestic violence are being ignored or silenced, namely males who are abused by females. These concerns were fuelled by the release of a research report entitled *Domestic violence in Australia: are women and men equally violent?* (Heady, Scott & de Vaus, 1999). The researchers claimed to provide evidence, based on a large survey, that males and females in intimate heterosexual relationships perpetrate domestic violence equally. However in analysing their research Bagshaw and Chung (2000c) found that the questions asked focused narrowly on a limited range of physical behaviours, did not address the history or context of conflicts and the findings therefore did not reflect similarity of motivation, action or consequences for the men and women involved. Bagshaw and Chung’s report (2000c) argued that the use of violence and the effects of violence differ both quantitatively and qualitatively for most males and females. They found that, although there is some evidence that both men and women engage in abusive behaviour in heterosexual relationships, numerous research studies suggest that the nature and consequence of women’s violence is *not* equivalent to men’s violence in the following ways:

- Men’s violence is more severe. For example, when Straus (1993) re-analysed data from the often-cited 1985 National Violence Survey in North America, he found that men were six times more likely to inflict severe injury. Men in Australia commit about 91 per cent of homicides, 90 per cent of assaults, nearly all sexual assaults and nearly all armed and violent robberies (Egger, 1995).

- In Australia the vast majority of victims of femicide (60%) are killed by their intimate male partners in a private residence. By contrast, less than 10 per cent of Australian male homicides are perpetrated by intimate female partners (Mouzos, 1999).

- Most male homicides are committed by males in public places as a result of alcohol-related arguments (Mouzos, 1999). Women, however, are more likely to be killed by current and former male partners than by anyone else (Walsh, 1997).

- Significant precipitants for men who kill their female partners are desertion, termination of a relationship and jealousy (Ho & Venus, 1995). However, studies of wives who kill their husbands reveal that there was a history of marital violence in more than 70 per cent of the cases and over half of husband killings occur in response to an immediate threat or attack by the husband (Mouzos, 1999).
Men’s violence towards women is most often an attempt to control, coerce, humiliate or dominate (Cascardi & Vivian, 1995) by generating fear and intimidation (Campbell, 1993). However, women’s violence is more often an expression of frustration in response to their dependence or stress (Campbell, 1993) or their refusal to accept a less powerful position (Scutt, 1983). Other studies also suggest that women’s violence is more likely to occur as self-defence in relationships where the male partner is violent (DeKeseredy & MacLean, 1990; DeKeseredy & MacLeod, 1997; Jacobsen, Gottman, Waltz, Rushe, Babcock & Holdsworth-Munroe, 1994; Saunders, 1986; 1988; 1989; Walker, 1984).

Most women whose partners are violent live in fear before, during and after separation. However, male victims are far less likely to be afraid or intimidated and are more likely to be angry (Bagshaw et al., 2000).

Of significance to this report is the finding that victims of domestic violence find it difficult to disclose their experiences to others, including service providers. In 1996, the Australian Bureau of Statistics (ABS) national Women’s Safety Survey found that only a small proportion (26 per cent) of women subjected to violence used crisis services or contact the police. The majority of women reported that they ‘dealt with it themselves’. In the same year, another Australian study (Young, 1996) of mediation and domestic violence identified that of the 75 identified abused women who had attended family mediation sessions with their partner during the process of separation or divorce, 8 had told the agency ‘hardly anything’, and 12 said ‘nothing’ about the abuse or violence in their relationship, in spite of being asked. Seven did not answer this survey question.

Violence during and after separation was identified as a serious and ongoing concern for most women in Bagshaw et al.’s South Australian study (Bagshaw et al., 2000). In Australia femicide studies have shown that women are much more likely to be abused, and even killed, during times of separation and divorce. For example, in spite of the introduction of laws against stalking in Australia, women reported that they were likely to re-enter an abusive relationship rather than live with the fear and uncertainty of stalking. A common community response to women living in situations of domestic violence is to ask ‘Why don’t you leave?’, which most participants described as being unhelpful. Some service providers are also reluctant to intervene as women often change their mind after seeking help.

Bagshaw et al. (2000) showed that the domestic violence victims interviewed had very high levels of commitment to their relationships and none of the subjects left their partner after a few incidents of violence and abuse. One reason for many women remaining in, or returning to, abusive relationships was their feeling of responsibility for the success or failure of the relationship, which was often reinforced by the responses of family, friends and work colleagues. Women also found it hard to leave for many other reasons including: constant threats and intimidation that made them fearful, poor self-esteem, a belief that their partner (who they often still loved) could change, the presence of children, social isolation and/or a lack of resources. These findings highlight the difficulties that family law professionals may face when trying to uncover domestic violence when couples come for help, or when trying to determine whether allegations of violence are ‘true or false’. Perpetrators may see mediation as an opportunity to maintain ongoing contact with their partner and/or to persuade their partner not to leave, or persuade her to return. Where appropriate supports are lacking, victims may be too fearful to disclose the violence to the mediator, may be easily persuaded by the perpetrator to change their mind, or may make inappropriate agreements in order to ‘keep the peace’.
Some family law professionals believe that many women ‘manufacture’ accounts of domestic violence during separation and divorce for a number of reasons, for example to keep the children, gain access to property or to deny the father visitation rights; or they may believe that violence has occurred as a consequence of the woman leaving. The fact that women often leave and return to a violent relationship many times may also lead professionals to believe that a woman is complicit in the violence. Whilst this may be true in a small number of cases, Bagshaw et al.’s (2000) study provided evidence to the contrary. Ninety-five per cent of the women interviewed reported that they had experienced abuse over a period of years and many reported patterns of extreme cruelty and ‘strategies’ of abuse that became more diverse and subtle over time. In many relationships, acts of cruelty were perpetrated on the women, the children (as primary and secondary victims) and on family pets. Mothers reported that most of their children had witnessed the violence and some had also been directly involved, supporting other research that demonstrates the close links between domestic violence and child abuse as noted in the children’s section. Humiliation, cruelty, jealousy leading to isolation from friends and family and the infliction of emotional, sexual or physical pain were common experiences. Victims frequently spoke of the perpetrators’ need to control all aspects of their life, both in and away from the house, and most reported that the perpetrators’ attempts to control lasted way beyond separation or divorce, with children being used as ‘pawns’ in their strategies. The link between the length of the relationship and the experience of cruelty was particularly notable, especially as the common theme in the women’s accounts of violent relationships was their daily experience of living in fear, before, during and after separation and divorce.

All forms of violence should be regarded as unacceptable, not just those acts involving physical assaults and injuries. Female victims in various domestic violence studies confirm the prevalence of physical, psychological, emotional, social and financial abuse (often in combination), as well as other intimidating or controlling forms of abuse, such as stalking, sleep deprivation or driving too fast in the car. Women talked frequently about the need for non-physical forms of domestic violence to be more widely understood in the community.

In contrast to accusations that women commonly falsely allege violence in disputes over children, women in the South Australian study said that they found it difficult to report violence and needed to be asked specifically and directly about violence and abuse in their relationship. They reported being too ashamed to tell people about the violence, often having been ‘brainwashed’ by the perpetrator to believe that it was their fault. Some also highlighted the private nature of the abuse and when they did attempt to get help the false denials made by their partners made it hard for them to be believed.

Since the introduction of the Family Law Reform Act 1996, residence orders giving parents equal time with their children have been more prevalent where there is ‘high-level conflict’ (often meaning violence) in the parental relationship, in spite of the strong objections of one parent, usually the mother. There has also been an increase in the number of contravention applications brought by non-resident parents (89 per cent fathers) alleging breaches of contact orders, many without merit and ‘pursued as a way of harassing or challenging the resident parent, rather than representing a genuine grievance about missed contact’ (Rhoades, Graycar & Harrison, 2001). Interviews with parents by researchers have suggested that unsafe contact orders are being made by consent, either because mothers felt coerced by their lawyer who advised them that this was the ‘usual’ approach of the court where there are allegations of violence at the interim stage, or they believed that the father would not agree to any other option and/or they did not have the resources to fight.
The findings of the aforementioned research have been confirmed by the findings of other studies (Dewar & Parker, 1999) and were confirmed by mothers in the South Australian study who asserted that their abusive partners used the issue of child contact to continue their harassment after separation and divorce (Bagshaw et al., 2000). Where domestic violence is present, the ‘best interests’ of children and their mothers may not be readily identified, named or understood by some family law professionals, including social workers, psychologists, lawyers and judges, and currently ‘fathers’ rights’ may take precedence (Shea Hart, 2006).

Grief and loss
The grief of separation and/or divorce may take many different shapes derived from any number of losses, including the loss of partner relationship, of children, the family unit, the home, property and financial changes, pets, employment, neighbours, community and general routines. While grief for adults who experience family and domestic violence will be different to those who have not experienced this, grief may still play a major part in the separation process, including having to leave or flee the home, and the multiple losses involved in that. While grief is not always present for adults escaping violence, and to leave a home may be a cause for relief and/or celebration, other factors often contribute to grief for all adults experiencing separation. This may range from losing parental contact or residency with children, to the grief involved in the multitude of social and substantive changes. Morna Barsky (1993) identifies stages of grief that include the ‘shock phase’, ‘reality phase’ and the ‘acceptance and reorganisation phase’. Barsky states that the initiation of separation ideas can cause a range of physical and emotional reactions and that adults may experience this shock in varying degrees depending on whether they are the initiator of the separation or not. She continues by claiming that the ‘reality phase’ can be associated with powerful emotional reactions that may lead to anger, which ‘is a form of protest at the desertion’ (p. 41). Barsky’s notion of the ‘acceptance and reorganisation phase’ involves mourning that includes a reversal of processes that went into the relationship, followed by an undoing of bonds and ‘reinvestment in a new and different life’ (p. 42). Similar stages are also identified by other grief and loss theorists (for example Wordern, 1982); however it must be remembered that not all individuals will experience these stages as outlined.

Later research has indicated that there are gendered responses to separation grief and that Barsky’s stages are not necessarily experienced the same for women and men. Jordan’s (1996) research, which investigated the experiences of separated men over a 10-year period, indicated that the most traumatic time for men was at the time of separation and years afterward many men still retained an attachment to their ex-wife, children and their marriage relationship. They also continued to believe that women’s issues were the major cause of the separation (Jordan, 1996). Almost a decade later, Smyth (2005) discussed the unresolved feelings of grief experienced by fathers, which have long-term effects on their physical and mental well-being. He points out that this can be exacerbated by the distance that parents often put between themselves after separation. With approximately 26 per cent of separated/divorced parents living ‘more than 500 kilometres from their former spouse’, Smyth identifies a correlation between this distance and direct contact or lack thereof between both parents and children (2005, p. 29).

Grief around separation and/or divorce differs to the experience of grief over a death of a spouse or partner. Separation grief can be prolonged and tied into having to spend time negotiating with the ex-partner, and, as parents, this invariably occurs over years. Where violence has been present, grief may exist because freedom
and safety from violence is not guaranteed if ongoing contact with the user of violence is necessary due to child contact arrangements, where third parties are not present to mediate contact times. Grief may also be experienced when ex-partners re-partner, and when those persons become involved in the parenting of one’s children. In all instances grief needs to be identified and worked with and through, particularly if parents are going to be able to focus on their children’s needs and well-being at this time.

**Parental alienation**

Parental alienation is said to occur as a result of adult-centred emotions that have harmful effects for children. This occurs when separating parents place negative connotations on the relationship between the child and the other parent. This practice may include:

- denigrating the other parent in front of the child
- condemning aspects of the child’s appearance or conduct as being just like the other parent
- expressing anger if the child speaks positively about the other parent
- preventing communication between the child and the other parent (McInnes, 2003).

Extreme parental alienation can result in one parent trying to eliminate the other from the child’s life. In the process of alienation, the child often has to make a decision of rejecting, blaming or choosing one parent over another. If this is so, this highlights the necessity for the provision of education for parents in transition around coping stages, grief and loss issues and emotions they might expect to experience, including the concept of being ‘cognitively frozen’. Education would also need to include information about new constructions of family, re-partnering issues, support systems and material about the legal and court processes. This is important if families are to avoid or minimise conflict and its detrimental effects on children.

**Parental alienation syndrome (PAS)**

It is important to differentiate between ‘parental alienation’ and ‘parental alienation syndrome’ (PAS), a term sometimes used in family law to refute allegations made by one parent against another, usually around child sexual abuse, and often to suggest that one parent, more often the mother, has coaxed the child into abuse allegations with the effect of alienating the child from the father. Where parental alienation is an adult-centred practice causing division between child and parent, PAS reframes and ‘rescripts children’s disclosures of child abuse by a parent as false accusations coached by the other parent’ (McInnes, 2003).

United States psychologist Richard Gardner is credited with formulating the ‘syndrome’ and popularising indicators and measurement tools for recognising its existence in children. Gardner’s definition of PAS is as follows:

*The parental alienation syndrome (PAS) is a childhood disorder that arises almost exclusively in the context of child-custody disputes. Its primary manifestation is the child’s campaign of denigration against a parent, a campaign that has no justification. It results from the combination of a programming (brainwashing) parent’s indoctrinations and the child’s own contributions to the vilification of the target parent.* (Gardner, 2001)

There has been much debate about the credibility of PAS and the use of it within the context of family law disputes. Some critics have claimed that it is a form of child abuse in itself because it denies children’s
allegations of abuse and instead pathologises their claims. Furthermore, as a non-diagnostic syndrome ‘it is only useful in explaining the symptom presentation when it is known that an abuse allegation is a deliberately made false accusation’ (Quadrio, 2003, p. 3). Gardner offers no data to support PAS, and other research has found that some of its tenets are incorrect (Quadrio, 2003; Johnston & Kelly, 2004).

Johnston and Kelly are highly critical of the simplistic and untested assumptions informing PAS and offer a multifactor, systemic view of the phenomenon. They recommend a full assessment of all the factors contributing to the child’s rejection of a parent, including age and developmental level of the child, the psychological vulnerability of the child, the behaviours and personalities of both parents, sibling dynamics, the remarriage situation and the adversarial nature of the litigation context. This assessment should then form the basis for a systemic intervention that should include all relevant family members and their supporters (Johnston & Kelly, 2004).

**Maternal alienation**

Another concept that has met with resistance from particular groups is ‘maternal alienation’. The Maternal Alienation Project was a collaborative project between Northern Metropolitan Community Services, Women’s Health Statewide and the University of Adelaide that commenced in 2002. It was framed as an early intervention/prevention approach to violence and aimed at developing ‘shared understandings and more integrated services to children and women affected by violence’ (Morris, 2003a, p. 8). The project worked across sectors and connected in with Family and Youth Services, domestic violence services, non-government organisations, Attorney-General’s Department, South Australian Police, Child and Adolescent Mental Health Service, the Family Court of Australia, and the Office for the Status of Women.

Maternal alienation is defined as the:

- simultaneous abuse of women and children
- a form of emotional abuse
- and occurs within both domestic violence and child sexual abuse (Morris, 2003a, p. 2).

Morris (2003a, pp. 5–6) offers this table below as a suggestion for how integrating awareness of maternal alienation would change responses and outcomes:

<table>
<thead>
<tr>
<th>PROBLEM</th>
<th>CHANGES TO SERVICES</th>
<th>EARLY INTERVENTION/ PREVENTION OUTCOME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mother and child alienated by strategies of perpetrator of violence</td>
<td>Support mothers and children to understand this and then build a new alliance, to re-form as a family</td>
<td>Prevention of family breakdown and youth homelessness in aftermath of violence</td>
</tr>
<tr>
<td>Children unable to access their mother as main supporter due to maternal alienation</td>
<td>Models of practice that enhance mothers’ support of their children, and allow children to access their mothers as the main agents of their own protection</td>
<td>Decreased need for statutory bodies to be involved in protecting children.</td>
</tr>
<tr>
<td>Demeaning and disrespectful attitudes to women are taught</td>
<td>Work with children, young people and women on gender</td>
<td>Decreased need for other services to be involved in the future (mental health, drug &amp; alcohol, criminal justice, etc.)</td>
</tr>
</tbody>
</table>

More positive community attitudes to women, more
within families stereotypes, especially how they construct mothers realistic perceptions of mothers/motherhood, better future relationships

Children coached to commit acts of abuse and disrespect to their mothers Explicit work with children and young people, possibly using an adaptation of the ‘power and control wheel’, facilitation of discussions between women and children Decreases in adolescent violence to mothers Decreases in violence against women in future relationships Decreases in abuse of elderly women by adult children

Inappropriate responses by agencies that blame women and further damage family relationships Professional training across services and sectors providing new models and tools Increased safety and well-being for women and children Decreased family breakdown post-separation Decreased reception of children into care

Gaps in knowledge of DV perpetrators’ deliberate use of strategies to manipulate, punish and control Enhanced perpetrator programs which explicitly address ways children are abused, manipulated and alienated from their mothers Decrease in children being used in custody disputes, and/or as a route to tracing/controlling the woman

Lack of knowledge of maternal alienation in Family Court Lack of knowledge in criminal justice system of DV perpetrators’ deliberate use of strategies to manipulate, punish and control Training for Family Court officials Training for professionals in criminal justice system Better living and contact arrangements for children Better understanding amongst police officers and prosecutors resulting in enhanced law enforcement and appropriate sanctions and controls on perpetrators

Criticism aimed at the Maternal Alienation Project has included denouncements of its emphasis on men as users of violence and questioning why a separate ‘alienation’ category needed to be developed outside of ‘parental alienation’. Advocates for the use of ‘maternal alienation’ have referred to the plethora of research that has linked gendered violence to domestic violence.

4.4 Service delivery

Critical analysis and understanding of the research literature is central to shaping and developing policies, services and practices that will improve children’s well-being. Our review of the research literature has identified that a range of services are needed to assist some families and children through the process of separation and divorce, and an ecosystems perspective is needed to maintain a focus on the multiple and various factors in the child’s environment that impact on children’s adjustment (Bagshaw, 1993; see Figure 1, p. 44). Kelly (2002) also stresses that a systems approach should be adopted (including the family system and the broader social and legal systems) when planning interventions with children and families in transition. Kelly and Emery add that services should be tailored to meet the individual needs of each child.

Whatever its specific nature or focus, interventions are more likely to benefit children from divorced families if they seek to contain parental conflict, promote authoritative and close relationships between children and both of their parents, enhance economic stability in the postdivorce family, and, when appropriate, involve children in effective interventions that help
Kelly (2002) suggests that a hierarchy of interventions are needed, including: education programs for parents and children, divorce mediation, collaborative lawyering, judicial settlement conferences, parenting coordinator or arbitration programs for chronically litigating parents, and family and group therapy for children and parents. However she points out that, whilst family mediation has a solid base of research that demonstrates substantial benefits, for example in reducing parental conflict and improving parent–child and parent–parent relationships in the short and long term (for a comprehensive review see Kelly, 2004), more research is needed to assess the benefits of the other interventions.

The Family Court of Australia and the impact of adversarial processes
A number of changes in the Family Court process for separation and divorce have occurred in Australia over the past decade, including a shift to a focus on primary dispute resolution (PDR), in particular mediation, as an attempt to alleviate conflict within families during this time. Divorce law reforms have placed increasing emphasis on mediation, which promotes consensual decision making and aims to reduce the conflict associated with marriage breakdown. The implementation of the Australian Federal Magistrates’ Service in the last five years has also impacted upon the process of separation and divorce by changing the legal and court contexts and avenues for assistance. Rogers and Gee (2003) comment on some of these changes:

Recent changes in the field of family law are now having a major impact on avenues of assistance for clients. With the introduction of the Federal Magistrates Court and its referral of cases to the community, and Court Counselling services only accepting mandated cases, children’s matters that were once seen as the province of the Family Court are now being dealt with in the community; either in ‘mediation’ (in the existing mediation services) or in ‘conciliation’. (Rogers and Gee, 2003, pp. 4–5)

Over two decades ago, Edgar and Harrison (1982) described how in 1975 the new Family Law Act established a court counselling service directed towards the well-being of children and the elimination of court hearings.
Figure 1: ©Dale Bagshaw (1993)

CHILDREN OF DIVORCE  Mediating Factors in Long and Short-Term Adjustment

Societal Resource Systems

Formal Resource Systems

Informal Resource Systems

THE CHILD

Parents and siblings

recreational & sporting clubs

associations

self-help groups

school networks

cooperatives

neighbours

friends

dual extended family

SITUATIONAL FACTORS
- crises, e.g. separation, divorce, violence, illness, death
- quality of resource systems
- quality of relationships and interactions
- availability/accessibility of resources

TRANSITIONAL FACTORS
- stages of separation/divorce
- stages of grief
- stages of individual & family development
- family history

LEGAL

EDUCATIONAL

WELFARE

ECONOMIC

CULTURAL

RELIGIOUS

POLITICAL

HEALTH
Part of this service involved parties attending conferences before custody applications. Dessau and Porter (2003) stress the importance of collaboration between disciplines and between the court system and various government and non-government agencies that provide relevant support services. Family conferences are another of the non-adversarial and non-litigious processes that have been utilised in order to minimise family conflict (Parsons, 2003). Many parents are very positive about the outcomes of the conferencing process; the feeling of being heard and supported is a consistent theme in qualitative feedback (Dessau & Porter, 2003).

According to Bryant (2003), the Federal Magistrates’ Service assists parties to cross the bridge from court to PDR services as there is a higher chance parties will reconnect with a community agency, especially if referrals are made at a location that is convenient to the parties. It is assumed that, if the court can facilitate lawyers to refer their clients to community-based PDR services, then separating and divorcing parents may be able to meet their parental responsibilities without the need for judicial intervention (Bryant, 2003). In the Family Pathways Forum report, Out of the maze: steps towards an integrated family law system, Williams (2003) noted that the right sort of help and information is not always available to families at the time they need it most and in a location where they can access it. This inability to access the right sort of help and information is also an issue in the United States, where it has been found that some people managed their separation with little interaction with the legal system at all (Di Bias, 1996). Others have felt frustrated by the legal system, believing in some cases that the system was biased against them.

In spite of the introduction of PDR services, it is generally considered that the family law system is adversarial and, instead of working to alleviate parental conflict, rewards it (Di Bias, 1996). The Family Pathways Forum report noted that the trauma experienced by families who are separating and divorcing was compounded because there was too little assessment of the needs of separating families and too much adversarial behaviour (Williams, 2003). Fisher and Pullen (2003) and many others have argued that the adversarial system takes a toll on children and therefore avoiding the adversarial nature of the legal and court systems can assist in reducing the impact of divorce upon children. The alternative PDR and support services may be difficult to access, however Di Bias (1996, p. 125) notes that it is the ‘lawyer who has perhaps the greatest influence on the way a parent/client handles the divorce. For instance, attorneys may focus strictly on the interests of the parents and use the children as pawns to gain financial concessions or they may consider the interests of the children in relation to the parent and advise their client accordingly’.

Since ‘high conflict families are characterised by difficulty in communicating about and co-operating in the care of their children’ a system that contributes to, creates or maintains animosity and conflict between parents can only be seen to be perpetuating the harm inflicted upon children during the separation and divorce process (Rogers & Gee, 2003, pp. 4–5). This has serious repercussions for all involved since there is evidence that the average length of court procedures increases as the child’s age decreases (Brown, 1998). Therefore young children who are still forming attachments with their parents may be unable to establish and effectively maintain those attachments. The effect of conflict on teenagers has also been shown to be quite severe, so it does not matter what age the children are, conflict, and especially protracted ongoing conflict, affects most children severely (Di Bias, 1996; Kelly & Emery, 2003; Kelly, 2003b). The links between drawn out court battles and conflict between parents is highlighted by the increasing numbers of child abuse claims that are made within the framework of custody and access disputes.
According to McIntosh and Moloney (2002) from the Children in Focus program, parents find it extremely difficult or even impossible to effectively interact with the purportedly helpful family law system during their transitional separation and divorce process. The right sort of help and information was not always available to families at the time they needed it most and in a location where they could access it. However, McIntosh and Moloney (2002) claim that some people manage their separation with little interaction with the system at all. Others have reported feeling frustrated by it, believing in some cases that the system was biased against them (Williams, 2003).

The importance of focusing on the needs of children experiencing separation and divorce in family courts is reiterated in a United Kingdom Green Paper report of 2005: Parental separation: children’s needs and parents’ responsibilities, next steps (Falconer, Kelly and Hewitt, 2005). This report recommended changes and improvements to case management and support services, arguing that the law must consider the child’s needs as its central focus. In Australia the Family Court has introduced a Children’s Cases Program, a successful court-based pilot that is aimed at reducing the complexity of children’s cases and responding to their special nature and to the needs of children. What is different about this program is that it offers a less adversarial approach with greater focus on the children. With a reduction in formality and an increase in the judicial role (which is more inquisitorial) the program aims to reduce the length of time a matter is before the court, reduce costs and delays and implement greater flexibility and simplicity, with the overriding principle being the best interests of the child.

Interdisciplinary and interagency collaboration and integration
Dessau and Porter (2003) suggest that to increase a family’s ability to access support services of all types, there should be interdisciplinary professional collaboration both with the court system and with the various government and non-government agencies that provide relevant support services, such as anger management services and supervised contact. This collaboration could encourage families to approach and utilise services by making the first advance to parents when they are beginning the separation and divorce process. They suggest that interventions such as initiating a letter to couples filing for divorce and offering help in planning for their children at this time of stress may open up a pathway to services that parents may not have previously been aware of.

The National Family Resiliency Centre in the United States of America (US) uses parenting seminars, which serve as an introduction to a non-adversarial approach to dealing with divorce and offer a non-threatening avenue to further professional help (Frieman, Garon & Mandell, 1994). Since parents experience strong emotions in the early stages of separation and divorce they may need additional help in understanding their children’s feelings, so the importance of facilitating the use of services by both adults and children during this stage cannot be emphasised enough (Mitchell, 1985).

The Contact Orders Program
In 1997, the Australian Law Reform Commission (ALRC) produced its ‘Seen and heard: priority for children in the legal process’ report with Recommendations 148, 149 and 150 stating that children should be involved in the preparation of parenting plans. Enabling children’s voices to be heard at a time when they are frequently systemically silenced puts the focus on the child’s interests rather than on the dispute between parents. Slezak
and Swift (1996) and others have found that when conflict is reduced children often have greater involvement with both parents, with the non-residential parent having a greater and longer lasting contact with the children.

In Australia, the court-based Contact Orders Pilot Program has assisted separating families where there is a high level of conflict around contact issues but does not offer early intervention or preventative services. It has focused on assisting parents to reduce conflict and maintain contact with their children. This program is funded by the Commonwealth Attorney-General’s Department and administered by the Department of Family and Community Services and was designed to help separated families to manage relationship difficulties and put their children’s needs first through a variety of child-focused interventions. Families are offered a mix of child-centred education, case management, assessment, counselling, group work, mediation and supervised visitation and/or changeover services. By assisting parents to focus on their children’s needs, the Contact Orders Program helps families in conflict to either manage their own contact arrangements or formulate new parenting plans that are more likely to be complied with (Attorney-General’s Department, 2003). The current Attorney-General has noted in a recent press release that ‘It is encouraging that 88 per cent of clients reported a positive outcome from the Contact Orders Program given that most have been to the Family Court or the Federal Magistrates’ Court on numerous occasions without resolution of their difficulties’ (Attorney-General, 2004). The Contact Orders Program uses child-inclusive practices by asking children about their feelings and about the effect that conflict between their parents has on them. Feeding this information back to the parents can be powerful and create impetus for change (Williams, 2003). It can encourage further child-focused behaviours in parents and assist in reducing the number of separating parents taking legal action to settle their contact arrangements with their children.

The Contact Orders Program was initiated by the Australian Family Law Council, which recognised that there were difficulties within the family law system. These difficulties included the handling of issues relating to breaches of contact orders and the cost of proceeding to court, the problems that some parents had in paying child support, and the problems that some parents had in relation to access to their children (Williams, 2003). The program sought to address these issues. In the evaluation of the initial pilot over 70 per cent of participants reported positive benefits. This evaluation led the Family Law Pathways Advisory Group to recommend that the principles and best practices identified in the pilot be implemented nationally. As a result the Commonwealth Government has released funding for 65 Family Relationship Centres in various locations in Australia in 2006, with one to be located in Salisbury, South Australia (Williams, 2003).

The proposed Family Relationship Centres, together with the changes mooted in the Family Law Amendment (Shared Parental Responsibility) Bill 2005 have met with some criticism (House Standing Committee on Legal and Constitutional Affairs, 2005). Some note that the safety of women and children may be put further in jeopardy by the emphasis on shared parental responsibility, in particular where there is a risk of domestic violence, and argue that fathers’ rights are taking precedence over the safety of women and children, which needs to be the primary consideration. The House of Representatives Standing Committee on Family and Community Affairs report on the inquiry into child custody arrangements in the event of family separation, *Every picture tells a story* (2003), also met with widespread criticism for its general lack of attention to safety and the absence of a child-inclusive provision in service strategies such as parenting plans.
Children’s Contact Services

The Contact Orders Program uses Children’s Contact Services (CCS) to assist children whose parents have separated to re-establish and maintain a relationship with their non-resident parent when there is considerable conflict or concern about the safety of family members. Contact services offer a safe and neutral location for children’s moves between resident and non-resident parents and for supervised contact visits. There are currently a total of 35 contact services in Australia. Twenty-five of these contact services are located in high need areas throughout Australia, with 60 per cent in rural and regional areas. An evaluation in 1998 of the 10 pilot sites found that Children’s Contact Services were making a positive difference for many children. The children were less anxious about visiting their non-residential parent and were more able to build on that relationship. Many fathers and mothers also found that children who had displayed significant behavioural and emotional disturbance before joining the service, for example, anxiety, withdrawal, aggressive or delinquent behaviours, gradually improved.

A more recent evaluation, *Children’s contact services: expectation and experience* (Sheehan, Carson, Fehlberg, Hunter, Tomison, Ip & Dewer, 2005, pp. xiv–xviii) made a number of recommendations to improve aspects of the current CCSs in Australia, such as changes to the referral process, and recommended that the services be extended geographically and be given additional funding. Recommendations 13–15 highlight the need for staff from these centres to receive further education and training to ensure that children’s voices are heard, to educate staff about family violence in the post-separation context and the impact of this violence on children, other parents and staff, and to provide clearer standards for workers as to when the risk of harm, or actual harm to a child, is sufficient to stop contact at the CCS. Recommendation 18 is for service provision to be more child-centred and therapeutic, in particular where children have experienced child abuse and neglect. Recommendation 21 is for all CCSs to operate on an integrated service model.

Contact services are necessary in cases where there is a high level of conflict or violence in order to safeguard the child and the other parent at handover during access visits. However, some families and children are able to organise their shared residence arrangements in other ways. In some separations where both parents have moved home, the familiar environment of school may be the only place where the children concerned are able to access ongoing peer support networks.

**Implementing the ‘best interests’ of the child**

The ‘best interests of the child’ concept is invoked many times a day in Family Courts in Australia when determining residence and contact arrangements for children after the separation of their parents or caregivers, especially in adversarial processes. ‘Best interests’ is a broad concept that is open to a variety of interpretations, depending on the particular perspective or ‘lens’ of the person making the assessment. It relies on a sound research-based knowledge of the needs and interests of children – in particular the combination of factors children need in residence or contact arrangements to sustain their adjustment or development (Kelly, 1997; 2005). With the implementation of the *Family Law Reform Act 1995* in June 1996, which increased pressure on legal and social science professionals in Australia to involve children directly in family law matters that affect them, an important challenge for professionals is to become more aware of their assumptions about children, and to pay closer attention to the prevailing dominant discourses around what constitutes their ‘best interests’.
Contained within five small words – best interests of the child – are an infinite amount of variables in interpretation. What may be in the best interests of one child may not be in the best interests of another child. What may support one child may harm another child. What one professional may define as a ‘best interest’ another may not. Parents’ understanding of their children’s interests may not match their children’s views. Herein lays the dilemma for professionals who work with children of separating and divorcing families. Who is best qualified to make decisions based on the ‘best interests’ of the child? How do we gain consensus across professions, fields of practice and different cultural groups about what ‘best interests’ means? What happens if and when parents’ or children’s notions of ‘best interests’ differ from those of the professionals involved? While the child’s parents are normally accepted as having the responsibility and ability to make decisions for their child, it has been demonstrated that some separating and divorcing parents may not be able to perform this role for many reasons.

In a court ‘the best interests of the child’ is often determined by a judge who has had limited direct contact with the child and/or family in question. Although there are mechanisms and legislation in place to enable courts to provide children with independent representatives in order to ensure that their best interests are protected, this course of action is not always utilised (Dessau, 1999). Even if a lawyer is appointed to represent the child, that lawyer may not be able to fully represent a child’s best interests since one study found that lawyers identified their primary duty as being to the courts rather than to children (Buckley, 2003). The belief that there are ‘major socio-legal issues in enhancing the voice of the child and understanding the culture within which lawyers practice’ also lends weight to the notion that, despite legislation that supposedly supports the concept of the child’s best interests, these interests may not be upheld in practice (Fisher & Pullen, 2003, p. 81).

According to Neale (2002), English courts and legal services also have the same problem as we have in Australia. It appears that adult strangers may actually have more impact upon what is determined to be in the best interests of the child than the children who will be affected by decisions based upon the legislated concept. In Australia, when a judge, lawyer or parent determines the best interests of the child, it is rarely done by consulting with the children in question and the determination is often based on professionals’ or parents’ assumptions about the children’s needs (Fisher & Pullen, 2003). As discussed earlier, parents often assume that they are cognisant of their children’s feelings and are acting in accordance with those feelings in the best interests of the child (Bagshaw, 1993). One possible outcome could be that, while the parents are battling in a protracted court case to keep their children with them in what they consider to be their ‘best interests’, the children may be suffering due to the unresolved conflict that accompanies court actions. Parents also often underestimate the distress their children are going through (Bagshaw, 1998a).

It is acknowledged that the adversarial system is ‘hard upon kids’ (Fisher & Pullen, 2003) yet it is not often that children are able to access independent representation in order for them to make their voices heard either in the court processes or above the voices of their parents who are otherwise unable to look beyond their own polarised positions (Dessau, 1999). For some parents who are enmeshed in a court battle, it is difficult to meet the expectation that they will put the ‘best interests’ of their children before their own interests and realise that cooperative decision making has benefits for their children (Family Law Pathways Advisory Group, 2001; Kelly, 2003a, 2003b).
Numerous research studies have found that decreasing conflict between parents is in the best interests of their children (Wallerstein & Kelly, 1980; Wallerstein & Blakeslee, 1989; Moloney, 2002; Fisher & Pullen, 2003; Kelly, 2003a; McIntosh, 2003). As previously mentioned, one service in Australia that is achieving positive results with its focus on putting children first and developing the parent’s capacity to cooperate, the Contact Orders Program, is designed for families undergoing difficulties in the enforcement of child contact orders (Williams, 2003). However, the principles underpinning this program, we suggest, should be applied much earlier in the separation/divorce process to minimise the levels of parental conflict and prevent its escalation.

Independent child representation and advocacy
Unfortunately in Australia little use is made of independent representatives for children in order to safeguard the children’s best interests and it has been suggested that this is because of funding cutbacks to the legal aid system (Dessau, 1999). In addition, when separate representatives are used in South Australia, they do not directly interview the children.

As outlined in the children’s section, research would suggest that being heard is more likely to ensure positive results for the children involved, even if it takes an advocate or independent representative to facilitate this throughout the divorce process. The bulk of the studies reviewed suggest that there are some positive benefits to be derived from children’s active participation through independent representation. Under the Counsel for the Child Code of Practice issued by the Principal Family Court Judge in New Zealand in November 2000, children are now viewed as competent social actors rather than invisible, voiceless victims. Lawyers appointed to represent children have a duty to put the wishes and views of the child before the court. Smith and Taylor (2003) argue that, perhaps due to historical concepts and constructs of childhood, legal and family contexts can subdue children’s voices and deny or inhibit their rights to be heard and to be taken seriously in family and legal processes.

Bond (1998), however, cautions that granting children party status and giving them access to independent representation may contribute to the widespread loss of contact between children and their non-resident parents, particularly fathers. While this is a lone challenge to the dominant view that separate and independent representation should be available to children throughout the separation and divorce process, the negative impact of the loss of contact with a parent has been consistently recognised; therefore all care should be taken to avoid that possibility, except of course where there is violence or abuse present.

There are three elements of interaction with children that professionals working with children should be cognisant of, namely engagement, accessibility and responsibility, which, if implemented, would assist those children who wanted to play a far more active and integrated role in making decisions about their futures throughout their parents’ divorce process (Bond, 1998). Also the use of child-focused and child-inclusive processes and practices advocated by the Children in Focus program can facilitate courts, parents and educational programs to hear the voices of the children (McIntosh, Fisher, Kelly & Moloney, 2003).

Primary dispute resolution services and child-focused and child-inclusive practices
Over the last twenty years or so, primary dispute resolution (PDR) approaches, in particular mediation, have gained prominence in the family law system. In her comprehensive review of the mediation research, Kelly (2004, p. 4) noted that the criteria used to determine the success of family mediation programs have included
settlement rates, satisfaction of participants, efficiencies in time and cost, evidence of changes in relationships and durability of settlement. In summarising the findings of nine major studies which used a variety of methodologies, measures and samples she suggested that there is ‘strong support for the use of mediation in family disputes’ including ‘complex, highly emotional disputes’ (p. 28). She noted that ‘settlement rates in custody, comprehensive divorce, and child protection mediations generally range between 50 and 90 percent’ and stressed that mediators must be ‘experienced and trained’ to work with angry clients and those with ‘serious psychological and family problems’ (p. 28). Client satisfaction was ‘surprisingly high’ in all studies and ‘[r]epeatedly, clients indicated that they felt heard, respected, given a chance to say what is important, not pressured to reach agreements, helped to work together as parents, and felt their agreements would be good for their children’ (p. 29). When compared to parents in adversarial processes, parental conflict decreased and twelve years following divorce fathers remained more involved with their children. However Kelly cautioned that consistently 15 to 20 per cent of parents of both sexes were dissatisfied with aspects of mediation processes and outcomes which may have reflected rushed or coercive mediation processes, untrained or inept mediators or parents who did not get what they expected or wanted (p. 29).

The extent to which mediation has now been accepted in Australia has been emphasised by the inclusion of mediation as a dispute resolution process in the 1991 amendments to the Family Law Act, and as a primary dispute resolution process in the 1995 amendments, and by the recent policy of referring separating and divorcing parents to non-government organisations for mediation and PDR. As Rees (2003) highlights, with this comes professional responsibilities and duty of care issues around children in the PDR process:

Separation is clearly a crisis time for many families. It has been identified that the ability of parents under stress to keep focused on their children’s needs, is quite limited. Our role, when conducting Primary Dispute Resolution (PDR) under the Family Law Act, is to help keep parents’ focus on the best interests of their children. (Rees, 2003, p. 1)

Since the 1995 Family Law Reform Act there has been increasing importance placed on ensuring that PDR professionals have both up-to-date knowledge and training in mediation, conciliation and/or arbitration as well as access to further training in methods of child-focused/centred/inclusive practices that will assist separating and divorcing parents to address their children’s needs. For example, Fisher and Pullen (2003) speak of an ethical obligation for family mediators to make mediation child-sensitive and child-focused.

However, in contrast to the belief that child-focused practice always brings positive benefits to children, McCarthy and Walker (1996, p. 4) suggest that ‘It seems something of a paradox that an approach to mediation which by definition focuses on children seems more likely than more broadly focused mediation to leave important aspects of children’s upbringing unresolved’. Their three-year study from the Relate Centre for Family Studies at Newcastle University in the United Kingdom compared the experiences of parents using ‘all-issues’ mediation (previously known as comprehensive mediation) with those using ‘child-focused’ mediation (normally limited to child-related matters). The paradox is that when mediation is focused only on children’s issues, the parents may reach agreement on those issues but may continue to have unresolved wider issues about health care, education, re-partnering, contact with grandparents and religious upbringing (McCarthy & Walker, 1996). Parents who accessed ‘all-issues mediation’ felt that they were able to reach agreements on wider issues and sort out arrangements for children, maintain good relationships with their ex-partner, end the marriage
amicably, sort out maintenance arrangements, share out property, reduce post-divorce conflict and get a cheaper divorce as well as feeling less resentful of, and bitter towards, their former partners (McCarthy & Walker, 1996). Given that reducing conflict between parents has positive benefits for children it is possible, according to the results of this study, that the type of mediation used during separation may have a significantly different end result for children depending upon whether it is an ‘all-issues’ or ‘child-focused’ type of practice. What is important to understand, however, is that in this context and circumstance the words ‘child-focused practice’ only describe the fact that the mediation is centred on issues surrounding children such as residency, contact and child support. This is a totally different concept from child-focused practice that is designed to facilitate parents and workers to ‘hear the voice of the child in the absence of the child’ (Bryant, 2003). It also does not incorporate any aspects of child-inclusive practice, which is designed to facilitate parents and workers to ‘find the child’s voice in the presence of the child’ (Bryant, 2003).

According to Parkinson et al (2005), when children were asked by researchers in their Australian study what would have helped them cope better with their parents’ divorce, many children said that they felt they should have been consulted much more than they were. If for no other reason than to allow the children to express their feelings if they wish to do so, including them in the mediation process may provide them with positive benefits and outcomes.

Rogers and Gee (2003) argue, however, that in high conflict matters a more inclusive and comprehensive practice framework is required. They explain that mediation and conciliation are ‘dead horse’ strategies for many of these families, a view supported by Kelly (2003a). Because of this, they call for the exploration of different approaches instead of relying on the prevalence of the conciliation myth where more directive practice is assumed to settle high conflict matters. Rees (2003, p. 1) also suggests that professionals should ‘be mindful of making PDR fit the client rather than the client fit a particular model’.

Therapeutic mediation is a form of PDR that appears to fit quite well for some parents in the family law context. Moloney and Smyth (2003) explain that therapeutic divorce mediation is one of several emerging interventions that hold promise for assisting parents in conflict to resolve disputes about their children. Jaffe Consulting (2003) reported on the ‘Conjoint Mediation and Therapy Project (CoMeT)’, which uses a model of effective inter-agency collaboration, with a highly successful partnering of a mediator and psychologist/counsellor working with couples following separation. This project has identified that the addition of a therapeutic option can help resolve parental impasses and gain movement in previously intractable disputes. Jaffe Consulting (2003, p. 3) suggests that therapeutic mediation is able ‘to focus on “stuck” clients, whose “stuckness” emerges in various disputes, but which has its origin often in unresolved negative intimacy, emotional factors from one’s family of origin, and unintended hurts and conflicts from within the marital relationship’ by providing ‘an outlet for adversarial processes on which standard mediation models are unable to have a significant impact’. So, while therapeutic mediation may not always be used in a child-inclusive manner, it does provide significant benefits for children by assisting their parents to resolve disputes and thus decrease the conflict that is harmful to many children.

Moloney (2002) mentions the need to incorporate into our clinical and mediation work the unequivocal research findings on the negative impact of entrenched conflict on children (see Kelly, 2003a, 2003b; McIntosh, 2003). As we noted in the children’s section, unresolved and ongoing conflict is harmful to children according to many
authors. Children whose parents do not separate or divorce, but instead remain in a high conflict marriage, may also exhibit high levels of distress that approximate that shown by children whose parents have separated or divorced.

Webb and Moloney (2003, p. 23), in their discussion of the Australian government’s promotion of primary dispute resolution over litigation, point out that the aim of professional development programs for professionals is not only to provide greater assistance to separating parents, but also to focus on the best interests of the children. In tracing the background to the government’s new strategies they suggest that professional development programs will assist professionals to:

- better understand the individual, couple and systemic factors associated with high levels of conflict, and how these can lead to entrenched disputes over children;
- assist separating and separated parents to affirm their shared and ongoing responsibilities as parents and to manage their conflicts in ways that put their children’s interests first;
- assist clients in high conflict, who might traditionally seek resolution through litigation processes, to find ways of acting in the best interests of their children, to the extent that they are able;
- educate separating and separated parents about the legal paramountcy of the best interests of the child and about the emotional, relational, financial, and legal consequences for their children and themselves of pursuing litigation;
- seek to integrate into the dispute resolution process the children’s experiences of their parents’ conflict and separation, and their needs relevant to the family transition;
- collaborate more effectively with lawyers and other professionals associated with the dispute, to protect and promote the best interests of children;
- recognise better the kinds of factors and issues that may militate against a facilitated dispute resolution process and suggest the need for third-party decision making (Webb & Moloney, 2003, p. 34).

**Children’s access to services**

In Australia, the Family Law Pathways Advisory Group (2001) acknowledged the need for children to have support throughout the separation and divorce process, including access to therapeutic support. This is not as simple as it sounds. It is common for parents not to know where to access help for themselves, and this is no different for children. Even if children know where to find support services they may not receive the help they require because, access to support services can be slow and stressful (Robinson, 1992). In a system where ‘most professional involvement is not “support” but “intervention” almost to the point of “interrogation”’, it is not surprising that even if a child does know where to access a service they may be too intimidated to approach that service and request support (Neale, 2002, p. 466).

Support programs for children experiencing separation and divorce are scarce in Australia. Whether this is due to a lack of funding, or a lack of recognised need for children to have support throughout the separation process is not known. However for children the reality is that support of any kind is hard to find and even harder to access as they attempt to cope with a situation that affects all aspects of their life, from school performance to relationships with friends and family and hopes for the future (Frieman et al., 1994).
One of the ways children are likely to have direct access to services is via the internet. An internet search for websites children might access for themselves yielded three obvious ones, outside of Kid’s Help Line, but only one offered groups for children to attend. Furthermore, support groups provided by this site were aimed at children who had experienced family violence and offered no general groups for children experiencing separation and divorce. Counselling support was also offered to children, but details of the counselling were not provided.

Another internet search for organisations that specifically provide a ‘one-stop-shop’ for families, where both parents and children could obtain information and support needed to make the transition from a two-parent family unit to single-parent units as painless and conflict-free as possible, located very few services. Fewer still offered comprehensive educational groups or materials that were child-focused and child-inclusive at a ‘one-stop-shop’ type of location.

Hawthorn, Jessop, Pryor and Richards (2003) claim that advertising services for children would increase the ability of young people to access those services, as parents are often ‘gatekeepers’ for their children in determining what, if any, information and support their children have to access. Research shows, for instance, that leaflets for children given to parents to pass on (for example, through the courts or solicitors offices) rarely reach their children (Campbell, 2003). Certainly, those well-advertised services that aim to reach children directly, such as the telephone service Kid’s Help Line, are widely used by children.

However, although many researchers and service providers argue that children have a right to be involved in decisions, and that children have the capacity to act as agents in their own lives, there are few support services that embody these ideals in the way they are currently designed. Pathways for Australian children to access services and support need to be created, made more visible and/or viable, and in particular must be more child-friendly.

Peer support and peer counsellors
Support from peer groups within school systems can make a difference between adjustment and maladjustment for children (Bagshaw, 1998b). This was demonstrated early in child research around separation and divorce, when Mitchell (1985, p. 183) demonstrated that ‘children of separating parents need more explanations’ and ‘they need someone to talk to and the knowledge that other children have had similar experiences’. A program run by the National Family Resiliency Centre in the United States provides support for children experiencing separation and divorce in the form of weekly support groups for children of various ages and developmental stages. It also provides peer counsellors, namely children who have undergone the experience of having their parents separate and who are now in a position to share their experiences and knowledge of the event with others. Similar services are also available for adults.

Emotional and psychological support for children
Given the high levels of stress their parents are under, children often need assistance from others early in the separation and divorce process. There is no one method or approach that is appropriate for working with children. A combination of approaches is usually needed including educational and therapeutic individual and

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group work. The creation of an environment that will promote enduring attachments and a positive sense of identity, self-esteem and competence in a child is paramount.

In the late 1980’s Wallerstein argued that there is a need for specialised counselling where children are clearly at risk, where the parents are still locked in bitter disputes, and where there has been family violence (Wallerstein & Blakeslee, 1989). Frieman et al (1994) found that mental health interventions can lessen the major impact that divorce has upon children and parents.

Family law professionals need to ensure that any intervention offered will effectively support and assist children, not compound their difficulties. For example, Winnicott (1977) emphasised the importance of workers communicating directly with children when they are grieving, not simply working for them. Direct intervention with children needs to be timely and requires special knowledge and skill. The support provided must be uniquely tailored for each child, delivered in a manner appropriate to the age and stage of development of the child, involve the family, extended family and other informal and formal sources of support, and be culturally relevant to their needs.

It is essential for the well-being of children that professionals draw on the latest quality research findings to assist divorcing parents to understand the experiences and needs of their children (Kelly 2003b) and to develop realistic parenting plans that are designed both to maintain a positive relationship between the child and each parent or caregiver and to take into account children’s developmental and psychological needs (Kelly, 2005). Kelly (2005) has pointed out the failures of the traditional ‘every other weekend’ visiting pattern with the non-resident parent and suggests multiple access alternatives for parents, courts and professionals to consider, grounded in the latest social science research. Her suggestions are more likely to meet the diverse developmental and psychological needs of children and promote or maintain children’s attachments with their non-resident parents (usually fathers). Conciliation counselling and mediation can be helpful in this regard, and may involve children directly or indirectly, depending on their age and the parents’ wishes. Specific programs to educate parents are also helpful, for example non-resident fathers in particular often experience considerable difficulty in restructing and maintaining their relationships with their children, and there is often little support or guidance available to assist them (Moloney, 1993).

Children’s grief and the grieving process must also be acknowledged and allowed to take place. Because experiences of loss are universal, seeing children in distress may evoke recollections of professionals’ own experiences. Parents and professionals may have an overwhelming desire to protect children from exposure to pain by avoiding the subject (Bagshaw, 1998a). There are many court-connected educational programs for separating and divorced parents in Australia and the United States that aim to inform parents of the negative effects that separation and divorce have on their children, and to equip them with ways to minimise these effects. However these programs rarely address issues of grief and loss in children, or provide educational instruction about the separation and divorce process directly to the children involved. In addition, children’s grief will not always be apparent to adults and may be expressed in a variety of ways – some of their behaviour may be misleading, or labelled as ‘deviant’. Family law professionals working with or on behalf of children during the divorce process may find it difficult to ascertain or represent the best interests of children if they lack the necessary knowledge and understanding of the various ways children experience and express grief (Bagshaw, 1998a).
Different forms of therapy may be suited to different children, depending upon their ages and stages of development. One form of therapy especially suited to younger children is play therapy. Here therapists enter the world of the child by allowing them to follow the child’s lead, thus developing a relationship of trust in a safe place. Play therapy sessions are conducted in a playroom that has a wide range of carefully selected toys and materials. In the playroom, the child can express feelings, thoughts, experiences and behaviours through play since toys are used like words and become the child’s natural language (Pagotto, 2004). However, a service such as play therapy requires a specialised physical location.

Another way to provide emotional and psychological support to children in transition is through therapeutic group work (Di Bias, 1996; Fischer, 1999; Johnston & Roseby, 1997). Johnston and Roseby (1997) have written a group treatment manual for school-aged children from high conflict, violent and separating families. In ten sessions children are taught how to say hello, work together, explore feelings, make a safe inside place, and cope with family conflict. The text provides insight on the effects of parental conflict on children from real situations. Books can also be useful, for example Through the eyes of children: healing stories for children of divorce (Johnston, Breunig, Garrity and Baris, 1997) contains fifteen stories for school-aged children dealing with various aspects of families being reorganised through the process of divorce. These stories help children to cope through the use of allegory and the magical life of animals endowed with human emotions and offer answers to the issues children face.

To avoid confusing children in the separation and divorce transition, children should be clearly informed about what is happening in an age-appropriate manner. Talking with other children with problems and fears that are similar can also normalise their experiences, decrease their feelings of isolation and assist them to understand what is happening to them. Further, the opportunity to develop positive relationships with children of a similar age as well as with the group worker can have positive effects on how the children see themselves. As the goals may differ for various age groups there may be a need for age-appropriate groups (Rossiter, 1988; Di Bias, 1996; Wallerstein, Lewis & Blakeslee, 2000). For example, Fischer (1999) describes the curriculum content for the Rollercoasters program for children, which was developed by staff at Families First in Atlanta, Georgia to address the needs of children in divorcing families. Rollercoasters is designed for a group of 6 to 8 children from 9 to 12 years of age to address the six psychological tasks facing children when their parents separate (Wallerstein, 1983; Bagshaw, 1998a). Children are helped to ‘acknowledge, understand and accept various dimensions of the process of family change, learn skills for dealing with their own anger and confusion, and look for positive aspects of change and prepare for the future’ (Fischer, 1999, p. 243). They are engaged in activities such as using a personal activity book, making ‘stress balls’ from balloons and birdseed to deal with anger, constructing a ‘loss box’ to lay to rest hurtful feelings, and participating in a ‘chain of lights’ ceremony to observe how changes can lead to a broader support network. Parents have observed meaningful improvements in their children’s willingness to express feelings and opinions and in their self-esteem. The data from the evaluation also suggested that the program ‘had greater impact on the children with the least self-expression, lowest self-esteem, and most behaviour problems prior to the program’ (p. 253).

Children and adolescents have separate needs and may experience their parents’ separation differently. Individual or group therapy for younger children can be seen as a bridge to understanding themselves and to learn how to talk about their feelings to their peers and to their parents. In adolescence, where the focus is on
peers and the development of intimate relationships, young people need support around a wide range of relationship issues. Providing a ‘one-stop-shop’ where children, their siblings as well as the parents can attend different kinds of groups can help the whole family through the transition.

Education programs for children
The importance of providing supportive education to enable children to understand and participate in the separation and divorce process cannot be understated. Children’s resilience to the stress of parental separation is furthered when they are treated as competent actors and can communicate with the other people making decisions in their lives. Competence develops within supportive familial, educational and legal contexts (Smith & Taylor, 2003).

In 1996, the Family Law Council suggested that parents should "not try to overprotect children by keeping the facts from them, they should include them instead. Recommendation number 4.03 in The Family Law Council’s 1996 report Involving and Representing Children in Family Law stated that ‘[f]rom the viewpoint of the child, there are a number of shortcomings in the present system. Children will often feel excluded from decisions, which will directly affect them. This exclusion can have negative effects on the child. (Family Law Council, 1996, p. 17)

By educating children about the separation and divorce process, and providing them with information to assist them to normalise their feelings and reactions it is possible to increase children’s ability to cope with the process and emerge from it feeling good about themselves. There are several tools that have been devised to assist children to learn about what is happening to them and around them. Books are useful for children who are literate. Other tools that have been used to support and educate children include telephone help lines, audio-visual materials, CD-ROMs and games (Hawthorne et al., 2003). Tools such as these are often used by services that are child-focused rather than parent-focused.

Di Bias (1996) provided a synopsis of the goals and content of three successful child-oriented group programs for children in the United States – They’re Still Our Children, Kids’ Turn and Families in Transition – which will be helpful to service providers wanting to establish groups for children. They’re Still Our Children was a mandatory, court-based program of 2.5 hours for all divorcing parents and their children 6 years of age and older. Within 6 weeks of filing for divorce, parents and their children had to attend an educational program that aimed to demystify the court process and deal with the needs and feelings of the children. Children completed letters to their parents, individually and as a group, and role played divorce cases in the courtroom. Kids’ Turn offered a course taught by qualified professionals in a classroom, oriented towards children aged between 4 and 14 years. It is still an active service today, is conducted away from the court and provides 90-minute workshops over 6 weeks to teach children skills to cope with the changes in family when parents separate and divorce. Children role play their family using puppets and also write letters to their parents. Depending on the age of the child, the program also provides legal information on the process of divorce. Parents are given information to help them to help their children. Families in Transition was a mandatory 7.5-hour educational program for parents and children between the ages of 8 and 16, which aimed to increase social competencies critical to children’s post-divorce adjustment. Sessions for children focused on understanding divorce, coping with anger
about divorce and coping skills for dealing with divorce. Di Bias’s (1996, p. 127) evaluation of these programs found that the overwhelming majority of children and parents who had attended found them ‘extremely helpful’, with many of the children emerging from the transition ‘strong, compassionate and self-reliant’. All have similar goals and objectives and use many age-appropriate activities.

The Jackson County Focus on Children in Separation (FOCIS) program has also had a positive consumer response. It runs concurrent classes for parents and for children and the children’s classes are divided into early, middle and late childhood groups. Children are taught (at age-appropriate levels) grief reactions to divorce, techniques for talking to parents about their concerns, basic and relevant legal terms, that children are not to blame for divorce, and how to identify and express their own reactions to divorce (Glenn, 1998). A highlight for all classes is the creation of a newsletter by the children for their parents which is a vehicle for generating parent–child discussions.

Structural and physical support
Not only is there a need for emotional support for separating and divorcing families in order to decrease the effects upon children, there is also a need for structural and physical support. Bassuk asserts that family breakdown and domestic violence are still perpetuating factors in the homelessness of children (cited in Schilling, 1998). Therefore, many children who are already affected by separation or divorce and associated family violence also have to cope with the instability of being homeless.

As well as homelessness, there are other factors that can impact upon how well children can cope with separation and divorce. Many Australian children are living in financially reduced circumstances as a result of parental separation or divorce, with ‘divorced dads paying $5-a-week or less in child support in 40 per cent of cases. Thousands are paying nothing – a trend reflected in a blow-out of Child Support agency debts among non-custodial parents which, in 2003, had reached $844 million’ (Maiden, 2003, pp. 1–2).

Housing and financial issues are not the only structural problems that children face following separation and divorce. Children are frequently unable to overcome structural issues in the legal system. The Family Law Council’s 1996 report, Representation of children in family law proceedings, noted that, although a number of the recommendations made in their 1989 report were implemented, some recommendations, including those relating to the involvement of social workers and the training and accreditation of separate representatives for children in family law cases, were not implemented. The model proposed by the 1989 report was for a separate representative to coordinate matters and to call case conferences or conferences of professionals involved. It was to be mandatory that a social worker be involved in the preparation of the case. However, children are not receiving the representation that they need in order to be heard effectively by the legal system.

The Family Law Pathways Advisory Group (2001) noted that the current family law system has a limited child focus even though it is known that children need to be heard and have their needs included at all levels of their family’s involvement in the family law system. This issue was pre-empted by O’Neil and Beilharz in 1998 (p. 284): ‘Try as hard as we do, and work as smartly as we can, our services are at risk of further marginalising the very people we seek to help, if the larger structural issues are not addressed.’ Through education, it is hoped that

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4 Associate Professor Dale Bagshaw, the manager of the CAFIT team, visited Kid’s Turn in San Francisco. It was a particular source of inspiration for the Adelaide-based Children and Families in Transition project.
both professionals and parents can be given information that will enable them to focus upon, and acknowledge, the needs of children, including their need to be heard.

Another structural need is to provide a safe and comfortable environment for children. Most of the current services for families and children in transition are designed for adults. Pleasant child-friendly surroundings can assist parents to focus on their children, and assist children to relax and feel safe enough to open up and discuss their issues. Having appropriate materials to play with, such as dolls, coloured crayons or textas, sand play equipment and toy buildings, may assist therapists and mediators to communicate with smaller children. Using toys and art materials, children can show their inner feelings through what they choose and how they play (Pagotto, 2004). A friendly and inviting building and room, filled with varied toys suitable to different ages, will not only be more aesthetically appealing to children but will also aid them in coping with their parents’ separation and divorce by providing a safe and inviting space for them to talk – with other children, their parents and, or professionals.

Considering that many services are designed for adults, there are very few that are able to offer an environment tailored specifically to children. Programs that are linked to courts are often held within court buildings, an environment that can be intimidating for many adults. Children who are already affected by separation and divorce may be unable to enter such an authoritative and unusual environment without experiencing further distress. Some children know very little and most know nothing about the legal process of divorce or separation. Perhaps they will hear legal terms they do not understand or worse may have to take part in an actual trial. All of this can be quite frightening to a child, especially when added to the fear and confusion the child is already experiencing (Di Bias, 1996). The provision of a child-friendly and less intimidating environment may reduce the stress and trauma associated with separation and divorce experienced by children.

When discussing the increased attention to quality care for children and young people, as well as support for families, Schrapel (2005) states that central to this is an assurance that the services and interventions are based on the best available evidence and that staff who deliver them are equipped with contemporary competencies and knowledge. He notes that the Office of the Guardian of Children and Young People (GCYP), a South Australian Government initiative that commenced in August 2004, and Child & Adolescent Family Welfare Association (CAFWA) of South Australia are in the process of developing a Charter of Rights for Children and Young People in Care (Schrapel, 2005).5

Community-based support services for parents

One organisation in the United States that provides a wide range of assistance to separating families in order to protect ‘the best interests of the child’ is the National Family Resiliency Center (NFRC) (formerly Children of Separation and Divorce Center). Here parents are provided with the support they need to heal so they can put aside the anger and pain of their marriage and focus instead on the needs of their children. They help educate and train mental health and legal practitioners on the effects of divorce on children at various developmental stages and the critical nature of using a child-focused decision-making model in their professional capacities (Garon, 2003). This organisation also provides children with support by assisting them to better understand and

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accept the realities of life-changing experiences in their family, as well as giving them the guidance they need in order to identify and express their feelings in a healthy and healing way (Garon, 2003). They advocate that children should have access to therapeutic support, and should have a voice in non-adversarial decision-making processes and litigation about their welfare as family decision making that includes the children helps to ensure that the best interests of the children are met (Family Law Pathways Advisory Group, 2001).

**Parent education programs**

Kelly (2002) notes that in the past decade, divorce education program for parents and children have proliferated in the United States, in particular those associated with family courts. These are usually limited to one or two sessions in the court sector and four to six sessions in the community or schools and parents are often mandated to attend. In reviewing evaluations of these programs she also notes that programs that are research-based and focus on skill development show more promise in educating parents and promoting change than those that are didactic or affect-based. A few studies of these programs have demonstrated their efficacy in preventing or reducing psychological or social adjustment problems for children of divorce or modifying ineffective parental behaviours, including child-focused programs (Haine, Sandler, Tein & Dawson-McClure, 2003) and mother-focused programs (Haine et al., 2003), but few programs have focused on fathers or non-resident parents.

In January 1996, the *Family and Conciliation Courts Review* published a special issue on parent education as a field of practice and have subsequently published many other articles, some of which describe the content of programs (for example see Thoennes & Pearson, 1999; Clement, 1999; Geasler & Blaisure, 1999; Fuhrmann, McGill & O’Connell, 1999; Kramer & Kowal, 1998; Kramer, Arbuthnot, Gordon, Rouss and Hoza, 1998). Many use a packaged program that is easily available at relatively low cost in the US. Geasler and Blaisure’s (1999) national survey found that the most frequently noted program goals and content were child-focused. The primary focus of most programs was on children’s reactions to divorce and parental reactions to children, along with parental adjustment, communication, parenting skills and co-parenting issues.

Kramer, Arbuthnot and Gordon’s (1998) research found that an ‘active learning and skill practice approach was more effective in producing improved parental communication relative to the more passive learning approach’ (p. 27) where parents were provided with information; however both approaches reduced children’s exposure to parental conflict. They also commented on the ongoing debate about the appropriateness of divorce education for couples who experience domestic violence and reported that their study found that parents with greater divorce knowledge experienced better communication, decreased conflict, decreased violence and their children were exposed to less conflict (p. 26). Their results also suggested that divorce educators should develop programs that are ‘finely tuned to the needs of specific subpopulations of parents with differing problems and abilities’ (p. 29).

There is a level of self-interest with parents in conflict that needs to be overcome in order for them to be able to focus on their children and the needs of those children (Rogers & Gee, 2003). Researchers from Relationships Australia Victoria (RAV), in conjunction with La Trobe University, have evaluated parenting programs in the United States for their applicability to the Australian context (MacKay, 2001). They found over 1500 programs, three times the number of five years before, which the researchers attributed to their mandatory component of 50 per cent, with most participants having to pay to attend. Results from US evaluations indicated that:
62 per cent of participants agree the program should definitely be mandatory whilst 26 per cent believe it should be mandatory.

The US programs also have a focus on avoiding re-litigation (MacKay, 2001, p.35).

The content of these mandatory parent education programs addresses children’s needs and also includes the effects of divorce on children, the benefits of parental cooperation and the impact of parent behaviours on children (Braver, Salem, Pearson & DeLuse, 1996). General information is provided about skills, such as conflict management and parenting skills, ‘while the least intensive coverage consists of legal issues such as dispute resolution options, custody options and financial responsibilities of non-custodial parents’ (Braver et al., 1996, pp. 52–53). There is frequently a difference in the length of programs that are voluntary and mandatory, with mandated programs held mostly in a single session and voluntary programs held over three or more sessions. One common facet of both types of programs was that almost 80 per cent of programs provided at least some coverage of domestic violence issues (Braver et al., 1996). Braver et al. (1996) reported that parents who attended divorce education programs reported being better prepared for mediation, were more satisfied with the services and seemed better able to meet the needs of their children in negotiating parenting arrangements. In the same year, these results were also reported by Arbuthnot and Gordon (1996), who evaluated court-mandated programs immediately after they were held and again six months later, finding that parenting skills were effectively learned with changes maintained over the evaluation period.

The Contact Orders Program in Australia commences with a directive or interventionist approach. It is assumed that initially parents need containment (containing the conflict through directive counselling) because they are emotionally volatile at this stage and arguments between them escalate the difficulties for children. Parents must then agree to participate in the six-week group education program (one session per week). A mix of men/women, and residential/non-residential parents attend the education program (no couples attend) (MacKay, 2001). The criteria for Relationships Australia Tasmania’s Contact Orders Pilot are:

- Both parents must participate.
- All children participate too.
- Counselling must occur.
- Support groups are used.
- Self-management is encouraged (MacKay, 2001).

Relationships Australia Victoria (RAV) also provides a Post-Separation Parenting Program called ‘Effects of Separation on Children’. This program involves a two-hour session every 6–8 weeks depending on demand, with a minimum of six participants and a maximum of 16. Participants tend to be single (separated) yet some couples attend who tend to be further down the track of separation. Anecdotal feedback has been positive. The principles of the program are to:

- increase parents’ awareness and understanding of children’s needs and provide well-researched and balanced information;
- concentrate on building a competence framework for parents;
recognise and acknowledge the fears of parents (MacKay, 2001).

Another program facilitated by RAV is their ‘Key Steps to Parenting After Separation’ program, which builds on the ‘Effects of Separation’ program. It aims to teach separated parents the skills involved in:

- positive parenting
- adjusting to the separation
- minimising conflict
- learning to end the intimate relationship while developing a new ‘business’ type of relationship (MacKay, 2001).

RAV worked with Victorian Parenting Centre and La Trobe University to develop this program, which is now operating through ‘parent zones’ and parenting centres around Victoria and costs $25 per person in a couple or $30 for individuals. The seminars are essentially for low conflict families, with a screening system to identify high conflict couples as they generally cannot be placed together (MacKay, 2001).

One Australian education program for parents that has been established to assist separating and divorcing families is Back on Track: Finding a Way Through Separation and Repartnering (Child Support Agency & Family Court of Australia, 2000). It is an educational program commissioned by the Child Support Agency (CSA) in response to concerns raised at the CSA Community Forum in 1997. Community service providers at that forum expressed frustration at the lack of education about re-partnering and resources that would be relevant and appealing to many separated parents.

Overall, research has shown that early intervention is vital, that skills-based programs are very important and that the provision of information for separating parents is very much needed (MacKay, 2001) in order to retain a focus upon the best interests of the children throughout the transitional separation and divorce process.

Studies have shown that a number of factors can help men and women adjust to divorce: emotional separation from an ex-partner, freedom from financial difficulties, high level of support from relatives, friends and the community, and the establishment of a new intimate relationship. However, it has been noted that more needs to be done to ensure that children whose families interact with the Family Court have a better understanding of its role, range of services and decision-making processes (Smith & Taylor, 2003). There are many court-connected educational programs for separating and divorced parents in the United States that aim to inform parents of the negative effects that separation and divorce have on their children. However these programs rarely address issues of grief and loss in children, or provide educational instruction about the separation and divorce process directly to the children involved (Bagshaw, 1998b).

McIntosh and Deacon-Wood (2003) reviewed the growing body of research around group interventions designed to assist parents in high, enduring and entrenched conflict to move toward a more constructive co-parenting arrangement in the interest of their children, including traditional education approaches, therapeutic and treatment-oriented models. Models were developed for the Children in Focus program and these were designed to provide family law dispute resolution professionals with research-based and peer-reviewed methods to assist this population. Twelve specific programs were reviewed in detail. It was clear from their findings that
short-term programs are insufficient to deal with enduring or high post-divorce conflict. Johnston (1998) and Blaisure and Gleasler (2000) advocate that with high conflict parents a spectrum of intensive educational approaches need to coexist with other supports and need to be based on an adequate understanding of the prior marital union, the meanings of the separation and their impact on the coparental relationship and the existence of domestic violence and/or child abuse. Programs can be targeted at different levels. Early prevention programs can provide information and/or focus on feelings and skills, such as conflict resolution and communication skills. Treatment programs focus on knowledge and skill building aimed at improving the parents’ knowledge of judicial processes and enhancing communication and coping skills. Johnston (1998) found that intensive therapeutic groups are most successful with parents engaged in enduring disputes. They can address emotional impasses underlying high levels of conflict but they require highly skilled facilitators.

**Interventions where there is domestic violence and child abuse**

Protecting the best interests of children in cases where domestic violence is occurring, or has occurred, is another example of how social values can impact upon the Family Court’s determination of exactly what is in the best interests of the child. Prior to 1975 in the Family Court of Australia, and in the early days of ‘no-fault divorce’, judges appeared to draw a distinction between violence towards a partner and violence towards a child. As a result, a man who was violent towards his wife but felt affection for his children was still permitted to have contact with those children (Dessau, 1999). Presumably this was because it would have been deemed damaging to the child if the perpetrator of the violence was removed from the child’s environment. For many years after 1975, domestic violence could not be mentioned in the Family Court because of the emphasis on ‘no fault’ divorce. However, more recently, a body of case law has evolved with an emphasis on protecting children from both direct and indirect violence. Accordingly, the *Family Law Reform Act 1995* now contains provisions to protect a child from physical or psychological harm caused by being subjected to or exposed to violence either directly or indirectly by behaviour directed towards another person (Dessau, 1999).

The prior Chief Judge of the Family Court of Australia, Justice Alistair Nicholson (2002) has highlighted that disputes involving family members not only generate deep emotional responses but also, on a wider plane, they frequently lay bare issues of power, gender, public and private responsibility and concepts of ownership. He viewed marriage and relationship breakdown as an issue of great public concern because of its perceived destabilisation of society and its effects on children, and stressed the need for the law to protect children from abuse and persons in relationships from violence. Some of his approaches, however, have been heavily critiqued – for example read John Hirst’s (2005) contribution to the *Quarterly Essay* ‘Kangaroo Court Family Law in Australia’.

It is of concern that in some of the literature reviewed there appears to be little differentiation made between low levels of conflict and high levels of conflict. In some studies, there also appears to be little differentiation between conflict (high or low) and abuse or violence (see Bagshaw & Chung 2001). Thus emotional or sexual abuse is sometimes labelled as a form of ‘conflict’, ignoring the power and control issues, and thereby increasing the likelihood that those children who have experienced abuse, directly or indirectly, may not actually obtain specific and targeted support for their experiences. There also appears to be few educational resources or programs for individuals or groups of children who have been abused. Therefore these children are often left unsupported and continue to be affected by abuse, which continues after separation.
After evaluating a range of child protection services, Brown, Frederico, Hewitt and Martyn (cited in Brown, 1997) suggested that the Family Court of Australia has become a part of the network of child protection services without fully realising its position. Brown further explained that international and Australian literature has indicated that abuse allegations in custody and access disputes were a troubling problem to courts, consuming considerable court time and resources and with no easy solutions being apparent (Brown, 1997). Dessau (1999, p. 4) concurs with her view when she stated: ‘By late 1997 it had become clear that child abuse cases had become part of the core business of the FCA.’ She also noted that, while child abuse cases were initially a small percentage of the cases that began proceedings in court, they held a relatively larger percentage of those cases that were eventually determined by judges (Dessau, 1999).

Brown’s (1997) study into the management of child abuse allegations in custody and access disputes in the Family Court of Australia found that pre-hearing conferences bring 30 per cent of child abuse allegations to resolution before trial by using a new case management system, thereby reducing the number of, and length of, protracted court battles that children are exposed to and involved in.

The CoMeT Pilot Project uses the term ‘high maintenance’ to describe those ‘cases which take up a disproportionate amount of Court and legal resources, which are recidivist in their resorting to the legal system, and often consist of significant dysfunctionality and high levels of physical and emotional violence’ (Jaffe et al., 2003, p. 3). Although the project was supposed to have screened out participants who had experienced significant violence, it was eventually discovered that all of the twelve cases involved in the pilot project ‘had a history of reasonably high levels of violence (mainly verbal violence), with three having had major patterns of physical violence’ (Jaffe Consultants, 2003, p. 3). Brown (1997) acknowledges that managing the family violence contained in custody and access disputes involving child abuse allegations has become a core business of the Family Court and that its normal case management procedures do not assist in the resolution of these cases. Further mention is made of the need to set up a special case management system just for these cases (Brown, 1997).

One such special case management system has been used in the Columbus Pilot Project, a holistic multidisciplinary individualised case management approach to address allegations of domestic violence, child abuse, child sexual abuse, and family violence where there are inherent child protection implications (Pike & Murphy, 2003). Preliminary analysis of the domestic violence and family violence sub-samples suggest that, despite the intensive nature of the conferencing process, no Columbus case has ‘cost’ more than $3,000 (a day at trial) so far’ thus reducing both the conflict surrounding the divorce process but also the immediate financial cost to the community (Dessau & Porter, 2003). In addition, Pike and Murphy found that, on the whole, the Columbus project has resulted in a number of fathers becoming aware of their behaviour and the subsequent impact upon their children. A direct result was the increased level of protection afforded to those children (Pike & Murphy, 2004).

One finding from the CoMeT Pilot Project is that it is extremely valuable to interview the child and, with the child’s permission, report this back to the parents. They found that in cases where there is high conflict, parents may be more willing to ‘lay down their weapons’ when they hear how frightened or hurt their child is. Any program that can encourage and support either a child-focused format or the inclusion of the child in a safe and protected manner may therefore be able to obtain better results for the long-term future of the children.
Fuhrman, McGill and O’Connell (1999) caution that specialised parent education programs for violent or high conflict families have inherent difficulties in screening and availability and urge parent educators not to assume that generic programs will not have victims or perpetrators of violence in attendance. They provide valuable advice on how to make mainstream programs safe and appropriate for victims and perpetrators. They propose ‘(1) that the emotional and physical safety of all participants be ensured through the express prohibition of partners attending a program at the same time, (2) that participant and attendance lists be held in strict confidentiality, and (3) that those who teach parent education be trained in the dynamics and issues of domestic violence’ (p. 33). They offer practical suggestions to ensure that the language and content takes into account the possible presence of victims, perpetrators or unmarried parents.

Programs addressing children’s experiences of violence and/or abuse
According to the Report of the Queensland Domestic Violence Task Force Beyond these walls (1989) 90 per cent of children from violent homes witness the abuse perpetrated against their mother. Of those children it is estimated that 50 to 60 percent will themselves be physically abused. The likelihood of domestic violence occurring increases during separation and divorce, as does the number of women and children who are killed by violent fathers (Bagshaw et al., 2000; Bagshaw, 2003). Thus the importance of identifying domestic violence, protecting women and children, and of offering specialised programs designed to assist children to cope with the effects of family and domestic violence cannot be emphasised strongly enough.

McLean and Grant-Iramu (1996) suggest that children who have witnessed or experienced domestic or family violence may well feel that the system is biased against them. As discussed in the children’s section, witnessing domestic violence has only recently been recognised as a form of child abuse and has profound effects on children. Australian and international studies show that children who witness domestic violence often show behavioural problems, psychosomatic illnesses, lack of skills in relating to others and in many cases think it is okay to be violent towards someone you love. It is therefore important that children be assisted in coping with the trauma of witnessing domestic violence and in healing from its effects (McLean & Grant-Iramu, 1996; Bagshaw & Chung, 2001).

There are several programs currently available for children who have experienced domestic violence in Australia. ‘Walking on Eggs’ has been produced by the Domestic Violence Research Centre in Queensland in recognition of the impact domestic violence has on the children who witness it (McLean and Grant-Iramu, 1996). Another program for children of primary school age who have witnessed or experienced family violence is the Safe Talk About Rights (STAR) program discussed by Cavanagh and Hewitt (1999). STAR runs for one-and-a-half hours after school, once a week for eight weeks. This program includes discussions and activities such as relaxation and team building games for children, while at the same time their parents meet as a group to learn more about the effects of the family violence on their children. A number of strategies are used to assist parents to improve communication and relationships with their children. The work with children is regarded as the most important initiative to prevent family violence. The focus is on redressing the impact of adult violence and providing the children with alternative learning and skills for problem and conflict resolution. The goal is to prevent the cycles of violence transmitted across generations. The desired outcome for children who participate in STAR is the ability to understand their feelings and relationships, and to be able to choose respectful ways of communicating their needs (Cavanagh & Hewitt, 1999).
In South Australia, the needs of children and young people affected by domestic violence have been clearly researched and documented by Bagshaw et al. (2000) in the *Reshaping responses to domestic violence* report for the South Australian Department for Human Services and the Commonwealth’s Partnerships Against Domestic Violence and in other publications. Their report identified a lack of specifically targeted interventions and services in South Australia to assist children and young people to overcome the effects of domestic violence and reduce the likelihood that they may reproduce domestic violence in their own relationships. Subsequently, Bagshaw, Campbell and Jelanik (2002) evaluated a creative program for children who have witnessed domestic violence and their families. The overall aim of this project was to use an action research approach to clinically trial and evaluate the resources that have been developed by the Jannawi Family Centre (NSW) specifically for children who have been directly affected by domestic violence and parents who have used violence in front of their children – Change Could Come and Creating the Future. The evaluation demonstrated that these two resource kits developed by the Jannawi Family Centre, using child-sized puppets, could be used in a variety of settings and for a variety of purposes, including early intervention, prevention and therapy. In the evaluation the resources were mainly used with mothers in groups and with children individually and in groups, in a school, domestic violence shelter and in a range of other therapeutic settings. The resources were successful in raising awareness of parents and children of the effects of domestic violence and in offering the children and their parents alternative ways of handling these effects. The researchers recommended that, provided that workers using the Jannawi resources are adequately educated and trained in their use, adequately resourced, have professional knowledge and skills in work with children and are familiar with and committed to the theoretical approach underpinning the kits, the resources can be powerful tools for creating change. In particular, the Indigenous components of the resources were well received by all the children and workers involved.

Gevers et al. (1999) have also identified a range of organisations that use different models of service for working with children who have lived with domestic violence including:

1. Child’s Play therapeutic program, which uses dance and movement to rebuild attachment between mothers and primary school aged children;
2. Talera Centre, which provides child and family therapy;
3. Domestic Violence Children’s Counselling Service, which provides individual counselling and group work services;
4. What About The Children?, a group-work program that works with all members of the family concurrently;
5. Domestic Violence Resource Centre, which provides group work and individual counselling and has a major preventative/community awareness focus;
6. Going Places, a concurrent group work program for primary school aged children and their mothers with a strong focus on group work supervision and evaluation;
7. private practice: children’s counselling services offering individual counselling to children and adolescents who have experienced domestic violence or child abuse and some group work;
8. Integrated Support Services Project, which provides a proactive health promotion and education service for high school students and students from the feeder primary schools with police officers, nurses and social workers working from a preventative model rather than a crisis intervention model,

9. Relationship Violence – No Way!; a preventative program using peer education strategies to work with young men at risk of perpetrating relationship violence (Gevers et al., p. 13.1).

Parent contact where violence and/or abuse has been present
Research has demonstrated that children who are direct or indirect witnesses of domestic violence may fare better with supervised or no contact with the perpetrator (Russo, 1998). While it is normally preferable for children to maintain contact with their parents following separation and divorce, in cases where abuse has been perpetrated by one of those parents, it is more likely that further contact with that parent will cause further harm to the child.

As discussed previously, prior to no-fault divorce, Family Court judges appeared to draw a distinction between violence towards a partner and violence towards a child. As a result, a man who was violent towards his wife but felt affection for his children was still permitted to have contact with those children (Dessau & Porter, 2003). As further understanding of the effects of violence upon children has developed, the importance of removing children from violent people and environments to a place of safety has become more widely acknowledged, although Shea Hart’s (2006) recent research for her PhD has illustrated that some of the earlier attitudes are still evident in family law judgments post-Family Law Reform Act 1995. Shea Hart and others have stressed that children’s safety, both physically and emotionally, must be of paramount importance, even when to achieve this safety means a loss of contact with the parent who is perpetrating the violence.

Bancroft (2002) argues that research on children exposed to domestic violence has focused on two aspects of their experiences: the trauma of witnessing violence against the mother and the effects of living with high-level conflict between parents. However, Bancroft argues that little research has focused on the ‘batterer as parent’ (2002, p. 1). Research cited earlier in this report highlights that the ‘users’ of violence are generally male. Bancroft describes the characteristics of ‘men who batter’ or men who use violence:

   **Control**: … one of the areas of life heavily controlled by many men who batter is the mother’s parenting

   **Entitlement**: A man who batters considers himself entitled to a special status within the family, with the right to use violence when he deems it necessary. … It is difficult for children to have their needs met in such an atmosphere…

   **Possessiveness**: Men who batter often have been observed to perceive their partners as owned objects. This possessive outlook can sometimes extend to their children, partly accounting for the dramatically elevated rates of physical abuse and sexual abuse of children perpetrated by batterers. (Bancroft, 2002, p. 2)

Bancroft states that manipulation, denial and the minimisation of abuse by users of violence can also have a major impact on children. The effects of this can include:

• creating role models that perpetuate the violence
• undermining the mother’s authority
• retaliating against the mother for her efforts to protect the children
• sowing divisions within the family
• using the children as weapons against the mother (Bancroft, 2002, p. 2).

The implications of all this are tremendous for children who are experiencing separation and divorce, and for whom residency and contact matters are being arranged, more often than not without their voice. Children need a sense of safety to heal, and the matter of whether to leave a child in the unsupervised care of a person, whether a father or mother, whose use of violence they have witnessed needs serious court consideration (Bancroft, 2002).

Despite this, research indicates that in family law matters in Australia children are still being placed in positions where the continuing effects of family violence are inescapable. The Family Law Reform Act 1995 has shifted the focus from the rights of parents to the rights of the child and the responsibilities of parents and it appears that this change has had an unanticipated effect on the welfare and protection of children where there is domestic violence. Rhoades, Graycar and Harrison’s (2001) research indicates that these changes have made children more vulnerable to potential violence or abuse. They have demonstrated that, in cases where contact arrangements are contested in the Family Court, the child’s right to contact tends to override the child’s right to safety, in particular at the interim stage of proceedings. Their research has indicated that in court proceedings more weight is given to the child maintaining contact with the non-resident parent, even in cases where violence has been alleged. More contact applications were being made and at the interim stage of proceedings more orders for contact were being made, despite a history of domestic violence. Several factors have contributed to this, including policy makers’ normative views of parenting leading to an increased emphasis on shared parenting, and pressure from fathers’ rights groups. Coupled with this there have been reductions in government funding for Family Court counsellors, mediators and separate legal representatives for the child. It appears that there are few avenues available for assessing and representing the wishes and needs of the child in court matters where there are allegations of domestic violence, and even less for giving children a direct voice, despite the rhetoric promoting child-inclusive practices.

Amanda Shea Hart’s PhD thesis confirmed Rhoades et al.’s (2001) findings and has emphasised that children from domestic violence situations have special needs. She identified and analysed the dominant discourses (or repetative statements) in twenty family law judgments made in the Adelaide Family Court registry (post-Family Law Reform Act 1995) involving contested contact cases where it was clear that children had been exposed to domestic violence. Most cases involved violence by their fathers toward their mothers. In all but five cases a detailed discourse analysis revealed that the judges’ reasoning elevated the importance of the need for fathers to have ongoing contact with their children over the needs and expressed wishes of the victims of the same fathers’ violent behaviour, namely the children and their mothers. The safety of children tended to be given low priority unless the violence was severe and/or the children persisted in their resistance to access.

Where child victims of domestic violence are not heard or taken seriously by adult caregivers and decision makers they feel powerless and their distress is aggravated (McGee, 2000). It is, therefore, particularly concerning within the family law system in Australia, where families are in dispute over post-separation
parenting issues, that adults’ rights still tend to be privileged over those of children. In spite of the increased emphasis on child-inclusive practices, children who have been exposed to domestic violence remain a silent minority in the context of family law and their special needs are not recognised (Shea Hart 2003; 2004; 2006).

Early intervention and prevention programs
Early intervention and prevention strategies for children and families are receiving major funding from the Australian government for the period between 2004 and 2009, totalling 490 million dollars, for what is called the Stronger Families and Communities Strategy. This initiative is based on the notion that early intervention and prevention is both socially and economically more effective than treatment in the long term: ‘Put simply, prevention is better than cure’ (Fish, 2002, p. 8).

Since the early 1980s, researchers have claimed that early intervention may be important for children to cope with parental separation, avoiding more serious disturbance for them later on (Wallerstein & Kelly, 1980; Mitchell, 1985). Early intervention may take the form of home visiting services, parenting skills training, family relationship education, family counselling and support services for families with very young children, including activities such as play groups (Fish, 2002). Such strategies encourage good care and set the foundation for lifelong learning and behaviour, and healthy outcomes for children (Fish, 2002).

Early intervention not only has social benefits but is also of economic value as well. While not specifically targeting families experiencing separation and divorce, the Elmira Prenatal/Early Infancy project, an American early intervention program, was evaluated for its financial effectiveness, proving highly satisfactory. With costs totalling $6000 per child, it was found to have saved $24,000 per child/family in treatment expenditure (Fish, 2002). In Australia, during 2001–2003, the Columbus Pilot Project conducted in the Family Court of Western Australia was established to work with family law cases characterised by violence. It used family conferencing as an early intervention method in legal proceedings, which has also proven to be cost effective (Pike & Murphy, 2004).

The Columbus Pilot Project has had benefits beyond its fiscal merits. This project has highlighted the need for earlier intervention in an attempt to reduce the levels of conflict and litigation during the separation process. Observations made by participants in the project suggest ‘crisis entry points’ for services provided by external agencies, aimed at supporting children, ‘keeping the situation right out of the court room’ and reducing hostility (Pike & Murphy, 2004, p. 248). The merits of early intervention are summed up by the project’s evaluators, Pike and Murphy, who found that the greatest achievement of the pilot was that with parents’ participation ‘a large number of children had an increased level of protection that might not otherwise have been available’ (Pike & Murphy, 2004, p. 249).

Integrated services delivery
The New South Wales Department of Community Services launched the Early Intervention Program: Integrated Service Delivery project this year. The program promotes initiatives that ‘cross organisational boundaries to provide “one-stop-shop” access or “one-door-entry” to children and families’ (NSW DoCS, 2005). A key component of effective integrated service models is that ‘families can access a full range of resources and services through a single entry point’ (NSW DoCS, 2005). The benefits of this one-stop-shop include:
easier and more convenient access to services, more timely service delivery, reduced number of agency contacts, improved access times and consistency of service across agencies and reduced service access and co-ordination complexity for families. (NSW DoCS, 2005)

While it is accepted that integrated service delivery (ISD) has risks and challenges, such as increased complexity in management and administration arrangements, proponents point out the long-lasting results and benefits of such a program. These include room for collaborative agency work that provides comprehensive strategies to help children and families. ISD also helps families navigate the ‘maze of agencies’; it cuts down on paperwork, reduces delays in service provision, increases efficiency, facilitates resource exchange and can reduce doubling up on services (NSW DoCS, 2005). If ISD is to be successful in improving community support there needs to be clarity around each partner or agency’s responsibilities, jointly agreed outcomes, mutual trust, and a willingness to share ideas and combined technical support, to name but a few necessities to an effective collaborative and integrative approach (NSW DoCS, 2005).

**Schools as site for intervention**

The Children of Divorce Intervention Program (CODIP) is a school-based preventive intervention project in the United States that has been the focus of considered evaluation. The program arose from the finding that children from divorced families have poorer teacher-rated adjustment, skill-development and school performance (Pedro-Carroll, 2001). In its various incarnations (1985, 1989, 1992) CODIP has given children the opportunity to discuss any thoughts or feelings about their parents’ divorce while teaching them problem solving and anger management skills, and the 1989 module included a focus on building children’s self-esteem. In the later two versions of the program exercises were added that addressed developmental and socio-cultural factors for families. In all three versions of CODIP the ‘intervention children’ reported a reduction in anxiety symptoms or more positive feelings about their families. In the evaluation of the 1989 and 1992 modules, children who had received the intervention reported improved coping skills, and in 1992 significantly more reported positive divorce-related attitudes (Pedro-Carroll, 2001). CODIP focuses entirely on the child with a framework that aims to reduce the likelihood that the child will engage in self-blame for the separation and/or divorce. Each study yielded positive results, with children reporting decreased anxiety and parents reporting improved adjustment in their children and higher scores on teacher-rated competence (Pedro-Carroll, 2001).

Stolberg and his colleagues (Stolberg & Garrison, 1985; Stolberg & Mahler, 1994) have evaluated a school-based Children’s Support Group (CSG) and were able to demonstrate behavioural improvements and changes in self-concept among CSG child participants.

**Education and training of school counsellors**

As early as 1985, Mitchell (1985, p. 182) argued that ‘special training in counselling skills should be an integral part of basic training for all primary school teachers’ and that secondary school teachers should make a point of letting children and parents know they are happy to be sought out for private discussion where there has been a separation or divorce. If schools are to be taken seriously as a site for intervention, then education and training needs to be in place to support school counsellors to work with children who are affected by separation and divorce. They need research-based knowledge in order to understand the impact of grief, anger, self-blame, guilt and confusion on the child’s school and external life. Furthermore, if school counsellors are the first contact
people for children in this time of need, they must also be able to identify indicators of children’s exposure to
domestic violence and child abuse, and know how to report and work with this appropriately.

**Education and training of family law professionals**

It has been suggested that the training of judges, attorneys and mediators and the use of trained and educated
advocates for children would assist children to be heard and represented throughout their parents’ separation
and divorce (Garon, 1997). The ‘best interests of the child’ is the paramount principle in Australian family law
and is a broad concept open to a variety of interpretations, depending on the particular perspective or ‘lens’ of
the professional making the assessment. It relies on all family law service providers having a sound knowledge
of the needs and interests of children – in particular the combination of factors children need in residence or
contact arrangements to sustain their adjustment or development (Emery, 1994; Kelly, 1997; 2000; 2001; 2002;
2003a; 2003b; 2005; McIntosh, 2003). With Australia’s commitment to implement the principles of the United
Nations Convention on the Rights of the Child (UNCROC), coupled with the implementation of the *Family
Law Reform Act 1995* in June 1996, there has been increasing pressure on legal and social science professionals
in Australia to involve children directly in family law matters that affect them. An important challenge for
professionals is to become more aware of their assumptions, which are often based on dominant societal
discourses about children, and to learn how to pay closer attention to children’s needs and to listen to children’s
voices. Given the backgrounds of some professionals, such as lawyers, this will not be an easy task. Many
lawyers and some social science professionals have had zero or minimal input on topics such as child
development and interviewing children in their undergraduate degrees.

In all instances where families are separating and parents and children are accessing services for assistance, it is
expected that family service agencies that are funded by the Commonwealth government will have trained
professionals capable of working with separating families and children. The training of professionals may take
several forms. The Contact Orders Program, for example, identified a need to provide training for professionals
in order to develop and maintain awareness of ‘legal minefields’ (Attorney General’s Department, 2003). It is
acknowledged and understood that professionals who deal with divorce and separation-related matters involving
children operate under the shadow of the law (Fisher & Pullen, 2003). As such, it is important for non-legally
trained professionals to understand the relevant legal framework, potential consequences – legal, financial, and
emotional – and what alternatives exist, as they explore various courses of action in a legally dictated divorce
process (Fisher & Pullen, 2003). In light of these requirements, it is important to educate professionals on how
to facilitate the inclusion of children in the separation and divorce process (Fisher & Pullen, 2003). It is also
important to ensure that judges and other family law professionals are educated about the impact of violence
and abuse on children and are assisted to be more self-reflexive in relation to the influence of dominant
patriarchal discourses on the family, parenting and the place of children in society (Bagshaw & Chung, 2001;
Shea Hart, 2006).

Fisher and Pullen (2003) argue that educating primary dispute resolution (PDR) professionals in new, child-
inclusive forms of practice may also help to make PDR more acceptable to parents. This should, in turn,
increase the numbers of parents using PDR, rather than the adversarial legal system, during the early stages of
separation and divorce, thereby reducing the negative effects of separation upon children (Fisher & Pullen,
2003).
Research-based knowledge about the effects of separation and parental conflict on children at different ages and stages of development, and an understanding of theories such as child development theory, attachment theory and grief and loss theory, will assist professionals in their assessments and interactions with children experiencing separation and divorce and in providing relevant education to parents about the needs of their children.

It is also important for the practitioner to have the competency to provide education to parents or carers about the effects of separation issues on family members, and the competency to outline specific knowledge of the effects on children of couple issues. This includes the ability to identify children’s age-related reactions to parental issues, and the ability to identify normal and problematic or symptomatic reactions to separation, conflict or violence. Communicating an understanding of the effect of conflict and/or separation on attachment bonds within a family is vital. (MacKay, 2001)

Sound, research-based knowledge about children is vital for family law professionals and parents so they can formulate parenting plans that truly are in the best interests of their children (Kelly, 2005). For example, empirical studies indicate that infants and toddlers need regular interaction with both of their parents in order to foster and maintain their attachments, and extended separations from either parent unduly stress and weaken attachment relationships. To ensure that these relationships are consolidated and strengthened, regular interactions are needed between each parent and the child in a variety of contexts (Kelly & Lamb, 2000, p. 300).

A critical issue for the courts is to determine the length of time a child can endure separation from each parent without undue stress or without undermining each parent–child relationship. This tolerance will vary with the age of the child and the quality of the child’s relationship with each parent prior to, and following, separation. Overseas research on children’s perceptions of a court program that enforces contact rights has indicated that children were less depressed when they had quality relationships with both their mother and father, and improved in their overall and school adjustment when visits with the non-resident parent were more frequent (Lee, Shaughnessy & Blankes, 1995). Children perceived more parental conflict as the visits increased, but the negative impact was minimal. On the other hand, an Australian study by Amato (1993) highlighted that frequent contact with non-resident fathers is beneficial, but found that where there are high levels of parental conflict there are negative consequences, especially for boys. Other studies demonstrate that children who are exposed directly or indirectly (as witnesses) to child abuse and/or domestic violence fare better with supervised or no contact with the perpetrator (Russo, 1998).

One of the most difficult, relatively small groups of clients are parents with entrenched and enduring disputes. Kelly and McIntosh have independently summarised the recent research on the known impacts of entrenched parental conflict on children’s development and capacity to adjust to separation (Kelly 2003b; McIntosh, 2003) and Kelly has also provided a companion article in the same journal that provides excellent examples of focused interventions with parents. She offers a structure and sequencing of mediator observation, exploration, relevant research and the determination of parents’ motivation to change behaviours. Articles such as these are essential reading for all family law professionals.
5. RESEARCH FINDINGS

5.1 The online survey of service providers
Having completed the literature review, the second task was to survey service providers nationally and internationally to identify the models, practices and trends that are currently being used in work with children and families experiencing separation and divorce. The research proposal and research instruments were approved by the UniSA Human Research Ethics Committee and the Family Court of Australia Ethics Committee, and a web-based questionnaire was circulated via the internet to major family law organisations and relevant national networks, with the facility for hard copies to be downloaded (Appendix 1). 199 responses were received from family law professionals in Australia, 14 from other English-speaking countries including the UK, Canada, United States and South Africa, and 94 responses from a survey translated into German which was circulated via the internet to family service providers in Germany (Appendix 7). Aboriginal service providers were interviewed separately to ascertain the special needs of children in Aboriginal families and communities in South Australia (Appendix 8).

The first section will analyse the responses from Australian service providers and the next section will compare these with the responses from service providers from Germany.

Analysis of the Australian national online survey

Respondents to the survey – demographic data
There were a total of 213 respondents to the Australian version of the online survey.

36.5% (78) of 213 who responded to the Australian survey said their service belonged to an organisation other than listed on the survey, as indicated in Figure 2. The majority of those (29) identified themselves as lawyers and/or solicitors working in a private law firm. Ten per cent (22) of all respondents worked at the Family Court of Australia, 8.5% (18) were self-employed, 8% (17) worked at Catholic Family Welfare Australia, 6.5% (14) for domestic/family violence services and 6% (13) were from Relationships Australia. Fourteen of the 213 respondents (6.5%) were from overseas. These respondents came from Canada, the United States, South Africa and the United Kingdom.
Of the respondents who worked in Australia, the majority were based in South Australia (59, 31%). 22% (42) were from New South Wales, 16% (31) from Queensland, 14% (27) from Victoria, 8% (16) from Western Australia, 4% (7) from Northern Territory, 3% (5) from the Australian Capital Territory and 2% (4) from Tasmania.

The majority were females (167 or 79%); only 21% (45) were males which may reflect the gender ratio in the industry. 43% of respondents were over 50 years of age (92). As Figure 3 indicates, roughly two-thirds of all respondents worked in the city (162 or 71%) and 24% from rural (51) and remote (5) areas.
The most common ethnic background cited by respondents was Australian. Out of 213 respondents, 84 (39.5%) had completed an undergraduate university degree and one an undergraduate diploma. Others had postgraduate qualifications including a Masters degree (51, 24%), Graduate Diploma (45, 21%), a PhD/Doctorate (9, 4%) and a Graduate Certificate (9, 4%). Fourteen (7%) said ‘other’.

Figure 4 shows that for the majority (59, 28%) their primary profession was law, closely followed by social work (53, 25%). Thirty (14%) respondents said their primary profession was other than those listed and the majority of those described themselves as mediators (15). Other professions were counselling/therapy (30, 14%) and psychology (19, 9%). Less represented were respondents from social science (10, 5%), education (8, 4%), health science (3, 1%) and psychiatry (1). Roughly one-third of the 213 respondents (66, 31%) had more than twenty years work experience with families and children.

Figure 3: Respondents’ geographical areas of work

Figure 4: Respondents’ primary profession
Ethical standards or codes of practice
When asked whether they had ethical standards that guided them in their work with families and children, 54% (116) of all respondents adhered to ethical standards that were outlined by their organisation’s policy and procedural standards.

Of the 81 who provided further information, many referred to adhering to ‘primary standards’ or ‘guiding principles’ such as ‘confidentiality’ (4) while for 5 it was their ‘duty to the court’ or the law.

In relation to standards, critical comments were made by 12 respondents. Four lawyers stressed the difficulties inherent in their duty to act for one party, while others criticised the standards of their organisation for being inadequate: they ‘only cover some aspects’, ‘are interpreted in different ways’, ‘need to be tighter’ or were overridden by other standards such as those of the Australian Psychological Society (APS).

Positive comments were made by only 7 respondents, who described their standards as being ‘well developed’, ‘fine’, ‘very good’ and ‘clear’.

Evaluating success
In relation to the question about how people evaluated their success in their work with children and families in transition, the most common response from 17 of the 136 respondents who replied to this question was to identify success in terms of ‘agreements’ or ‘arrangements’ between clients being reached. The majority also stated the importance of the agreement being workable for all members of the post-separated family.

Arrangements must be workable. Success is where each parent and child is happy and comfortable with the post-separation arrangements.

With regard to ‘success’, another group of common statements (11) addressed parent–child relationships. Most of those described key indicators of success as being where parents are ‘respecting each other so they can share equally in the parenting of their children’. Safety issues and the well-being of children and parents were highlighted by others. However only 2 of all respondents said they followed up their interventions, for example with surveys/questionnaires, while 5 did not have any strategies at all to evaluate success.

Education and training needs
When asked to identify what additional education and training would help them in their work with children and families in transition, the respondents listed training needs around work with children and families, education/training in counselling, therapy and mediation and education/training around legal issues and the latest research findings. From all of the 120 respondents to this question, only 4 stated that they did not need any kind of training or education as they felt adequately trained.

Twenty-one per cent (25) of the 120 respondents identified education/training needs in relation to their work with children, the most common being child development, interviewing children, child-inclusive practice and trauma, grief and loss. Two people stressed the need for adequate training and education especially when working with children:

I feel that many people are afraid to work with children as they feel unqualified to do so.
(Catholic Family Welfare, SA)
Some workers, who are more used to dealing with adult clients, feel inept in this area and are therefore reluctant to take on cases involving direct contact with children. (Relationships Australia, NSW)

Service provision
As we wanted to research and evaluate the effectiveness of current models, practices and trends that are being used by service providers in their work with children and families who are experiencing separation and divorce, we firstly focused on finding out which of the different client groups are the main recipients of services offered by organisations and what kind of services are offered.

The majority of organisations represented worked directly with children and adult parents/caregivers (124, 57%), with grandparents and extended family members (117, 54%) and with parents/caregivers (95, 44%). Direct intervention with individual children was only offered by 78 (36%) organisations. Figure 5 illustrates that the range of services the organisations mainly offer to children and families in transition are information services (165, 76%), referrals (160, 74%), counselling/therapy (109, 50%), family mediation (96, 44%), advocacy (84, 39%) and legal advice (80, 37%).

Figure 5: Services offered by the organisations represented

More specifically we wanted to know which clientele the respondents personally worked with and their formal role or roles in relation to work with children and families in transition. 63% (135) of respondents said they worked primarily with separated parents, 50% (108) with individual adults, 47% (101) with families, 44% (95)
with individual children and 30% (64) with couples. Replying to the question about what their formal role or roles were in relation to work with children and families in transition, 38% (82) of respondents said counsellor/therapist; 35% (75) information provider; 33% (72) mediator; 26% (56) legal adviser and 24% (51) said that their formal role was that of an advocate.

Client attendance
Of 210 respondents, 55% (115) said none of their clients were mandated to attend their services, 20% (42) said that over 50% were mandated to attend and another 18% (39) said up to 10% of their clients were mandated to attend their services.

Referral sources
The majority of clients who experience separation and divorce were self-referred (122, 56%). Others were primarily referred by the Family Court (117, 54%), by family lawyers (102, 47%) or by the Legal Services Commission/Legal Aid (89, 41%).

Specialised versus generic services
Roughly half of 212 respondents assessed their organisation’s service delivery to children and families in transition as being specialised (108, 51%) rather than generic. From the 135 who provided further information to this question, 30 of these specialised in family law. The limitations specialised legal service providers may face in being able to offer support for separating parents was stressed by one solicitor from Victoria:

Our practice is limited to defending and promoting the rights of individual parents. There is not enough scope to refocus the parties back on making arrangements that are in the best interests of the children. There needs to be more support for separating parents to help them let go of the pain and desire to get back at each other.

Specialised services for children were offered by only 6 organisations. These mainly focused on change-over and contact issues.

One respondent from Family Services Australia in NSW described difficulties for service providers and families in rural areas:

In a rural area, a service needs to respond to the issues presented and does not have the luxury of being able to specialise, or have a specialist service to refer to.

Thirty-one per cent (65) of 212 respondents said their service delivery was both generic and specialised. The service providers from Catholic Family Welfare in NSW, Queensland and Western Australia and also from Relationships Australia in Victoria reported offering a ‘range of programs for separating families’. Their services included providing information, mediation, counselling and group work. While Catholic Family Welfare in Western Australia focused on group work for children, Catholic Family Welfare in New South Wales focused on both groups for parents and groups for children in the family law/separation context.

Another 17% (37) said they offered a more limited generic service delivery to children and families in transition, such as providing information or referral.
Integrated/coordinated versus compartmentalised/fragmented services

In response to the question about how respondents would describe their organisation’s services to children and families in transition at this stage, 59% (123) of 208 service providers said their organisation’s services to children and families in transition were integrated/coordinated, 30% (63) assessed their service as being compartmentalised/fragmented, whilst 11% (22) answered ‘other’

Further qualitative responses were given by 140 respondents. Those around integrated/coordinated services differed in the way people interpreted this term. Half of the respondents saw their service as being linked to a network of other agencies and the referral of their clients to these agencies as providing an integrated/coordinated service. Themes from the other half were also around referrals but these took place within the organisation. One respondent each from Relationships Australia Victoria and Catholic Family Welfare Western Australia referred to a range of services within their organisation and also within the broader network and ‘provided referrals where appropriate’.

The majority of the 30% of respondents who assessed their organisation’s service delivery as being compartmentalised or fragmented provided legal advice. One lawyer recognised that families in transition need a more complex support system:

*I can only give legal advice. So many clients need counselling and advocacy support as well as legal advice.* (Lawyer, self-employed, SA)

One respondent from Children, Youth and Family Services in South Australia commented on the lack of coordination between agencies in the area of abuse:

*We often deal with counter allegations of abuse with separating parents and this is often not coordinated with other agencies, including the Family Court.*

This concern was also picked up by a respondent from the Family Court in Western Australia:

*Services are delivered in the conventional family law setting; I am acutely aware of short-falls between the Family Court model of family function i.e. essentially non-interventionist, other than to determine between the proposals of each party (who is to win the case) and the notion of the best interest of the child, and circumstances where clearly there are major concerns about the capacities of either or both the parents to adequately parent, particularly in the conflicted atmosphere of family court proceedings. In cases where children are bordering on being in need of care and protection, there are inadequate protocols between state welfare services and family law service delivery [sic] and a gap that children and families are falling through.* (Family Court, WA)

Another respondent from Catholic Family Welfare in South Australia described a lack of coordination between services within the organisation:

*there is little communication between the different streams of services and few internal referrals. Some efforts to change this have been investigated by the manager of mediation but the agency is slow to respond.*
This concern was echoed by a worker from the Family Court:

*Although the aim is to deliver services from a multidisciplinary, integrated, coordinated approach, it is often, in reality, fragmented and uncoordinated and unconsultative [sic].* (Family Court, QLD)

Two respondents from rural and remote areas stressed limited options and distance as being restraining factors, as typified in this quotation:

*In the country, even though it should be easy to access a coordinated approach, resources are so limited and distance is a prohibitive factor.* (Department of Education and Children’s Services, SA)

Others stated their services were in transition and that their organisations were trying to become more integrated, both within their organisation and with other outside organisations.

**Primary client focus**

The majority of all respondents said they primarily focus on children in their work with separating and divorcing families (140, 64%). However, in the 135 additional qualitative comments common statements were made around using the parent as a ‘vehicle’ to achieve an outcome that is child-focused. Eighteen stated that strengthening and assisting parents in managing the post-separation stage is the best way to achieve an outcome that is child-focused. The most common strategy used is to focus on children whilst delivering direct services to adults to ‘enable them to meet the needs of their child/ren’ and to keep their focus on their children. This was also true for one Canadian respondent:

*Although the child is always the primary focus of our work, we understand that ensuring the needs of a child are met requires us to strengthen and support their caregivers’ ability to meet those needs.* (Social Worker, Canada, Ontario, Toronto)

However, the ease with which a child focus can be superimposed by a parent focus was highlighted by one respondent:

*Although our focus is on the children, a large majority of our work is with parents. So much so that parents tend to become the focus, for various reasons.* (Children’s Contact Centre, Vic)

For 9 respondents the requirements of the *Family Law Act* influenced them to focus on the child in their work, as it is now mandatory to be child-focused under the Act:

*We provide legal advice to and act in legal proceedings for parents and for children. While many of our clients are separated parents in dispute, the Family Law Act mandates that the best interests of the child/ren are the paramount consideration of the Court and this is what we attempt to instil in our clients.* (Legal Aid, Vic)

However, one respondent stated that there are ‘pressures’ that distort the Family Court’s ability to maintain a child focus:

*The Family Court administers a gender-neutral legal system that has the child as the formal focus; the model of family the court uses to interpret [sic] child-focus is distorted by many...*
pressures, one being parties representing themselves in court and difficulties in the court having independent evidence about what is in the best interests of the children. In Western Australia, the Legal Aid Commission only funds the appointment of child representative in cases of child abuse or antisocial behaviour of a parent i.e. the Commission does not accept orders for Children to be represented made by the court automatically. (Lawyer, self-employed, WA)

To be focused on the post-separation family was a priority for 37% (80) of respondents. Twelve of those were focused on ‘family-centred practice’. The significance of family relationships for the child was highlighted by one of those respondents:

children live within the context of their family and the quality of family relationships is significant to the best interests of the child.

These respondents described their services as ‘holistic … to any family or families in need’, as ‘systemic’ to promote the well-being of the family and especially the children, or as an ‘eclectic/integrative family therapy practice model’. One illustrated the importance of working with family members so that they can focus on the needs of their children:

we attempt to work systemically with all family members involved in a situation, so that family members focus on the needs of children and are involved in making the best decisions that they can about the future of the family.

High-level or entrenched parental conflicts
As conflict between parents over their children can escalate during the separation process, high-level and/or entrenched conflicts of this kind were commonly reported. Major factors that lead to high-level or entrenched parental conflict were seen to include: the need to control the other parent (175, 81%), power/control issues for both parents (173, 80%) and revenge against other parent (171, 79%). Other factors such as fear of losing contact with the child (165, 79%), the view of the child as property (153, 71%) as well as financial matters (145, 67%) were also seen as significant factors that lead to high-level/entrenched conflict over children between parents during separation.

The most important service that would be helpful in assisting parents to cooperate around their children in the post-separation stage were seen by 88% (190) of all respondents as being education for parents around their children’s needs. Other important services identified were counselling/therapy (175, 81%), parenting information (170, 79%), mediation (154, 71%), teaching conflict resolution skills (153, 71%), domestic/family violence services (150, 69%) and providing legal advice (137, 63%).

Respondents reported high percentages of high-level and entrenched parental conflict over children during separation and highlighted the importance of finding new and creative ways of assisting adults to cooperate around their children in the post-separation stage.

Parents who are feeling confident and competent about their parenting, and who are capable of looking after their own needs assertively are generally much better at parenting; providing their children with what they need, not living out their own lives and conflicts through their children. (Family Services Australia, NSW)
Children's needs

Asking service providers what they saw as the things children need assistance with when their parents/caregivers are separating or divorcing generated a variety of responses, as Figure 6 demonstrates. The important services identified by the majority of respondents, were assistance with:

- loyalty conflicts (52%, 112)
- grief and loss issues (51%, 111)
- changing family relationships (50%, 108)
- visitation/contact issues with their parents/caregivers (48%, 103)
- their anger (46%, 99)
- their self-esteem/self-concept (45%, 98)
- the trauma arising from separation/divorce (43%, 93).

Figure 6: Perceived service needs of children in transition
Child-inclusive practices
Service providers working in the area of family law have more recently been encouraged by legislation and policy makers to be more child-inclusive/child-focused in their practices, so we asked respondents how their practices with children have changed. Thirty-two per cent of the 213 respondents reported that the focus of their work has not changed with regard to whether or not they included a focus on children. Of the 69 who responded this way, 19 said they had always focused on or included children in their practices. For another respondent from the Stepfamily Association of Victoria it was a lack of resources that inhibited change, even if there was the desire to do so:

Still focusing on the parents because we do not have the facilities to really assist children who I think need to be case managed etc. Our workers currently do not have the skills to meet children’s specialised needs. We are looking into funding to address this but working directly with children is not an area you go into in a half-baked way.

One hundred respondents (46%) reported becoming more child-focused over the past five years while 87 (40%) reported being more child-inclusive in their practices. From the 187 respondents who either said their work had become more child-inclusive or more child-focused, 54 respondents stated that their work had become both more child-inclusive as well as more child-focused. For one respondent, the reason for this was the ‘political emphasis on including children’. Seventeen respondents reported that the increase in training provided for staff around child-inclusive/child-focused work has led to them actually working with children more frequently. Three respondents gave the reason for the change in their focus as being changes in the Family Law Act, as it now is ‘mandated to be child-focused’.

Two respondents highlighted the importance of providing a child-friendly environment to meet children’s needs as the following two quotations demonstrate:

Children are always greeted by name and have opportunity to talk with staff if needed. Small things make the difference e.g. painting of childlike footprints leading to our front door, which occurred after a guided imagery exercise for staff on what it might be like to first visit the centre. (Children’s Contact Centre, QLD)

Intentional strategic planning which is child focused/inclusive in our last two 3yr strategic plans. Review of our physical spaces to improve child-friendly environment. (Catholic Family Welfare, QLD)

Other approaches to working in a child-inclusive/child-focused way were: to treat children as if they were ‘direct clients of the service, rather than accompanying family members of the mother’; to make them feel they ‘have an input into the outcome’; to ‘raise parent’s awareness and work with children to allow their voice to be heard by parents’; or to ‘invite both parents to agree to child consultations to facilitate the drawing together of all views and voices into the future agreements’. However, one respondent from Relationships Australia in New South Wales reported:

This is much harder if there have been issues of power and control between the couple that has led to high conflict and issues about safety of any family member.
Five per cent (10) of respondents reported becoming less child-focused or less child-inclusive over the past five years mainly because of a ‘change of professions’ leading to less contact with children.

Decisions that affect children

Who should be involved?

As Figure 7 illustrates, the answers to the question: ‘In your view, when families are experiencing separation and/or divorce who should be involved in making decisions that affect children?’ were varied, but the clear majority of those who responded to this question (179, 83%) believed that both parents and children have the right to contribute to decision making during separation (Figure 7). Only 21% (46) believed that children only have the right to contribute to decision making where decisions affect them, while 13% (29) said parents only have the right to make decision for their children. Eighteen per cent (39) of respondents to this question preferred other ways of involving children in decision making, for example via the court (8), child representatives (5) or extended family (5).

Figure 7: Respondents’ views of who should be involved in decisions that affect children

Factors to consider

When asked to list the most important factors to consider when deciding whether to include the children in decision making when their families are experiencing separation and divorce, the majority (198, 92%) of those who answered the question listed children’s age and stage of development (Figure 8). Repetitive statements provided by 69 from 107 respondents included: ‘depending on the age of the child, the child’s wishes have to be taken into account’; or it is ‘dependent on the developmental stage of the child whether child inclusion should be the process’. No respondent expected the child to make final decisions, as that would ‘make them feel responsible for the outcome’ or would make them feel they have ‘to choose one parent over another’. Children’s participation was seen to be appropriate when making an input or contribution to the final outcome.
Respondents (7) cited varying ages at which children should contribute to decisions that affect them: from ‘kids as young as 3 or 4’, ‘5 onwards’, ‘teen aged child’ or ‘later teens’. For one it was ‘the mature child, but not before they are capable of coping with the consequences of those decisions’. Three respondents believed that it is appropriate to include very young children as well as the non-verbal child in decision making.

As a matter of course we ALWAYS consult with the child – regardless of their age. We consult with pre-verbal children through play therapy. If parent(s) start off unwilling to allow this then we work with the parent to help them realise the helpfulness of this. (Spectrum Counselling, an integrated anti-abuse service, WA)

The child’s level of willingness and approval to be involved (172, 80%) and the expertise of the interviewer (169, 78%) were considered by most to be very important factors in deciding whether or not to include children in decision making when their families are experiencing separation and divorce. For example:

Children are often afraid of upsetting their parents and won’t tell the truth to them. An expert should be able to get a more neutral reaction. (Lawyer, self-employed, NSW)

Respondents called for experienced and trained interviewers who should be able to communicate with children to enable them to understand their own needs. Further, the interviewers need to recognise when the children ‘simply want an end to the conflict between Mum and Dad, and will “agree” with a parent’s point of view as an expression of this desire for harmony’ (Catholic Family Welfare, SA). In addition, the importance of having skills in giving feedback to parents after interviewing children was recognised by another respondent, also from Catholic Family Welfare in South Australia:

The interviewers need to be experienced in gaining the child’s perspective as well as skilled in how to give feedback to parents, particularly considering the dynamics and power dimensions. Feedback given poorly could sabotage the mediation process. Feedback given well, and by someone who understands the mediation process, should enhance the process.

Seventy-six per cent (165) of all respondents said that the presence or suspected presence of domestic/family violence is an important factor to consider in child-inclusive decision making. Statements such as ‘high-conflict situations require more skill and more time’ and ‘interviewers should be competent in system approaches and in issues of violence, power and control’ demonstrated a need for awareness of the impact of violence and abuse on family relationships.

Forty-two respondents put forward arguments for and against including children in decision making when there is domestic/family violence. Some said that in these situations the children’s voices must be heard, while others argued for excluding the children’s voices so as not to put them at risk. The need for an ‘independent third party in situations of high conflict, abuse etc’ was stated by six respondents, while for others ‘the safety of children to speak about these decisions without further conflict or harm’ was paramount.

As we work predominantly with women and children escaping domestic violence, often witnessed by children, I would have to say that the perpetrator has negated the right to any decision making input into the child. Unfortunately the court often views the child’s right to have contact with both parents as important disregarding the impact continued contact may have. I believe children DO need to be heard about whether they want to continue contact. We
have children who cry and beg not to be made to go on contact but our hands are tied by a court order. Children are continually put at risk by the court system. (Domestic/Family Violence Services, SA)

I think children under a certain age (depending on maturity and parental power) should have a very limited 'say', when they really do not know what is in their best interest. I had one client whose three children were subjected to extreme emotional abuse by their father (now fugitive from a 7 month prison sentence imposed by Family Court) all of whom expressed strong preference to be with him, despite manifest risks to their well-being. (Moreland Community Health Service, Tas)

Figure 8: Factors to consider when including children in decision making

How should children be involved?
Talking about the inclusion of children in the decision-making process led us to ask a question about whether children should be directly involved in the process or whether indirect involvement of children is more appropriate. For 53% (105) of the 196 respondents, indirect involvement of children was more attractive. By contrast, just under 100 respondents (84, 43.5%) stated that children should be directly included in the decision making process.
However of the 176 respondents who provided further information to the question, the majority of 73 respondents stated that the children’s age and their stage of maturity were to be considered when deciding whether to include children directly or indirectly: ‘if the children are mature enough they should have some involvement’ and ‘for young children it may not be appropriate for them to have a direct input’ were common statements made. For others the decision was dependent on the unique circumstances of each child, placing the decision as whether to involve the children directly or indirectly in context:

> care should be taken that their views are placed in their context and they are not placed in a position where their views are taken in isolation from other information and lead to their disadvantage. (self-employed, QLD)

The reason not to include the child directly in the decision-making process for some was that it ‘would put enormous pressure on this group of children’. Others emphasised that ‘it is possible however, to ascertain a child’s wishes without making her responsible for the decision’.

The importance of interviewing children in a ‘familiar’ and ‘safe’ environment was stressed by respondents who either worked directly or indirectly with children.

Those respondents who used an indirect approach to involving children said that ‘a third party should be able to ascertain from the child(ren) what their wishes are without the child having to struggle with issues of loyalty or not wishing to hurt one or the other of their parents’. However, the third party who meets with the child has to look ‘through the child’s lens’. The third parties were mainly named as child’s representatives, child consultants, counsellors and child advocates. Child consultations are used by some to give the parents an idea of their children’s wishes via a person whom the children can trust to share their ideas. Their ideas were then shared with parents by the child consultant so the children can feel safe and not pressured to take sides.

There were critics of the indirect approaches to involving children, for example one viewed the indirect involvement of children as being ‘problematic when children’s views are reinterpreted through associated professionals’, and another stated that ‘family report writers do not have a good understanding of domestic violence as it affects women and children overall and in particular, they do not have an understanding of the impact on children’.

Others argued for direct involvement of children in decision making and stressed that it is important ‘so as to eliminate bias’ or that it needs ‘to be direct as each parent would otherwise question the other parent’s account of their wishes and/or needs’. Arguments for the direct involvement of children in the decision-making process can also be found in the following quotations:

> Consulting children about their views, ideas and needs is important when families separate. Often parents are so involved with their needs that they overlook the child’s voice at different points of time. Talking to the children with parents present and then on their own as siblings can be highly useful post separation. (Relationships Australia, NSW)

> Directly involving children acknowledges the difficulties they are experiencing too and helps children to better understand and accept the decisions that are made. (Department of Education and Children’s Services, SA)
Current service delivery to children

Thirty-eight per cent (82) of all respondents who responded to a question about the nature of their work with children said they did not work directly with children whose parents/caregivers are experiencing separation. Direct services for children of all ages were offered by 37% (79) of respondents, 21% (46) to children aged between 6 and 12, 16% (35) to children aged between 13 and 18 and 11% to children aged between 3 to 5. Only 3% (6) of all respondents worked directly with children under 3 years of age.

How many children were seen by the respondents per month depended on their profession and the kinds of services that were offered. Of the 186 respondents to this question, 34% (63) said they did not work with children directly. The 22% majority (40) who worked directly with children saw 1–5 children a month, while 18% (33) saw between 6 and 10 children a month. The main service that was provided directly to children whose families were in transition was the provision of information (75, 35%). Other direct services provided were referral (60, 28%), assessment (59, 27%), counselling/therapy (53, 25%) and advocacy (52, 24%) (Figure 9).

Figure 9: Direct services offered to children in transition

Services to children varied depending on the focus and the orientation of the service provider and their organisation. Three respondents highlighted the importance of schools as ‘the first port of call for children who are in the transition process’. The impact that separation can have on children within the school context was stressed by a counsellor from the Department of Education and Children’s Services in South Australia:
I work with children, families and school personnel to identify issues affecting children’s wellbeing at school. Often, separating parents impact on children’s behaviour at school. I conduct assessments and provide initial counselling to children and their families before making referrals to other community agencies for ongoing therapy. I work extensively with school counsellors and teachers to strengthen their ability to support and respond to children’s experiences with parental separation among other issues.

Services to children offered by Catholic Family Welfare in Western Australia included ‘Seasons for Growth - Dealing with Loss and Grief’, which is also available in some schools in South Australia. One respondent who works with the Department of Education and Training in Western Australia offers ‘crisis intervention for suicidal/emotionally disturbed students’.

The Noarlunga Health Service in South Australia works with children who are ‘referred because of delays in their development’ and offer ‘one group specifically for children whose mothers have left violent relationships’. One domestic/family violence service in South Australia ‘employs children’s workers to address the needs of children within the service. This includes group work, advocacy, counselling and working with the mother to raise an awareness of and address the needs of the child.’ Referral services for families, short-term counselling for confused children, education and information regarding possible process and school issues were offered by other respondents to children whose families are experiencing separation.

Seven respondents provide services for children as a separate representative for children in court proceedings. One of these respondents from Western Australia was concerned about child representatives being inadequately trained and lacking appropriate support:

I have practised as a child representative more extensively in the past. I have reduced my involvement because a significant number of the cases I was involved in concerned children who the child expert considered were at risk and that DCD ought to have an ongoing involvement. I am concerned that Child Representatives need to take less of a desk job approach in order to do their work, since the cases are ongoing – they are not retrospective determinations of who did what 3 years ago. This can be the way the adversarial model produces a result (the parties tell the story of their lives to the court and set out their proposals for the future. The Court then decides how they are likely to act in the future and makes the decision about the dispute). Child Representatives however, are lawyers not trained children’s services workers. The Child Representative movement needs funding and support; the Legal Aid Commission in Western Australia doesn’t have any social workers or psychologists on staff who could be available to CR’s in the field; there are no formal arrangements between DCD and Child Reps as I believe exist in other states (there are informal arrangements). (Lawyer, self-employed, WA)

Direct work with children
Eleven respondents stated their reasons for working directly with children as being to ‘understand their views and ideas’ and to ‘allow children to speak to an independent third party to assess how they are travelling’. For 10 respondents the reasons were ‘to assist parents to reach agreement’, ‘to help them [parents] in their decision
making’, ‘particularly when the parents present different understandings of the child’s wishes and/or best interests’. Another 10 respondents worked with the children ‘to help minimise any risk to their well being and to promote their welfare’. Article 12 of the United Nations Convention on the Right of the Child ‘which Australia should adopt as domestic law, but is too conservative to do so’ was the guiding principle for two respondents. Two members of the Catholic Family Welfare team in South Australia as well as 4 other respondents worked directly with children to increase confidence and self-esteem of family members as well as to enhance family relationships. Two more gave their reasons as being to provide strategies to reduce conflict; and another 3 to ‘assist the court in decision making’ or to provide ‘recommendations to the court’.

Invitations to participate

Those respondents who worked directly with children had different strategies for how the children were invited to participate. From the 105 respondents who provided an answer to this question, the majority of 38 stated that children were ‘invited through their parents’, while one respondent from the Department of Education and Children’s Services in South Australia first worked ‘initially with the child and if suitable and agreed to by the child, I make contact with the parent(s) to discuss the child’s wishes and invite the parents to counselling session where I can provide information and referrals to services who can assist with separation issues, including children in the process’. For 16 of the respondents from the Family Court of Australia clients were referred by the court and mandated to attend: ‘the court may refer families or children for assessment or specific issues that may need resolution’ (Family Court of Australia, ACT).

Ten respondents said that ‘family members are invited by letter to attend’ – 7 write letters directly to the children and 3 said that ‘children are invited by a letter to their parents.’ One of our international respondents from the UK College of Family Mediators and Bristol Family Mediators Association described positive experiences with letters written directly to the children:

Parents discuss in mediation the consent first, then the approach to the child is planned and agreed with parents. Typically, one or both parents undertake to convey an invitation to the child and this is followed up by a letter from the mediator to the child. Parents and children seem to like letters written directly by the mediator to the child – good feedback.

The importance of having a ‘child-focused layout’ for children to make them feel comfortable as soon as the service is provided to them was stressed:

Children are invited to an intake interview with parents and are spoken to individually re any concerns and given a tour of the centre. The co-ordinator handles this process and then any concerns re suitability are discussed with the Manager. Most children feel reassured by the child-focused lay-out of our centre. (Children’s Contact Centre, QLD)

One respondent from a domestic/family violence service in South Australia offers a range of activities and choices to children:

Men are referred to the program and women and children are invited to contact women’s/children’s worker respectively. Women and children have a choice about the type of contact they want (how often – phone/face to face etc). Each child in the family is allocated an
advocate and is given the option of being able to meet/talk to an advocate in the home, after school at a health centre, during school time or to be part of a group. The range of things I do with kids include: safety planning, fun activities, therapeutic activities, counselling, art activities. (Domestic/family violence service, SA)

Conveying children’s wishes

How children’s expressed interests, needs and/or wishes were conveyed and addressed in decision making when working directly with children differed depending on the approach that was used in service provision. Of the 104 respondents who responded to this question, 39% (41) give feedback to parents about the children’s stated needs and wishes to assist them to cooperate in their decision making. Their statements differed as to whether the children were encouraged to talk directly or indirectly to their parents with professional support, the most common approach being to decide on the basis of the unique circumstances of each case, which was also the approach of one respondent from the UK:

Planned with each child individually according to the circumstances – child may feel more able to talk to parents, mediator may talk to parents with child’s consent, with or without child’s presence. (Social worker, Bristol, UK)

Gaining the ‘children’s permission’ to feed back the information to the parents in whatever way was a guiding principle for many. The following quotation from a member of the Catholic Family Welfare team in Western Australia demonstrates the importance of giving the child a choice:

Often the child has drawn or written something or read something in a book, about their feelings. I ask them if they want to tell their parents and how: we can tell them together, showing their activity, they can speak or I can speak, or they can tell their parent on their own or I can tell the parent when the child is not there. Generally they want me to do it when they are there, and often join in and finish it off. It’s the child’s decision, unless there is a safety issue and I let them know I need to tell someone.

The way that the feedback is given to parents is important. One respondent stated that it needs to be given:

very carefully … in a manner that respects the parents’ role and children’s confidentiality. If children express a clear preference or desire for change and wish that to be heard by parents then that is done in a careful and non-blaming manner. (Relationships Australia, Vic)

Three other respondents stressed the need to recognise and respect the children’s ‘confidentiality’.

A social worker from Canada highlighted the need for awareness of the loyalty conflicts experienced by children whose parents are separating:

The child is never asked who they want to live with and it is clearly conveyed to them that they don’t have to take sides in their parent’s conflict. Their likes/dislikes about the current arrangement are gathered. Whether they are experiencing loyalty conflicts, trauma, questions etc. are all explored.
For another 23 respondents, ‘children’s wishes can be expressed through a formal report to the Family Court’. These reports are prepared by an ‘expert’ and must incorporate the best interests of the child. However, the following quotation from a lawyer from Queensland demonstrates problems experienced within this approach, in particular in the way that children’s expressed interests, needs and/or wishes were conveyed to the court and addressed:

*It’s left up to the family reporter – a complete stranger to both the child and parent – whereas a lawyer who has an established relationship with the parent and whom the parent trusts, cannot really assist.*

Eight respondents addressed and conveyed the children’s wishes, interest and needs through counselling and therapy offered directly to the children. For example one of these worked directly with children:

*In whatever way a therapy may be beneficial to the reduction of symptoms such as sand play therapy, narrative, CBT [or] family therapy. (Child and Adolescent Mental Health Service, QLD)*

Further, this respondent stressed the need to ‘not interpret only clarify in all cases unlike a lot of other workers’ when working directly with children.

**Indirect work with children**

Respondents who did not work directly with children incorporated the best interests of the child in different ways – the majority of the 96 respondents incorporated the best interests of the child through ‘parent consultation’, as 37 statements demonstrated. For example: ‘by asking the parents to consider the needs of the child’ and by ‘encourag[ing] them to include wishes of children’ the needs, interests and/or wishes of children were identified and incorporated into decision making.

Strategies to indirectly ‘bring the children into the room’ were described by one respondent:

*When children are not directly interviewed I attempt to ‘bring them into the room’ by talking to the parents about them (their personalities, interests, etc.); by leaving their names + descriptions on the board; by asking questions like ‘how do you think this would be for [the child/ren]?’ or ‘if [the child/ren] were here, what do you think s/he would say about that?’ or by referring to the parents as ‘Mum’ or ‘Dad’. Prior to the session I might talk with the parents about how to get feedback from their children about a particular issue – if that is appropriate. (Relationships Australia, SA)*

Nine lawyer respondents said they ‘rely on parental instructions’ with regard to the children’s best interests. One Queensland lawyer pointed out that when working within the present adversarial system lawyers are only allowed to work with one party. Two respondents highlighted difficulties in leaving parents to determine the best interests of their children:

*Parents are often concerned about their child and want to make sure that their needs are met etc. The parent’s own emotional state understandably often affects their description and understanding of the child’s wishes. (Domestic/family violence service, SA)*
I previously worked in a legal firm and am auspiced by a legal firm now and I have seen many children torn in the middle of separation. It is sad to see many parents seeking revenge on the other parent by not granting visitation rights to the other parent for some far-fetched reason of revenge. The child is the one who suffers. There are some genuine cases where there is violence or sexual assault but there are many caring parents out there. (Lawyer, VIC)

Others believe that assisting parents to understand the needs of their children will ultimately benefit children, for example:

We work on the basis that children have the right of access to both parents except where safety is an issue. That ongoing parental conflict is harmful to them and that they have a right to be in a different stage of grief assimilation than their parents and that they should be allowed the time and space to come to terms with new arrangements. We work from the basis that if we can help the parents understand and work through their stepfamily and separation issues then the benefits will flow through to the children. (Stepfamily Association of Victoria)

While 21 respondents identified the child’s needs, interests and/or wishes through reports written by experts and then incorporated them into decision making, 4 respondents actually referred children to ‘specialist services’ or ‘child-based agencies’ to make sure their best interests were addressed.

### Difficulties and constraints when incorporating the child’s best interests

There are a number of difficulties that respondents identified that they face when attempting to incorporate the best interests of children into their work. The majority (124, 57%) of respondents to this question had experienced systems issues when trying to incorporate the best interests of the child into their work, the majority of those 124 identified difficulties within the legal system, including: ‘the delays of the court process’ (7), and the ‘Family Court does not take a child-centred approach to decisions made’ and ‘does not put interests of child first’ (8). Others stated that ‘parents get caught in the adversarial legal system’, ‘families experiencing stress and anxiety surrounding the adversarial nature of the Family Court process’ and ‘clients … don’t know how to manage the system.’

Five respondents identified difficulties experienced by lawyers who have to ‘act on clients’ instructions, even though [they] may not agree with them as to what is best for the child’. One respondent from Legal Aid in Western Australia expressed concerns about children’s best interests where a parent is unrepresented in court:

Lawyers are obliged by professional ethics to act on client instructions, subject to certain limitations. Clients’ instructions may or may not reflect the child’s best interests. Lawyers can refuse to represent such a person. However, the person still has the right to go to court with or without a lawyer, in which case it is left to the family law system to ensure the child’s best interests are met. This is not always effectively done. In our experience it is particularly difficult to ensure that a child’s best interests are met where one or more parties are unrepresented; this is principally because relevant information is not made available, either due to lack of expertise or because they do not obey the standards of conduct that apply to lawyers e.g. full and frank disclosure of all relevant information.
The marginalised role of children in society was highlighted by two respondents from South Australia. One respondent from Catholic Welfare Australia expressed the view that ‘children’s voices are largely not valued by society in general’ and another from the National Council of Single Mothers and their Children (NCSMC) stressed the ‘ongoing lack of awareness in the community about children as human beings in their own right’.

Other system issues identified included narrow interpretations of child protection, mandatory reporting of child abuse and the lack of resources available to child welfare authorities, especially in rural areas:

> The biggest system issue is that the (state) welfare authority now sees its role as ‘child protection’ rather than support of families and support of children. Child protection tends to be seen in a narrow sense of protection from abuse. The welfare authority almost never intervenes in proceedings when the Court invites it to. At times it is unwilling to provide support for children with very serious needs. The most important lack of resources problem is with the state welfare body and that appears to be the main reason for it not supporting families. Another reason is the legislation compelling all sorts of professionals to report allegations of child abuse and the welfare authority’s responsibility to treat all these reports seriously and allocate resources to their investigation. It does not have sufficient resources to undertake this role and also support families in serious need. The other serious resource problem is that counselling by persons with the specialist qualifications, training and experience for dysfunctional parents with the problems we encounter, parenting courses, parenting after separation courses, and anger management courses, despite government claims to the contrary, are inaccessible for most rural people. Mostly this is a geographic problem. But where such services are provided in rural areas the services usually involve a charge for the user and this precludes a large number of our clients in children’s cases (perhaps the majority), because the cost is beyond their means.

(Family Court of Australia, NSW)

Eight respondents also identified difficulties in accessing services, whether ‘due to distance’ or because there are ‘not enough free counselling options for children or parenting education courses’ and therefore services are ‘often not affordable to those families who need it most’.

Half (50%, 107) of the respondents identified a lack of resources as a key issue that was preventing them from incorporating the best interests of the child into their work in the area of separation and divorce. An additional 11 respondents highlighted the demands of child-inclusive work, which requires additional resources to be managed properly: ‘child-inclusive work is much more resource intensive and current funding levels and associated client targets etc, do not provide the scope for this intensity’. ‘Lack of time in terms of staff’ was also a common constraint, placing stress on staff.

The potential harmful consequences of service providers lacking relevant knowledge and skills to work with children was also identified as a constraint by 20% (44) of respondents:

> Working with children requires special training, skills and experience and if interviews are conducted by someone who is not specially trained children may be harmed rather than helped.

(Bunbury Community Legal Centre: Community Mediation Service, WA)
Another group of responses (15) to the question about the difficulties workers experience in incorporating the best interests of the child into their work can be clustered around ‘parental issues’. For example, the ‘emotional state of parents during separation’ can affect the incorporation of the child’s best interest, in that parents might be ‘unable to separate their children’s needs from their own at such emotional times’, or ‘some parents have a desire to hurt the other parent using the child as a pawn’.

**Domestic violence/child abuse/child protection**

**Definitions of violence/abuse**

Relevant factors for service providers in defining domestic/family violence were relatively consistent and included: physical abuse (96%), psychological/emotional abuse (95%), sexual abuse (95%), fear and intimidation (94%), verbal abuse (93%), financial abuse (87%), an imbalance of power (82%), social abuse (78%) and spiritual abuse (65%) (Figure 10).

**Figure 10: Factors included in respondents’ definitions of family/domestic violence**

One respondent described abuse from a broader point of view:

*The system we work under is sometimes the greatest abuser of users. We find that we now have more women and children requiring our service. Because they cannot access Legal Aid and have to appear for themselves in Court or they need an advocate with Centrelink and Housing. Nothing is easy for people who are distressed because of Domestic Violence.* (Domestic and Family Violence Service, NSW)

**Identifying and dealing with imbalances of power**

For the majority (145, 67%) of respondents one way to identify imbalances of power when working with children and families was to find out the presence and conditions of restraining orders. Other strategies to identify imbalances of power were:

- to see individuals separately (131, 61%),
• to adhere to established safety policies and procedures in the organisation (131, 57%),
• to provide relevant information to clients (131, 57%),
• to refer to relevant agencies (53%, 115)
• the enforcement of strict ground rules when intervening (52%, 112)

Four per cent (8) of respondents said they have not experienced imbalances of power in this context.

Imbalances of power were mainly identified as occurring within adult relationships as the majority of the 105 additional comments were around services provided for adults. The fact that children are also affected by this issue and that imbalances of power occur within adult-child relationships was only noted by 4 respondents. These respondents provided services directly to children who experienced imbalances of power in their relationships with adults, including their parents and service providers. Services for these children included ‘assessment of the effects on the child(ren) of exposure to domestic violence’. One ‘works with children to recognise power differentials and where possible to make a stand against this’ and another ‘assumes power imbalance between children (below 15) and adults (persons over 18)’. Only six respondents stressed that it was important to keep ‘in mind that separation is often [the] most dangerous time for families’ and therefore stated that it was paramount to ‘ensure safety for all involved’. To ‘have a range of safety protocols’ such as safety plans, code words and the provision of a safe environment were strategies that were being used by those respondents.

Five respondents stated that there are different ways of dealing with imbalances of power in adult relationships ‘depending on the circumstances’, while an additional 2 respondents emphasised that ‘naming domestic violence’ was positive in the sense that it provides an opportunity to deal with the anger and violence:

When I pick up on clues that there is an imbalance of power in a relationship I explore it further with the client(s) and name it for what it is. Often this involves providing information about domestic violence and that an imbalance of power does not have to be tolerated. Highlighting the effects on children is often a powerful motivator in encouraging parents to address the power imbalance and to consider their own personal issues which have led to such behaviour.
(Department of Education and Children’s Services, SA)

The significance of identifying power imbalances within the client’s relationship and of trying to balance power to gain a positive and fair outcome was stressed by two respondents:

Being aware of power imbalance is critical to ensuring the mediation process is conducted in a way that overcomes that imbalance and accommodates individual needs. Processes that fail to identify the imbalance and seek to put balance into the process are unlikely to provide opportunity for conflict resolution. (Catholic Family Welfare, SA)

Power imbalances can exist in any type of relationship. Sometimes there are power imbalances in favour of women, teenagers, grandparents etc. In our advice to clients we always try to raise this issue and how it may be influencing the client’s instructions. We reinforce that each party has rights and should not compromise their entitlements due to that power imbalance. We refer
clients to counselling services where the need arises, and generally mention such services to clients so that they know there are support services available. (Lawyer, Vic)

The majority of respondents (149, 69%) stated that conflict and violence is very common in their adult client group including lower level conflicts, high-level/complex conflicts, entrenched conflicts and family/domestic violence, all involving children. Only 1% (2) of respondents said their adult clients did not present with conflict of any kind.

Screening for violence and abuse
Despite the high occurrence of conflict and family/domestic violence not everyone screened for domestic violence and/or child abuse. Of the 204 who responded to the question ‘When working with children and families in transition, do you actively screen for signs of domestic violence and/or child abuse?’ only 76% (155) stated that screening for domestic violence as well as child abuse is necessary in their work with children and families in transition. Twenty-one respondents (10%) said they did not screen for either of the two while the rest screened either for domestic violence (16, 7%) or child abuse (12, 6%).

Further information about how they screen for violence and abuse was given by 150 respondents. Screenings for violence that explicitly included children was undertaken by 15 respondents, with 3 respondents approaching this ‘by physically examining the children’. Those respondents were from the Enhanced Maternal and Child Health Services in Moreland City Council in Victoria, the Department for Education and Children’s Services (DECS) in South Australia and a lawyer in New South Wales.

Other respondents did ‘actively complete children’s assessments in relation to their experiences of violence and abuse’ or they ‘explore with children how they experienced their parent’s conflict before and after separation. What their fears are etc.’

One respondent from a domestic/family violence service emphasised the importance of creating a ‘safe space’ for children to talk about their experiences of abuse:

I also try to create a safe space for kids to be able to talk about other forms of abuse which they may be/have been subjected to.

One psychologist from Catholic Family Welfare in Western Australia uses psychological instruments to identify the occurrence and effects of abuse:

Observe child’s behaviour; use Family Relations Test for Children and/or Child Depression Scale.

The majority of 53 of respondents who did not explicitly involve children in a screening process found out about the occurrence of violence and abuse through ‘intake processes’ or by asking ‘particular questions’ to their adult clients, whether direct or indirect. Some mediators use their organisation’s standard screening tools:

We have a questionnaire which is standard to all intakes in mediation. It takes about 1/2 hour to go through, and includes questions about the balance of power, decision making, fear, etc. as well as questions about the children’s well-being. (Relationships Australia, SA)
The importance of being ‘careful [when] questioning so as not to contaminate evidence or make suggestions’ was highlighted by one respondent. A screening tool to obtain ‘collateral information’ was being used by another 20 respondents while 3 others said they were ‘aware of dynamics and what may not be said’ when identifying violence and abuse.

One respondent from the Aboriginal Legal Rights Movement in South Australia highlighted the ‘use of an Aboriginal field officer who has knowledge of families and communities’.

**Estimated percentages of client victims of domestic/family violence**

Given the current debates about whether or not there are high numbers of false allegations of violence made in the context of separation/divorce, we were interested to know service providers’ estimates of the percentages of their clients who present with domestic/family violence. As Figures 11 and 12 demonstrate, there were marked differences in the respondents’ estimates of percentages of male and female clients who present as victims of domestic/family violence, with females being more likely to be identified as victims than males: 44% (81) of service providers identified having more than 50% of their female clients in this category, compared to only 4% (9) identifying more than 50% of their male adult clients as victims.

**Figure 11: Estimates of percentages of female victims of family/domestic violence in the respondents’ client groups experiencing separation/divorce**

![Bar chart showing estimated percentages of female victims of domestic/family violence in respondents' client groups experiencing separation/divorce.](chart_image)
Estimated percentages of client perpetrators of domestic/family abuse

Figures 13 and 14 also indicate that there were also marked gender differences between the respondents’ estimates of percentages of perpetrators of family/domestic violence among their adult clients. Males were far more likely to be identified as perpetrators: 30% (55) of service providers identified having more than 50% of their male clients as perpetrators, compared to 2% (4) of respondents identifying more than 50% of their female adult clients as perpetrators.

Figure 13: Estimates of percentages of female perpetrators of family/domestic violence in the respondents’ client groups experiencing separation/divorce
Figure 14: Estimates of percentages of male perpetrators of family/domestic violence in the respondents’ client groups experiencing separation/divorce

Estimated percentages of abused children
We were also interested to know roughly what percentage of children in the separated/divorced families who were being seen by the respondents were being exposed to family/domestic violence either before, during or after the separation of their parents. It was alarming to find that 42% (77) of service providers estimated that up to 30% of their child clients, whose parents were experiencing separation and divorce, had been exposed to family/domestic violence; 41 of these estimated that more than 71% of their child clients belong in this category (Figure 15).

Figure 15: Estimates of percentages of children exposed to family/domestic violence in the respondents’ client groups experiencing separation/divorce

More than 24% (44) of respondents reported that more than half of their child clients had been direct victims of child abuse; 16 of these estimated that 91–100% had been abused (Figure 16).
Figure 16: Estimates of percentages of child victims of child abuse in the respondents’ client groups experiencing separation/divorce

Estimated percentages of clients reporting pet abuse
As pet abuse can have a strong connection to child abuse and family/domestic violence we were interested in respondents’ estimations about how many in their client groups had reported pet abuse. Fifty per cent of the respondents (99) estimated that pet abuse was reported in at least 1–10% of their cases, and 5% (11) in more than 31% of their cases (Figure 17).

Figure 17: Estimates of percentages of pet abuse witnessed by respondents’ client groups experiencing separation/divorce

The qualitative responses to the questions around family/domestic violence revealed that ‘child abuse is very strongly correlated with domestic violence’, as highlighted by 9 respondents who stated that ‘witnessing
domestic violence in itself is a form of abuse.’ One respondent stressed that it is impossible to hide domestic violence from children:

I am funded specifically to work with women affected by domestic violence. I don’t see children directly but I would estimate that where there is domestic violence, their children are affected even though the mother tries to shield them from it. (Women’s Legal Service, QLD)

The history and the cycle of abuse were commented on by another eight respondents. One respondent reflected concerns that a ‘background of abuse’ can have a major impact in later life, such as on the children’s own relationships:

I am also noticing that many parents of my clients were victims of child abuse or witnessed DV when they were children, which is perhaps impacting on their ability to parent their own children. (Department of Education and Children’s Services, SA)

In common with another five respondents, one respondent from Relationships Australia in Victoria highlighted the significant connection between separation and domestic/family violence:

This client group has by definition a higher level of entrenched family violence than the general community and a high level of single (or rare) incidents of family violence. If using a broad definition of family violence then percentages are very high because most are in conflict and many who present to mediation are by definition in high conflict, often conflict that is loud and abusive and occurs in front of the children.

The perception that females were more likely to use emotional or verbal abuse and men were more likely to use physical abuse was stated by 3 respondents, one linking this to the different socialisation of men and women:

Boys are socialised to deal with conflict resolution with ‘punches’ and girls I think are more likely to have a dialogue or ‘cat fight’. (Parentline Telephone Counselling, Vic)

Services offered to abused children

More than half of the respondents (118, 55%) said they offered voluntary referral to an appropriate agency in cases where child abuse was established. Mandatory referral was being offered by 42% (90). However two respondents stated that in their experience it is ‘difficult to find appropriate services to support children’ because there are ‘limited choices’ and that there are ‘more services needed’. Education for parents/caregivers was being offered by 31% (68) of respondents.

Services offered by some respondents directly to children included individual counselling/therapy, education and group work. Twenty-nine per cent (63) of those offered individual child counselling/therapy, 24% (51) offered education for children, while 14% (31) said they offered group work to children where child abuse has been established. There were three respondents who delivered contact services for children who experienced child abuse, two offered therapy, two offered group work, two offered assessment and one offered telephone counselling to children where child abuse has been established. Family intervention that excluded the perpetrator was being offered by 22% (48) of respondents and 13% (27) used family interventions where the perpetrator was included.
However these respondents stressed that they made sure that the inclusion of the perpetrator only occurs where it is appropriate and safe for everyone involved. For one respondent from Catholic Family Welfare in South Australia the well-being of the child was dominant when bringing the child and the perpetrator together, while another respondent from the same agency placed the safety of the whole family first. Both strategies were based on safety and the processes were monitored:

_Mandatory notification is made where appropriate. Voluntary referral for counselling may also be suggested. Family interventions may include child-inclusive mediation where the child does not have direct interaction with the alleged perpetrator, but in some cases the child wants to have the perpetrator hear his or her concerns directly and if this does not place the child at risk this may be facilitated. Safety strategies are put in place and the mediator strictly monitors the intervention to support the well-being of the child._ (Catholic Family Welfare, SA)

_The perpetrator is invited in separately to discuss the issues that they are facing and the power dynamic remains balanced throughout the intervention with the worker. The family are not involved with the perpetrator until the family state that things are improving and close monitoring is maintained and acknowledgment is given by the worker to the perpetrator on the willingness to change._ (Catholic Family Welfare, SA)

Another group of 17 respondents said they made reports either to the Family Court, to COCS or to CARL. Twelve of those respondents were ‘mandated notifiers’. One respondent from a domestic/family violence service in South Australia highlighted the legal requirement to report child abuse in that State:

_all our clients are voluntary, but we are mandated to report any child abuse._

A further 6 respondents said they made recommendations: either ‘recommendations to the court’ or ‘recommendations to other agencies’ as service provision to children who experienced abuse. Ten per cent did not offer services to children experiencing abuse for various reasons (8% said it was ‘not applicable’).

**Special needs groups**

As the literature review revealed a lack of family services for the special needs groups, such as Indigenous people, culturally and linguistically diverse (CALD) people, people on low incomes, people from rural or remote areas, differently abled people, and lesbian or gay people, we wanted to know how respondents were currently servicing these populations and their perceptions of how the current services for special needs groups do/should differ from service provision for other people. General statements from 20 respondents, out of the total of 149 respondents who provided further information to this question, emphasised the importance of ‘awareness’, ‘sensitivity’, ‘empathy’ and ‘non-discrimination’ when servicing special needs groups. One respondent stated that there should be ‘no difference that will create an advantage or disadvantage’. Another 2 highlighted the individual nature of each client and the need for flexibly of services to meet each person’s unique needs. Two more provided a ‘link with other services for specialist information when necessary’.

One respondent from the Family Court of Australia who worked at rural and remote areas in Queensland stressed the need to be flexible and to gain knowledge about cultural issues, or support from an interpreter or cultural specialist, before intervening:
This is a hard question as I have worked and lived with people from diverse backgrounds for over 30 years. Consequently I adjust my style to ensure the client gets optimal service. This may entail researching the cultural/religious group before and during my interaction. Furthermore, depending on the situation I may involve a cultural specialist or interpreter.

People on lower income
The majority (170, 79%) of all respondents said they provided services in relation to separation and divorce to people with a lower socioeconomic background. Most of their service organisations offered a ‘negotiated fee structure’ or a ‘scale of fees’. One service provided ‘food and financial support’. Only one service, the Children’s Contact Centre in South Australia, was described as free for users.

Four respondents highlighted the advantages of legal aid:

legal aid clients pay a lot less for the same (and often more) legal advice.

Culturally and linguistically diverse groups
Services to culturally and linguistically diverse (CALD) individuals or groups were offered by 64% (138) of all respondents. Interpreters and translators were provided to CALD people as well as Indigenous people in most of the cases, as 44 statements demonstrated.

Indigenous people
Services to Indigenous people were offered by 63% (137) of the respondents. Some of these services were provided by Indigenous consultants and ‘specialised Indigenous workers’, as the statements of 11 respondents demonstrate.

One respondent from the Family Court of Australia, New South Wales stated they had ‘specialised policies and legislation for Indigenous clients’ and another from the Child and Adolescent Mental Health Service in South Australia said that ‘Indigenous [people] will get priority for ongoing therapy.’

However the lack of services offered to Indigenous people is obvious. From the 137 respondents who said they provided services to Indigenous people not even one third provided further information to the question about how services differed. Only 11 of those said they used ‘cultural friendly’ approaches such as the employment of Indigenous consultants and Indigenous workers.

Rural and remote populations
Services for people living in rural areas were provided by 51% (110) of respondents, while services for people living in remote areas were provided by 34% (74). Whether the recipients of services have an Indigenous or other cultural background the services for these areas can be similar as they mainly involve telephone or email contact. Relationships Australia has services located in rural areas, such as ‘in a rural part of Queensland’ and offer ‘some outreach services’, for example in New South Wales. Two respondents from the Family Court of Australia pointed out their ‘capacity to travel to rural and remote areas for circuit court or to conduct Family
Report interviews’. The Children’s Contact Centre in South Australia offers ‘blocks of contact’ for parents from remote areas – for example two visits per weekend instead of one visit per fortnight as is usual’.

Social justice and equity issues facing service providers in rural and remote areas were highlighted by one respondent from the Family Court of Australia who worked in the city as well as rural and remote areas:

Indigenous groups are specifically catered for with consultants and extra time. However, rural and remote groups have very little support and are often ignorant of services. Services to circuit locations have been downsized as not cost effective, according to statistical criteria (money) NOT based on ‘social justice’ and ‘equity to justice’ criteria.

Lesbian and gay people
Services to lesbians were offered by 57% (124) of respondents while services for gay men by 48% (104). One family lawyer from the Australian Capital Territory highlighted that: ‘Some legal issues are different for gay and lesbian clients.’

Differently abled people
Services to differently abled people were offered by 49% (106) of respondents, who were mainly ensuring that services were ‘physically accessible’; one respondent offered ‘home visiting’.

No services
Six per cent (12) of respondents offered no services to any of the special needs groups.

Overlaps in service provision to children and families in transition
From the 78 respondents who provided an answer to the question about whether they experienced overlaps in service provision for children and families in transition just under half (32) said they were ‘not aware of many overlaps in service provision for children and families in transition’ and most respondents stated that ‘there are not enough services out there’. Suggestions such as offering ‘a range of services from different angles is helpful’ and ‘given that each situation is unique a wide range of responses should be available and considered’ underlined the fact that there is a lack of services rather than an overlap in service provision.

Some respondents described their dissatisfaction with overlaps in the ‘dual court system’. Three respondents described the existence of both the Family Court and the Federal Magistrates Court as ‘unnecessary’. To ‘have one Court (the Family Court) that is better resourced’ was preferred by those respondents.

One respondent was dissatisfied with the ‘fragmentation and duplication of services – government and non-government’, but was not specific. Another described the ‘community based organizations and Family Court providing mediation/counselling services etc’ as an overlap. Two respondents agreed that this was problematic as: ‘It’s hard to send people off to other places when they have bared their soul to one person and then they have to repeat it’.

One respondent from the Family Court in South Australia was concerned about ‘system abuse’, especially in cases where abuse occurred:
systems abuse issues. Interviews by CYFS child protection workers in cases where abuse is issue. Then interviews by major hospital child protection service. Then interviews by Family Court Mediators. Then after all that interviewing and assessment the child and family has to face the adversarial system where the rights of the child and his or her best interest might really depend on the quality of the representing barrister and or the amount of money one or the other of the parents can afford.

One respondent from Legal Aid from Western Australia also made an important point:

“There are many services offering information/advice and referral, but fewer offering substantive assistance, especially in relation to legally aided/low-cost family law representation.”

Gaps in service provision to children and families in transition

143 respondents replied to the question around gaps in service provision for children and families in transition. Seventeen per cent of these (25) stated that there are gaps in services that are offered directly to children and young people, and over all not enough services for this client group. The majority (25) called for an increase of group work with children as well as for more counselling/therapy services to be made available for children. Some respondents named the topics they thought children needed assistance with including: ‘support for children going through the court processes’; ‘support when there has been DV’ and the need for more child contact centres (4).

List of services needed for children suggested by respondents:

- early intervention groups for children
- contact services
- child-services in country areas
- separation services to children including community education, legal resources and group work
- counselling/therapy services to young and older children
- play therapy
- support services to children when there was violence/abuse
- services around children’s needs (grief, loss and transition groups, effects of abuse/neglect)
- better child protection services
- long term support to children
- child-inclusive mediation.

Gaps around services for parents were described by a group of 21 respondents. They identified difficulties faced by parents during the time of separation: for example: ‘the parent is trying to manage work/kids, emotions, appointments, trauma, re-adjustments, caring for others and self’. They argued that parents need support such as training around parenting skills and information about children’s needs and separation. Most stated that this support is not given at the present time.

As in most other questions the strong connection between separation and domestic violence emerged in the responses. For 18 respondents there were not enough services for families who were experiencing
domestic/family violence, conflict or abuse. The need for more emergency housing mainly for women and their children was stressed by 7 of these.

Access to services was identified as a gap by 14 respondents. They noted that services were too expensive or too far away for people who lived in rural or remote areas. The need for more outreach services for regional communities was stressed by one respondent from Catholic Family Welfare, South Australia:

> It is difficult for residents of smaller regional communities to access services. It is important that services be flexible and able to provide outreach services outside major regional centres.

Lack of funding and competition for funding was stressed by another 14 respondents from different areas. The consequence for one respondent was poor communication and cooperation between agencies:

> Private agencies compete for funding and there is not enough sharing or communication between programs. Again among government agencies similar situation develops, same as NGOs but less overlapping. (Catholic Family Welfare, SA)

Again, the lack of adequate funding for service provision was highlighted by a number of respondents:

> Not enough funding for services especially in rural and remote areas of NSW. Not enough generalist services in some regions on NSW to support and assist families when initial issues arise where early intervention may prevent separation or divorce. (Relationships Australia, NSW)

> Limited government funding and cut backs in government funding to the court system is leading to larger and larger gaps in the system. Limitations on legal aid, particularly in family law matters that are very resource intensive is another area of concern. Long delays – e.g. 6 weeks before contact services have places available, 2 week delays re changeover. Contact services urgently need more funding. (Lawyer, Vic)

Six respondents highlighted gaps in service provision for males as some services do not involve the males or services were more female and child orientated.

The lack of follow-up in service provision for children and families in transition was also seen as a gap by four respondents.

As services for both parents and children were seen as inadequate, one respondent from Uniting Care Burnside in NSW suggested implementing the Canadian ‘McCain Mustard’ model:

> We still do not provide universal high quality integrated child and parenting services in this country – as per the Canadian (McCain Mustard) model [an early intervention model]. That is the way to comprehensively 'capture' what is going on in families during the early years and to act appropriately and early. This is priority one in terms of 'best bang for buck'. We also have (in our agency) the excellent and proven strategy of Family Group Conferencing to avoid children drifting unsupported and/or going into OOHC following family trauma. Whilst expensive front end – this strategy is very cost effective and provides a real way through to inclusive and lasing solutions for children needing family support. Children experiencing DV
and family separation who turn up in our SAAP programs speak of continuing gaps in services that are appropriate for that age group.

List of services needed by parents/families suggested by respondents:

- services for rural and remote areas (outreach services)
- education programs in general, comprehensive public services
- parenting skill trainings
- compulsory information group sessions for separating parents
- integrated child and parenting services
- mediation, counselling, therapy
- groups for high-level conflict families
- long-term support
- services to stepfamilies/blended families
- programs for separating families involving both parents in some way
- services offered to fathers
- services offered to mothers
- services to females in violent relationships
- culturally matched services to Aboriginal and Torres Strait Islander people
- accessible services, financial support
- follow-up services
- assistance to self-represented litigants
- crisis intervention
- emergency/safe housing
- services assisting perpetrators
- services around building up new relationships
- services for adolescent parents
- support for grandparents.

Family law legislation

We asked whether there is a need for changes in family law legislation to meet the needs and interests of children and families in transition more effectively. 127 respondents replied to this question. A small number (8) did not believe there was need for change and highlighted the positives of the present path following recent changes in the legislation, as the following quotations demonstrate:

*Am aware of the recent moves to set up Family Resource Centres – which if done well and resourced to be comprehensive and including good solid family support services, will be a great thing.* (Uniting Care Burnside, NSW)

*We have a very good model, some fine tuning may include more counselling with the Court if the parents wish.* (Family Law Solicitor, NSW)
Recent changes in legislation have been good – more time needed to assess how they meet families’ needs. (Catholic Family Welfare, QLD)

Another eight respondents were not familiar enough with the legislation to comment. However, 88% (112) of the respondents stated that there was need for change in family law legislation. The importance of prioritising safety where there is domestic violence or abuse was stressed by 19 respondents. They also stressed that the impact of domestic violence and abuse on families and the dangers to women and children, in particular during separation, needed to be better understood and considered by the court. One respondent from a domestic/family violence service in New South Wales captured their concerns:

Judges and Registrars must understand all aspects of domestic violence and the impact it has on families. Sometimes they do not believe or understand the serious danger women and children have to live with every day.

Seventeen respondents stressed the need for the courts to move from the present adversarial system to a more inquisitorial system. The inquisitorial system, based on the European model, was seen as more appropriate for families in transition, especially for matters where children are involved. Some lawyers described the adversarial approach as being more of an obstacle than a help:

We need a family law system which is not adversarial where children are concerned – that is, does not encourage parents to focus on the negatives of the other party – and does not involve ‘winning’ and ‘losing’. To some extent this is being attempted in the trial of the Children’s Cases Program in the Family Court. Perhaps an inquisitorial system involving an independent person being engaged to make enquiries of schools, sports coaches, music teachers etc and reporting to the court, as well as parents being able to make submissions. (Lawyer, New South Wales)

Positive comments about the Children’s Cases Program were also made by another 4 respondents. However one lawyer from New South Wales was concerned that this program was ‘too restrictive’:

The current Children’s Cases Program is beneficial but too restrictive – e.g. court may not allow subpoena to issue however may be of particular relevance which court may not perceive.

The Children’s Cases Program (CCP) is a pilot program of a more judicially active and less adversarial approach for matters where children are involved. It began on 1 March 2004 and the two pilot registries are based in Sydney and Paramatta. The difference to the present system at other registries is the active role taken by the judge who is allocated to the case. The hearing is more closely directed by the judge and is designed to encourage the parties to focus on future arrangements that are in the best interests of the child. It is about how parties can help the judge find the best solution for the children. Even if the way to reach an agreement is different, the law is still the same.
A number of respondents (14) described the benefits mediation can bring to families who are experiencing separation. The common view was that mediation should remain as the primary approach for dispute resolution where there are children, with one respondent stressing that families should have ‘the right to ongoing mediation as families evolve post-separation’ (Stepfamily Association of Victoria). Five saw a need for mediation to be mandatory, however two respondents expressed their concerns that women might be disadvantaged by mediation, in particular where there is domestic violence:

_I am coming across an increasing number of women who are frustrated with mediation that does not protect the women or recognise that domestic violence has been the main contributing factor to separation. Mediators, in my experience, have tended to see DV as a relationship issue rather than a violence issue and attempt to counsel for the relationship._ (Domestic/family violence service, South Australia)

Another 13 respondents stated that there was a need for change in family law legislation to include children more in decision making:

_The weight of the child’s wishes in the legal process could be better defined in legislation and in the legal process._ (Self-employed lawyer, NSW)

Four others added that there is a need to focus more on children’s views and to listen more closely to their voices. Four more called for a better understanding and inclusion of children’s rights in family matters. However, one from the Children’s Contact Centre in the Northern Territory stressed that the child’s right of contact with both parents should not override concerns about domestic violence and child abuse.

The need to have mandated information sessions for parents was stressed by six respondents. They suggested that parents should be educated about the needs of their children during separation and divorce, the impact of parental conflict on children, as well as being trained in communication skills to enable them to communicate better with each other and their children.

Concerns about current child support regulations were expressed by six respondents who called for a more flexible child support system. Two stated that child support currently is related to the amount of time a parent spends with a child, which leads to conflict.

The need for family law legislation to include non-nuclear family types such those involving lesbian and gay people as well Aboriginal extended families was stressed by one respondent from the Children’s Contact Centre in the Northern Territory.

**Future needs for family relationship services**

128 respondents provided further qualitative information to the question about future needs in relation to family relationship services for children and families in transition. Seventeen of these respondents stated that the needs and the well-being of children must be the paramount consideration. Five stated that children’s best interests and needs can be met by educating parents around their children’s needs while others argued that there is a need to for more direct services to children to meet children’s needs and to focus on their well-being.

The need for more open and active collaboration between a range of different services provided to children and families in transition was highlighted by 13 respondents. The value of a ‘one-stop shop’ with easy and
affordable access to counselling, mediation, education and contact centres for children, parents and extended family members was also highlighted. Nine others stressed the importance of having accessible services. Factors such as distance, cost and long waiting lists need to be moderated by service providers to enable people to receive adequate help. Seven stressed the need to work together with schools, as they were seen as the place where children spend most of their time. Those respondents saw schools as the starting point for educating children around relationships and highlighted the need of collaboration between schools and service providers.

Ideas about how to improve family relationships came from one respondent:

Services to improve relationships between parents and children – maybe some sort of benefit or reward for parents who are able to demonstrate good parenting practices after separation.

(Catholic Family Welfare, NSW)

Needs in relation to the court system were identified by 15 respondents. The majority saw the minimisation of delays as well as costs as primary factors to be addressed to meet the need of children and families in transition. A family law solicitor from New South Wales suggested introducing a more flexible ‘post court’ for post-separation disputes. As children change when they get older, the need for flexible agreements was also stressed as they might have to be changed as well.

Thirteen respondents advocated better meeting the needs of families in high conflict situations. They recommended an increase in services with easier access, a better understanding of domestic violence and the provision of safe places.

The need for adequate funding for services was identified by 11 respondents. The same number of respondents saw the need for staff training ‘to enable effective and skilled staff to provide the services.’

Similar recommendations to those above were made by a social worker from Canada, who also identified future service provision needs in Canada as being:

Shorter time going through the court system and a continuum of services available to families when they first come to court. Increased funding to children’s mental health services to decrease the waiting lists which are now minimally one year everywhere in Ontario.

The need to change societal views of separation and divorce, so as not to stigmatise families, was identified by 4 respondents as an area that needed to be worked on within the community.

National or organisational trends
Concerns about national and/or organisational trends in relation to working with children and families in transition were expressed by 123 respondents. The most common concerns identified by 20 respondents were around the trend toward shared parenting arrangements after separation and the impact on the current well-being of the children involved. The view that decisions around parenting arrangements placed more focus on parental needs than the needs of the children was very common. Respondents stressed that shared parenting arrangements tend to place parents’ rights rather than the child’s best interests in the centre. Most agreed with the concept of shared care in general provided that there is good communication between parents but, as in most cases separation is connected to conflict and a lack of communication, respondents saw it as highly unlikely that shared parenting will work in the best interests of children. Shared care arrangements were seen as very
problematic for children where there is poor or conflict-ridden communication between parents. This statement from one respondent represents concerns expressed by many others:

There is a growing movement in thinking by our clients that shared care is their right. Unfortunately by the time most of our clients are ordered to see us there is a high degree of hostility etc and often they cannot speak to each other or even sit in the same room. They do not readily accept the comment that an integral component of shared care FOR THE CHILD’S NEEDS is a cooperative and consultative relationship between the parents. There seems to be an encouragement of the thinking that shared care is every parent’s legal right. It may well be but family law is about the CHILD’S RIGHTS to an equal relationship with both parents but NOT if it means the children are forced to live across two households where no-one speaks so the children have to carry messages, keep secrets, feel guilty, etc. (Family Court, NSW)

Eight more respondents were also concerned that parental rights are becoming more paramount than children’s rights. Three expressed concerns about the increased influence of the fathers’ rights movement, which has led to an increasing number of judicial determinations in which fathers’ rights override children’s rights to safety and protection.

Concerns around the lack of funding were mentioned by 9 respondents. However the areas where funding was needed differed and included funding for family violence, children’s contact centres, good programs for families in transition and more specialised children’s workers in shelters.

Closely connected to concerns about funding were concerns about reductions in legal aid funding (7) leading to a lack of support for many who need it. There was a commonly held view that the guidelines for a grant of legal aid were no longer realistic and the increasing numbers of people who have to represent themselves in court are being disadvantaged.

Inadequacies in the way that domestic/family violence is being dealt with were stressed by eight respondents. Whether it was the ‘failure to recognise DV’, ‘entrenched conflict between separated parents as domestic abuse’, or the need for a ‘better focus on family violence’, respondents expressed their concern around the well-being and safety of family members. Concern was also expressed about the increasing trend in the Family Court not to believe women’s allegations of domestic/family violence or abuse:

concerns about the dangerous and false belief that allegations of domestic violence and child abuse are used by women to gain advantage in family court proceeding, so they are disbelieved, in actual fact even when these allegations are proven they often do not affect the outcome – i.e. even when there is proven child abuse, children can be forced to be unsupervised with perpetrators. (Domestic/Family Violence Service, NT)

An overseas respondent from the Family Services of the Conciliation Court in Arizona, USA did not agree that mediation should not be an option where there has been domestic violence:

The position that if there has been domestic violence, then mediation should not be an option. I disagree with that.
A group of six respondents were concerned that the various services for children and families in transition were being offered by many different service providers leading to fragmentation of services and unnecessary confusion for clients. One self-employee from Queensland suggested that organisations should be brought together to create ‘a proper one-stop shop’.

One respondent from the Stepfamily Association of Victoria noted that the needs of stepfamilies are being overlooked.

Another commented on the broader social context, noting the connections between an increase in consumerism, an increase in social isolation and the lack of balance between work and family life and the effect on parent–child relationships:

Big picture: our society is ever more pushing consumerism and credit as a way of life that simply places too much pressure and expectation on families at the edge. Communities are becoming more and more insular (within each household) with missed opportunity as new suburbs are planned to really focus on social capital – the connectedness of people and the way the physical environment might enhance that. The balance between work and family remains totally out of whack – and again the consumerism and expectations push people into thinking they have no other choice than to have both parents working throughout the family lifespan. We do not adequately support (through law and provision) things like well-paid maternity and paternity leave to ensure attachment and bonding in the early years. (Uniting Care Burnside, NSW)

Concerns about the disadvantages families in transition have to face and the long-term effect this has on children was stressed by one respondent from Relationships Australia in New South Wales:

Currently the government seems to be interested in the transition phase, without recognising that these families often fall into disadvantage, socially, economically etc which can last for years and have an impact on long-term outcomes for children (and parents).

Towards a ‘best practice’ model of service delivery

123 respondents provided an answer to the question ‘If you could wave a magic wand, what would be the key principles, features and/or components of a best practice child-centred model of service delivery to children and families in transition?’ The most common answer (35, 28%) was to place children in the centre and focus on their best interests, and to make the safety and well-being of children paramount in all interventions. The need to promote permanency planning for children was stressed by one respondent.

There was equal emphasis placed on the need to work with parents to provide them with information on children’s needs and to improve their parenting skills and the need to work directly with children in counselling or other forms of child-inclusive practice. Comments about services that should be offered to children varied and included the need to address grief and loss, offer clear developmental-based presentations about family change and to promote resilience in children. Work with the whole family to provide a ‘safe place to grow and develop skills for all the family’ was seen as paramount by almost all the 35 respondents. The view that a child-centred model would need to incorporate the principles of the United Nations Convention on the Rights of the Child was highlighted by 5 respondents.
Three respondents stressed that in a child-centred model it is important for children to be engaged, heard and supported at an age-appropriate level:

* A child-centred model would need to incorporate the principles in the Convention on the Rights of the Child. There would be a method by which the ‘voice of the child’ could be heard by the person making the decision without involving confrontation or unduly threatening situations for the child. The balance between the best interests of the child and the wishes of the child would be struck. There would be age appropriate levels of involvement and options for children that allowed them to express their views at an age-appropriate level. The system would not be disempowering for children – they would be able to feel heard. (Family Court of Australia, Vic)

* The service would need to be child-friendly in its approach utilising various ways of engaging children and offering them support and opportunity to speak in various ways. (Catholic Family Welfare, QLD)

* In my view, children should feel that they have an input into the decision-making process (when age and stage appropriate) but there should be support systems in place in order for children to be able to express themselves, safely and appropriately and with an understanding of the process and possible outcomes. (Children’s Contact Centre, SA)

The need to be able to work with children even when their parents are not available or ready to participate was highlighted by one respondent from a domestic/family violence service in South Australia. Another pointed out that where there is domestic/family violence some children benefit from parental separation. These children need access to special services, such as trauma counselling and contact centres:

* Children who come from families with high-level parental conflict and domestic/family violence benefit most from the separation. Contact centres should be more readily available, and children from any of these environments should be able to access some trauma counselling; almost like they have experienced post-traumatic stress disorder. (Parentline Telephone Counselling, Vic)

One respondent who was a separated parent had managed to establish a positive ongoing relationship with her ex-partner that contributed to the well-being of their child, largely because they put the child’s happiness first. Based on her own experience, she pointed out how money can be one factor that leads to conflict between parents and suggested that changes to the current child support system may alleviate some conflicts between parents:

* In an ideal world we would not even be asking this question. I seem to live in a small ideal cluster, because as a single mother I have been able to not have major arguments with my now 17 year old’s father. We have both attended all his important performances, school functions, graduations etc, mostly with our new partners, and have dinner with my son afterwards. Most of our friends are in the same position. We have always put our son’s happiness first. It should be noted that I have not pursued child support from him, because it is always money that causes the problems. I have on 2 occasions in 12 years asked for money, and on both those occasions we have had very strained relations. Taking the child support agency out of the equation would be a good start.
Perhaps income earners with children could be taxed a certain percentage of their gross income, taken out of their pay packets by their employers, like superannuation. This would give the government more money to distribute to the other parent.

Another group (13) stressed the importance of having skilled, educated workers, especially when working with children. It was stressed that service providers in this field need regular education and training and frequent forums to share contemporary knowledge and practice wisdom between professionals in the field.

The need for a more inquisitorial system was stressed by 7 respondents, as the adversarial approach undermines cooperation between parents and works against the best interests of the child. One felt that the current system forces parents to argue and does not adequately consider parents’ needs:

> The current court system that forces parents to argue with each other in order to gain residency is poor. The needs of the parents are not considered as much as the well-being of the child. Services that can hear the voice of the children and parents would best support effective decision making. (Catholic Family Welfare, QLD)

Another advocated compulsory seminars for parents to assist them to focus on the needs of their children and stressed the importance of children’s contributions:

> So many of the decisions are based on getting back at the other parent. More intervention by the govt. Need more and COMPULSORY seminars for families to attend on what happens to children when parents are fighting. Parents should be made to attend and at least hear the effects of their anger, power and control issues have on their kids i.e. don’t get Centrelink unless have attended a seminar. More kids to have a say regardless of age in Family Court as to when and how they see their parents. (Centrelink, SA)

Four more highlighted the need for suitably qualified advice to be given to couples when they marry in order to prevent separation and divorce. Another suggested that if everyone needs a licence to drive a car, then why not have a licence to bear and bring up children.

One respondent pointed out a number of concerns that should be addressed in an ideal model, including the role of fathers, the need for parental support and assistance with parenting skills, improved legal aid for both parents, early intervention strategies and a range of services to address serious relationship issues:

> There is no legal model that recognises gender and biological roles, as that would be discriminatory to those parents who have been caring for their children other than by traditional ways. Many fathers have taken a significant role in care-giving, and they are very articulate in expressing their claims to continue. Both parents wish to be significantly involved in parenting, but they have often had a poor history of shared parenting while together and separation may not improve their skills. Parents may have psychological and social deficits that are very obvious but are not sufficient to invoke care and protection concerns. Parents need significant support in the process of resolving their issues with one another. Legal aid for their own lawyer is practically non-existent so they face massive legal costs if they do instruct solicitors. Many men act for themselves, the more aggressive and (slightly) more competent party appears for themselves in the court, while the less aggressive party the wife has a lawyer.
The process is distorted and often the Court looks as thought it is appeasing the In-Person. The court tries valiantly to focus on the children; where both parties are represented a far more balanced approach is possible, but there is still a lack of models of family behaviour, individual functioning etc. An expert report from a psychologist can be very helpful but this is often too little too late. Early intervention is important, but delay in accessing the legal system can result in long-term damage as relationships are disrupted and abusive patterns continued through processes of mediation that are quite inadequate at dealing with seriously troubled people and relationships. Legal Aid agencies have schemes to deliver basic advice to the most people and have targeted schemes for domestic violence, but there is a group of less extreme cases that require major support that is not available to them. (Self-employed lawyer, WA)

A group of 9 respondents did not provide an answer to this question as they found it ‘very difficult’ or ‘lost’ their ‘magic wand’. One of those respondents suggested asking a group of children who have been through the system themselves this question.

Finally, one respondent from the Family Mediation Practice in Johannesburg/South Africa highlighted some culturally similar and different concerns, suggesting that the key to a best practice model comes with ‘open mindedness and anti racism, less male domination, and violence. No more HIV AIDS and poverty, wipe out apartheid.’

Summary of the national online survey
Recent data suggested that there were not enough services for children and their families when they are separating. This section examined the view of service providers from Australia and other English-speaking countries to identify models, practices and trends that are being used in work with children and families in transition and to collect ideas for a better practice model of service delivery.

Responses mainly came from lawyers and social workers.

Service provision to children and families in transition
The data suggested that services are mostly offered to parents. The three main services offered to families in transition are the provision of information, referral and counselling/therapy. Organisations’ service delivery was assessed as being specialised, mainly in family law, rather than generic or both. However the need for more specialised services to children and families was stressed in later questions. Just over half of organisations’ services were seen as integrated/coordinated, which for most of the respondents meant either referrals occurring within their organisation or referral networks between organisations. Almost one third of respondents assessed their organisation’s service delivery as compartmentalised/fragmented. The respondents’ primarily client focus was on children. Working with parents, such as strengthening them and assisting them to manage the post-separation stage, were their main strategies to seek a child-focused outcome. Most of the respondents had become either more child-focused or child-inclusive during the past five years.

Services to children
Children’s needs during the separation of their parents were assessed as high. Helping them with loyalty conflicts, working with them through their feelings of grief and loss and guiding them through changing family
relationships were seen as the main services children need. The services provided by most respondents to children whose families are separating were the provision of information, referral, assessment, counselling/therapy and advocacy. Just under one third of respondents did not work directly with children. Another third of respondents offered direct services to children of all ages. How many children were seen by respondents per month depended on their profession and the kinds of services that were offered. Most of those who worked with children saw one to five children a month.

Almost all of the service providers held the view that both children and parents have the right to contribute to decision making during separation. Whether to include the children in the decision making process depended on factors such as the children’s age and stage of development, the child’s level of willingness and approval to be involved and the expertise of the interviewer.

Whether to directly or indirectly involve children was controversial. Those who worked directly with children stated that their reason was to understand their views and ideas and to promote their well-being and welfare. Feedback about the children’s stated needs and wishes is given back to the parents to help them to cooperate in their decision making. Respondents who indirectly worked with children relied on the parents to identify their needs and wishes. The difficulties and constraints when incorporating the best interests of the children were mainly identified as system issues. These respondents recognised that the adversarial system is not suitable for children and families in transition.

**Family/domestic violence and separation**

Common themes suggested that conflict between separating parents can easily escalate during the separation period. Factors such as the need to control the other parent, power/control issues for both parents and revenge against the other parent were assessed as the main three factors that lead to entrenched conflict between parents over their children.

Respondents had different strategies to identify imbalances of power; one main strategy was to find out about the presence and conditions of restraining orders. The very small group that stated that they have not experienced imbalances of power in this context and the estimated number of victims of domestic/family violence and child abuse highlighted the complexity of the separation process. There were marked differences in the respondents’ estimates of percentages of male and female clients who present as victims or perpetrators of family/domestic violence, with females being more likely to be identified as victims and males being more likely to be identified as perpetrators. The prevalence of child abuse assessed in this survey was alarming. Almost half of the service providers estimated that up to 30% of their child clients had been exposed to domestic/family violence and the very small number of 8 respondents presumed that none of their child clients were direct victims of child abuse. These numbers and the qualitative responses suggested a strong correlation between domestic/family violence and separation as well as domestic/family violence and child abuse.

Almost all respondents screened for domestic violence and child abuse but no general screening tool could be identified as there were different methods for different professions.

The main services offered to abused children were either voluntary or mandatory referral and education for parents/caregivers. Less than one third of respondents offered direct services to children, these being counselling/therapy, education and group work.
Services to special needs groups
Common themes when respondents discussed servicing people of special needs groups were the importance of awareness, empathy, sensitivity and non-discrimination. Most of the respondents offered services to people on lower incomes and culturally and linguistically diverse people (CALD). People with a lower socioeconomic background received support in regards to a fee structure that is negotiable while interpreters and translators were mainly provided to CALD people. Services to Indigenous people, people from rural and remote areas, lesbian and gay persons and differently abled persons received services from half of the respondents.

The way towards a best practice model
The responses suggested that there are mainly gaps and not many overlaps in service provision for children and families in transition. Those who identified overlaps saw them in the system, such as the dual court system with the existence of both the Family Court and the Federal Magistrates Court. Others highlighted the duplication of government and non-government services and the difficulty that brings for families as they have to travel between organisations and open up their hearts to different people.

One quarter of respondents recognised that there is a lack of services for children and young people. The list of services needed for children suggested by these respondents was long and included specialised services such as group work, therapy, contact services and support for abused children. Also the need for children’s services in country areas was stressed. Others highlighted the need for more substantial support for parents regarding their children, specialised services around family/domestic violence and easily accessible services in terms of shorter waiting lists, affordable prices and outreach services.

There was much to suggest that there is a need for change in family law legislation. The promotion of safety during separation where there is domestic violence or abuse needs to be a priority within the system as stated by the majority of respondents. Many also reported the need for a less adversarial approach especially to better meet the needs of children. Some expressed concern about the trend toward shared parenting arrangements as the focus tends to be on parents’ needs rather than the children’s.

Respondents recognised that the foundation of a best practice model of service delivery to children and families in transition is placing the children in the centre and focusing on their rights and best interests. This provides the basis for the work with the whole family, if possible, to help them through the time of change.

The responses from the 213 service providers suggested that we are on our way towards a best practice model of service provision, but also that there is a lot of work that needs to be done to better meet the needs of children and families in transition.

Comparison of German and Australian responses to the survey
Introduction
Changes in family relationships and structures are not limited to Australia; they are global phenomena. There are increasing numbers of non-married families and single parents in other countries, such as Germany. In Germany, sole parenthood has been increasing over the past decade. In the year 2000, some 1.8 million sole parents lived in Germany, of which 86% were mothers and 14% fathers. In the past most sole parents were
widows but today in 63% of cases divorce is the main factor that precedes this living arrangement. Of all members of the European Union, Germany was in the middle of the scale of sole-parent households. Southern countries, such as Greece, Spain, Portugal and Italy, show very low numbers whilst the United Kingdom has much higher proportions than any other country in Europe. In Germany some 7% of all families with children under 18 are remarried families. The percentage of stepfamilies has stayed the same over a number of years but the reason stepfamilies were formed has changed as they are more often a result of a reconstituted partnership with children following a divorce or separation after cohabitation. Similar to Australia, the 2000 data from Germany showed that an increasing number of people are remaining unmarried and the age of people who were getting married was rising (Engstler & Menning, 2004).

There has been a significant increase in the number of divorces in Germany since 1960. In 2000 over one third of all marriages were dissolved. In 49% of divorces there were one or more children involved. One in five children born in 1990 was likely to experience their parent’s separation in the course of the first two decades of their life (Engstler & Menning, 2004).

As the family is still the core element of society, Renate Schmidt, the Federal Minister for Family Affairs, Senior Citizens, Women and Youth in Germany has stressed the fact that ‘a family-friendly approach is an essential political credo – in Germany and throughout the world’ (Engstler & Menning, 2004, foreword). Therefore a comparative analysis of service provision to children and families in Germany and in Australia can provide a benchmark for improving service delivery to children and families in transition in Australia.

German and Australian legal systems

There are differences in the origins of the family law systems in Germany and Australia. Family law in Germany originated within a civil code inquisitorial system and in Australia from a common law adversarial system. The term ‘adversarial’ tends to be associated with competition, battles and unfair tactics enacted by lawyers and is therefore not deemed to be as suited to family disputes as the more ‘truth-finding’ inquisitorial processes of civil code systems, such as that which exists in Germany. However, with globalisation, the differences between these systems are becoming less clear. With the increased emphasis on primary forms of dispute resolution, the family law system in Australia has been described as becoming more inquisitorial. In their review of federal civil justice systems, as reported in ‘Managing justice: continuity and change in the federal civil justice system’, the Australian Law Reform Commission (1995b) found that:

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\text{In family proceedings in Australia, the Family Law Act and case law in relation to children’s matters enable the Family Court to intervene in ways not open to traditional courts to elicit additional information beyond that provided by the parties, to assist an unrepresented litigant, to order family reports to be prepared, to appoint a child representative whose role is ‘akin to counsel assisting’, and of its own motion to call any person before it as a witness.}
\]

\[
\text{The Law Council noted of such arrangements that it was not aware of any country that has an inquisitorial approach for family law matters relating to children ... Children’s issues are unique and family law litigation has been modified for its particular needs ... The modifications are merely a change to the practice and procedure of the Court.}
\]
The ALRC review (para 1.125) also reported that several submissions from individual litigants, corporations and consumer groups expressed the view that the adversarial system was unsuitable for many types of disputes, particularly family law disputes, because the system was concerned with ‘winning at all costs’, exacerbated conflict, victimised the poor and less powerful and left children out of the process.

In their report the ALRC described an adversarial system in broad terms as ‘the common law system of conducting proceedings in which the parties, and not the judge, have the primary responsibility for defining the issues in dispute and for investigating and advancing the case’ (para 1.117). The Australian Law Council in its submission to the ALRC review (para 1.118) defined an ‘adversarial system’ as:

a specific type of proceeding taking place in a court which deals with a dispute between at least two parties ... The dispute is ‘party controlled’, that is, the parties define the dispute, define the issues that are to be determined and each has the opportunity to present his or her side of the argument.

The Australian Law Council in its submission to the ALRC review (para 1.120) also defined civil code proceedings as representing, in procedural theory, ‘judicial prosecution’ of the parties’ dispute, as opposed to the ‘party prosecution’ of the dispute that has typified the common law system. The term ‘inquisitorial’ refers to a proceeding in which a neutral judicial officer carries out an investigation to discover facts, the discovery of which will serve some identifiable public purpose. There is no dispute per se.

However, the ALRC also noted:

The terms ‘adversarial’ and ‘inquisitorial’ have no precise or simple meaning, and to a significant extent reflect particular historical developments rather than the practices of modern legal systems. No country now operates strictly within the prototype models of an adversarial or inquisitorial system. The originators of those systems, England, France and Germany, have modified and exported different versions of their respective systems. (para 1.116).

Demographic information
There were 94 respondents from Germany who provided feedback about service provision for children and families experiencing separation and divorce. The majority of respondents were from counselling agencies for families (Bundeskonferenz für Erziehungsberatung, 31; 34%; Evangelische Konferenz für Familien und Lebensberatung e.V., 14; 16%), law agencies (Bundesrechtsanwaltskammer, 15; 17%) and family mediation agencies (Bundes und Arbeitsgemeinschaft für Familienmediation 8; 9%). All parts of Germany were represented and the majority identified themselves as Germans. Some 47% (44) said they worked in a city, 23% (21) worked in rural areas and 30% (28) worked in both city and rural areas. Seventy-nine per cent (72) of respondents were over 41 years of age. The number of female and male respondents was roughly even, with 49% (45) women and 52% (46) men. The majority of respondents had completed a Masters degree in
psychology, social work or law. For 46% (42) their primary profession was counselling, while 25% (23) stated their primary profession as law and 14% (14) as psychology.

Similar to the Australian survey, the majority of respondents had more than 20 years’ experience in working with children and families (Aus: 31%, Ger: 34.5%). The majority of respondents from both surveys adhered to ethical standards that were outlined in their organisation’s policy and procedural standards (Aus: 54%, Ger: 44%). However, 15% of German respondents said they did not have ethical standards that guided their work while only 1% of Australian respondents said that that was the case.

Comparison of approaches to service provision

In comparison to the Australian respondents, where 57% of respondents worked directly with children and adults/caregivers, 82% of the German respondents provided direct services to these groups. Another major difference between the two countries lay in their work with children. Much higher numbers of German respondents worked directly with individual children (Aus: 36%, Ger: 68%) as well as with groups of children (Aus: 17%, Ger: 45%). The four services most offered by organisations to children and families in transition were the same for both countries: information (Aus: 76%, Ger: 74%), counselling (Aus: 50%, Ger: 73%), family mediation (Aus: 44%, Ger: 55%) and referral (Aus: 74%, Ger: 55%). However, other main services that were offered to children and families in transition differed. Services such as group work (Aus: 33%, Ger: 50%), crisis intervention (Aus: 29%, Ger: 48%) and assistance for child victims of abuse (Aus: 29%, Ger: 41%) were offered more often by organisations based in Germany, while legal advice (Aus: 37%, Ger: 23%), education/training (Aus: 31%, Ger: 19%), residential support (Aus: 10%, Ger: 1%) and financial advice (Aus: 14, Ger: 3%) was more often offered by Australian organisations. German percentages to questions around service provision offered by organisations in general were higher, leading to the suggestion that organisations in Germany offered a bigger range of services for a wider range of client groups who are experiencing separation and divorce.

The five main client groups that respondents from both countries worked with were the same: separated parents (Aus: 63%, Ger: 89%), individual adults (Aus: 50%, Ger: 79%), families (Aus: 47%, Ger: 64%), individual children (Aus: 44%, Ger: 64%) and couples (Aus: 30%, Ger: 71%). The main roles of respondents in both countries were: counsellor/therapist (Aus: 38% Ger: 72% counsellor/51% therapist), information provider (Aus: 35%, Ger: 57%) and mediator (Aus: 33%, Ger: 43%).

Generic or specialised

Most of the German respondents (46%) assessed their organisation’s service delivery to children and families in transition as being both generic as well as specialised. As most of the Australian respondents (51%) said that their organisation’s service delivery was specialised, there may be a difference in the structure of service delivery between the two countries.

From all 94 respondents, 66 provided further answers to questions about whether they assessed their service delivery as being specialised, generic or both. Twenty-two respondents described their generic and specialised service delivery that includes:
general information in terms of separation and divorce as well as individual support or support to the family. For me that includes mediation, discussion with parents, counselling, child therapy, groups around separation and divorce for children.

Another organisation offered services to clients with different needs as well as around separation and divorce:

*Everyone can come with personal and relationship problems. There are specific services for couples, families, men and children who are experiencing the separation of their parents.*

Whether the service delivery was both generic and specialised, or specialised only, respondents emphasised the importance of service delivery that focused on the individual needs of their clients.

The 39% who assessed their organisation’s service delivery as being specialised were specialised in family law and offered legal advice and/or mediation. This was also the case for Australian respondents.

**Integrated/coordinated or compartmentalised/fragmented**

Almost all of the German respondents saw their service delivery to children and families in transition as integrated/coordinated: 91% supported this assumption which was much higher than for the Australian sample (59%). In only 4.5% of responses German service provision was assessed as compartmentalised/fragmented, while 30% of Australians gave this answer. This suggests possible differences in the structure of service provision to children and families in transition between both countries.

Half of the German respondents (47) provided further information on this topic. The majority referred to their team as being a ‘multi-professional’ team and described having good networks within the organisation. Two counsellors from the family agency ‘Bundeskonferenz für Erziehungsberatung’ stated that

*Depending on the commission of the job of the client we search within the team who can deliver the best support for individual as well as group services.*

*Services and settings within our organisation can easily – depending on the need and professional assessment – be changed. All services are coordinated by the team so everyone who works in the organisation is familiar with what is offered. All people have a common opinion in terms of the specific procedure; weekly discussions in case management and supervision make sure that common agreement is also ensured in individual cases.*

The importance of networking with other agencies was stated by others who assessed their organisation’s service delivery as integrated/coordinated. Further information about compartmentalised/fragmented service delivery was provided by only four respondents who were self-employed lawyers.

**Primary focus**

As stated earlier, in the Australian survey, roughly two-thirds of respondents said the primary focus of their work was on children (64%) whilst roughly one-third (30%) said their primary focus was on parents/caregivers. However the majority of Australians worked with the parents/caregivers to achieve the child focus. German respondents said they were primarily focused on both the parents/caregivers as well as the children (63% for parent/caregiver focus and 60% for child focus). This could lead to the conclusion either that there is a
difference in approaches between the two countries when working with families in transition or that there is a
difference in the perception of where respondents see their primary focus. Further analysis of the question
suggested that German respondents placed equal weight on focusing on children as well as their parents.

From all 94 German respondents, 63 provided qualitative responses to the question: ‘What is the primary focus
of your work in relation to service delivery to children and families in transition?’ The analysis of those
responses reflects the results in the above percentages. Just under half of the respondents (27) said they would
‘focus on the best interests of the child as well as the parents’ responsibility to ensure this’. The majority of
those respondents worked with the parents to achieve a child focus. A very similar approach was used by the
Australian respondents. However it seemed that German respondents were more aware of having a bilateral
focus on children as well as parents.

The comments made by one judge from the family court in Germany underlined the importance placed on
focusing on the needs and interests of the parents as well as the children. It was stressed that only by doing this
can the best interests of the child can be protected. In the inquisitorial German legal system the judge can talk
directly with children.

The guiding principle is the best interests of the child. The hearing of the child by the judge is
obligated when the child reaches the age of approximately 4 years and serves – primarily – to
clarify the needs and interests of the child which then will be mediated with the parents in an
adequate way. Without clarification and consideration of the needs and interests of the parents
the child’s needs and interests can hardly be realised.

That the focus is dependant on the individual case was stated by 9 respondents. For example one lawyer and
mediator said:

The focus of our work is guided by the concrete case and individual needs.

A group of 7 respondents said they have a systemic focus in their work with children and families in transition,
which was also the focus of 12 respondents from Australia. One psychologist from Germany stressed the need
for a ‘multidimensional’ approach to provide a best outcome for children:

I think in counselling/therapy it is insufficient to have one primary focus. The decision about
what to focus on develops from the problem situation, therefore I work with a so called
‘multidimensional focus’. It is essential to focus on the best interests of the child. There for
example to leave the parents’ perspective and not ALSO to focus on this perspective, for me I
think is a counselling/therapeutic mistake. Therefore a SYSTEMIC view is necessary.

Referrals

Client groups in both countries were mainly self-referred (Aus: 56%, Ger: 89%) or family court referred (Aus:
54%, Ger: 52%). While for Australian respondents the next highest referral sources were family lawyers (47%)
and legal service commission/legal aid (41%), in Germany the main referrals were from the Jugendamt (agency
for youth – 61%) and schools (39%). The majority of respondents from both countries said that none of their
clients were mandated to attend their services (Aus: 55%, Ger: 47%).
Parental needs

When asking service providers what they felt would be helpful in assisting adults to cooperate around their children in the post-separation stage, high numbers made the following suggestions in both surveys:

- educating parents around the needs of their children (Aus: 88%, Ger: 57%)
- counselling/therapy (Aus: 81%, Ger: 88%)
- parenting information (Aus: 79%, Ger: 71%)
- mediation (Aus: 71%, Ger: 66%)
- teaching conflict resolution skills (Aus: 71%, Ger: 72%)
- domestic/family violence services (Aus: 69%, Ger: 31%)
- legal advice (Aus: 63%, Ger: 43%)
- group work with parents (Aus: 55%, Ger: 59%)
- indirect communication to parents from children (Aus: 54%, Ger: 22%)
- financial advice (Aus: 48%, Ger: 41%)
- direct communication to parents from children (Aus: 47%, Ger: 61%).

Children’s needs

Factors children needed assistance with when their parents were separating were also very similar for respondents in both countries. However it was noted that percentages in the German survey in general were higher. These were the major issues identified for children when their families were in transition by respondents in both countries:

- loyalty conflicts (Aus: 52%, Ger: 68%)
- grief and loss (Aus: 51%, Ger: 64%)
- changing family relationships (Aus: 50%, Ger: 60%)
- visitation/contact with a parent/caregiver (Aus: 48%, Ger: 71%)
- self-esteem/self-concept (Aus: 45%, Ger: 62%).

Child-inclusive practice

Changing patterns in child-focused and child-inclusive work

While for the majority of Australian respondents their work became either more child-focused (46%) or more child-inclusive (40%) over the past five years, most of the respondents from Germany (43%) did not experience a change in their work with children and families in transition. In Australia 32% of respondents experienced no change in either the child-inclusiveness or child focus of their work. However 33% of German respondents said their work had became more child-focused and 16% said more child-inclusive. In both versions of the survey the number of respondents who said that their work became either less child-focused or less child-inclusive was very low (Aus: 5%, Ger: 8%).

Decisions that affect children

Who should be involved?

The majority of respondents from both countries said that both parents and children have the right to contribute to decision making during separation (Aus: 83%, Ger: 50%). It must be noted, however, that the English version of the survey offered the option of more than one response while German respondents could only choose one of
four options. This explained the higher percentages for the English version. However the trend in both surveys was the same. That children have the right to contribute to decisions that affect them was seen as important for respondents in both surveys (Aus: 21%, Ger: 34.5%). A minority in both surveys said that parents have the right to make decisions for their children (Aus: 13%, Ger: 7.5%) or ‘other’ (Aus: 18%, Ger: 8%).

Factors to consider
The main factor in deciding whether or not to include the children in decision making when families separate for respondents from Australia and from Germany was the child’s age and stage of development. Interestingly the expertise of the interviewer was a much more important factor for Australian respondents than for German respondents. 78% of Australian respondents and only 19% of German respondents believed that the expertise of the interviewer played an important role in deciding whether to include the children or not. Also the presence or suspected presence of domestic/family violence was the third most important factor for 76% of Australian respondents, but for German respondents the percentage was 43%.

How should children be involved?
The majority of respondents from both countries believed that children should be included in decision making. However, the majority (53%) of respondents from Australia believed that the inclusion should be indirect, whilst 52% of German respondents believed that children should be directly included. Nine per cent of German respondents said that children should not be included in the decision-making process and 4% of Australian respondents agreed.

Qualitative comments were provided by 69 respondents to this question. Similar to Australian respondents, the German respondents had difficulty making a general statement many (24) saw the decision about whether direct or indirect involvement of the children is more appropriate is dependant on the age and level of maturity of the child. For others the involvement of children was dependent on factors such as the children’s ‘self-confidence’, ‘the child’s resources’, ‘the level of their [the children’s] involvement’ in the separation of their parents and ‘the level of conflict’ between parents. However one German judge highlighted that those factors do not necessarily exclude the direct involvement of the children, as they need to play a ‘role’ in decisions; however they affect the way in which they are involved:

*The age and maturity level, possible high-level conflicts or violence as well as in particular loyalty conflicts in children don’t exclude their direct involvement, but also play a role in the way their involvement is organised.*

The purpose of the direct involvement of children was stressed by one psychologist:

*Through the direct involvement they [the children] get the chance to participate – even if they ‘only’ tell their views and wishes and the parents make the final decision. With this approach they see what’s happening, they see that there are possibilities and they are not just passive observers in a fearful situation in which they are involved.*

The importance of not putting pressure and too much responsibility on the child by letting him or her make the final decision was also stressed by 15 respondents. For most of the respondents (12) the final decision lay with
the parents so as not to place loyalty conflicts on the child. To ‘discover their [the child’s] opinion and not to confront them with an option for a decision’ was stated by one psychologist.

The need to have the children talk to an independent third party was highlighted by 9 German respondents.

Current service delivery to children
The direct work with children differed for both surveys. While many Australian respondents (38%) said they did not work directly with children, this was true for 25% of respondents from Germany. Nearly half of the service providers from Germany (49%) worked directly with children of all ages, while 37% of Australian respondents said they worked directly with children with all ages. Forty-six per cent of respondents from Germany saw between 1 and 5 children directly per month while this was the case for only 22% of Australian respondents.

The five main services that were being provided by German respondents for children whose families are in transition were counselling (57%), group work (44%), information (40%), therapy (33%) and crisis intervention (31%). In Australia information (35%), referral (28%), assessment (27%), counselling/therapy (25%) and advocacy (24%) were the main services provided to children. Group work and counselling/therapy services for children were much more commonly reported by German service providers. Child-inclusive mediation was used by 21% of respondents in Australia and by 14% in Germany.

Most of the input the German respondents gave on this topic (44) was about group work with children in transition. One of the respondents highlighted the superior benefits of group work '. The service delivery offered by this counsellor’s organisation is as follows:

Beside individual services for children/teens we offer specific prophylaxes groups where children get specific information around the stages and processes of separation and where they are strengthened to cope with the separation.

Direct work with children
The German respondents (47) who provided an answer to the question as to the purpose of their direct work listed the following:

- to strengthen the child and help them cope (14)
- to relieve the children (5)
- to provide a neutral space to talk about things (3)
- to let the child feel he or she is not alone (3)
- to stabilise the new system (2)
- to help them with loyalty conflicts (2)
- to promote their understanding of their parents’ problems (2)
- to provide access to one parent (2)
- to represent the child’s interests (2)
- to promote a realistic view of the separation (2)
- to minimise the consequences of the separation (1)
• to find a solution everyone can live with (1)
• to stop violence in the family (1)
• to promote contact with both parents (1)
• to view the child as a person rather than an object (1)
• to help them take leave of unrealistic dreams (1)
• to help them with their feelings (1).

Invitations to participate
In both surveys the way to invite children to participate was mainly through one or both parents (Aus: 38 from 105; Ger: 49 from 60). However for some German respondents (6) there was a difference when their clients were adolescents as then the young people usually find their own way to these services. Two respondents from Germany wrote letters to their young clients, while this was done by 7 service providers from Australia.

One judge made the following statement:

*The parent with access is asked to bring the child to the court. Sometimes the child is visited in the childcare centre.*

Another group of 13 respondents said their clients can also be referred by other institutions such as the agency for youth (‘Jugendamt’), doctors, family workers, schools, teachers, childcare centres or the family court. For one respondent, children can be invited via their grandparents while one counsellor said that they ‘offer hours for counselling at schools where children can come directly to get help’.

Conveying children’s wishes
The majority (31) of the 56 respondents who provided further qualitative information on how service providers incorporate the child’s needs, wishes and interests provided a situation where the child could talk. Through asking questions of the children, respondents hoped to gather information around the child’s best interests and therefore to incorporate their needs and wishes more fully.

Eleven respondents sometimes used diagnostic tests, while 4 respondents gained ‘indirect information’ by talking to people from other institutions such as the agency for youth (‘Jugendamt’), the court or other family agencies who had contact with the child and/or his or her family.

A group of 7 respondents used play as the method to make sure the child’s best interests were being incorporated in the decision-making process.

Indirect work with children
Of the 34 German respondents who provided further information about their indirect involvement with children and the way they incorporate their best interests, almost all (30) worked with the parents and encouraged them to incorporate the children’s needs and wishes in their decision-making process. This approach was also used by the majority of Australian respondents.

One family mediator described how the children are brought into the room:
Children are represented through chairs, reflexive questions to the parents such as ‘what do you think your child would feel?’, ‘would say to that?’, etc. Representing the children with symbols and letting the parents take the role of the child. In exceptions, if everyone wishes, the child is part of the setting but it almost never happens.

Ten respondents also gathered information from reports from the agency for youth (‘Jugendamt’), the court, teachers, psychologists or just through ‘cooperation with other institutions’.

**Difficulties and constraints when incorporating the child’s best interest**

When incorporating the best interests of the child when parents separate, respondents from both countries faced similar difficulties or constraints in their work. The following factors were seen as most constraining:

- systems issues (Aus: 57%, Ger: 65%),
- the lack of resources (Aus: 50%, Ger: 30%) and
- the lack of relevant knowledge/skills (Aus: 20%, Ger: 15%).

The majority of Australians who were constrained by the system when attempting to incorporate the best interests of children into their work identified the legal system as the main problem. Factors such as the delays in court processes, the lack of a child-centred approach, the danger of parents getting caught in the adversarial process and the difficulties for lawyers to act on clients’ instructions were named. Problems within the legal system were also seen by German respondents.

Five of the 57 German respondents who responded to this question saw the process as ‘contradictory’, as lawyers fight for their clients’ interests and ‘the system it is mainly about questions of power’. Three respondents argued that there is a need for independent children’s lawyers who promote the best interest of the children. The difficulty of having different judges for one case was stressed by one respondent. Another German respondent said that the ‘will of the fathers comes first and the voice of the women don’t have much weight’.

When parents are not capable of making decisions in their children’s best interests one German respondent saw the lack of professional networks and cooperation between professionals (legal and social) as being a problem. Another respondent stated that there is a lack of clarity with regards to referrals from different organisations.

Just over thirty per cent (30) of German respondents identified the lack of resources as constraining factors when incorporating the child’s best interest. Those who provided further information to this question identified a shortage of professionals (6) and the lack of financial resources (3) as major problems. Long waiting lists, a lack of knowledge when working with children and the time intensity of this work were raised by others. These factors were also named by Australian respondents.

A group of 15 respondents from the Australian survey found ‘parental issues’ as main difficulties when it comes to the child’s best interests in their work. In the German survey a group of 18 respondents also raised this issue. Other difficulties were ‘the lack of cooperation from one parent because of deep arguments’, ‘the loss of the view of the child because of parental conflict’, and ‘no strength and no focus of parents for the needs and interests of their children because of their own emotional involvement’. Respondents from both surveys endorsed the view that parental conflict makes it difficult to put the child’s best interests first.
Domestic violence/child abuse/child protection
Factors contributing to parental conflicts over children

When analysing the main influences that contribute to high-level and/or entrenched conflicts over children between parents/caregivers during separation, the main seven factors were the same for respondents from both countries:

- need to control the other parent (Aus: 81%, Ger: 70%)
- power/control issues for both parents (Aus: 80%, Ger: 78%)
- revenge against the other parent (Aus: 79%, Ger: 69%)
- fear of losing contact with the child (Aus: 76%, Ger: 82%)
- view of the child as property (Aus: 71%, Ger: 65%)
- financial matters (Aus: 67%, Ger: 67%)
- concerns for the child’s well-being (Aus: 57%, Ger: 44%).

Differences between the respondents were found in relation to a desire to protect the child: while 54% of Australian respondents saw it as an influence that leads to conflict over children between parents, only 27% of German respondents assessed this as the case.

The influence of the legal process (43%) as well as the family law legislation (31%) in Australia were also given much higher weighting when it comes to conflict between parents during separation. For German respondents those percentages were much lower (24% for the legal process and 10% for family law legislation). The reason for this could be the difference in the legal systems described earlier.

Further residential matters, the need to control the child, the love for a child and the biological/non-biological connectedness were assessed as having a bigger influence by the Australian respondents.

Definitions of violence/abuse

There were differences between the two surveys when respondents chose the factors they would include when defining domestic/family violence. Factors that were given can be viewed in the tables below. Percentages given by Australian respondents were higher in general. All factors were given percentages over 60% in Australia, while German respondents assessed only four of these factors with percentages higher than 60%. Those factors were:

- fear and intimidation (Aus: 94%, Ger: 85%)
- psychological/emotional abuse (Aus: 95%, Ger: 80%)
- physical abuse (Aus: 96%, Ger: 76%)
- sexual abuse (Aus: 95%, Ger: 74).

This suggests that Australian respondents defined family/domestic violence more comprehensively than the German respondents.

Identifying and dealing with imbalances of power

A number of ways in which respondents identified imbalances of power in their work with children and families in transition were similar for both countries. However other approaches differed. For 67% of Australian
respondents one way was to find out the presence and conditions of restraining orders, but only 17% of German respondents used this approach. To request supervision/consultation/debriefing was a method used by 51% of German respondents compared to 38% of Australian respondents. Other approaches were similar, such as:

- dealing with clients separately (Aus: 61%, Ger: 39%)
- enforcing strict ground rules (Aus: 52%, Ger: 37%)
- providing relevant information (Aus: 57%, Ger: 36%)
- referring clients to relevant agencies (Aus: 53%, Ger: 35%).

For respondents from both countries their client groups were presenting with lower level conflicts involving children, high level/complex conflict involving children, entrenched conflict involving children and family/domestic violence involving children (Aus: 69%, Ger: 69%). The very small number of less than 1% in the Australian survey and 4% in the German survey said that their client groups were not presenting with any kind of conflict or abuse.

Screening for violence and abuse
While the majority (76%) of respondents from Australia said that they screened for both domestic violence and child abuse when working with children and families in transition, only 42% of respondents from Germany used this approach. The majority (52%) of respondents from Germany did not screen for either of the two.

Estimated percentages of client victims of domestic/family violence
The trends around the percentages of how many male/female clients were victims/perpetrators of family/domestic violence were similar for both surveys.

Many respondents from both surveys stated that 11–30% of their adult female clients group had been victims of family/domestic violence (Aus: 32%, Ger: 43%). However, overall females were more often seen as victims by Australian respondents. There, some 24% said that 51–70% of female clients were victims of family/domestic violence compared to only 2% of respondents from Germany, who more often said that 1–10% of their female clients were victims (Aus: 11%, Ger: 40%). While 10% of Australian respondents said that female clients presented as being victims of family/domestic violence in 91–100% of cases, there was no response from German respondents in this category. This may be because domestic violence service providers responded to the Australian survey and not to the German, or it can also suggest that service providers in Germany are less aware of domestic violence or there are fewer female victims (which is not borne out in other statistics).

The majority in both surveys estimated that 1–10% of their adult male clients had been victims of family/domestic violence (Aus: 60%, Ger: 65%). In the German survey 18% stated that no male clients had been victims of family/domestic violence compared to 12% in the Australian survey. There, some 19% thought that male clients were victims in 11–30% of cases compared to 13% of German respondents. In both surveys there were no respondents who thought that adult male clients were victims in 91–100%.
Estimated percentages of client perpetrators of domestic/family abuse

The trend for the answer to the question about female clients as perpetrators of violence was exactly the same for both surveys. The majority of respondents estimated that their female clients were perpetrators of family/domestic violence in 1–10% of cases (Aus: 66%, Ger: 68%). Estimates of female clients being perpetrators in 11–30% was seen as next more common (Aus: 16%, Ger: 14.5%), followed by an estimate that no adult female clients had been perpetrators of family/domestic violence (Aus: 13%, Ger: 11%). There were no answers given in the 91–100% category in either the German or the English survey.

For the question asking respondents to estimate what percentage of their adult male clients had been perpetrators of family/domestic violence the estimates differed between the two surveys. Males were more often seen as perpetrators by Australian respondents. Many of the respondents from the German survey (34.5%) stated that their male clients were perpetrators in 1–10% of cases, compared to 15% of Australian respondents. The percentage of respondents who thought males were perpetrators in 11–30% of cases were similar (Aus: 29%, Ger: 34%) but other estimations given by Australians respondents were higher: 31–50% (Aus: 22%, Ger: 11%), 51–70% (Aus: 18%, Ger: 2%), 71–90% (Aus: 8%, Ger: 3.5%) and 91–100% (Aus: 3%, Ger: no responses). While 10% of German respondents stated that no male clients had been perpetrators of family/domestic violence, this was only estimated by 5% of Australians.

Estimated percentages of abused children

In both surveys the majority of respondents estimated that children had been exposed to family/domestic violence in 11–30% of their cases (Aus: 26%, Ger: 35%). Other estimates for children being exposed to violence were much higher for Australian respondents: in 31–50% of cases (Aus: 21%, Ger: 16%) and in 51–70% of cases (Aus: 21%, Ger: 5%). While 11% of Australian respondents estimated that their child clients were being exposed to family/domestic violence in either 71–90% or 91–100% of cases, only 1% of German respondents said the same. Three per cent of respondents from the Australian survey stated that none of their child clients had been exposed to family/domestic violence, compared to 9% of Germans.

The estimated percentages of child victims of abuse were also higher in the Australian version of the survey. Thirty per cent of respondents from the Australian survey estimated that 11–30% of their child clients had been direct victims of child abuse (Ger: 25.5%). Percentages of child abuse in 31–50% (Aus: 11%, Ger: 6%) and 51–70% (Aus: 13%, Ger: 2%) of cases were also higher for respondents from the Australian survey. The majority of respondents from the German survey said that children had been direct victims of abuse in only 1–10% of their cases (Aus: 30%, Ger: 54.5%). Nine per cent of the Australians estimated that 9% of their child clients were direct victims of abuse in 91–100% of their cases, compared to none from Germany.

Estimated percentages of clients reporting pet abuse

Differences between the two surveys in responses to estimates of pet abuse were also noted. Australian respondents estimated pet abuse in families more frequently whereas the majority of Germans stated that none of their clients groups had reported pet abuse (Aus: 37%, Ger: 78%), with 20% estimating that it happens in 1–10% of their cases (Aus: 50%) and 2% in 11–30% of cases (Aus: 8%). In the German survey there were no
responses given to categories higher than 30%. Responses from Australians were low in categories higher than 30%, but they were still found except for the category of 91–100% of cases.

Services offered to abused children
Where child abuse has been established the majority of respondents from both surveys offered voluntary referral to appropriate agencies (Aus: 55%, Ger: 63%). However, other services differed. Services such as mandatory referral (Aus: 42%, Ger: 21%) and education for parents/caregivers (Aus: 31%, Ger: 7%) were more often offered by the Australians. On the other hand, Germans were more likely to offer individual child counselling/therapy (Aus: 29%, Ger: 62%), and family interventions without (Aus: 22%, Ger: 35%) or with (Aus: 13%, Ger: 23%) the perpetrator. In both surveys only 2% offered no services where child abuse has been established.

Special needs groups
When asked about service provision for special needs groups, responses from the Australian survey showed higher percentages offering services for most of the groups specified. However the service provision to people from low income (Aus: 79%, Ger: 68%) and CALD people (Aus: 64%, Ger: 47%) had the highest percentages in both surveys. While 6% of Australians said that they offered no services to special needs groups, 16% of German respondents gave this answer.

Respondents’ suggestions for a ‘best practice’ model of service delivery
Some 46 respondents from Germany provided ideas for a ‘best practice model’ in service provision to children and families in transition. Common responses from 14 respondents suggest that networking between service providers was centrally important. As different professions are involved in the work with children and parents when they are separating, different professionals should work together to gain the best outcome for everyone involved. The need for good and ‘interlocking’ collaboration between the agency of youth (‘Jugendamt’), lawyers, family judges and workers from counselling/family agencies was stressed in order to provide legal as well as emotional and psychosocial support for families in transition.

As the understanding of what is ‘best’ for the child can differ between professions, one counsellor stressed the need for a common idea of the child’s best interests:

> Continuous and mandatory groups to incorporate the child’s best interests throughout all institutions involved (family court, Jugendamt [agency for youth] and counselling services as well as lawyers). Mandatory cooperation agreements on the basis of a common understanding of the best interests of the child.

One family mediator also discussed the measurement of what is in the child’s best interests:

> A main criterion for a successful separation should be the emotional health and well-being of the child, not to have the child’s best interest as an abstract concept. It is important to see that in fact the emotional stage of the child should not be measured by negative examples – such as emotional abuse or neglect in cases where the Jugendamt (agency for youth) has to intervene –
but measured by the ideal of a healthy child. Especially during and after separation/divorce a lot of fathers and mothers are half blind or blind.

The importance of a better network and collaboration between different professions did not emerge when analysing the Australian data where the majority stressed the importance of a child-centred approach. A child-centred approach was also stressed by 11 respondents from Germany whose criterion of best practice model was to ‘have the best interest of the child as an absolute priority’. Approaches to implementing this principle differed for Australians as well as for Germans and included working with parents or directly with children, having a representative for the child, or a stronger child focus coming from lawyers. Those approaches were seen to be necessary by respondents to better focus on the children and to put their best interests in the centre. A stronger emphasis on children’s rights was also highlighted by three respondents.

Two respondents questioned the importance of a child-centred approach and stressed the importance of a holistic family-centred approach:

a family-centred model would be better as all involved suffer from it [the separation] and the relationships during and after the separation needed to be shaped anew.

Five respondents from Germany highlighted the importance of group work for children to help them through the stage of separation and divorce. Even though the analysis of the questionnaire showed that group work was more often used by German respondents than Australian, the need for more was stressed. For one counsellor there needs to be group work for children as well as more help to relieve parents and families:

Offers for group work with children (time limited as well as long term), easily accessible (‘niederschwelliges’) services for parents, resource orientated, leisure time services for families, services to relieve parents.

Summary of the comparison of German and Australian responses
This section compares approaches used by service providers in Australia with approaches used by German service providers in their work with children and families in transition in order to learn from the differences and improve service delivery in Australia. We acknowledge that the sample from each country may not be similar but we did gain some strong impressions about service delivery in the field of family law in each country from the responses. The main client groups that were being serviced and the roles of respondents were similar for both countries.

The majority (68) of the 94 German respondents were from counselling agencies, law agencies and family mediation agencies.

Service provision to children and families in transition
While the provision of information, counselling, family mediation and referral were the most common services to children and families in both countries, respondents in Germany offered more group work, crisis intervention and assistance for child victims of abuse. Australian service providers offered more legal advice, education/training, residential support and financial advice.

Differences were found in respondents’ assessments of their organisations’ service delivery. German respondents mainly saw their service delivery as being both generic and specialised while Australian
respondents mainly saw their work as specialised. Specialised services for both countries were primarily legal advice and/or mediation. The data suggested that service delivery in Germany was more integrated and coordinated. Statements around the descriptions of multi-professional teams and working networks within organisations underlined this assumption. For German respondents it was important to have a child as well as a parent focus while Australian respondents mainly focused on children. The main approach in both surveys was to work with the parents to achieve their focus. In contrast to the majority of Australian respondents, most of the German respondents did not experience a change of pattern over the past five years, whereas Australian respondents reported that they had become either more child-focused or more child-inclusive.

Parental needs and children’s needs were assessed as being similar for respondents of both surveys. The high number of answers to those questions underlined the view that there is a great need to assist children and families in transition in both countries.

Service provision to children
The data from both surveys suggested that in Germany there were a higher number of respondents working directly with children. Their work involved groups of children as well as individual children. While German respondents mainly offered counselling, group work, information, therapy and crisis intervention, Australian respondents mainly offered referral, assessment, counselling/therapy and advocacy. This data suggested that there were more specialised psychological support services for children in Germany. It also supported the Australian view, shown in the earlier section, that there is a need for more specialised services to children and families in transition in Australia.

When making decisions that affect children, the majority of respondents from both surveys held the view that both parents and children have the right to contribute to decision making during separation. All stated that when deciding whether to include the children or not it was important to consider their age and maturity level. The importance of the expertise of the interviewer was given much more weight in the Australian survey. Whether to involve children directly or indirectly was controversial in both surveys and, again, was dependent on different factors, such as the age and maturity level of the children.

The main approach German respondents used to convey the children’s wishes when working directly with them was to provide a place where they could talk about their wants and interests. This information was then used to incorporate their wishes into the decision making process more effectively and did not vary greatly from the Australian approach. The way to incorporate children’s wishes and interests when working with them indirectly was also the same for both countries.

The constraints and difficulties when trying to incorporate the best interests of the child were similar for both countries. Despite the existence of the two different legal systems, Australian as well as German respondents faced problems within the legal system when incorporating the child’s best interests. The adversarial approach was seen as problematic in both countries.

Family/domestic violence and separation
There were a high number of factors contributing to parental conflict over children during separation in both countries, indicating that conflict and separation are strongly connected.
Approaches to identifying power imbalances as well as violence and abuse appeared to differ, with the data suggesting that these topics are more carefully dealt with in Australia.

Gender trends for victims and perpetrators of family/domestic violence did not differ in the two countries as males were more often seen as perpetrators and females as victims of the violence. Estimated percentages of abused children were alarming for Australia as well as Germany. However it must be noted that estimated percentages of violence and abuse in general were higher in the Australian version of the survey. There could be a number of reasons for this. It could be that there was less screening for domestic violence by German respondents and therefore lower levels of awareness of violence and abuse cases.

Voluntary referral to appropriate agencies was the most offered service to abused children in both countries; however, the data suggests that there are more specialised direct services for these children in Germany.

Services to special needs groups
Data implied that special needs groups in Australia were better serviced than in Germany.

The way towards a best practice model
German respondents prioritised networking between service providers as being essential to a best practice model of service delivery to children and families in transition. They stressed that good communication between different professionals, and the same understanding of the best interests of the child for all involved, is important to promote constructive legal as well as emotional support for the family as a whole.

Australian service providers primarily focused on the need to place the child in the centre of service delivery. It could be suggested that the push towards a greater child focus in Australia has been at the expense of a focus on the bigger picture.

5.2 Aboriginal children and families in transition
This part of the study was undertaken by Catherine Opitz as part of her Bachelor of Social Work Honours at the University of South Australia. The aim was to ensure that the goals of the CAFIT project to produce a ‘best practice’ model of service delivery to families in transition was informed by research about Aboriginal children and families experiencing separation or divorce in order that the child-centred practice model we produce be culturally relevant to Indigenous families. This was achieved by interviewing employees from six agencies in metropolitan Adelaide that provided culturally specific services to Indigenous families in transition. Of the nine participants in the research five identified as Aboriginal, one was male, and six worked in agencies that specialised in services to Aboriginal children and families. One group interview took place and five individuals were interviewed separately. In the complete report of the findings (Opitz, 2005), an overview of participants is presented in order that the cultural positioning of service provider and agency is more readily highlighted. This acknowledges potential cultural biases on the part of Indigenous and non-Indigenous participants.

Emerging themes
In reviewing the literature, the need for cultural relevance and sensitivity in service delivery to Aboriginal families and children was a dominant theme (Keel, 2004; Tomison, 2003). In line with this, when interviewed
as a group, research participants in this current study identified cultural relevance, sensitivity and awareness as
the major issues for service providers to Indigenous families. When interviewed individually and guided by
semi-structured questions, the main themes discussed included decision making, child-centred practice, family
conflict, family law concerns, current national and organisational concerns and features and components of an
ideal service. An additional theme that emerged was the impact of colonisation on Aboriginal health and well-
being.

**Staff selection and training**

A number of participants spoke about the importance of employing culturally aware staff, preferably of
Aboriginal descent, to work with Indigenous families. They emphasised the need to educate and train *all* family
services staff to be culturally sensitive. They highlighted the challenges for many Aboriginal workers, including
their relative isolation, often being a sole Indigenous staff member in an agency (which they construed as being
‘tokenistic’) and demanding workloads. There was concern that some organisations emphasise the importance
of having professionally trained and educated Aboriginal staff to work with Aboriginal families, but do not
provide relevant support. Participants also reported a lack of access to professional training for Aboriginal
workers in jobs generated specifically for Indigenous persons.

They also identified a need to develop an awareness of how a lack of cultural awareness impacts on clients. For
example, clients may be subjected to judgements made by service providers derived from a lack of
understanding of kinship systems. One participant emphasised the value placed on children in traditional
Aboriginal families in relation to Aboriginal law and spirituality.

One participant emphasised that child safety (through police checks and so forth) should be paramount. Another
highlighted the importance of cultural sensitivity from their employers when Aboriginal workers have to attend
funerals. A general theme was that service providers need knowledge of the impact of colonisation, for example
the links between the traumatic effects of colonisation and substance abuse and child abuse, and an ability to
work alongside Aboriginal workers. They linked Aboriginal people’s fear of mainstream services and the
history of oppression:

> I suppose it’s the Aboriginal families themselves, it’s their fears to why they ... cause we are not
> the dominant culture so it’s that generational oppression that people need to consider, so
> awareness of Aboriginal and Torres Strait Islander culture and upbringing is important. (Dawn,
> Aboriginal, parent/child agency)

**Culturally sensitive practices**

Three participants stressed the need to make Aboriginal clients feel welcome and to reach out to them by going
out into the community. Research does indicate that most beneficial way to connect with Aboriginal families is
to build trusting relationships with the community over the long term (Burchill, 2004). Incorporating relevant
cultural processes into service provision, such as seeking culturally specific information through Elders and
Aboriginal organisations, is also important.

Two participants talked about confidentiality issues, for example some Aboriginal clients may prefer to use
mainstream services for fear they may be recognised in an Aboriginal service and suffer retaliation.
Systemic problems
Five participants talked about the frustration many Aboriginal families experience when forced to operate within a western model or framework of service delivery and within the dominant western legal system. The reliance on documentation and the use of jargon adds to the frustration. Four thought that decisions about Aboriginal children’s care arrangements are often not understood or handled appropriately by the legal system or by welfare agencies. One stressed that Aboriginal families should be left to manage care arrangements for their own children.

Decision making
Participants were asked who is, or should be, involved in making decisions that affect children when Aboriginal families are experiencing separation or divorce? Five stressed the importance of including immediate and extended family in decision making during family separation or divorce and two talked about the need to manage volatile situations when the whole family is making decisions about children.

In relation to the question of whether or not children should be involved in decisions, six participants stated that children should be involved. Three stated that a child’s age is important when considering when and how to include them in decisions that are made about them. One reasoned that it was necessary for the child to be able to speak and understand what was happening. Another highlighted the need to consider how a history of oppression may influence a family’s ideas about rights. Only one stated that children have a right to say where they should live.

In relation to the inclusion of parents and extended family in the separation process, four participants suggested that it was important to meet with extended family in an informal setting, such as for a meal with the children present, and for the worker to have good communication skills, honesty, knowledge of the language and persistence.

Child-centred practice
Participants were asked for their ideas about child-centred practices and any difficulties or issues they had experienced in incorporating the ‘best interests of the child’ principle in their work with Aboriginal children and families experiencing separation or divorce.

The notion of child-centred practice is different in Aboriginal communities as children are reared in the context of the whole family, community and traditional cultural law, with an emphasis on reincarnating ancestors and the valuing of Elders, reflecting cultural differences to western models of practice (ATSIC, 2005; Ralph, 1997; Stockton, 1995). However, some were frustrated by the lack of support for child-centred practice in current services. This is in line with other statements that family services generally are not fully implementing the ‘best interests of the child’ (House of Representatives Standing Committee on Family and Community Affairs, 2003; DFCS, 2002; Mackay, 2001). Two considered the ‘best interests of the child’ to be a value-laden, subjective term that can be interpreted and implemented by statutory institutions, such as Child Youth and Family Services, to influence outcomes that concur with western values.

Needs of Aboriginal children in separating or divorcing families
Participants were asked what sort of assistance the Aboriginal children need when their parents or caregivers are separating or divorcing. One stressed the need for improved responses from services. Children are currently
being made to wait in a queue to receive assistance for trauma, only to find that the services provided are not culturally sensitive, which adds to their trauma. The need for consistency and stability in the child’s environment were also issues raised by two participants, in particular where there is ongoing trauma experienced by children post-separation. Two participants saw early intervention programs as worthwhile for family preservation, with one emphasising that such programs need to operate in the community. Children’s safety should be an ongoing priority.

Family violence
Participants were asked what factors they consider when defining family violence. A number highlighted that colonisation is seen as a major cause of family violence by many Aboriginal people. Three spoke about factors that are relevant in defining Aboriginal family violence, such as verbal and physical abuse, mental health issues and the involvement of extended family in perpetrating violence, fear and manipulation. Three saw substance abuse as contributing to the high levels of family violence and separation, with one Aboriginal participant also referring to the impact of the stolen generation on the abuse of children.

Bagshaw (Bagshaw et al., 2000) interviewed Aboriginal service providers in a focus group for an earlier study, Reshaping Responses to Domestic Violence. As with other sectors of the South Australian community, this study found that services for children from Aboriginal communities who experience family violence are limited and inadequate. Counselling services provided by the Child and Adolescent Mental Health Service were difficult to access because of long waiting lists and were seen as culturally inappropriate. Some service providers identified the counselling services available at the Enfield Child and Adolescent Family Health Service as culturally appropriate and beneficial to children because the emphasis was placed on restoring a sense of security and providing information about what had happened. Concern was expressed about cuts in funding to children’s counselling services and for the Aboriginal family violence shelter, Nunga Mimini’s. On average women using the shelter came with four or more children, so in any given year approximately 200 children who have experienced or witnessed family violence spend time at the shelter. The needs of these children were not being adequately met.

Adults and family violence
In the Opitz (2005) study, participants were asked what percentage of their Aboriginal female and male clients had been victims or perpetrators of violence. Their estimates were higher than those for the non-Aboriginal population, which is supported by other statistics (Bagshaw et al., 2000). Three estimated that Aboriginal females are the main victims of family violence. Two who were domestic violence service providers had only female clients, all of whom were identified as ‘survivors’ of family violence and one participant from a child and parent agency indicated that between 91 to 100 per cent of the agency’s Aboriginal female clients are victims of family violence. The two domestic violence service providers noted that Aboriginal women who experience family violence tended to tolerate violence to maintain relationships in their families, including violence from extended family members. A few suggested that Aboriginal women also use violence. However, statistics indicate that one third of all Aboriginal women living in the Northern Territory are assaulted each year and rural or remote residents are 45 times more likely to be a victim of violence than non-Aboriginal women (DFCS, 2004). One participant from a residential support agency estimated that 31 to 50 per cent of men were
victims of violence, while another from the child and parent agency indicated that 91 to 100 per cent of male clients from a drug and alcohol agency where she used to work had been victims of violence:

*Even if it’s not within the family, it is within the community, having worked within drug and alcohol area in the city, I saw that quite a lot.*

Three participants saw conflict over children during family separation as being linked to issues of power and control in the relationship, which is not unique to Aboriginal families. However, the rates of incarceration of Aboriginal men are higher than for the general community.

*Where men are incarcerated the women don’t want to go and visit each weekend and again the kids will be used in order to get to the mother.*

Two participants offered an alternative view, stating that traditionally Aboriginal children were not seen as possessions and they believed therefore that parental or family conflict over children was less likely:

*In a traditional way, children are everyone’s kids ... extended family will take that and look after the kid as their own.*

**Children and family violence**

In the Opitz (2005) study, four participants indicated that children in their client group were exposed to and/or directly involved in family violence. One from the Aboriginal family and child agency suggested that *all* Aboriginal children are exposed to family violence with 31 to 50 per cent of children being direct victims. Another from the Aboriginal domestic violence agency estimated that 71 to 90 per cent of Aboriginal children are exposed to family violence, with the same number of children as direct victims. A participant from a parent and child agency indicated that 71 to 90 per cent of children are exposed to family violence while 51 to 70 per cent are direct victims. Another from the residential support agency estimated that only 1 to 10 per cent of children are exposed and/or are directly involved in family violence. Another participant agreed but asserted that traditional principles provide safety for Aboriginal children.

*Child rearing principles are in Indigenous law and they [children] have far more protection in Indigenous law.*

In the Bagshaw et al. (2000) study, service providers said that, generally, children in Aboriginal families do not experience violence directly but often witness the abuse of women by male relatives and suffer emotional effects from this experience. One service provider stated:

*It does affect them, emotionally – little boys particularly, depending on the level of violence at home, the little boys will treat mum the same way. We had one little four-year-old who was talking to mum the same way as her partner – you could imagine from the things that she told us, that the little boy was doing the same thing. Away from the dad, the little boy was taking on the same role – put down stuff. Little girls are very quiet, withdrawn and really scared.*

The emotional effects of family violence emerged in other sorts of behaviours as well. Another worker provided an example:
One eight-year old boy went berserk in a classroom. He did damage to the classroom and then to the cars outside and when asked why he was so destructive he said that when his Dad hit his Mum he says that he’s going to get into trouble for this, so he might as well do a good job. He was doing the same thing.

These workers stressed the importance of understanding domestic violence in terms of ‘family’ violence and recognising the way violent and abusive behaviour can have a carry-on effect for other members of the family and others in the broader community. One service provider noted that women who are the victims of abuse will sometimes ‘take it out on the kids’. The service providers emphasised how the experience of family violence can cultivate an expectation of violence and abuse throughout life for Aboriginal children.

**Working with conflict and violence**

Copious research studies suggest that parental conflict and violence is a predictor of children’s adjustment difficulties during family separation and often leaves children traumatised (for example Dodson, 2003; McIntosh, 2003; Pryor & Rodgers, 2001). In the Optiz (2005) study, when asked how they identify and manage conflict and violence in their work with Aboriginal children and families, participants provided a range of responses including: holding the perpetrator accountable, challenging cultural excuses, and assisting parents with difficulties related to contact with the child.

When asked if they actively screen for violence, three participants said that they check for signs of violence by what they see or hear, such as from physical injuries or claims made by victims.

One response highlighted difficulties in relation to a lack of confidentiality from Indigenous workers and the safety issues this presents for victims escaping violence. Another talked about how the use of mediation, in particular narrative mediation which incorporates traditional values and language, helps them to manage conflict.

Three participants described their experiences of working with children who had experienced abuse, which included making notifications after discussion with the family, and talking with and listening to parents. It was acknowledged that substance abuse and domestic violence are linked to the abuse of children.

Participants revealed concerns about family law legislation in relation to separation and divorce in Aboriginal families. Two were concerned that legislation in relation to ‘shared parenting’ was problematic for children and thought it was designed to suit parents rather than the children. Children being made to travel in taxis to see parents was another concern. Most believed that the needs of the courts and parents were being met rather than the needs of the child.

**Features of ideal service provision**

In the Bagshaw et al. study (2000) the need for early intervention, education and alternative role models for children were top priorities for the workers interviewed. One participant cited the Uncle/Nephew program that has been established in Alice Springs as a good example of a community initiative that seeks to break some of the negative influences on young Aboriginal men. This scheme fosters a mentor relationship between young boys/men and older men who are good role models and are able to ‘relate stories of their lives or the community’. It was noted, however, that initiatives such as these may not work in all communities and
programs need to be generated with the specific needs of the community or participants in mind. Participants identified a range of service needs related to a multitude of issues facing their Aboriginal child and family clients. They stressed that a holistic approach is required, with whole family involvement from the outset.

Service providers in the Opitz (2005) study were asked to identify the features and components of ideal service provision to Aboriginal children and families experiencing separation or divorce. Responses included the inclusion of family and community programs, a focus on children’s needs and education, and flexibility in the delivery of services. One wanted to see more emphasis on the prevention of family breakdown through the provision of programs for the whole family and suggested a holistic and inclusive approach that allowed for children and parents to learn together. Another stressed that children and families experiencing domestic violence need more external support, such as improved access to childcare and education. One wanted to see a flexible service founded on needs identified by Aboriginal children themselves, using processes designed to suit young people, so they feel comfortable and safe in disclosing their views. Practical and health-related needs were also a priority, such as the need for suitable accommodation when people have to travel from rural and remote areas to the city and the need for health-related services for children, such as speech pathology and treatment for chronic ear infections. Many highlighted the need for basic resource provision to be a fundamental part of service, such as assistance with housing, furniture, household appliances and the connection of utilities such as gas. One also highlighted the necessity for accessible child care and schooling for families escaping domestic violence.

One Indigenous participant gave a detailed description of her ideal service:

> It’s about services being culturally appropriate, people within those services having some cultural knowledge and some cultural expertise and some good manners. Don’t keep interrupting; don’t keep finishing people’s sentences for them because they are struggling to be able to express themselves in your language. They are not having trouble expressing themselves in their own language. I think that it would be an open place, open as in open to people to feel that it’s a good place to come to. There should be a lot of community interaction and interaction with the families that are involved in that. We should be spending more time in the less formal side of how we interact with people, like sitting down and having meals with them, having a family barbeque to talk about how that family is managing, doing things outside of offices. Offices scare Aboriginal people ... We very much go on vibes of feelings of places. We feel it; we might not say it. A lot of open spaces are good.

Discussion and conclusions

It is evident from this small qualitative research study, including the literature review, that a multitude of factors need to be considered if service delivery to Aboriginal families and children experiencing separation or divorce is to be culturally relevant. These include the need to acknowledge extended family relationships, to address high levels of family violence involving children, to interrupt the intergenerational trauma resulting from colonisation and the ‘stolen generation’, and to deal with health issues such as chronic ear infections and the influence of drug and alcohol abuse. The need for service providers to be educated and trained to be culturally sensitive and aware, and to acknowledge the impact of colonisation on Aboriginal health and family relationships, were dominant themes. Service providers noted that past practices that disregarded Aboriginal
cultural values are still evident in present-day practices, thereby maintaining oppression and the marginalisation of families and children experiencing separation and divorce (Macintyre, 1999; Parbury, 1986; Stewart & Ward, 1996).

According to Diller (1999), moving towards cultural competence in service provision brings feelings of anxiety and fear for white westerners and is often related to guilt and entrenched racism. This suggests the need for appropriate training of non-Aboriginal workers who are already in the field and an increased Aboriginal focus across programs for higher education students of all cultural backgrounds, particularly those in social work (High, 2001).

Issues around employment of appropriate staff for work with Aboriginal children and families were raised by a number of participants. The AHCSA (1995) suggests Aboriginal people want workers who can establish a rapport with their clients and genuine collaboration, where non-Aboriginal workers are able to take direction from Aboriginal workers and clients. It is also important for workers to have the capacity to develop good relationships with children. Children have reported that they prefer social workers who listen and are respectful, friendly, kind and humorous (Bell, 2002).

The need for workers to build trusting relationships with the Aboriginal community highlights the need for improved collaborative partnerships between Aboriginal and non-Aboriginal organisations and workers (Grant, 2004; Koolmatrie & Williams, 2000). This requires a long-term commitment and respect for Indigenous-based approaches, skills and knowledge (AHCSA, 1995; Burchill, 2004; High, 2001). If Aboriginal families feel comfortable and safe making contact with non-Aboriginal workers, they will be more likely to access the services they need and this may ultimately be of benefit to them and their children (Butler-Bowdon & Nowland, 2003).

The issue of children’s rights in Aboriginal communities is complex. One participant commented that the idea of rights for children might be viewed differently by Aboriginal people as the communities operate more as a collective, suggesting a need to open up a dialogue between Aboriginal and non-Aboriginal people about children’s rights. Lessons may be learned from Lester’s (2001) efforts to encourage adults in Aboriginal family programs to understand, from the child’s perspective, the impact of witnessing family violence.

The impact of poverty on children in Aboriginal families, which was highlighted by a number of participants, means that Aboriginal children need a greater range of resources and support. It is acknowledged that the current inability of child protection services to deal with Indigenous children suffering the effects of family breakdown is causing further trauma (CAFWAA, 2002). Given this, a culturally relevant approach to work with Aboriginal children’s needs when their families separate or divorce requires organisations and workers to concentrate on advocacy at a macro level. Workers might achieve change through supporting organisations in their campaigns for increased funding for Aboriginal family support programs and by attending or holding reconciliation events with the local Aboriginal community (CAFWAA, 2002).

Where there is family violence, one participant commented that traditional Aboriginal law, if properly utilised, can provide Aboriginal children with a safer environment. It was suggested that for Aboriginal people and workers in the field, education about these laws and about Aboriginal beliefs and spirituality would be of benefit to Aboriginal children, particularly if used in family support programs. Grant (2004) found that
Aboriginal notions of spirituality are barely acknowledged or understood, and that spirituality has a role to play in community development and cohesion in an urban setting. One of the potential implications is for tertiary programs and training to include knowledge of Aboriginal law and spirituality in the curriculum.

In order to work with family conflict where Aboriginal children are concerned, participants reported that they use whole family meetings, and culturally relevant forms of communication, negotiation and mediation. This suggests that developing these skills is vital for family service workers and students who may work with Aboriginal children and families.

The reported lack of Aboriginal worker confidentiality, also acknowledged by Neame and Heenan (2004), suggests that the lack of confidentiality within rural communities, where everyone knows everyone else, may also be happening in Aboriginal networks in Adelaide. However, what non-Aboriginal people see as a lack of confidentiality may be different from an Aboriginal perspective where there are kinship obligations, highlighting the need for increased awareness and understanding of cultural meanings and realities (Bennett & Zubrzycki, 2003).

Constructing an ideal service for Aboriginal children and families experiencing separation or divorce will require major organisational and systemic changes. This study suggests that an ideal service should include organisational support and education for Aboriginal workers, education and training of non-Aboriginal workers, open spaces for work with Aboriginal people, holistic family support programs, workers with skills to work with traumatised children, access to child care, flexibility in service delivery including fewer constraints on time, and services that are culturally relevant and driven by the needs of the client group. In responding to these requirements, mainstream organisations need to thoroughly examine their authority structures, mission statements, staff competencies, access and equity issues, capacity to deliver the services and to set short, medium and long-term goals (Jones & May, 1992). Providing Aboriginal family support programs is critical to achieving positive outcomes for children in terms of their safety, although securing funding could present challenges (PeakCare Queensland Inc., 2002).

While it is acknowledged that Aboriginal people are not a homogenous group, when it comes to the best interests of Aboriginal children, particularly their safety and well-being, research suggests that services and programs should not only support them individually, but should more importantly support their families and communities in ways that are holistic and culturally appropriate.

Summary of Indigenous service providers’ views

Nine workers were interviewed from six agencies in metropolitan Adelaide that provide services to Aboriginal families and children, about their opinions on service provision to Aboriginal families in transition. Five of these participants identified as Aboriginal and/or Torres Strait Islander. The primary theme to emerge from their interviews was the requirement of culturally appropriate service provision to Indigenous peoples. This included hiring trained Aboriginal workers or training Aboriginal people to do the work, providing cultural awareness training to all staff, taking into consideration Indigenous language, time, family and kinship systems, and particularly having an awareness around the impact of colonisation on Aboriginal people. For example, where a felt history of cultural oppression and institutionalisation exists, Aboriginal people may be reluctant to access service provision and thereby miss out on having their most basic of health-care needs met.
Where violence is present most participants said it needed to be understood within a ‘family violence’ framework, which takes into consideration the impact on and use of violence by extended family members. Improved access to child care and education were also mentioned as a necessity to assisting children out of violence situations, as well as greater practical services to those living in rural and remote areas, such as providing accommodation and transport.

Participants in this study stated that children should be involved in decisions that affect them during family separation, but that invariably services provided were inadequate around cultural appropriateness and did not work from a ‘best interests of the child’ framework. Most interviewees stated that the needs of courts and parents were being met rather than those of children.

5.3 The phone-in
On 2–3 May 2005 a South Australian state-wide phone-in was conducted for children, young people and parents/caregivers of children who have experienced separation and divorce, in order to identify and understand their experiences of conflict, violence and other issues that arise for this population, the way that children’s needs and ‘best interests’ are currently being considered and addressed, and gaps in service provision. Support for the phone-in was provided by the Women’s Information Switchboard and callers comprised 55 mothers, 35 fathers, 10 girls, 9 boys, 6 female relatives and one male relative (117 in total).

Parents kept calling for some weeks after the phone-in but resources were not available to continue the interviews. The interviews took much longer than expected as many callers were distressed when recounting their stories because of their experiences of violence and abuse – many interviews averaged 2–3 hours. The interviews were audio-taped and then transcribed and the transcriptions were analysed with the aid of a computer software program NVivo which assisted the researchers to sort the data under dominant themes (see the research methodology section).

Analysis of the phone-in with children

Analysis of the children’s responses to the phone-in questions
As Table 2 shows, nineteen children called during the two-day phone-in: nine males and 10 females. Fifteen were aged between 8 and 12 years. Two brothers were aged 12 and 19. Two older women aged 22 and 33 years rang in to share their childhood experiences of separation and divorce. When asked why, one (22) said: ‘It’s affected me. I didn’t think it would but it has scarred me.’ Her parents split up when she was eight years old.

Seven of the callers had parents who had separated in the prior three years, three within six years and five within roughly ten years. Most of the children who rang were from the northern suburbs of Adelaide and some were ringing from a school, with permission from the school counsellor. Two children described themselves as Aboriginal. Three lived in rural areas in South Australia and the rest in the Adelaide metropolitan area.
Children's primary residence
Children were asked who they lived with after their parents separated and whether or not their brothers and sisters were living with them.

As Table 2 (p. 147) illustrates 8 of the 19 children had stepsisters and/or stepbrothers and four had half-brothers and/or sisters. Three children were living separately from their biological siblings, who lived primarily with their other parent. Twelve children primarily lived with their mother and another five initially lived primarily with their mother after the separation and then moved to live primarily with their father. Two had primarily lived with their father since the separation.

Giving children a voice
Children were asked: ‘Have mum, dad or anyone else given you a say about where you wanted to live and who with? Who gave you a say? Did they listen to you and do what you wanted?’

Twelve of the 19 children who phoned in said they were given a say, two by both parents, four by their mothers, one by his father, one Aboriginal boy by his aunt (who helped him to stay with his mother but could not help him to see his father), one by the Family Court and another by Family and Youth Services (FAYS).

Interviewer: *Did they listen to you and do what you wanted?*

Deirdre (13): *Sometimes. My dad asked me if I wanted to live with him but I said no ’cause I wanted to spend some time with my mum.*

Kelly (22): *Yes. I was quite young and attached to my mum. Before she gained full custody I spent one month with each parent. I didn’t like that and then she got full custody because I wanted to live with her.*

Two were too young and six were not consulted at all. Three that were consulted said that they were listened to but they did not get what they wanted.

Kim (11): *Dad just left and went away. I had no choice.*

Karla (11): *Dad listened. But I had to visit dad, but didn’t want to.*

Interviewer: *Have mum, dad or anyone else given you a say about where you wanted to live and who with?*

Barbara (12): *No, not then but now they are.*

Interviewer: *Who gave you a say?*

Barbara: *Mum at first and dad later.*

Interviewer: *Did they listen to you and do what you wanted?*

Barbara: *No they’re still going to court.*

Three said that they were not listened to at first but eventually got what they wanted.

Daniel (12): *Not at first but when I was seven mum listened to me and let me to go dad’s.*

Over time, three children changed their minds about who they wanted to live and moved households.
Alex (12): The Family Court asked me first and I said ‘mum’. When they asked me a second time I went with dad.

Children’s communication with their parents
Children were asked how easy it is to talk with each of their parents.

Some children felt caught in the middle of their parents’ conflict. For example, Adam thought his parents did listen and he found it ‘sort of easy’ to talk with his mother but harder with his father. He was resisting each of his parent’s attempts to question him about the other:

Dad thinks people are listening in to phone conversations. Both mum and dad ask me what the other has said and I just say ‘nothing much’.

Three boys described problems they had communicating with their mother because they lived with fathers who were abusive to their mothers. Alex first of all lived with his mother and moved in with his father three or four months ago and said that he now finds it difficult ‘because dad doesn’t let us speak to mum unless he’s in a good mood’. He also said he finds it difficult to talk with his father:

He’s a big tough man. He’s hard to talk to. There is no-one to talk to ... I feel like I haven’t got anyone to talk to ... Dad said I don’t want to live with your fucken mother anymore because she’s a fucken slut.

He wanted to know the real reason for them separating.

Dad’s told me that mum used to take heroin and speed and was a prostitute.

James and his brother Daniel said they find it easy to talk with their father, who they have lived with most of the time since the separation. However their father has been violent toward their mother and ever since the separation he has continued to turn him and his brother against her by speaking about her and to her in derogatory ways in front of them. Until recently he would not let them see their mother for long periods of time, defying court orders. They find it much easier to talk with their mother now they are older and now realise how ‘biased’ their father was:

James: Well it was difficult to talk to mum for a long time because I thought she was a savage twit and our relationship was not particularly strong but I didn’t really want to talk to her anyway.

Daniel: Difficult at first (to talk with his Mum). I thought she was horrible. Good now though. Well Dad was saying things about Mum and I was angry because she wouldn’t let me go to be with dad and my brother. She wouldn’t listen to me. But when I was seven she did and she let me go.
## Table 2: Demographic data for the child callers

<table>
<thead>
<tr>
<th>Name</th>
<th>Age</th>
<th>Age at Sep</th>
<th>Home moves</th>
<th>Sch moves</th>
<th>Consulted</th>
<th>Ethnicity</th>
<th>Sex</th>
<th>Locn</th>
<th>Language</th>
<th>Religion</th>
<th>Resident parent</th>
<th>Siblings</th>
<th>Violence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adam</td>
<td>11</td>
<td>10</td>
<td>No</td>
<td>No</td>
<td>By Mum &amp; Dad</td>
<td>Aus/Euro</td>
<td>M</td>
<td>City</td>
<td>Eng</td>
<td>Nil</td>
<td>Mum</td>
<td>Sis 13, 16</td>
<td>Nil reported</td>
</tr>
<tr>
<td>Alan</td>
<td>8</td>
<td>3</td>
<td>Yes</td>
<td>3 times</td>
<td>By Aunt</td>
<td>Aboriginal</td>
<td>M</td>
<td>City</td>
<td>Eng</td>
<td>Nil</td>
<td>Mum</td>
<td>Stepsis 3, 6, 9</td>
<td>Physical - Dad threw at Mum and the children</td>
</tr>
<tr>
<td>Alex</td>
<td>12</td>
<td>6</td>
<td>Yes</td>
<td>Lost count</td>
<td>By Family Court</td>
<td>Aboriginal</td>
<td>M</td>
<td>City</td>
<td>Eng</td>
<td>Nil</td>
<td>Mum then Dad</td>
<td>1 bro 14, stepbro 18, stepsis 3, 5, 18</td>
<td></td>
</tr>
<tr>
<td>Archie</td>
<td>9</td>
<td>6</td>
<td>No</td>
<td>Lost count</td>
<td>By FAYS</td>
<td>Salvation Army</td>
<td>M</td>
<td>City</td>
<td>Eng</td>
<td>Nil</td>
<td>Mum then Dad</td>
<td>1 sis with Mum, 1 bro with Dad</td>
<td></td>
</tr>
<tr>
<td>James</td>
<td>19</td>
<td>21m</td>
<td>Once</td>
<td>No</td>
<td>Later By Dad</td>
<td>English</td>
<td>M</td>
<td>City</td>
<td>Eng</td>
<td>Nil</td>
<td>Dad</td>
<td>Sis 4 (also with Mum)</td>
<td>Not sure</td>
</tr>
<tr>
<td>Ken</td>
<td>8</td>
<td>Baby</td>
<td>Twice</td>
<td>Yes</td>
<td>No</td>
<td>Aus</td>
<td>M</td>
<td>City</td>
<td>Eng</td>
<td>Nil</td>
<td>Mum</td>
<td>Stepbro 21, stepsis 12</td>
<td>Rejected by Dad</td>
</tr>
<tr>
<td>Kim</td>
<td>11</td>
<td>2</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Aus</td>
<td>M</td>
<td>City</td>
<td>Eng</td>
<td>Nil</td>
<td>Mum</td>
<td>Bro 19 with Dad, half-bro 5 with Mum</td>
<td>Dad violent to Mum</td>
</tr>
<tr>
<td>Daniel</td>
<td>12</td>
<td>6 months</td>
<td>3 times</td>
<td>No</td>
<td>By Mum</td>
<td>English</td>
<td>M</td>
<td>City</td>
<td>Eng</td>
<td>-</td>
<td>Mum then Dad</td>
<td>Bro 12, sis 2, 3, 10 (2 sis died)</td>
<td>Nil reported</td>
</tr>
<tr>
<td>Oscar</td>
<td>8</td>
<td>2</td>
<td>5 times</td>
<td>NA</td>
<td>No</td>
<td>?</td>
<td>M</td>
<td>City</td>
<td>?</td>
<td>?</td>
<td>Dad</td>
<td>Sis 9, 5mths; half-bros 1, 7; half-sis 10</td>
<td>Frightened, stepfather said would kill Mo</td>
</tr>
<tr>
<td>Betty</td>
<td>11</td>
<td>1</td>
<td>Once</td>
<td>No</td>
<td>No</td>
<td>Aus</td>
<td>F</td>
<td>City</td>
<td>Eng</td>
<td>Nil</td>
<td>Mum</td>
<td>Bro 3, 7; stepsis 8</td>
<td>High level conflict; Dad nearly hit Mo</td>
</tr>
<tr>
<td>Barbara</td>
<td>12</td>
<td>9</td>
<td>Once</td>
<td>No</td>
<td>Later By Mum</td>
<td>F</td>
<td>City</td>
<td>Eng/Scot</td>
<td>Eng</td>
<td>Nil</td>
<td>Mum</td>
<td>Stepsibs 5, 1</td>
<td>Violent stepfather – physical, verbal High level parental conflict</td>
</tr>
<tr>
<td>Deirdre</td>
<td>11</td>
<td>9</td>
<td>No</td>
<td>No</td>
<td>By Mum</td>
<td>Aus/Ital</td>
<td>F</td>
<td>City</td>
<td>Eng/Ital</td>
<td>Nil</td>
<td>Mum</td>
<td>Bros 3, 7; stepsis 8</td>
<td>High level conflict; Dad nearly hit Mo</td>
</tr>
<tr>
<td>Ellen</td>
<td>9</td>
<td>1 wk</td>
<td>Yes</td>
<td>6 monthly</td>
<td>Often</td>
<td>Yes</td>
<td>Aus</td>
<td>Rural</td>
<td>Eng</td>
<td>Nil</td>
<td>Mum then Dad</td>
<td>2 bros, 1 sis</td>
<td>High level conflict; Dad nearly hit Mo</td>
</tr>
<tr>
<td>Emily</td>
<td>33</td>
<td>6</td>
<td>6 monthly</td>
<td>Often</td>
<td>Yes</td>
<td>Aus</td>
<td>F</td>
<td>Rural</td>
<td>Eng</td>
<td>Nil</td>
<td>Mum</td>
<td>1 half-bro 15 mths</td>
<td>Entrenched conflict</td>
</tr>
<tr>
<td>Irene</td>
<td>11</td>
<td>6m</td>
<td>Twice</td>
<td>Too young</td>
<td>Aus</td>
<td>F</td>
<td>City</td>
<td>Eng</td>
<td>Eng</td>
<td>Nil</td>
<td>Mum</td>
<td>1 bro 15, 17</td>
<td>Scared when Dad's drunk</td>
</tr>
<tr>
<td>Karla</td>
<td>11</td>
<td>8</td>
<td>5 times</td>
<td>Yes</td>
<td>Yes</td>
<td>Aus</td>
<td>F</td>
<td>City</td>
<td>Eng</td>
<td>Nil</td>
<td>Mum</td>
<td>Bros 14, 17</td>
<td>Dad threatening violence</td>
</tr>
<tr>
<td>Kelly</td>
<td>22</td>
<td>8</td>
<td>4 times</td>
<td>Yes</td>
<td>By Mum</td>
<td>Aus</td>
<td>F</td>
<td>Rural</td>
<td>Eng</td>
<td>Nil</td>
<td>Mum</td>
<td>Sis 24</td>
<td>Dad threatening violence</td>
</tr>
<tr>
<td>Millie</td>
<td>9</td>
<td>8</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Aus/Scot</td>
<td>F</td>
<td>Rural</td>
<td>Eng</td>
<td>Nil</td>
<td>Dad</td>
<td>5 bros, 4 sis, some step</td>
<td>Dad ‘punished walls’, Mum hurt her</td>
</tr>
<tr>
<td>Nora</td>
<td>11</td>
<td>9</td>
<td>Once</td>
<td>No</td>
<td>By Mum</td>
<td>Aus</td>
<td>F</td>
<td>City</td>
<td>Eng</td>
<td>Christian</td>
<td>Mum</td>
<td>1 bro 5, 2 stepsis, 14, 18</td>
<td>Not sure</td>
</tr>
</tbody>
</table>

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One very sad boy, Kim, was desperate to establish a relationship with his absent Dad who he had barely seen since the separation, when he was two. He found it ‘OK’ to talk to his Mum but was upset that his father won’t talk to him, in spite of his attempts to communicate with him:

Kim: *When my mum and dad split up I didn’t see my dad much and he doesn’t want to see me any more ... he won’t speak to me ... Dad changed his phone number and when we found the new number and I rang my dad he asked to speak to my mum, and when I was getting her he hung up and changed his number again ... Dad knows where we are.*

Kim went to an event last year, knowing his Dad was there and walked up to him and told him who he was:

*He told me he didn’t want any part in my life and walked away. I felt very upset.*

Others also talked about absent or distant fathers. For example Ken’s father was absent but he found it easy to talk with his Mum: ‘Mum is with you a lot and listens’. However he said he would like to be able to talk to ‘Both mum and dad, no-one else’ and wanted to know ‘why they split’. Alan had not seen his father for about five years and did not find it very easy to talk with his mother. Karla also found it hard to talk to her father because he was ‘not around to talk to’ and she could not talk to her mother either as she was ‘too busy’:

*Mum tells me to go away; she’s busy sorting out my brother.*

A number of children spoke about communication problems with their parents that were directly linked to the separation. Archie was involved in a ‘custody battle’ and moved with his siblings from one parent to another so many times he had ‘lost count’. He and his brother now live with their father and their sister with their mother. He finds it easy to talk with his mother but not always with his Dad:

*Mum listens whenever I want to talk. Dad doesn’t listen as he’s busy sometimes. Sometimes he does listen.*

Oscar found it difficult to talk with either of his parents after they separated. He said it was ‘easy before they split up then it was difficult’ to talk with his Mum and he thinks that his Mum ‘doesn’t want to live with me’. He also finds it difficult to talk with his Dad but ‘it’s getting better because we’ve got more time together’. Betty said she has problems communicating with both of her parents, in particular when they are distracted by their new relationships:

*Its easy to talk to mum but sometimes hard. She’s usually busy with the baby and the baby’s dad ..... [And communication with her Dad] ..... somewhere between – easy but sometimes hard when he has his friends over ..... with Mum its easy when the baby is asleep. Difficult when mum’s feeding and talking to friends. With dad it’s easy when his friends are not there. Difficult when the friends are there and they are drinking.*

She wanted to know more about why her parents split up and wanted her mother to tell her. Her mother had already told her that her father did not sign her birth certificate and said he never wanted her.

Ellen found it especially difficult to talk with either of her parents:

*Mum’s always going out, always talking to aunty. I don’t get to talk to her. My stepdad has been in hospital. He’s usually sleeping.*
Prior to and during the separation she witnessed violence which frightened her and she needed to talk about it:

*Mum and dad kept fighting and fighting. Dad was smacking her and hurting her. He said it was my fault. Dad was treating me as though I wasn’t part of the family.*

Two girls felt intimidated by their fathers. Barbara described how she had to practice before speaking with her father:

*It’s easy to talk to mum but I panic when talking to my dad. I’m scared of dad … Well I always practise in the bedroom first about what I’m going to say. Now I have to choose who I live with but I miss them both.*

Emily also said she felt intimidated by her father and could not talk with him. She found it easy to talk with her Mum but did not ‘talk about everything’.

Emily also said she focused on what she thought her mother wanted and not her own wants. Nora also commented on her concerns about her mother’s emotional state.

*I can’t talk to mum because she’s upset. She cries all the time. I don’t want to upset her more. She starts crying and then that upsets me. I would like to see dad more. I will talk to mum tonight and will also ring my dad.*

She found it ‘not very easy’ to talk with her Mum and easy to talk with her Dad, which she often did on the phone every day. She sees her father once month. They go out for dinner and she ‘likes seeing him’.

Irene also said she spoke with her father on the phone as he lives in the country:

*I own a mobile phone so I can ring dad whenever I want to.*

She lives with her Mum and speaks to her Dad on the phone most days when not with him. She said she found it easy to talk with both of her parents, in spite of the constant fights between them, but was upset that her mother’s wishes were given priority over hers in relation to her primary residence:

*Mum won’t listen to what I really want, which is to live with my Dad for a while. Mum doesn’t want me to go. I would like to but she won’t consider it and Dad also wants me to go.*

Some children talked about having a good relationship with one parent and not the other. For example Millie found it ‘difficult’ to talk to her mother and ‘easy’ to talk to her father and spent more time with him. Deirdre also found it ‘somewhere in between easy and difficult’ to talk with her mother and found it much easier to talk with her father:

*Mum’s harder to talk to because she gets angry and she goes into her room and watches TV. Dad lets me talk.*

On the other hand, Kelly found it easier to talk with her mother:

*I remember sitting on her lap and crying that I wanted to live with her.*

She found it hard to talk to her father because ‘he wasn’t around much and worked a lot’.
Children’s moves
Children were asked how often they had changed homes, schools or childcare centres since their parents separated.

Fifteen of the 19 children (79%) had to move homes following their parents’ separation, two only once and eight between two and 5 times. In addition, the adult who rang in said she moved house every six months as a child after her parents separated, and one boy said he had ‘lost count’ of how many times he had moved house in the three-year period since his parents’ separation. Seven also had to move schools/childcare centre, two often.

Children’s awareness and comprehension of what happened
The children were asked when they were told their parents were splitting up, whether or not they were surprised and whether or not they were told enough to understand what was happening and why.

Only two were told before the separation, six during the separation (two of these were told as their fathers were walking out) and five were told after their parents separated. Five were either too young to be told or could not remember. Ten were surprised when their parents separated and five were not; eight had been told at some stage why it happened and 11 have never been told why. Eleven would like to know more about why their parents separated.

A number of children were surprised when their parents separated as to them they had appeared to be happy. Archie, for example, thought his parents were a ‘happy couple’. He has not been told why it happened and does not really want to know. His surprise was echoed by others:

Karla: They seemed happy, didn’t fight a lot. ... Mum said dad was always out and wouldn’t let mum see her family.

Nora: I didn’t know they were unhappy ... I don’t know why, I will try and ask them ... I would have liked them to stay in same house and to live in separate rooms so we could still see both of them ... I will ring both of them and ask them why it happened.

Emily: We were taken on holiday and Mum told us and we never went back. Mum explained that they weren’t getting on.

Deirdre: I thought they would never split up ... Normally they are nice to each other ... Now I’m really getting sick of it [the fighting] ... I could tell by the look in their face that they would split up. It was embarrassing because I had friends there, then my friends didn’t want to be my friends any more ... What started all of this? Why didn’t they give me the rest of the information?

Alex: Mum and Dad were yelling at each other in the kitchen. That’s the first we knew of it ... I was surprised because they had been together for so long ... Dad said I don’t want to live with your fucken mother anymore because she’s a fucken slut ... Then Dad got a new girlfriend. I thought of her as my mum, then they split up and we went through it again.
Those who were not surprised that their parents separated had previously witnessed conflicts and unhappiness in their parents’ relationship:

Adam: No, I wasn’t surprised because a couple of years ago they were always arguing and they kept arguing. I was told they didn’t want to live together and I was a bit sad.

Millie: I saw my Mum pack her bags … Mum cried a lot and was angry at him … My grandma told me dad was scum and was the worst father.

Alan: I was told after the separation but I was not surprised, because I did not like my real dad.

Three of the children who were very young when their parents separated were told later why it happened. However James and Daniel (brothers) both said they now realise that what they were told was not necessarily true:

We were told from a very biased point of view, my dad’s … Just that I didn’t get the whole story; it was very biased against my mum.

Some children, such as Ken and Oscar had not been told anything at all and really wanted to know more.

Two children whose fathers walked out with no explanation were particularly distressed.

Kim: I didn’t know there was anything wrong. Dad just left without saying goodbye.

Barbara: Well dad just walked out. I grabbed his leg to stop him and he never came back … I was really upset. I didn’t talk for two days … I was crying all the time then mum asked what’s wrong and I said I miss dad. Mum gave me his phone number so I rang and bawled my eyes out. He came round and I gave him a hug and he gave me a toy. He said he’d never come back or he would put mum through the TV screen. Then dad met Angie and now dad and Angie fight.

Barbara had never been told why her parents separated and wanted to know more.

Two more children also talked about their experiences of violence and high-level conflict and said they were relieved when their parents separated.

Ellen: I was told during separation. Mum and Dad kept fighting and fighting. Dad was smacking me and hurting me. He said it was my fault. Dad was treating me as though I wasn’t part of the family. Mum got a new phone number so dad couldn’t ring. Mum told dad the new number. I thought it was silly. I didn’t say it though ’cause I might get into trouble. … They’ve separated before. I don’t think they will get back together. My job is to tell mum ‘no’ if she is weak and says she’s going back to dad. Dad was sad because he had no-one with him. Mum took me and my baby brother then left the baby with dad … No they didn’t tell me anything. Mum just said to pack my bags – I couldn’t say anything. I was sitting there being really quiet not saying anything. Dad says it looked like I was glad I was leaving. I was happy but I wouldn’t tell him.

Kelly: Mum kept it to herself but it was while it was going on … But there was lots of arguing and it was for the better.
Children's good and bad feelings
The children who called were asked what feelings they had had since their parents split up and to identify any good or bad feelings that they were experiencing.

All but two children identified a range of bad feelings they experienced as a result of their parents separation; 10 (53%) said that they did not have any good feelings. Five said they felt ‘relieved’ that one parent had left, one boy because he ‘hates’ his violent Dad who threw things at him and his mother and siblings; another because his stepfather was physically and verbally violent, and one girl because ‘Mum can’t hurt me now’. Two said they were happy when their parents were not fighting, another had good feelings when her parents were cooperating and another found it ‘easier to talk to each parent’ after they separated.

The ‘bad’ feelings the children were experiencing far outweighed the ‘good’. Twelve of the children who rang said that they were ‘sad’, two of these were also ‘confused’, three were also ‘angry’. Four were ‘frightened’ in particular when their parents fight. One boy (12) and one girl (12) had thought of suicide. Four said they were ‘worried’. Only three of the children (all boys) said that they did not have any bad feelings but these had difficulty naming any of their feelings. Boys were generally, but not always, less articulate about their feelings than girls.

Here is an example of what two brothers, whose father was violent to their mother, said:

James (19): Not able to identify any good or bad feelings … I just sort of joined dad in his vendetta against mum.

Many children said they were sad or angry and did not have any good feelings, for example:


Archie (9): Really, really sad … No good feelings.

Betty (11): Bad, sad, angry … No good feelings.

Ken (8): Sad … No good feelings.

Two talked of suicide:

Alex (12): Sad … I threatened to kill myself – I told my dad and he said ‘yeah, whatever’. He knew I wouldn’t. I haven’t told anyone else except you … Good feelings? When dad enrolled me in junior football and dad cried when I kicked my first goal – that was the only good thing I’ve felt in my life.

Barbara (12): I had more fights with my sisters. I was sad, angry, confused. Sometimes I just want to die. I cut my hand with a piece of glass. I see dad now so I don’t have those feelings. My mum’s dad hanged himself when I was eight. Mum and Dad split up when I was nine.

Good feelings? It was really really good [after the separation] because I could say something to mum and dad wouldn’t go off and the other way around.

Two girls were very distressed by their parents’ fights and were happy when they stopped:

Deirdre (11): I don’t know what they [parents] were fighting over, that made me worry. I am angry that they were fighting in front of us [children] … Good feelings? Sometimes my parents ring each other and go out to dinner. Dad buys us more stuff.
Irene (11): *When they fight I have bad feelings. I am sometimes sad because mum doesn’t let me talk to dad when I want to always and won’t think about letting me live with him for a while ... When they’re not fighting I feel happy. My parents still fight a lot.*

One girl was relieved to be rid of her stepfather and missed her ‘real dad’:

Ellen (9): *Sad. I get this weird feeling that mum will come to school and I’ll get in trouble for doing this* [the phone interview and seeing the school counsellor]. *Mum might find another man that will play with us and be nice and take us places ... I was glad that mum left because dad is sleepy and grumpy. I worried that he might be really sick and he might die. I really like my real dad .... he’s a better dad but he lives in [another State] so I don’t see him. He doesn’t smack me; he tells the truth. He’s the opposite of my stepdad. My stepdad is the bad guy and my real dad is the good guy. I’m going on a plane to see him later this year. I can’t wait.*

Three more were also relieved that one parent had left:

Alan (8): *I don’t know [bad feelings] ... I’m glad because I did not like dad.*

Millie: *No bad feelings. I am relieved because my mum doesn’t hurt me any more. She used to drag me by the hair.*

Emily (33): *No bad feelings. I was relieved the fighting was over ... I formed a greater bond with my mum who was a lot happier.*

One girl was scared when she stayed with her father:

Karla (11): *I’m scared at dad’s ... No good feelings.*

One boy and one girl were sad and angry that their fathers had chosen not to continue to contact them. The boy, Kim, thought it was his fault that his Dad rejected him because he had cried when he visited his Dad’s twice as a two-year-old as was left on his own to sleep in a strange room. He had made two serious attempts to contact his father, once over the phone when his father hung up and then changed his phone number. He then he attempted to talk face-to-face to his father at a sporting event, to no avail: ‘he told me he didn’t want any part in my life and walked away. I felt very upset.’ Kim desperately wanted a relationship with his father but felt powerless to do anything. He was very sad and distressed on the phone. He was encouraged by the interviewer to talk with his mother who was sitting next to him and to ring Kid’s Help Line:

Kim (11): *I’m sad, angry with dad ... I worry that dad will have an accident and I won’t be there for him. Sometimes I think it might have been my fault that he left and he doesn’t want to see me ... I don’t really have any good feelings.*

Kelly (22): *Dad got another girlfriend and she had two kids. One year and a bit after the separation dad stopped picking us up and had no contact. Mum and mum’s boyfriend would insult dad and I think that’s why dad stopped coming around. I think dad’s new wife might have stopped him. He said ‘call me’, like that, but didn’t keep up contact. It was 50/50. His parents think it was mum’s fault but he should have kept picking us up ... No good feelings.*
One boy worried that he would not see his mother again:

Oscar (8): I worry that I will never see my mum again – I’m sad, not angry, confused … No good feelings.

Only one child said she was aware that the separation was ‘not the kids’ fault’ and was happy because she still had contact with both parents:

Nora (11): Sad, worried … my brother says it’s his fault but I know it’s not the kids’ fault … I’m happy ’cause I still see dad.

Children’s worries
Children were also asked: ‘what sort of worries do you think other children/young people will have when their parents split up?’

Most children continued to talk about their own worries when responding to this question and generally reflected feelings of sadness, insecurity, loyalty issues, guilt, self-blame and for one caller the possibility of suicide:

Barbara: Upset, want to live with friends, guilty, my fault, want to kill ourselves.

Another (who had experienced domestic violence) said that some children would be frightened. She had feared for her mother’s safety in the face of her stepfather’s threats:

Betty: Scared, worried. Mum was trying to get a divorce and my stepdad was trying to kill mum. Dad said he would kill her when she divorced him.

Alan was both ‘sad’ and ‘surprised’ and would have liked to have talked with his parents about ‘why they separated and are they ever going to get back together. I doubt it but I wish they would’. He said that children would worry ‘that they’d be put in orphanages’. Archie suggested that children would be ‘feeling blue’.

Other comments included:

James: Well, you have to assume that both parents have stories that conflict and biased views. Kids have to sort out fact from fiction. There are loyalty issues, who to live with, and you’re worried you might disappoint the other parent.

Kim: Will they ever see them together again? Will they have some help when their mum or dad gets sick? Who will look after them?

Daniel: They think it’s their fault.

Deirdre: Scared that the separation will happen to them when they grow up.

Kelly: They worry that one does not love them anymore; one says bad things about the other. Parents should be civil and let the other parent have contact.

Children’s fears
Children were asked: ‘were there or are there things happening in your family that frightened you and if so, what sort of things? They were then asked: have there been things happening to you that have frightened you, and if yes, what sort of things, can you please give me some examples?’
Five children of the 19 children who called said they had been frightened because they had seen their father being verbally and physically violent to their mother, and four of those had also been directly abused, physically, by their father or stepfather.

Alex (who lives with his Mum): Dad threw things at mum and at us [pots and eight balls]. We’d tell him to fuck off and leave her alone.

Interviewer: Have there been things happening to you that have frightened you?

Alex: Yes. When dad threw things at us.

Archie (who lives with his Dad): I’m frightened dad might hit me. Dad hits me with his belt when he takes drugs.

Deirdre (who lives with her Mum): I was frightened when my dad nearly hit my mum. I took my brothers and sisters to the park so they could not see it. I asked them to stop.

Ellen (who lives with her Mum): Mum and dad kept fighting and fighting. Dad was smacking her and hurting her. He said it was my fault. Dad was treating me as though I wasn’t part of the family. ... My step dad would threaten me with a belt every time I wouldn’t follow instructions. He whacked me 10 times on the bottom, pulled my pants down. I couldn’t sit down for a whole week. ... [she was frightened] when he belted me.

Kylie (who lives with her Mum): Dad threatened to come up with a chainsaw I heard him tell mum. Dad was told not to come to pick us up – I was scared he would come to school and take us away ... I’m scared of mum having another relationship [she didn’t want to live with anyone else or move into a new family].

Millie (who lives with her Dad) was frightened when her parents were separating because there was ‘lots of arguing. Dad punished a lot of walls.’ She said it was not her father’s fault and blamed her mother. She was also frightened by the ‘yelling and screaming, swearing’.

Irene said she was also ‘scared when mum and dad are yelling at each other’.

Kim (who lives with his Mum) remembered being frightened when he was about two and stayed with his father after his parents separated. He thought this was why his father did not want to see him any more:

Kim: Once I got a sleepover at dad’s house when I was little just after he left. I could only sleep in a room on my own with his motorbike. I was frightened and thought he would leave and I cried. I saw dad three more times and then no more.

Nora feared that she would lose contact with her father:

Nora (who lives with her Mum): I get scared about not seeing dad.

Two children were also frightened by unpredictable behaviour of family members which made them feel insecure. Karla (who lives with her Mum) was frightened when ‘Dad gets drunk and that’s scary’; Bronwyn was frightened ‘when my oldest sister ran away’ and Emma was frightened by her siblings fighting. Loyalty conflicts broke her siblings’ relationship and it has still not healed.
Two boys clammed up when asked whether or not things had happened to them that frightened them, indicating experiences that may have been harmful. Ken said ‘I don’t want to say’ and Oscar said he was ‘sad and worried, upset’ and asked if he could stop talking. He said he would be ‘okay’ and didn’t want to be connected to someone else to get further assistance.

The two brothers who had witnessed a lot of violence from their father toward their mother avoided that topic and spoke about other kinds of fears:

James: Bullies at school. There used to be some marks on the toilet door that looked like a scary face that used to freak me out.

Daniel: Yes, aliens. I used to think there were aliens in the corridor.

Children’s sources of support, actual and potential
Children were asked whether or not anyone helped them to feel better when their parents split up, who helped and how. If no-one helped them, they were asked what sort of things someone could have done to help them feel better and who could have done it for them.

Four children (three boys and one girl) said no-one helped and they did not know who could have done anything for them. Most children had limited support and they did not have many ideas about who could have helped them. Three children said they would have liked to have someone ‘explain things more’, preferably their parents or grandparents.

Betty: I would have liked to have talked about my feelings, ask questions like what dad did to split up ... my parents could have explained things more.

Karla: I would have liked to be able to talk to my mum about the reasons why they split up.

Barbara: I would have liked to talk to my parents and grandparents about why Mum and Dad broke up. Why he’s married someone else. I don’t like my stepmother. My stepdad has epilepsy but I kind of like him.

Nora: I would prefer to talk to mum and dad more than anyone else. I’ve talked to a friend whose parents have split up and that helped. My Nana also helped. I’ve been feeling down a bit but I’m happy I still see dad.

Deirdre: I would have liked to talk to Nana and Pap but I didn’t because dad doesn’t get along with them. I did talk to my Uncle but he got upset. I wanted to speak to Nana. My uncle told Nana what I wanted to talk about … I wanted to see if I could stay with her (my Nana). Why doesn’t dad like Nana? Why didn’t they tell me all the information? I wanted her to say to mum and dad to stop fighting in front of the children. I worried they would start fighting with me.

Millie would have liked to have been reassured that ‘everything was OK’ and would have liked her friends to do that.

Some children said they hid their feelings from their parents. For example, one girl was seeing a school counsellor but could not tell her mother. She would have preferred to have been able to talk to her mother but ‘did not want to get into trouble’.
Ellen: Mum but I just can’t tell her because I have this feeling inside that if I say something everything will go wrong. I haven’t told her I am talking to the counsellor ... Mum never asks me how I am feeling. Every time I cry mum asks what’s wrong. I say nothing; I keep it inside. She doesn’t ask again. I keep saying nothing. I don’t want to get into trouble.

Two callers who were now adults also said that counselling is important:

Emily (now 33): I would have liked to have talked to a counsellor about things that were important at the time, relationships with friends.

Kelly (now 22): Children would like to talk to someone neutral like a counsellor or anyone that is removed from the situation.

Two boys said that counsellors had helped them, but one was on ‘a long waiting list’:

Archie: The counsellor makes me laugh, helped me be calm. The lawyer – she keeps making faces.

Kim: When I went to Cairns nine months ago I was told to talk about my family with a counsellor which was good. I am still on waiting list to see a counsellor here. My stepbrothers and sisters rub it in – they can see their dad every weekend. They don’t help.

Siblings and cousins were supportive to three of the children:

Barbara: ... my sister who’s now run away. She used to read me stories and rub me on my back.

Karla: My brothers were there and helped.

Ellen: My cousins A... who is six and B... who is three.

Four said that grandparents, uncles and aunts were helpful:

Deirdre: Nana. Pop. Two uncles. My uncle’s wife told me she was pregnant, that made me happy.

Interviewer: What sort of things could someone have done to help you feel better?

Deirdre wanted her grandparents to tell her parents: Tell them – no fighting around us kids. My pop could have spoke to dad but nana couldn’t talk to dad.

Irene: My Nanna talks with me and makes me feel better – she helps most and sometimes my friends. She listens to me. Its better when mum and dad don’t fight.

Nora: No-one helped. My nanna took me and my brother for a while so Mum could calm down. My sisters didn’t want to stay with mum; they are with a foster mother until next year. My stepsisters are Dad’s children and live with him.

She would have liked ‘Mum and Dad to talk with me more’.

Alan: My aunty helped.
Two children said that their teachers talked with them, but one did not like that, presumably because she was embarrassed:

Kelly: One teacher at primary school who said if I had any problems I could talk to her.

Millie: My teacher talked to me the day after but I would have liked to talk about it that day. I didn’t like it that my teacher spoke to me about it.

Children’s views of their rights

Children were asked: ‘do you think children/young people have a right to have a say about things they want or like, for example, who they want to live with, or who they want to see after their parents split up? If yes – why do you think it’s important for children to have a say? Who do you think children would like to talk to best? If no, why do you think that children should not have a say about what happens to them?’

All of the children who phoned in believed that children/young people have a right to have a say about things they want or like. However, the one adult female who called to talk about her childhood experiences when her parents’ separated did not agree:

Emily (33): No … Their parents are trying to talk them into it. They do not have enough information to make a decision.

When asked why it is important for children to have a say, the boys gave a variety of answers that emphasised their view that children should have a choice:

Adam (11): It should be the child’s choice who they live with.

Alan (8): Most kids want to have a say.

Ken (8): So they get what they want – to see their dad or mum.

Kim (11): Yes … One parent can leave and that should not be able to happen.

Daniel (12): Most definitely … because it’s their life.

Three boys emphasised that children should have a say for safety reasons:

Alex (12): Because if judge decides kids go with dad and they don’t want to they would run away and they could get hurt.

Archie (9): Like me they don’t feel safe and need to tell someone like a lawyer, CAMHS [Child and Adolescent Mental Health Service] or police.

James (19): Most definitely … because if not, they’ll grow up to resent people who didn’t let them have their say. Children can intuitively know what they want. Take the analogy of the axe murderer and Mary Poppins. What happens if the child wants to be with Mary Poppins and the authorities just arbitrarily decided to put him with the axe murderer? Don’t know how I’d feel if it was the other way around though.

James’s comment was interesting given that his father had been extremely controlling and physically and verbally violent to his mother prior to the separation and his derogatory remarks about her and verbal abuse toward her still continues. Dean had lived with his father since the separation when he was 22 months old.
Girls also felt very strongly that children should have a say about who they lived with, three because they missed their dads:

Irene (11): Yes very strongly ... Because they might want to see a parent when they are feeling sad and it should happen when they want it to. Kids have rights. I want to say who I want to live with, it’s my right.

Karla (11): Kids might want to live with dad instead of their mum.

Kelly (22): Definitely ... kids need to maintain the relationship. I feel like I haven’t had a dad. I know he’s out there but there were lots of things that made him stop.

Two girls acknowledged that some children might prefer one parent to another, one because she disliked her father:

Betty (11): They may like dad or mum more. They might prefer to live with one parent over the other but do not get asked what they prefer.

Barbara (12): Because if they say they want to live with mum and hate dad’s guts really much.

One girl was sick of her parents’ fights:

Deirdre (11): Yes ... so they can get away from their mother and dad and the fighting.

Another girl said that children should decide where the parents lived (not the other way round) and wondered why they could not just live in separate rooms:

Nora (11): Because the children, like it’s their mum and dad and important for them to know what they want. It’s pretty upsetting if they’re not asked, like they might want their parents to live in separate rooms rather than move house.

Two girls said that children should have a general choice about what they wanted to do or who they wanted to talk to:

Ellen (9): Because what if mum tried to take the kid to her best friends and she didn’t like the best friend the kid should be able to say she doesn’t want to go. But that didn’t happen to me.

Millie (9): So they can tell them they love them.

The most important things that would help other children
Children were asked what they thought were the most important things that would help other children and young people when their parents separate.

Most children said that being able to talk to someone is important. Six said it was important to be able to talk to one or other of their parents. Eight children suggested that children need to talk to counsellors, and one to a psychiatrist, in particular if they can not talk to their parents. School counsellors were specifically mentioned by three children but one of those did not trust school counsellors who were also teachers and another said that ‘no-one at school helps’. Three suggested talking to children of their own age would help. Two children said that grandparents were helpful and another two said that Kids Help Line was good.
Archie suggested that if children did not feel safe they should talk to a lawyer, someone from the Child and Adolescent Mental Health Service or the police:

Archie: To talk to parents, a counsellor or lawyer about why mum and dad split up ... give a gift to their parents to make them happy ... If like me they don’t feel safe they should talk to a lawyer, CAMHS or the police.

James emphasised that parents should be reasonable, not subject children to their own agenda and put their kids first, in particular where there is abuse by one parent of the other:

James: Parents need to be reasonable. They should devise a suitable solution. It really sucks when one parent has their own agenda ... The police station for handover was crap. And parents should put their kids first. My dad’s still very bitter and angry ... I think children would like to talk to friends of the same age. I would talk to someone I could trust. School counsellors would be OK as long as they weren’t teachers as well.

Two children stressed that children should be consulted.

Ellen: If the kid could talk to someone about it and have a say about what happens.

Nora: Probably ask where they want to live and what they want to do.

Three children stressed that being able to see both parents was important and having someone to talk to – such as parents, friends, grandparents, counsellors and in one instance ‘a judge’ – was seen to be important by most children:

Andrew: They should talk to their family.

Ken: Want to see dad, spend time with dad ... it’s important for children to see both parents. Parents should spend time with each other as friends. Having someone to talk to could help – their parents or a counsellor. No-one at school helps.

Nora: Children prefer to talk with their mum and dad but if they won’t talk then someone else like a counsellor would help.

Millie: Children would like to talk to their father.

Adam: They should talk to school counsellors.

Betty: Kids Help Line or a school counsellor.

Alex: Someone to talk to, for example psychiatrists or shrinks or something or a kid’s lawyer maybe.

Daniel: You need someone to listen to you ... friends the same age.

Irene: What’s important is help not to be sad. Having other kids who’d been through it to talk to ... to have someone to talk to ... talk to others on a website and to be given information about what is happening. It’s important to have both parents around so the children can see both of them when they want to ... I think children would like to talk to a grandmother, counsellor or judge in that order.
Barbara: Could talk to grandparents and you could tell them it’s a secret if you didn’t want mum and dad to know. Grandparents are special … also parents and friends … Kids Help Line are also good.

Kelly (now 22): It’s important to keep everything positive between the parents and some stability – not moving around so much. Having someone to talk to.

Three young girls offered some direct advice to other children based on their own experience:

Barbara (12): If they’re afraid, don’t be, speak up – you have a right to make choices.

Millie’s (9): Remember that your mum is always there for you. If your father goes away remember he is really there. Tell them foster care is OK and you will go back to your dad when he is ready.

Deirdre’s (13): Don’t get involved in it because you won’t know what happened. My brother got involved. He thought dad had said he wants custody of my brothers. I got a choice to stay either with mum or dad.

Finally Emily (33) suggested that what is important is that children ‘maintain a sense of identity’.

Suggestions for a children’s website
Finally children were told: ‘we are making a website for children and young people whose families are splitting up’. They were then asked: ‘what do you think we should put on this website to help other children/young people’ and ‘what things do you like on other websites?’

Boys’ responses

Many boys suggested games. In addition they suggested:

- happy people
- a voting poll – who do you want to live with
- information, reading
- happy family, writing letters
- Well I don’t think they’ll seek out information. Maybe forums, chat rooms, free 1800 numbers to ring.
- music (two)
- Games about getting along. Show about parents having fun with each other.
- Games which help when mum and dad split up. Advice which kids can understand. Facts about separation and divorce. Kids feelings. Chat line.

Girls’ responses

Many girls also suggested games. In addition they suggested:

- Tell the children if they’re afraid, don’t be, speak up – you have a right to make choices.
- Fun and games gives children a chance to be happy.
- Ring Kids’ Help Line if you’re worried.

- If it was like a game then that would be fun, like have options in which house (like a maze) e.g. mum’s house, aunt’s house, then choose the person. Have not safe people there so you have to get past them, use a weapon to kill the bad guy then get to a safe house.

- chat room

- Information about divorce. Things to help other children to cope.

- Ways kids could help sort out problems.

- Reasons why it happens. Reassurance that it’s not them. Reassurance that they’re still loved.

- Special boxes so you can write how you feel.


- Like dad’s computer. Dad made a game about separation and divorce (which she enjoys).

Summary of analysis of phone-in with children
The majority of the 19 children who responded to the phone-in lived in the northern suburbs of Adelaide. Nearly 80 per cent had had to move from the family home when their parents separated. Just over 63 per cent of the children said that they were given a say about where and with whom they wanted to live after their parents separated. All children said that they and young people have a right to have input into the decisions about the separation process, such as where and with whom they live or have contact. Only two children were told prior to the separation that it was going to occur. Ten were surprised by the separation and eleven said they had never been told why it occurred. The same number wanted more information to understand the reasons for the separation.

Children varied in their responses about how easy it was to talk with their parents during this time. A few openly communicated with either their mother or father, some found it difficult, while two who lived with their fathers had difficulty talking with their mothers where a history existed of the father abusing or using violence against her. A number of children stated that they would like to talk more with their fathers who were absent or who refused to talk with them.

Ten children, over half, stated that they had no good feelings about the family separation, while almost a quarter said that they felt relieved due to a cessation in conflict and/or violence perpetrated by the father against the mother. Two of these children had thought about suicide. Similarly, a quarter of child respondents said they’d been frightened due to witnessing their father being verbally or physically violent against their mother. Four children had been directly abused by their father or stepfather.

Four children said that no-one helped them or gave support during their family’s separation. The remaining children said they had limited support and did not know where to access it. Two children said their grandparents were helpful and another two said they used Kids Help Line. The majority of children stated that it is important to be able to talk with someone about their family’s separation. Almost half suggested counsellors and three children specified school counsellors.
Analysis of the phone-in with parents

Introduction
Ninety parents, 55 mothers and 35 fathers responded to the phone-in. The interviews took between one and three hours, averaging roughly two hours for each caller. A semi-structured interview schedule was used by each interviewer, who made detailed notes. These notes were then transcribed by one of the researchers, double-checked by each interviewer and then analysed with the aid of QSR’s NVivo computer software, which assisted the researchers to identify the dominant (Bazely, 2000). Before the interviews started parents were briefly told the purpose of the interview, reassured that the interview was confidential and that they would not be identified in any reports, and that the interview was voluntary and they could stop at any time. At the end of each interview callers were referred for further assistance if it was needed. Five interviewers staffed phones at the same time over a period of two days and callers kept ringing for weeks after the advertised event. Unfortunately we did not have the resources to continue to respond to calls.

Parents talking with children about separation
Answers varied among the 70 parents (51 women; 19 men) who responded to being asked ‘when and what they talked to their children about during separation’. A recurrent report was that children were ‘too young’ to speak to, with an older child more likely to receive an explanation than a younger one. Parents reported speaking with all children about the separation more as they grew older. One mother stated that her child thought ‘mum left because dad smoked’, and that now she is explaining things to her son in a more of an ‘honest and protective’ way, but that it is ‘difficult’ and a ‘big job’. One of the main reasons mothers gave for giving incomplete explanations to their children was the need to protect them. For example, one mother said: ‘I hadn’t wanted to burden them with what had happened’. Another mother stated: ‘I didn’t want to confuse them so I just said I loved them’.

When asked the same question, 5 of the 19 fathers had a different focus. They were less inclined to focus on the needs of their children and more inclined to report discussing the effects of the divorce on themselves with their children. Examples of such statements include: the ‘eldest one has a better grasp of the effect on Dad’ and ‘I was stressed out’ and needed ‘counselling for myself’. One father reported being ‘a bit nasty with them, snappy’. Three fathers reported having no contact with the children after separation and three others reported court processes either pending or ongoing.

Those mothers who spoke with the children at an early age said that they did so ‘on their level’ and ‘in ways that were age appropriate and easily understood’, answering any questions that were raised. Several mothers explained the separation as being about both parents not ‘getting on anymore’, and that ‘mummy and daddy live in different houses now’, or that mum and dad were going to live apart ‘so they could stop fighting’. One mother explained there was ‘more arguing than happiness’ and so it was a ‘healthier’ and happier option ‘for all to split’. Five mothers and three fathers spoke with their children about the separation not being the child’s fault. This often went with reassuring the child that they were still loved. Only one mother reported the experience as a ‘positive’ one, and that this was about how the separation had been explained and ‘because of the positive relationship with my ex partner’.
Twelve mothers (24% of the 70 parents who responded) spoke of violence within the relationship and the difficulties in communicating this to young children:

*I moved out when ex punched a hole in the door in front of the children.*

One mother told her children: ‘I kicked him out … because I couldn’t live with him anymore.’ She explained their response: ‘They understood because he’d started bashing them as well.’ Another mother reported talking to her children before separation ‘and all the way through’. She spoke to them about where they were going, about the court process, social workers and she reassured them that she would ‘keep them safe’.

Twenty-two parents (7 women; 15 men) reported not talking to their children about the separation. Five mothers’ reasons were that their children were too young, either newly born or less than two years of age. One mother reported leaving suddenly because of domestic violence. Another mother said: ‘I assumed that because I was happy with the decision that they would be too,’ but it was ‘not enough in hindsight … my seven-year-old daughter said, “I didn’t have a choice” in an angry voice’.

Comments by fathers as to why they did not talk with their children during separation included: not having ‘anything nice to say’ to them, the child ‘didn’t seem interested’, and ‘they weren’t mature enough at the time and they’ve never asked since’. This confirmed the general report by parents about age being an indicator for whether or not to talk with children about the separation. One father’s statement reiterates this sentiment: ‘People told me not to get them involved because they were so young’.

**Parents and the effect of separation on children**

Eighty-nine parents (55 women; 34 men) talked about the effects of separation on their children. Four mothers and one father reported that their children were either not affected by the separation of their parents or that they were happy about it. However, the vast majority (77%) gave details about the negative impact they perceived separation has had on their children. Many parents stated that their children were ‘angry’ and ‘anxious’. There were also reports that children wet their beds or their pants, or that they did not understand what was happening. They were ‘traumatised’, ‘distressed’, ‘unsettled’, ‘devastated’, ‘teary’, ‘frustrated’, had ‘nightmares’, were ‘clingy’, ‘quiet’, behaved ‘badly’ at school, showed signs of ‘stress’ and were ‘hurt’. As one mother summarised, her children were affected ‘deeply and forever’.

Another consistent theme amongst parents’ reports was that the age of their children influenced the impact of separation on them; they perceived that their older children were more likely to be adversely affected. Twenty mothers and one father reported that the effects of separation were more apparent in their oldest children. The ages of the older children ranged from between one and a half to 26 years, with the average age being 10. There were 11 boys and 10 girls in this group. The older child was more likely to be ‘angry’ and withdrawn. Mothers reported that their eldest sons were ‘really sad’, ‘wanted father around’, ‘responded violently’, felt ‘rejected’ by father, ‘cut off … withdrew’. They reported that the girls experienced ‘guilt’, were ‘more tentative’ around the father, struggled with the choice of which parent to stay with or, as one mother said, she ‘hides’ when dad comes to pick her up. One father stated that his four-year-old daughter ‘couldn’t understand why she couldn’t stay longer at his place’, and that the ‘fighting affected her behaviour’ so that she ‘went into her shell’. One mother said it was the ‘knowledge of what was going on’ that affected her five-year-old daughter more than the girl’s younger siblings aged three years, two years and 10 months. Another mother reported that her older son (12 years) ‘still struggles
to cope’, while the younger son (11) is ‘more pragmatic’ stating ‘that’s the way it is’. Her boys were two and one at the time of separation. In general all parents reported their younger children were less affected.

Only two parents, one mother and one father, reported that their younger children had exhibited more negative responses to the separation than the older ones. A seven-year-old girl was deemed to be ‘clingy and needy’ by her mother, whereas her nine-year-old sister was reported to have become ‘more independent, confident and social’. One father told how his 18-year-old daughter was ‘distressed but didn’t let on’, more so than her older sisters, aged 23 and 20.

Twelve mothers spoke of the father being absent from the child’s life after separation and how this impacted on the children. Two of them said that this made little difference to the children’s lives as the father had been absent ‘most of the time before separation’. Four mothers spoke about fathers cancelling arrangements, having less contact time with children, about fathers’ ‘disinterest’; one described how ‘one minute he wants to play dad and the next he doesn’t’. Two mothers spoke of their sons wanting a ‘father’ but not their actual fathers: ‘My 10-year-old son misses having a dad but not necessarily him’; ‘My son wanted a father around but not that daddy’. In the latter instance the mother reported that the father had abused both children.

Two mothers and three fathers reported that their children wanted two parents or that they wanted their parents to ‘get back together’. One mother and one father spoke about the children being abused after the separation by the father and stepfather respectively.

**Children having to move after separation**

Thirty-eight parents spoke about the number of times their children had moved since their separation. On average children had moved three times (2.95).

Sixty-nine parents reported on whether their children lived in the same house post-separation. Forty-five said that their children remained in the ‘family home’ (25 women; 20 men) and 25 parents reported that their children did not continue to live in the ‘family home’ (15 women; nine men). When asked whether the children had to move school/child care/kindergarten or playgroup after the separation, 47 parents reported that their children did not have to do this (30 mothers; 17 fathers), while 29 (17 mothers; 12 fathers) reported that their children did have to move from one of these facilities. On average children had to change from one of these places twice (1.95) after separation.

**Legal advice for parenting arrangements**

Twenty-one mothers and six fathers stated that they had sought legal advice over parenting arrangements, while 14 mothers and 10 fathers said that they did not. Of the responses about why parents did not seek legal advice, six mothers reported that it was not necessary, either they ‘didn’t need to’ or ‘we did it ourselves’. Five parents (three women; two men) expressed their dissatisfaction with the legal system or lawyers as their reason for not seeking legal advice. Explanations ranged from ‘I had a lawyer but he didn’t know what he was doing at all’, ‘I wanted to keep it away from lawyers’, they are a ‘negative force in general’ to ‘nothing they could do about it’, ‘I’ve seen enough bad examples’ and from one mother: ‘I believe strongly never go to court. Friends have gone through it … you lose your dignity, your money’.
Conflict between parents around children
When asked what things might cause or have caused conflict between the caller and their ex-partner, the parent was given eleven categories to choose from: residence issues, visitation/contact/access issues, conflict over children’s belongings, school-related issues/weekend sport/after hours activities, conflict around children’s friends, other family members, court/law issues, control issues, child support issues, financial issues, and a final category was ‘other’.

Forty-one parents (26 women; 15 men), reported conflict around residence issues. Eight mothers reported that both they and the fathers wanted ‘custody’ and conflict was experienced in ways that ranged from ‘threats’ to ‘extremely high conflict over many years’. Five fathers wanted joint residence, which had been or was being contested and two fathers wanted sole residence, which was also causing conflict. One father said that he was ‘extremely hostile about his children living with a convicted sex offender and murderer who was released early’ (referring to his ex’s new partner). In general there was conflict over where and with whom the children would live.

Thirty-three parents (20 women; 13 men) spoke about conflict arising from visitation/contact/access issues. Seven mothers reported experiencing higher-level conflict, ranging from ‘threats and abuse’, hostility and financial abuse to ‘extremely high conflict’ and being ‘scared about violence’. Four mothers reported conflict arising from children not wanting to see their father and father considering this to be the mother’s influence. Two mothers reported sporadic contact with their children by fathers who wanted to see their sons and daughters separately. Two other mothers wanted their children to have contact with their fathers but reported that the men did not reciprocate. The fathers who called primarily reported wanting more access. One father explained that he ‘had access but lost it; I ran out of money and couldn’t get Legal Aid because of my financial situation’. Eight of the fathers reported conflict arising from the mother changing contact times or denying contact.

Twenty-seven parents (20 women; 7 men) spoke to the question about conflict over issues relating to school, weekend sport or after hour activities. Ten mothers and seven men identified school-related issues as a reason for conflict. Issues raised by four mothers ranged from reports that the father did not want to participate in the schooling side of the child’s life to one mother being ‘upset’ because a restraining order restricted her from attending school functions. Another reported that the father of her children broke his restraining order when he ‘walked into the classroom’. Five fathers reported wanting to have a say in school matters but being restricted by their ex-partner. One father referred to court orders stating that he ‘was supposed to be involved in schooling but none of it has ever
happened’. He approached the school staff who then agreed to send him the school reports. Other issues included the choice of school for children and the payment of school fees.

Similarly, children’s sport was another factor contributing to conflict for six mothers and two fathers. Two mothers reported fathers not taking their children to sport that the children had been playing prior to separation. One other predicted this would become an issue. Two mothers were restricted from watching their children play sport because they either were not ‘supposed to be there’ or were ‘removed by notice … after attending for seven years’. Two fathers spoke about conflict arising when they either had to look after a child during sport or drive a child to sport when it was their mother’s contact time.

Sixteen parents (11 women; 5 men) reported conflict over issues to do with their children’s friends. Two mothers stated that the father of their children ‘wouldn’t have a clue who the children’s friends were’. Another two mothers said that their children wanted to attend either a birthday party or a concert, but that the fathers wouldn’t allow it. One mother stated ‘none of us had friends … everything was so weird’. Another mother spoke of her concerns about the negative influence of the ‘macho’ friends of her ex-partner on her daughter:

[The child’s] father hangs around with macho South American friends, very traditional men. I don’t want my daughter to feel she’s a sexual object. When a woman comes on TV the men make comments, derogatory.

Five fathers reported that their children’s friends did not go to their mother’s house. Two of the reasons given were the mother’s house was too far away and in one instance the father reported that:

He [the son] had some of his school friends over and one was attacked by the stepfather and he ran away. None of the parents would let the children visit my daughter because of [the stepfather].

Thirty-eight parents (26 women; 12 men) spoke about conflict arising from issues to do with other family members. Twenty-five parents (67%) reported conflict involving grandparents. Two mothers reported that their own parents ‘sided with’ their ex-partners. Nine parents (four women; five men) reported that their children no longer had contact with their grandparents. Three of those nine reported that the paternal grandparents abused the children, ranging from placing the daughter in an unsafe environment with a dog that has previously bitten the girl, to ‘verbal attacks’ and physical violence: ‘My son came home saying grandpa had hit him and was really shocked … because dad had watched it’.

Forty-three parents (25 women; 18 men) spoke about conflict that resulted from court or legal issues. Four mothers reported ‘drawn out’ Family Court proceedings and one mother spoke similarly about problems with the legal aid process. There were reports of ‘lawyers … telling us different stories’, being ‘terrified’ about the court, thinking ‘he was going to kill me when I would go to court’, ‘constant ongoing conflict’ and the ex-partner ringing one mother’s lawyer ‘saying he would shoot me’. Six fathers reported negatively on the court process, claiming biases in favour of mothers. Typical responses were: ‘Men don’t have any rights’; ‘The Family Court seemed to think mums were better’; ‘Courts are biased against males’ and ‘the proceedings all weighed against me’.

Forty-nine parents (35 women; 14 men) spoke about control being an issue between them and their ex-partners around the children. There were gender differences in how males and females talked about control. Just over 71%
(25) of mothers reported their ex-partners using control against them. Three mothers reported their male ex-partners as being ‘control freaks’, while nine mothers spoke about ‘violence’ perpetrated against them. Mothers who reported violence spoke about their ex-partner being a ‘bully and abusive’, committing ‘child abuse’, threatening ‘to shoot us when we were hiding in the house’, and using ‘sexual abuse’. Men were more likely to report their female ex-partner as having control over the children, which in turn either affected their relationship with their father or was said to change the children’s behaviour in some way that was deemed to be negative by the caller.

Forty-five parents (32 women; 13 men) reported conflict arising between themselves and their ex-partners over child support issues and again there were clear gender differences. Thirteen mothers stated that the fathers of their children refused to pay ‘maintenance’. Another seven mothers claimed that fathers were not paying enough: ‘$30 a week’, ‘$21 a month’ and ‘$30 a month’. Alternatively, 9 of the 13 fathers considered they were paying too much child support and gave examples of the negative impact they perceived this had on their lives. One father said ‘They are rich; I’m broke’. Another stated ‘she’s ripped me off’. Two fathers spoke about not being about to ‘get ahead’ and another reported thinking ‘about suicide when they talk about maintenance’.

Forty-five parents (29 women; 16 men) spoke about financial conflicts between themselves and their ex-partner around their children. The major single issue of financial conflict identified by 20 callers (12 women; 7 men) was property settlement. Other issues raised by mothers ranged from ‘debts caused by alcoholism’ to conflict over trying to receive payments for school or medical fees, clothes or toys. Fathers spoke about having to pay extra on top of child support payments, such as ‘orthodontics for son’, and another father stated ‘my daughter needed braces on her teeth, her mum didn’t want her to so I paid’. Three fathers spoke of either being on the ‘dole’, quitting a job or taking on a second job within a context of experiencing difficulty in paying child support.

Sixty parents (42 women; 18 men) gave explanations of other forms of conflict they’d experienced with ex-partners around their children. The major single source of ‘conflict’ identified by mothers (15) would be more accurately described as violence or abuse. Three mothers stated that fathers had kidnapped their children and had withheld them for between one day and one year. One mother described her abusive ex-partner as a ‘psychopath’. Five mothers described abusive ways that fathers treated their children from using them ‘as pawns’, making ‘threats’, verbally ‘assaulting’ them to ‘kicking his daughter’ and sexual abuse of a child by the father’s friend. On the other hand, the primary issues identified by fathers were around ‘maintenance’ payments (three), and conflict arising from their ex-partner having a new partner (three), or in one instance the male caller having a new partner that ‘she [his ex-partner] has a problem with’. General issues raised by both fathers and mothers were avoidance of issues and not communicating, children’s health and living arrangements for children (three).

**What helped parents deal with their separation**

When asked what sort of things helped them to deal with the separation, 26 (51%) of the 51 mothers who responded to this question cited assistance from service providers, mainly counselling (18), which included seeing a psychologist (two) and social worker (one). Agencies and services specifically mentioned by mothers included, SPARK, Life Line, Community Housing, Parenting Helpline, Southern Women’s Community Health Centre, Women’s Legal Service, women’s shelters (two) and the police (two). The second highest sources of help for mothers experiencing separation were friends and family (15) and self-development activities (15), which ranged from meditating (two), ‘self-belief’ and drawing on what they deemed positive thoughts such as ‘I am a mum’, ‘I
am a good mum’ (four), to commencing or recommencing studies (four), getting full-time employment or entering into employment (two), self-help programs and walking (two). Five mothers directly spoke about their children helping during this time, whether it be ‘having the kids around all the time’, having ‘quality time with the children’ or knowing ‘that the children understood what’s happening’. One mother explained that seeing her daughter happy was enough, while another mother simply stated, ‘My kids kept me alive’. Three mothers also said that the church assisted them at this time.

Responses by fathers differed greatly from those of mothers. While the majority response by mothers was to engage in counselling, only two fathers reported counselling as being helpful. Of the 34 fathers who answered this question the single statement most often made was that some form of alcohol consumption helped (eight). Fathers reported ‘hitting the bottle’, being with ‘mates’ who would come around ‘with a carton of beer and relax’. Others ‘started drinking to numb pain’ or simply stated ‘getting drunk’ helped. One man bluntly reported that he ‘turned to alcohol and wanted to beat the crap out of her’, but that his ‘friends in the pub take my mind off it’. Another seven fathers stated that ‘nothing’ helped. However, 13 fathers also reported positive measures that helped them when they were separating. These varied and included painting, emailing, ‘keeping busy’, walking, ‘meeting new people’, physical exercise, sport, ‘having time with children’, ‘being positive and being realistic’ and talking (five).

What would have helped parents deal with their separation
Eighty-four parents (54 mothers; 30 fathers) responded to the question about what would have helped them to cope with the separation. The most common single response from 18 parents (21%) had to do with their children. However, there was a difference between the 12 answers by mothers and the six by fathers. Mothers spoke about wanting more support services for their children (six), needing more education about the needs of children (three) or having more avenues of child care (two). Five of the six fathers who spoke about children in this question did so in relation to their access to children. The other father said that a ‘nanny’ would have helped.

Outside of comments about children, thirteen parents (nine women; three men), or 15% of respondents, stated various forms of legal help would have made a difference. Four mothers made mention of being unable to access lawyers because of finances, another wanted ‘more caring from the lawyers, more compassion and understanding’. Two mothers stated that ‘better legal advice’ would have helped. One mother stated the opposite and that the ‘absence of lawyers’ would have helped. The three fathers differed on how a changed legal context would have helped their experiences of separation. One father wanted the ‘legal stuff explained’. Another stated that an ‘impartial lawyer’ would have helped, while the third thought that legal aid could have assisted.

A less-reported theme was the court process, which was mentioned by eight parents (four women; four men). One mother talked about the need for more support within the system for children. Another spoke about the lack of ‘fairness’ in the Family Court, stating that both parents should ‘have a lawyer or no-one have a lawyer’. One mother stated that there should be recognition of ‘fault in marriage’ within the court and another stated that there was ‘not enough information’ upon entering into the Family Court. The fathers spoke about getting ‘a fair deal’ in the Family Court, wanting ‘a little bit of justice in the legal system’, having ‘understanding from the courts’ and that the ‘court takes over’ and there needs to be ‘understanding that men are the forgotten parent’.

Eight mothers and one father stated that changes in their financial situations would have helped them during separation. Three mothers spoke of additional finances being able to help with supporting their children. Two
stated it would have helped in the legal process. Another said it was ‘hard to leave without money’. The father said that financial advice would have been helpful, particularly around child support payments.

**How children coped with the separation**

Sixty-eight parents (34 women; 34 men) answered the question about how they thought their children coped with the separation. Interestingly, there were more positive answers to this question than to the question about how the separation affected the children. Twenty-nine parents (43%), 16 mothers and 13 fathers, said that their children had coped well. Answers included: ‘the separation was a positive experience’; ‘the children are well balanced, all things considered’, ‘I am proud of them, they coped amazingly’ or simply ‘good, settled, feels secure’. One mother stated, ‘I think I helped her cope really well’, while another said her son had coped well ‘because I’ve sacrificed for him to cope well’. Similarly, 13 fathers said that their children had coped ‘good, very good’, ‘well’ or ‘pretty well’. One father said that his children had ‘coped better than I have’.

Having said this, almost as many parents (27), 40% of the respondents, reported that their children had not coped well. Nine of these reported their children experiencing anger. Other comments ranged from separation being ‘very difficult’, to children having ‘nightmares’, ‘threatening suicide’, experiencing ‘depression’, to being ‘distressed’ and ‘traumatised’. One mother said her children ‘haven’t coped well at all. The separation had a profound effect on them and they will be affected for the rest of their life.’

**Why children didn’t receive help or support during separation**

Thirty-seven parents (20 women; 17 men) responded to a question about why their children did not get help or support during the separation. Eight parents gave the age of the child as a reason. Five mothers and one father stated that their children were too young. Two fathers said their children were older and independent.

Four mothers said that they would have liked counselling for their children. Two said they either had to ‘wait for weeks’ or there ‘was just no services’ available. Two mothers said the children’s father ‘wouldn’t cooperate’ with emotional support for the children. One other said she was organising counselling for her child.

Five fathers mentioned the child’s mother as reason. Three fathers made blaming comments about the mothers or their new partners, ranging, from his ex-partner ‘won’t let him’ and ‘the ex didn’t worry about it’ to the children did not get help because they were ‘just under the control of their mother’. Two fathers stated that their children were in the care of their mothers who took responsibility for the children.

**Consulting children about decisions that would affect them**

Twenty-eight parents (21 women; 7 men) responded to the question about whether their children were directly consulted about decisions that would affect them during separation. The majority of respondents, 39% (10 women; one man), stated that their children were consulted over residence and/or contact issues. Five parents gave reasons why their children were not consulted, ranging from ‘the kids were confused and in denial’, ‘I didn’t want them to choose one over the other’, ‘I try and talk to them, but otherwise they just get told’ to ‘they were informed’. One father simply stated: ‘They wanted me to disappear.’

Two mothers spoke of violence perpetrated by the father and their only concern being the safety of the children. One mother and one father said that a psychologist was the person to talk with the child about decisions affecting them. Another mother and one father said that the Family Court did this.
Fifty-five parents (33 women; 25 men) responded to being asked about the reasons for not directly consulting their children in decisions that would affect them. Almost half of the respondents (22) answered that their children were too young. Another seven said that did not include the children. Mothers’ responses ranged from ‘their decision would not affect the outcome’ to simply ‘we made the decisions’. One mother said ‘I was escaping. It was about me! Enough was enough. It just happened and was spontaneous’. Three mothers talked about violence preventing them from consulting the children.

Fathers’ responses included ‘they weren’t asked’ and ‘I believe it’s my role as a parent to make the decisions’. Eight (32%) of the fathers made comments relating to the role of the mother. Answers ranged from ‘my ex-partner won’t let them’ and ‘they weren’t given choices; they were bribed’ to ‘they were under full control of mother’ and ‘because my wife knows if my son and I spoke he would want us to get back together’.

Two fathers spoke of themselves and the children’s mothers making the decisions jointly for the children.

**Children getting enough help to cope with the separation**

Eighty-six parents (51 women; 35 men) responded to a question about whether they thought their children had enough help to cope with the separation. The majority of parents (50 or 58%) answered ‘no’ to this question; their children did not get enough support. Nine parents (11%) stated that they did not know whether their children had enough help to cope with the separation. Only twenty-seven parents (32%) stated that their children did get the help they required.

Among the reasons for answering ‘yes’ to this question, mothers (three) stated that counselling had helped their children and two of these specified the Child and Adolescent Mental Health Service (CAMHS) counselling service. Two mothers said that they would get help if their children required it. Other answers from mothers ranged from grandparents, family and friends helping, to being ‘very grateful to the ex for his good temperedness’. Three mothers said that their children were too young when the separation took place and were unable to verbalise their feelings about the experience. One mother said ‘It’s only what the mother can do. We went through a lot together, complete devastation. At night no-one was there to help me with the kids. They’ve cried with me and gone through my anguish.’

Of the nine fathers who answered ‘yes’ to this question, four of them gave explanations that included the children speaking with school counsellors and speaking with their own friends. One father said that he ‘lived close by’ and that this helped. Another said he could ‘spend a long time with them’, which also helped the children to cope.

Of the 29 mothers and 21 fathers who answered ‘no’, they do not think their children had enough help to cope with the separation, all but three offered explanations for this, including one mother’s comment, which seemingly indicated that her children needed a lot of assistance to cope: ‘How long is a piece of string?’

A general theme amongst the ‘no’ answers to this question was that there were insufficient services available for their children (six, 20%). One mother explained that because she lived rurally there was no professional support for her child. Other parents stated systemic reasons for the lack of support to their children. These ranged from schools ‘doing the wrong thing’, to ‘Relationships Australia and FAYS [Family and Youth Services]’ needing to ‘take children more seriously’. Failures in the Family Court were mentioned four times. One mother stated:
The Family Court sends them to assessment, they meet someone and talk about how they’re feeling, or what their wishes are but they’re never sent on to follow up if they’re not dealing with staff, or if they need to talk more to someone.

Another mother said ‘as the child grows they need to have more input into court decisions’. Still another stated that ‘you’re trying to deal with everything and don’t know where to get help’. She continued by saying that there was no advice on procedure within the court system and that there ‘should be court counsellors’.

Three mothers talked about having to deal with their own experiences of the separation. One mother said ‘I was like in a bunker coping with my own feelings’. Another said ‘me having more help would have helped me to help them more. Single parents have to do everything.’ When referring to her daughter, another mother who had lived with domestic violence stated: ‘I was preoccupied with safety and didn’t have the space in my head to offer her opportunities to talk to someone.’

Three of the men said that their children did not need assistance, that they did not ‘seem to have any hang ups’, that ‘they took it in their stride’ and that ‘they’re alright’. Five of the 20 fathers (25%) who gave explanations for their answer of ‘no’ to this question blamed their ex-partner for not being responsible in some way for their children receiving enough help to cope with the separation. Answers ranged from a son being ‘brainwashed into thinking’ his father was ‘the bad guy’, to another son being ‘coerced and manipulated and probably taught by his mother to not like me’ to children being ‘poisoned by the ex’ or ‘they say whatever the wife wants’.

What children need most during separation
Almost all parents (54 women; 33 men) responded to the question about what they thought children needed most during separation. Five women and two men talked about providing stability for children, and 10 women and two men said that children needed to be safe.

The most repeated theme (24 responses) throughout answers to this question was that children needed to be ‘loved’ or shown ‘love’. This was the primary response given by twenty mothers (37%), who said that children needed ‘lots of love’, ‘to be loved’ or ‘to know both parents love them’. Four fathers (12%) also mentioned love as something that children need during separation. However, more than this, a theme among fathers was that children required two parents in their life. Ten fathers’ comments (30%) ranged from children need ‘shared care’, ‘two parents’ and ‘access to both parents’ to ‘children need both parents’ and they ‘need 50/50 access to both parents’. In contrast to this only three mothers spoke about children needing both parents. One stated that children needed ‘contact with both parents’, while the other two mothers made comments about both parents showing the children that they were still loved.

The next most dominant theme that ran throughout parents’ responses to the question about their children’s needs was that children needed to be listened to. Sixteen parents (18%), 13 women and 3 men, made comments about children that included ‘listening to their feelings’, having ‘someone to listen to them’ and to ‘listen if they want to talk’. Twelve parents (seven women; five men) stated that counselling was what children needed during separation. Finally, 10 parents (six women; four men) said that children needed a ‘neutral’ person, an unbiased relative or other adult during separation.
What parents need most during separation
Again, the majority of parents chose to answer this question (51 women; 32 men). The single most recorded response by parents was the need for support. Almost half (41), 49% of adult respondents (28 women; 13 men), mentioned needing support outside of named service provision. Eight answers specifically referred to support from family and/or friends. Five of the 28 mothers who reported requiring support did so in connection with domestic violence. Their comments included wanting an ‘understanding of domestic violence’, ‘support groups’, wanting to be ‘believed’, to get ‘financial support’ and to be able to access ‘lots of good information and support from a domestic violence perspective’. Two other mothers stated that their own safety and the safety of their children were important.

Twenty-three parents (17 women; 6 men) spoke of support in caring for their children as being what parents most needed during separation. Answers included wanting ‘better CAFHS services’ and ‘good child care’, as well as ‘cheap babysitting’, ‘information about the ways kids will react’, and ‘how to talk with children and what to talk with them about when there is domestic violence’. One mother said that ‘childcare facilities needed to be available at Centrelink during interviews’. One father said parents need ‘to realise that they don’t own their children. It’s not about ownership.’

Professionals’ understanding of the needs of the children
When asked about whether they thought teachers, lawyers, judges and health professionals understand the needs of children whose parents have separated, 51 parents (37 women; 14 men) chose ‘yes’ and elected to give examples of this. However, 28 (55%) of the responses were either partly or entirely statements about how professionals did not understand children’s needs. Of these 28, 18 responses (64%) referred to the legal or court system as being inadequate. The following is a range of response from both mothers and fathers:

The Family Court don’t listen to children’s needs.
Courts are not proactive enough.
In the court system the child’s best interest is a fake. The court is so set in its ways it becomes biased to one group.
Usually kids are to be ‘seen and not heard’ with regard the legal system.
The judges I’ve seen have no understanding of child psychology; they cut up the kid in half.
My husband broke court rules 23 times and the judge sides with fathers.
Judges and lawyers have no idea, no consistency; they’re arbitrary and don’t have a concept of the context of needs for kids in rural areas.
Judges and lawyers are not compassionate.
No to judges and it depends on the lawyer, but most care about money in their pockets.
Lawyers and judges couldn’t care less; they’re only interested in their pockets.
Lawyers have financial interest only and it’s in their interest to fight.
Lawyers are only listening for stuff that they need to write for an affidavit. They don’t take on board the emotions. It’s a file, you’re a number, and you’re paying.
Legal people don’t really care about children.

Lawyers need to be more understanding about issues e.g. breastfeeding.

Lawyers need a broader idea about children’s ages and developmental abilities to mirror the outcomes of the arrangements.

Lawyers are frustrated with the system.

The law has no heart.

One parent summed up the above answers with the following response:

Very few lawyers and judges have any real understanding. They are trained to focus on the legalities but not the emotions. There’s an absolute old boys’ club at the Family Court and I think it’s atrocious that so many of them are becoming wealthy through other people’s distress.

Aside from legal professionals and the court system not supporting children, five parents named teachers and schools as not helping. However, there were also 13 responses that referred to teachers and schools as being supportive and understanding. Of the remaining positive reports, parents named general practitioners (three) as understanding children’s needs, as well as social workers (three), specifically at the Noarlunga Health Village (one), and two parents stated that their lawyers understood children’s needs while one mother said her judge did.

What professionals could do differently for children

If parents responded that they did not think teachers, service providers, health professionals and the lawyers and judges understood children’s needs around separation, they were asked what these people might do differently with regard to children experiencing family break-up. Fifty-five parents (33 women; 22 men) spoke to this question with varying responses. In general parents, mainly mothers, reported a need for a greater child focus by professionals during the separation of their parents (18 women; 4 men). This ranged from ‘listening to children’ to ‘understanding the effects on children’, to providing services that included the child. Seven of the mothers referred to teachers or schools needing to understand the child’s experiences during separation, including that they may be ‘disruptive’ and that there might be ‘emotional stuff’. Teachers need to watch a child’s behaviour more during this time and to refer children on ‘to support groups’.

The primary focus of fathers’ responses revolved around the law and legal system. One father stated: ‘Lawyers don’t care about the children and judges don’t care. The woman gets everything.’ Another father claimed that lawyers ‘act like they are in it for the money’ and that ‘court processes need to speed up’. Another stated: ‘Legal aid lawyers are just vultures, a disgrace to the human race’. This man went on to say: ‘The Family Court is a joke; a farcical disgrace. Family Court judges have no knowledge of childhood issues.’

These statements followed on from those previously made about the inadequacies of the legal system and in this question they were also not solely responses from fathers. Two mothers also gave clear accounts of how the legal system failed to understand or respond to children’s needs during separation:

Lawyers are appalling. They lack communication skills; they often haven’t even read the case.

The Family Court pretends to be interested in the rights and interests of the children but they’re all too concerned with what the parents are entitled to. As to lawyers, I found the Family Court
the most horrendous experience of my life. Knowing some stranger would tell me what to do with my children. Lawyers don’t understand.

Parents’ reports of child abuse
Twenty-six parents (15 women; 11 men) stated that their children had experienced direct abuse. Five mothers reported that their children experienced sexual abuse and two fathers stated that their ex-partners had accused them of sexual abuse against their children. Allegations of abuse ranged from the father having sex with his new partner in front of his daughter to sexual abuse by two fathers of their daughters aged three and 12 respectively, a seven-year-old son abused by his stepfather, and a nine-year-old daughter by her paternal grandfather, who ‘touched her vagina and pinched her nipples saying “what have we got here?”’. The more common form of direct abuse of children involved physical abuse, reported by eleven parents (eight women; three men). Three mothers spoke of fathers ‘grabbing my daughter by the ankles and dragging her’, ‘hitting my 18-month-old over the back of the head’ and swinging a 7-month-old son around. Another mother reported how her son who had become ‘very quiet’ started crying and told her that whenever she went out ‘their father hit them and sent them to their rooms and they had to stay there’. Another mother relayed a disturbing account of how the children’s father ‘would beat them and threaten to get my two daughters to lie on railway tracks while a train ran over them. He hurt their pets. He had a shotgun. He would sit in the bath with the boys and turn the hot tap on and say that the first one to get out was a homosexual.’

Three mothers also reported verbal abuse of children, and two of these also included emotional abuse.

Three of the four reports from fathers were of physical abuse of children by males. One was a father admitting to abusive behaviour but at the same time minimising it: ‘I didn’t push her [his daughter] that hard. I just found that soft spot in the wall and she went through it’. Another said he was receiving ‘anger management’ and had ‘changed’. Two others alleged that the stepfathers of their children were physically abusing their children. One gave no details, other than to say ‘physical abuse’.

Thirty-four parents (29 women; 5 men) stated that their children had witnessed abuse. Twenty mothers and one father reported incidents and/or ongoing physical violence witnessed by their children. Four mothers reported violence that involved weapons, which included ‘knives’, a ‘baseball bat’, a ‘gun’ and in one case a ‘rifle’. Physically violent behaviours toward women included ‘being pushed’, ‘held down on the bed’, being ‘beat up’ and receiving a broken collarbone, being ‘smacked into walls’, ‘strangled’, and ‘bleeding’, all of which were witnessed by children. Two of the four fathers who answered this question spoke about their own use of violence. One father said ‘I attacked her once’. The other answered ‘never’ to this question but added ‘I hit her new husband’.

There were seven reports of children witnessing extreme verbal abuse, six of the mother being abused by the father and one of the father being abused by the mother.

Fifty-one parents (33 women; 18 men) reported that their children had witnessed high levels of conflict. Their descriptions of conflict ranged from ‘raised voices’, ‘arguments’, ‘yelling and screaming’ to ‘threats’, ‘road rage’, ‘verbal assaults’, and ‘put downs’.

Children disclosing abuse
Thirty-one parents (24 women; 7 men) responded to the question about whether their children had spoken to someone about the abuse they had experienced. Among the people children spoke with were counsellors, as
reported by 8 of the 24 mothers, and in four instances specifically with CAMHS counsellors, whom one mother described as the ‘good’. Mothers next reported themselves (four) and the children’s maternal grandmother (four) as the persons their children most often confided in. Children also spoke with friends (two) and other family members (six), including aunts (two), an uncle and a godfather. Four fathers reported that their children spoke either to a doctor, their friends, CAHMS, and in one instance a father said his daughter spoke to him and a kindergarten teacher. One father said ‘the ex is organising that’, and another gave details about when he ‘stopped hitting my oldest’.

Another thirty parents (20 women; 10 men) stated that their children did not speak to anyone about the abuse, while nine said they were ‘not sure’ or ‘don’t know’ (four women; five men). Of the parents who answered this question, three mothers and one father stated ‘no’, their children had not spoken to anyone about the abuse they had experienced, but continued to say that their children had talked to them about it. Six mothers commented on the children’s reluctance to speak about abuse:

They didn’t want to.
My son is a private boy and too young to understand.
They’re a bit like me; they don’t talk about that.
My son doesn’t really talk much.
They’re partly ashamed and they fear it would bring it all up.
It has to stay in the family; you don’t talk about these things outside.

Other comments were about the children’s fear of speaking out about abuse:

Too scared to. There’s no-one there to listen to my daughter now. The CAMHS lady my daughter really liked isn’t there anymore. CAMHS offered phone conversations with me but not my daughter.

My daughter was afraid that her dad would find out and say that she was making it up.

Fathers’ comments about their children’s need to talk about abuse included ‘she didn’t understand what was happening’, ‘she probably internalised it’, ‘they didn’t need to’ and three fathers said their children were too young.

Restraining orders
Thirty parents (20 women; 10 men) answered questions pertaining to restraining orders. In 28 of the 30 responses restraining orders were taken out by women against their male ex-partners. One father reported that both he and his ex-partner took out orders on each other. Another father reported that his ex-girlfriend took out a restraining order on his ‘ex-wife’. Parents stated that restraining orders were taken out at various times after separation, ranging from ‘immediately’ to four years later.

Nine men reported that their ex-partners took out restraining orders against them for reasons that included ‘verbal abuse’. Other men stated: ‘I took the children to Adelaide’; ‘The police took my bloody guns away and my gun licence’ and ‘I waited at the bus stop to see my children’.

Nine of the twenty women reported that the restraining orders were no longer current. Seven women offered reasons for why the order was no longer in existence. One woman said that ‘a restraining order actually caused the abuse to escalate’. Another woman stated that ‘you can’t have a federal and local restraining order. Now I only have the federal one but the local one worked’. Five women stated that the restraining orders had expired. One ‘ran out a few years ago’, one ‘had a sunset clause on it … lapsed after 12 months’, another was ‘only for a year’, and one woman stated it had ‘expired but I’ve gone to court to extend it and am covered in the meantime’.

Three men said they did not know if the restraining order was still current, while four others stated that it was no longer in existence. Reasons ranged from: ‘she took it off’, ‘she agreed for my son to live with me’, to the couple got back together.

Parents’ experiences of partner violence and abuse
Forty-three parents (27 women; 16 men) claimed that they had in a general sense been frightened of their ex-partner. Some of the reasons given by women for being frightened of their ex-partners were: ‘he was intimidating’, ‘he had a foul temper’, ‘I don’t like getting hurt, strangled or pushed over’, and ‘I was scared I was going to die when I was knifed in the stomach and when he attempted to cut off my fingers’. One woman said she ‘feared for life and safety and welfare of the kids’. Two others stated, ‘I don’t sleep at night’ and ‘I still live in fear’.

Five fathers spoke about a different kind of fear, namely fear of their ex-partner’s behaviour with the children. Reasons given included: ‘My daughter wasn’t wearing a seat-belt and I was frightened for my daughter’s life’; ‘my ex manipulates the kids to get what she wants’; ‘I’m frightened of what she’ll do with the kids’ and ‘I’m scared of her potential to do something, not physically but that she’d cut me off from my children’, and ‘a bit, to do with my daughter’. The last three reasons were about contact issues around children and the final answer was given by a father who had a restraining order still current against him by his ex-partner.

Parents were asked to identify various types of violence and abuse they had experienced from emotional abuse, financial abuse, physical abuse, sexual abuse, social abuse, verbal abuse, pet abuse and other, and wherever they could to give brief examples.

Thirty-eight mothers and eight fathers stated that they were victims of emotional abuse by their ex-partners. Sixteen mothers gave examples of controlling behaviours and intimidation, silence and threats were common: ‘he just up and left one time leaving me with nothing for three days and I wasn’t allowed to ask any questions’; ‘he would switch the lights off, lock all the doors and ask me “what have you done wrong?”’; ‘he was always hiding stuff from me’. Four women talked about the use of silence and ignoring her as being abusive, one stating: ‘he would not talk or would ignore me, so that I never knew if what I was doing was okay’. Another mother also said, ‘it was the silence, emotional abuse can be very powerful – it felt as if he would hit me’. Other examples given by women of emotional and social abuse included ‘threatening suicide’, ‘telling lies about me’, ‘humiliating me in front of my friends’ and ‘threatening me with violence’.

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Eleven men also answered this question and nine of them gave reasons, with three of these stating that their ex-partners would ‘withdraw’ and ‘not talk’. One father said that it was him who used emotional abuse by ignoring and withdrawing. Other examples of female abuse included ‘withholding sex from me’, ‘I was scared of what she could do to the children’ and ‘she wouldn’t cooperate’.

When asked about financial abuse, 31 women and 9 men said they had experienced it, with 17 mothers and 7 fathers giving examples. Six women spoke of their ex-partners withholding money from them. One woman said she had ‘ridiculously small amounts of money to live on’, while other examples included: ‘he didn’t give me any money’; ‘he was earning the money but he wasn’t giving me any’, and ‘he had smokes, pasties and cokes but we had to use newspaper for the toilet’. Another mother said:

> I always had to work even when I was pregnant because if I didn’t work my kids didn’t eat and this was sometimes when the kids were one week old. He was working but he wouldn’t give me money. If I asked, he said I was a prostitute.

The men’s responses around financial abuse were more to do with their ex-partner’s taking money from them in various ways: ‘she spent all the money on pokies’; ‘it was mild but she had a big spending habit with the credit cards and that put pressure on me’; ‘she would spend all the money in the bank accounts without consulting me’; and ‘she stole money from the joint accounts’.

Thirty-five women and 12 men reported that they had experienced physical abuse by their ex-partners. Women reported being ‘locked up’, ‘pulled out of the car by my hair’ and ‘he held me down’. One mother said, ‘He broke my collar bone, my jaw, gave me blood noses, black eyes and he kicked me when I was pregnant with my middle son’. Other comments including being ‘punched’, ‘shoved’, ‘grabbed’, ‘slapped’, ‘kicked’, ‘he tried to strangle me a couple of times’, ‘he gave me a couple of split lips’ and ‘he put his hands around my throat and pushed me downstairs’. Twelve of the 26 women who gave details about the physical abuse also stated that their ex-partners ‘threw’ or ‘broke things’.

Five men reported that their ex-partners ‘hit’ them. Three of these said it was an isolated incident and one other said ‘it was on the arm and not done in anger’. One father said ‘she hit me in front of my daughter after seeing the psychologist’. Another said ‘she hit me in the shoulder and told the police I’d abused my son’. One man said ‘she came with a screwdriver and threatened she would hurt me’. Another man said ‘she stabbed me in the arm’. Two men reported their own behaviour: ‘I threw a TV stand at her and it hit her’ and ‘I elbowed her in the car and it left a bruise’.

Twenty women and one man reported having experienced sexual abuse by their ex-partners ranging from their sexual behaviour, threats, coercion and rape. As shown below much of the abuse occurred around pregnancy or shortly after giving birth:

> He was screwing other women.

> He would degrade and demean me in front of his mates saying stuff like she has a ‘dry old cunt’.

> After giving birth I was torn and he threatened to force sex on me while I was bleeding.

> After our son was born he wanted sex but I was sore. He didn’t enjoy it and said it was my fault.

> He was a transvestite and wanted certain things that I didn’t want to do.
He’d just rape me if I didn’t want sex. He raped me two days after I got home from having a caesarean with my second son.

He overwhelmed me in the past when I was pregnant by standing over me and pushing his body onto me forcing me to have sex.

When I got pregnant he forced me to have an abortion.

One male reported that his ex-partner ‘tried to force sex on me but I refused’. He continued by saying that she took advantage of him when he was drunk at a party and then she got pregnant.

Thirty-one women and five men claimed that they had experienced social abuse by their ex-partners. Of the 21 women who gave examples, 17 (81%) stated that their ex-partners had isolated them from friends and family members. One man claimed this also. One woman said:

I was only allowed out of the house to go to work. He built an eight-foot high solid timber fence around the house with iron bar gates that he kept padlocked. I ended up with no friends and barely ever saw my family. I never even pushed either of the babies in the pram to go for a walk. He did all the shopping. I was just to go to work, earn the money, clean the house and provide sex.

Forty-one mothers and 16 fathers said they had experienced verbal abuse from their ex-partners ranging from ‘put downs’, ‘threats’, ‘swearing’, ‘character assassination’, ‘screaming’, ‘yelling’ and ‘name calling’.

Eighteen women and three men reported pet abuse including ‘kicking the dog’, ‘dumping the pets’, ‘he killed the bird’, ‘yelled at the animals’ and ‘beat a chicken to death’. One of the three men spoke about his own abuse of the family pet: ‘the dog got a kick up the arse when he pissed on the floor and I rubbed his nose in it and then shoved him outside’.

Fourteen women spoke about other forms of abuse they had experienced by their ex-partners, including ‘stalking’, ‘he drank every night’, ‘blackmail’, ‘he was controlling’, ‘abusive to other people’ and ‘he’d ring me at work all the time’.

One woman spoke about the effect of her ex-husband’s continuing abuse toward her on her relationship with her son. Because of the abuse she had no choice but to leave her sons with his father after the separation, which occurred when they were very small, in spite of court orders to the contrary:

My son said to me ‘I remember when we used to come for weekends. I used to be scared to go to sleep because I thought you would kill us in the night. That’s what Dad made us think about you.’ I talked with my son about this and said that I felt so sorry he’d felt like that, that I hadn’t known, and that there was nothing I could do to go back and fix it. My son said, ‘I’m sorry mum, I can see how much it must have hurt you to hear me say that’.

More recently he said: ‘You know, Mum, I reckon Dad’s got some mental problems. Not a day goes by without him ranting and raving about something you’ve done and how he is so bitter.’ I talked to my son about how strange that is, given that I was the one who was beaten, raped and abused, lost my children, lost most of the equity in the property, etc. and said you’d think it would be me who’d be bitter. My son agreed.
I think the turning point for the boys was about five years ago when they (aged 19 and 11) sat and observed their father berate me for a period of three hours. They saw how irrational he was, and how I coped with it (by just sitting there and crying).

Parents’ disclosure of violence and abuse
Fifty-three parents (38 women; 15 men) said they had received helpful responses from those they had disclosed their abusive experiences to. Parents reported that counsellors (10) and friends (10) were most helpful. Specific counsellors mentioned were from CAMHS, Women’s Health Statewide and one from the Family Court. Two women and two men stated that the police helped by providing information and one father reported speaking with a police psychologist. Three mothers said that their doctors were supportive. Three women and one man stated that their families helped them.

Of 31 women who reported unhelpful responses to sharing their experiences of abuse and violence with others, eight women stated that their families were unhelpful. Two women stated that their doctors were unhelpful, two said their counsellors were unhelpful and two made reference to domestic violence shelters where one mother thought it unhelpful that ‘the kids weren’t allowed to see their father’ and ‘I felt they were going through enough’. Another woman said of a domestic violence shelter:

There was a short reprieve and with reassuring DV shelter experts around me I felt normal. But coming out of the shelter was very frightening. There was no support, no family, no witnesses. I was on my own, not knowing how he would use contacts to get at me. It would have helped to have somewhere to go. There needs to be more housing, more support and someone to listen. I read a government brochure and thought that it was a good idea to leave him but that wasn’t true. There’s nothing out there. The resources don’t marry up. There’s no tangible support and accountability. There needs to be unified help, not dispersed services. Why have that infrastructure if it’s a cardboard cut-out?

Fourteen fathers said they received unhelpful responses when they spoke about the abuse they had experienced by their ex-partners. Four men made mention of their lawyers, with comments that included: ‘my lawyer was bloody useless’; ‘he was just out for money’; ‘my solicitor just wanted documentation’ and ‘the lawyers said can’t do anything unless you can prove it’. Two men said their counsellors were unhelpful, one saying ‘we needed to talk it through’ and the other telling the father ‘to end the relationship’.

Nineteen parents (15 women; 4 men) responded that they did not disclose their experiences of abuse to anyone. Four women said that they felt ‘shame’ or were ‘ashamed’. Other responses by mothers included: ‘I didn’t realise how bad it was until I left’; ‘never thought I could because he didn’t hit me’; ‘he would tell me that everyone thought I deserved it’ and ‘I was scared no-one would understand’. One woman said she did not tell anyone because ‘they say leave him’. Another woman explained that she did not tell anyone about the abuse because she was ‘keeping a public face in a small town’. One said: ‘We leave the silence in the home’.

The four men who responded to this question spoke about not thinking about it, not having anyone to talk with about the abuse and feeling ‘embarrassment’. One man stated: ‘I’m a man and can’t go to anyone and say “hey my wife hit me or yells at me”’. 
Helping parents to deal with abuse in consideration of children

Fifty-five parents (37 women; 18 men) responded to how they could deal with abuse in consideration of their children, and 24 (44%) of them indicated that better support would have assisted them to deal with their abusive situations in relation to them and their children. Answers ranged from ‘a thoughtful police officer’, to ‘actually have support from departments’ to wanting ‘good legal help’. One mother stated that she would have liked the ‘Family Court to have been different’. She continued: ‘When you cry they think you’re neurotic.’ Seven mothers named support as being necessary in and of itself. Seven mothers also stated that more professional help would have assisted. One mother claimed that the ‘first lawyer I had from Legal Aid was hopeless and was intimidated by the judge’. Another wanted ‘non-judgemental police, more follow-up, more family support and more advertising about DV’. Two women spoke about the lack of services in country towns, particularly where domestic violence is an issue.

Six mothers and one father said counselling would have helped. Five mothers and one father stated ‘more information’ and ‘access to information’ was necessary. Answers from mothers ranged from information about restraining orders, information about ‘how to get out of a relationship’ and ‘a better understanding about controlling relationships’ to information about children’s needs. One father wanted ‘more access to information’ in order to ‘recognise her mental problems’.

Other comments made by mothers about what might have helped them to deal with the abusive situation included ‘nothing’, ‘I don’t know’, ‘not sure’, ‘I was in denial’, ‘better knowledge before going into relationship’ and ‘him backing off’. Two mothers specifically stated that ‘safety’ would have helped: ‘somewhere where we could have felt safe’. Another mother said what would have helped would have been ‘if he’d have acknowledged it and done something about it. If he’d taken responsibility.’

Seven of the 18 fathers suggested some form of professional support may have helped. This support ranged from counselling and ‘help with strategic and finance skills’ to having a ‘community-based program in Gawler or a northern area that was a self-help centre and accessible.’ This father advocated having a ‘lot of different services in the one place’.

Comments about other professional support included the ‘correctional services and parole board could have shown some common sense’, the ‘police force having an understanding about men, that women aren’t always right’, and ‘FAYS should’ve intervened when [they] initially separated and she left the kids alone’.

One father wanted ‘somewhere to go to talk to someone, someone neutral, and to be believed’.

Other statements by fathers included: ‘More valium, I had to go on medication’, ‘the school principal taking more interest’, ‘it would be really nice if the people with power could actually do something’, ‘improved communication skills would have helped avert the situation’. Two fathers said ‘don’t know’ and one father stated: ‘I should have killed her.’

Ideal services for children and families experiencing separation

Eighty-nine parents (54 women; 35 men) answered a question about ideal services for children and families experiencing separation. Over half of the mothers (30, 56%) and eight of the fathers said that various forms of counselling were necessary. Suggestions ranged from financial counselling, counselling for children, group work
for children, marriage counselling, and counselling for men and women separately, both individually and in groups.

Seven mothers stated that various forms of help were needed around domestic violence, including service provider ‘staff need to fully be trained in DV and symptoms stemming from it’; there needs to be ‘special services for DV victims’; need ‘DV help’; ‘maybe women don’t access DV services because they’re called “DV” services’; ‘there needs to be an understanding of domestic violence’, and there needs to be a ‘safe place for a parent who’s leaving, a DV shelter’.

Five mothers and three fathers said that mediation would assist during separation.

Other suggestions by mothers included:

*Transitional parenting centre with classes for men and women.*

*A place to stay after separation where we can get help with parenting and the non-residential parent could visit.*

*A one-stop shop where you’re not chasing services.*

*A drop-in centre like Southern Women’s Community Health Centre where parents, men and women, can talk. It wouldn’t be sterile, institutional but more informal. There’d be a lot of group work, legal information, parenting education, emotional information and lots of listening.*

*A one-stop shop about what services are available for children and parents regardless of their gender, for blended families and families trying to re-build.*

*Specialist services available at the one place.*

*There need to be services working with men around safety, taking responsibility for violence, a service that could hold him accountable.*

*A really safe, nurturing place where kids and mums are safe.*

*Help before separation. Help the woman to leave safely. Provide safety and information about legal rights. There needs to be women-only Family Court information sessions and court support.*

*Services don’t cater for the working mother. We need services that are more in the form of events for mothers and children like picnics and craft classes.*

*A service to give you a holiday, some relief. I needed an extra pair of hands. Not enough things are single-mum friendly.*

*A Family Court where the judge is trying to find out what’s best for the children, where they listen to the children.*

*There should be a better Family Court system with penalties for lying. The Family Court should be like the criminal court. There should be better services for safety.*

*A stricter ruling on maintenance for kids.*

*A map to navigate our way through the legal system.*
Notify the schools and they then need to nurture and take a greater role in the child’s life.

There needs to be more child care at agencies.

More groups for kids like scouts and activity groups for boys. There isn’t anything like this in the country. Camps for kids from separated families.

We need to help the children early on during the crisis period. There can’t be token follow up. There needs to be action not words. People need to listen and observe and not to be judgemental. They need to know that children can be well groomed and not from the poorer suburbs and still need help. There needs to be a long-term commitment to this, not a quick fix.

Fathers spoke about the need for more information around separation and divorce, for pre-marriage education around parenting and separation, and about services for children during the time of transition:

There should be free access for adult services through the hospitals, schools, churches, etc.

Knowledge about where to get help like the radio, paper, TV, advertising. Help to get self-esteem back up and confidence and financial assistance for person moving out.

More temporary accommodation.

More out of hours’ services.

Help to teach adults how to be parents.

Before parents marry and have children they should do a university course that goes through the separation process.

There’s not enough information for people before they get married. There should be pre-marriage counselling.

Phone services for kids or adults that are anonymous and give support, that have a happy atmosphere or a centre where they can go.

Something like COPE courses for children aged 6–10.

A one-stop shop. Kids have to be able to access it easily at school. Change over could be at schools, so kids have time to settle. What better place to put things in place than school where kids spend so much time.

Emotionally supportive group of people that children could go and talk to and where parents could attend as well if the children want them to.

In addition to these suggestions, a number of fathers (12) spoke about the separation process as being biased towards women/mothers, or talked about children in relation to themselves, equal contact or finances:

Case managers so that when something goes wrong in a marriage it should be a serious thing like serious violence or drug abuse. It should be medically proven. Men need protection.

It has to be 50/50 with kids. Maybe after conflict has subsided negotiate contact. Kids should be in the process a bit. The mediator was biased toward my wife … The woman gets everything her way.
An even share of the children. Make sure both sides are known to the children.
Access for all parents as well as for children.
Equal opportunity for both men and women. Another system of judgements where there is support for men and women. Also a team of experts that don’t cost much.
No bias, recognise both parents’ rights is the best interests of children.
New legislation – if you don’t pay child support you don’t see your kids and if you don’t see your kids you don’t pay child support.
Change the Family Law. Get rid of maintenance or look at it from a male’s perspective. It’s now run by a male because females abuse the system.
A time-out place. Counselling could help stop or fix split-ups. The Family Court is not too bad; I’ve had some interesting wins.

One father spoke about services offered being too focused on women or ‘too feminist’, needing instead to address gender issues in a more rounded way:

Services need to be more focused on the needs of children and parents. Services are too fragmented – men, women, children – they need to be more family oriented ... Men need more help. There are so many support groups for women and some are too feminist and need to be accountable. The definitions of domestic violence are too broad. They give women a book on how to leave your partner and it’s too generalised. Need men’s and women’s groups not so diametrically opposed. They need to both work together on gender and power issues. Both work together on gender issues, power issues or it gets into an adversarial situation and doesn’t help the children.

Suggestions for a website
Eighty-eight parents (53 women; 33 men) answered a question that asked what they thought should go into a website to help parents with their children and to help children and young people whose parents are separating. Many parents mentioned chat rooms for themselves and for children.

Mothers’ suggestions for the parents’ webpage primarily identified a need for legal information. Other suggestions were:

- financial information
- information about domestic violence services
- what services and support are available
- counselling information
- child support information
- chat rooms for mums (two)
- information about how to work with children’s feelings
- information on children’s needs and rights
- guidelines on discipline for children with difficult behaviour
• how to recognise alcoholism
• cheap restaurants, local services, community information
• information on coping as a sole parent
• needs to be accessible in different languages
• a ‘Dear…’ page where questions and issues are responded to
• definitions of depression and domestic violence
• comprehensive referral information.

Mothers’ suggestions for the children’s web pages included:

• children’s help line
• books for children
• games for children
• chat rooms for children promoting child interaction
• cartoon characters, e.g. two houses on the screen, moving between them, packing suitcase, this is my room at dad’s and this is my room at mum’s...
• comic-like pages that display children’s feelings and reactions
• animations
• music downloads
• where to go for help, what’s involved
• stories about why mum and dad are no longer together
• discussion around ‘rules’ being different in different houses now
• how children may be affected by the transition between houses
• talk about grief and loss
• information on how to cope
• telling the children the separation is not their fault
• validate their feelings
• stepfamily issues and information
• information about children’s rights
• teen section on legal advice
• a ‘Dear…’ page where questions and issues are responded to
• needs to be a protected and safe site for children from outsider adults
• information for grandparents – how they can be helpful
• how other relatives can support and help.

Fathers’ suggestions for the parents’ webpage included:

• chat rooms
• tips for better communication between parents
• stories from parents who’ve separated and the different stages of the process
• how to cook, homemaking skills
• how to involve children in daily living
• how to make children feel like the other home is ‘home’
• short holiday ideas
• links to all services: counsellors, mediators
• links for men, where do men go?

Fathers’ suggestions for the children’s webpage included:

• chat rooms
• stories from other kids
• contacts for children to talk to
• cartoon graphics
• case studies so children know what to expect
• information about social groups and sporting groups.

Summary of analysis of phone-in with parents
Ninety parents (55 mothers, 35 fathers) responded to the phone-in. In general, parents said their children were too young to talk with about the family separation, and preferred to talk more about it when the children were older, either adolescents or as adults. Mothers stated that they did not want to burden their children while fathers spoke more generally about trying to cope with the separation themselves. A number of mothers said that their experiences of domestic violence made it difficult to communicate the reasons for the separation to the children.

On average children had to move approximately three times after their parents separated.

The main area of conflict for parents elicited gendered responses and had to do with control issues. Mothers reported their ex-partners using control against them, such as violence, intimidation or behaviour manipulation. Fathers were more likely to report their female ex-partners having control over their children, which was deemed to have an adverse effect on the child’s relationship with their father. Child support payments and financial issues were the second greatest cause for conflict between parents. Mothers reported not receiving enough child support, while fathers stated child support expectations were unfair and calculated too high. The other financial issue was property settlement, where both fathers and mothers indicated that they were not satisfied with the outcome. Alongside of financial issues was conflict that resulted from court and legal issues. Mothers talked about fearing appearing in court before ex-partners who had used violence and about drawn-out court proceedings, while fathers talked about court bias in favour of mothers. Contact and residency for children were dominant conflict issues between parents, where fathers reported wanting shared residence and some mothers were contesting their ex-partner’s claims to this.

When asked what had helped them to deal with separation, parents answered differently, with the majority of mothers stating that some form of service provider support, primarily counselling, helped, whereas most fathers talked about alcohol consumption or stated that nothing helped. When asked what would have helped, mothers...
spoke about greater support services for their children, while fathers reported wanting increased access to children. Both mothers and fathers said that better legal advice would have helped.

Parents reported equally that their children coped well and did not cope well during the separation. Over half of parents stated that they thought their children did not get enough help to cope during this time. The main reason given was that there were insufficient services available for children. Of the parents that said their children did get enough assistance to cope, access to counselling was named as the reason. Parents also said that the most important thing children needed during family separation was love and to be shown love, to be safe and to be listened to.

Parents generally agreed that professionals did not understand the needs of children: mothers thought they needed to be more child-focused, which meant listening to children and understanding the effects of separation on children, giving greater attention to services that included children; fathers spoke more about the effects of the legal system on children.

Over a third of parents said that their children had experienced direct abuse, which included sexual, physical, verbal and emotional abuse. More than this said that their children had witnessed abuse, with the overwhelming response coming from mothers talking about violence used against them by fathers in front of the children. Half of the respondents said that children had spoken about the abuse, primarily to counsellors, while the other half said their children had not talked to anyone about it, or they were not sure if the children had.

A third of parents had taken out a restraining order against their ex-partner, with all but two being women taking orders out against men. Almost half of the parents reported having experienced violence and abuse by their ex-partner, with twice as many of these reports coming from women than from men. Thirty-five women and 12 men stated they had experienced physical abuse by ex-partners. Twenty women and one man reported sexual abuse and 41 mothers and 16 fathers said they had experienced verbal abuse by their ex-partners. Counselling again was the service parents thought would be most helpful in dealing with experiences of violence and abuse.

When parents responded to a question about ideal services for children and families in transition, counselling was the dominant service need identified. Others ranged from financial counselling to individual, family or marriage counselling, group work, and counselling for children. A portion of mothers also said greater assistance was needed for families experiencing domestic violence.

**Analysis of the phone-in with relatives**

**Introduction**

Seven relatives phoned in to talk about the affect of separation and divorce on their grandchildren and nieces. There were 4 grandmothers (aged 58, 61, 74 and 77), 1 grandfather (71) and 2 aunts (30 and 38). However, one of the grandmothers stopped the interview after Question 26 due to receiving visitors. Five of the 6 relatives lived in the city and one rurally. All spoke English at home and all but one grandmother, who was born in Sweden, were born in Australia.

The reasons relatives gave for phoning in varied and included: ‘I am the caregiver’ by one of the aunts; ‘I’m a grandmother and I feel the system needs looking at. You’re not given a fair go and you see someone different
every time’; ‘I was concerned for my granddaughter who was raped and I’m concerned over government involvement’; and ‘It’s a very important issue and needs to be addressed’.

The only male to respond, a grandfather, stated the reason he rang was:

*Our son is going through divorce. His daughter has no access to him because our daughter-in-law has taken out an order on him, and our granddaughter is not allowed to see us unless our son is there. It’s very difficult and it hurts me and my wife.*

Four of the relatives were referring to two children, and three relatives were ringing about one child. Ages of the children at the time of separation ranged from 1 to 24, with the average age of the children being 10 years of age at separation. However, two of the children were 21 and 24 years of age when their parents separated and, if they are removed from the age analysis, the average age of the remaining nine children was 8.

**Where children lived after separation**

When asked who the children lived with after separation, answers included: ‘At their aunt’s house with their mum’; ‘With their mother because she put a restraining order on the father’; ‘With their mother but they ran away and lived with their father’; ‘With both parents; they lived in the same house but in separate bedrooms’; ‘With their mum which my son agreed to’, and two others responded ‘With their mother’.

**Speaking with children about their parents’ separation**

When asked whether the relatives spoke with the children at the time of separation five said that they did. Three spoke about ‘dad’ not living with the children anymore. Two spoke about still seeing dad as well. Those relatives who said they did not speak with the children said:

*We lived 400 kilometres away and the mother was actively discouraging a relationship between us and the kids.*

*We were denied access to her ... the ridiculous order broke our hearts.*

Relatives were asked how they thought the separation of their parents affected the children. Five relatives said that it affected the children ‘terribly’. All relatives said the children were affected. One aunt said, ‘It was really difficult because while the older one had a better relationship with her father, the younger one was in her father’s arms when he was violent. The handovers were extremely traumatic.’ Another aunt said that her nephew was affected ‘a little bit and found it hard to be separated from his father at the start’. A grandmother said that her grandson had ‘strong separation anxiety for 3–6 years but that he’d made good recovery this year’.

Five relatives reported that children moved from their family home after separation and two said that the children remained in the family home. Two sets of children had moved once since separation, one had moved four times and another had moved ‘often’. Five relatives reported that children had to move school/child care/kindergarten or playgroup.

When asked if parents had sought legal help, 4 relatives reported that they had and 3 said they had not. Two relatives stated that the court was involved in deciding the parenting arrangements and only one relative said that the children had separate legal representation, and that was by a ‘family expert’.
No relative had spoken to anyone about their feelings and needs to do with the separation of the children’s parents. Five relatives stated that friends had helped them, five stated that family had been supported, while one aunt said that ‘the rest of the family were not supportive because I was a key witness to the abuse of my sister by her ex-husband’. Other support was given by a lawyer, Centacare, ‘psychologist for family assessment’, ‘counsellor’ and ‘doctor, because I wasn’t sleeping’. One grandmother stated:

_The school counsellor was supportive but I needed counselling for myself. I haven’t said how I feel. It would have been nice if my grandson felt more relaxed with me, it was hard work taking care of him when he was so anxious and insecure._

When asked what sort of things had helped them deal with the separation, relatives responded in a variety of ways, including ‘family and friends’ support and being able to talk’, ‘speaking with a psychologist but it was expensive’, and ‘seeing the children and daughter as often as possible’. One aunt said that she coped by ‘getting involved in activities for women’, and the grandfather said ‘we’re still trying to cope’.

Then, when asked what would help, one aunt said ‘some good free counselling’, while the other aunt said the ‘ex-partner is so pig headed, communication would help’. One grandmother said she ‘needed counselling or group work to help her with her changed role and with how to help the child through this’. This woman had also experienced four recent deaths in the family, including that of her husband. Other suggestions included one by another grandmother who said: ‘Family services could have been more helpful; they could be more open to those without education.’ The grandfather simply stated: ‘If my son can win a court case to allow us access that would help. No amount of counselling is going to replace this little child.’

When asked about how they thought the children had coped with the separation the general consensus among relatives was that the children had not coped well. One aunt spoke about the child’s experience of domestic violence, saying that it was ‘incredibly traumatic’ for the child who had ‘separation anxiety and feels that men are scary’. Only two of the respondents, one aunt and one grandmother, said that the children coped well.

Four relatives said the children had received support, two did not answer the question and one said the children did not receive support. Support offered ranged from counselling, occupational therapy for writing skills, a stepparent and from the callers themselves.

Three relatives said that children were directly consulted about decisions that affected them, three said they were not and one did not respond. Where the children were consulted the answers relatives gave indicated that in fact the children were observers of adults consulting. One grandmother speaks of how her grandson summed up the process when she and his mother had taken him on a day outing: ‘You took me to the movies for you, not me!’ Reasons for children not being consulted included them being too young.

All of the relatives responded that they thought their children had not received enough help to cope with the separation. One grandmother said:

_Adults are too preoccupied with their own stuff. They can’t bear to see their children’s feelings or to talk about their feelings; it’s too painful. The children protect their mum and dad and are caught in the middle badly. Parents divorce; children don’t._

When asked what they thought children needed most during separation relatives’ responses included varying degrees of care:
Caring, mentoring people around them

Trusting relationships

Routine

Communication between parents

Love and affection

Good quality time and that they are cared for and if not with parents with someone else who can step in for the absent parent

Some type of counselling

It’s really important that the primary caregiver maintain the bond with the children.

One grandmother said children needed ‘arbitrators using justice’ and the aunt whose nieces had experienced violence in the family home stated: ‘Children’s safety is most important, physical and emotional.’

When asked what they thought parents needed most during separation, the same aunt said that the ‘Family Court needs to recognise domestic violence and the court’s gendered nature. The need for safety is paramount and to realise that the biological link doesn’t necessarily make a good parent.’

Other responses to this question included ‘support of the family and friends’, ‘non-stigmatising assistance’, ‘arbitrators to work out something fair and to check out whether women were abused’, ‘contact with the child’. The grandfather said: ‘For God’s sake, keep it out of the hands of the lawyers.’

Then, when asked what they as relatives needed most, responses included ‘counselling and information, recognition that women need support during violence’, ‘safety for relatives’, ‘access to counselling’, ‘family’, ‘understanding doctors’, ‘someone to talk to’. One grandmother talked about needing assistance with talking with the child about issues to do with the other parent.

When asked whether they thought the needs of the child whose parents had separated were understood and considered by people like teachers, lawyers and judges, three relatives said ‘no’ and two said ‘yes’. The grandfather replied that he ‘couldn’t answer’.

Those who said ‘no’ said that people ‘should not label’, they ‘should be more positive in their approach’ and there should be a ‘broader level of understanding, that teachers need more knowledge around separation and lawyers’. One grandmother said ‘they can’t go by a standard format; they need to listen to each situation’. There was also mention of the necessity for greater education and training around separation for all involved.

The two relatives that answered ‘yes’ to this question said that ‘family assessment was very helpful, the lawyers and social worker too’. One grandmother simply said: ‘Yes, the court awarded the children to my son’.

Five of the six relatives stated that the children had experienced some form of abuse, which ranged from ‘direct abuse’ and ‘witnessing abuse’ to ‘witnessing conflict’. The aunt whose sister had left a domestic violence situation said that her nieces had experienced physical abuse by their father. One grandmother said her grandson was hit on the head but did not specify by whom. Five relatives said that children had witnessed abuse and all said children had witnessed conflict. Witnessing abuse included ‘mum throwing ashtrays at dad’, ‘physical fighting’, ‘physical fighting and some throwing of objects’ and ‘stalking’. Witnessing conflict included ‘mental abuse’,

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‘fighting and arguments’ and ‘verbal abuse’. One aunt said that it was ‘ongoing all the time, through phone calls, letters and handovers’.

Three relatives said that children had not spoken to someone about the abuse and two said that the children had. Amongst the reasons why children had not spoken about it was that they were ‘too young’, ‘I don’t think they remember’, and ‘she closes up and locks the room’. Those who had spoken to someone had spoken to their mother, a relative and counsellors.

One grandmother reported that there had been a restraining order taken out against her son. Three relatives said that no restraining order had been taken out and the aunt who reported on domestic violence throughout her interview responded that no order had been in place against her brother-in-law.

The grandmother, who said that there was a restraining order in place, said her daughter-in-law took it out against her son because ‘My son probably would’ve killed her new boyfriend.’

All of the four relatives who answered whether the abuse of/to the children was still happening confirmed that it was. Much of this occurred around contact time when the two parents were together and so was either fortnightly or monthly depending on arrangements. The aunt who reported domestic violence said that although there was ‘little contact the youngest was terrified of her father and is in counselling’.

All four relatives said that the ‘victim’ of abuse had talked to someone about it and that support was gained by family (4), friends (2), police (1), doctor (1) and a social service (2), which included child abuse line and ‘therapy with good psychologists’. One aunt also said that the ‘women’s shelter, Women’s Health Statewide and women’s community centres’ were very helpful.

The two aunts and one grandmother spoke about the support they received as being very helpful. This was from counsellors and family assessment services on the one hand and doctors on the other. The aunt who spoke about domestic violence said:

- Women’s community centres were helpful. Feminist groups and counsellors were helpful. Most importantly they said it wasn’t our fault and they named domestic violence. The shelter was highly supportive and they took safety seriously. They were also good for referral around lawyers and in giving information.

The same aunt also spoke about what was not helpful:

- FAYS were appalling. The social worker minimised the situation around the women’s shelter. Two registrars were awful. No-one would take on her ex-partner and so my sister was forced to cooperate. No-one addressed his behaviour.

Four relatives spoke about what would have helped them to deal with the situation. The grandfather initially said ‘nothing really’, but went on to say that ‘friends and family might although I don’t think that’s going to help us’. The aunts said ‘self-awareness around separation’ and with regards to domestic violence one aunt said if it was not so expensive ‘I’d put myself into paid counselling’. She also said ‘I’d like to see the kids and my sister have more support because mainstream services, courts, doctors and teachers are hopeless.’ One grandmother said it might have helped to have been ‘geographically closer so as to talk with her’, when referring to her daughter-in-law, but then she adds, ‘my son would have been furious’.

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All six relatives responded to the question about what ideal services would look like and would provide. Here are some examples of their responses:

*They would take the safety of children and women seriously. It would be their number one priority and overriding principle.*

*Child protection services would act at a national level.*

*We need to be believed by courts and magistrates.*

*Long-term counselling for kids.*

*There needs to be an arbitrator for children.*

*Services would include talking to each parent individually about their needs.*

*Services would talk to the ex about how their actions affect the child.*

One grandmother said:

*It would be a service with women who have been through it themselves and could channel family members in the right direction. They could explain the law and it would be free. It would be where information could be given to find out how to deal with the blame from the children placed on the parent who leaves.*

Another grandmother said:

*There would be discrete services that appeal in different ways to different socioeconomic groups and situations. They would be multi-layered services to meet individual needs and would use non-stigmatising service delivery that would include mediation, counselling and education.*

Interestingly, the only male to respond, the grandfather, answered along the lines of the gendered responses by fathers and mothers in the parent interviews. He stated:

*The Family Court is heavily biased to females; that’s what I’ve heard. I think the child has to be brought into it and has to be asked not in the presence of parents. The child has to be interviewed by somebody who is completely biased against nobody. They need to be interviewed to get the child’s feelings. Something has to be done about the Family Court.*

In the final question about what important things should be on a website for children and families the grandfather said the ‘results of the survey’, and the other relatives gave a variety of responses including:

- information
- ways to manage grief and loss
- activities for children
- what children might expect during this time
- information for parents and children around the traumatic effects of domestic violence and child abuse
- safety issues
- relatives need accurate and good information about agencies, books, legislation, child support, Centrelink and support and strategies for coping, naming domestic violence and acknowledgement of feelings
Summary of analysis of phone-in with relatives
Seven relatives – four grandmothers, one grandfather and two aunts – were interviewed about the effects of separation and divorce on the young people in their lives who averaged 10 years of age at the time of family transition. Five of the relatives spoke to the children about the separation and the two who did not said that distance from the children and a restraining order meant they could not. Five said that the children were adversely affected by the separation and that the children had moved from the family home, and also had moved school, child care, kindergarten or playgroup. More relatives than not reported that the parents had sought legal help. None of the relatives had spoken to someone about their feelings about the separation. When asked how they had coped, answers varied and included seeing the children, being involved in activities, and being with family and friends. Free counselling and group work were among suggestions for what might have helped. Most of the relatives said the children were not consulted about decisions that affected them and all relatives said they thought the children had not received enough support during the separation.
6. CONCLUSIONS AND RECOMMENDATIONS

The Children and Families in Transition project aims to develop a best practice, child-centred model of service delivery to children and their families during parental separation, based on research. This conclusion draws together our research findings from various sources: a comprehensive literature review of the recent research around separation and divorce, a national and international survey with service providers who work with children and families in transition, interviews with service providers who have experience in working with Aboriginal children and parents who are going through the separation process, and telephone interviews with children, parents and their relatives who have experienced separation.

When reviewing the different pieces of data in combination, there is much to suggest that the needs of separating families and the children involved are multiple and diverse and that many of these needs are currently not being met, in particular for those parents and children experiencing ongoing parental conflict and/or violence and abuse. Despite the uniqueness of each family’s experience of parental separation, the data indicates that many of the experiences and problems faced by separating families are similar.

Children’s voices in separation
Analysis of the data suggests that in Australia only a relatively small number of children are given a voice in decisions that affect them during the time of separation; the voices of adults are dominant and those of children are marginalised. This is in spite of the commonly held view that children have a right to participate in decision making. Around 40 per cent of children in our small sample of nineteen were not given a say about where and with whom they wanted to live. However, all of these children were very clear about their right to have an input into decisions that affect them. Service providers, nationally and internationally, agreed with this view but named mitigating factors that prevented this from happening, for example the age and developmental stage of the child, children’s willingness to be included and the expertise of the interviewer. Service providers who work with Aboriginal families also highlighted factors within service provision that are currently not acknowledged or well understood, including the importance of spirituality, Aboriginal elders, the extended family, the history of colonisation and the impact of the cultural context.

Based on these findings, our first set of recommendations include the development of a child-centred model of service delivery with structures that offer children the opportunity for input into decisions that will affect them during the separation process. It is recommended that parenting plans take into consideration the safety, rights and needs of children as well as their attachment needs and developmental stages, and that culturally relevant models of service delivery are developed to address the special needs of Aboriginal families and children.

Parents’ communication with children about separation
Our research has also found a general lack of communication between parents and their children before, during and after separation about the reasons for separation and what it means for them. Parents said they were often focused on their own experiences and issues and trying to manage their own grief and loss during this time, and
paid little attention to the needs of their children. Some parents wanted to protect their children from details about the separation, while others thought their children were too young to be told. Despite this, all children in our study stressed that they would like to have had more information prior to their parents separating, in particular from their parents. Only two of all children interviewed were told about the separation prior to it happening and half of the children were surprised by the sudden changes. This supports previous research which has found that children are not adequately informed by their parents about separation (Dunn, Davies, O’Connor & Sturgess, 2001; Smart, Neale & Wade, 2001, Wallerstein & Kelly, 1980). Lack of communication from parents can lead to difficulties for children who are not emotionally prepared or adequately informed about what is happening to them; they often report overwhelming feelings of distress, anxiety, anger, shock and disbelief (Wallerstein & Kelly, 1980; Hetherington, Cox & Cox, 1982). Our second set of recommendations are that service providers should assist parents to talk with their children about the reasons behind the separation and the processes involved and to focus on their children’s needs and experiences and recognise them as being separate and different from their own.

Children and conflict, violence and abuse

The quality of the pre- and post-separation parental relationship was identified as a key contributing factor to children’s adjustment and children’s experiences of difficulties where there is ongoing high-level parental conflict and abuse. Parents and service providers identified power and control issues as being the main factors underlying parental conflict over children. Our research highlighted the harmful effects of entrenched, high-level parental conflict, abuse and violence on children; in particular when they are directly involved in, or witness, their parents’ conflict or abusive behaviour.

A quarter of children interviewed said that they felt relieved when their families separated because the conflict and/or violence perpetrated against the mother by the father had ceased or decreased after separation. The same number of children stated that they had been frightened when witnessing their father’s use of violence or verbal abuse against their mother. A fifth of children who rang stated that they had been directly abused by their father or stepfather. These reports from children corroborate other research that points to a need for service providers to better understand and meet the needs of children and families experiencing the effects of domestic violence before, during and after separation. All data gathered for this project suggested that domestic violence is a problem for many separating families and in particular for children and their mothers. Furthermore, where children are directly or indirectly exposed to parental violence or abuse it has adverse effects across all ages and stages of development, and disrupts the normal tasks of childhood.

Our third set of recommendations includes the provision of safe, therapeutic spaces for children to talk about their experiences of violence and abuse. Additionally, professionals need to be educated and trained to distinguish between domestic violence and high-level parental conflict. Because there is evidence that some violence appears for the first time in relationships during the process of separation and divorce (Johnston, 1997), early intervention programs should be provided to reduce the possibility of this happening and, where abuse or violence occurs, to minimise the effects on children. A best practice model should develop special groups for adult victims of violence, perpetrators of violence and for children who have been direct or indirect victims of a parent’s violence and/or abuse. In parent education groups it will not always be possible to identify participants who have been victims or perpetrators of violence and abuse, so parent educators should be encouraged, in the content of what
they say and the words they use, to conduct their programs with the knowledge that victims and perpetrators of violence may be present in their groups.

In the next stage of our project we will develop group work packages for service providers to assist them to educate parents about the effects of parental conflict and domestic violence on their children and about ways of resolving conflicts over their children cooperatively. A range of early intervention programs for parents will be trialled and evaluated to ensure that they are effective in preventing the escalation of conflict and domestic violence. Where domestic violence is identified, both perpetrators and victims will be connected to relevant resources and sources of support. Child-focused and child-inclusive mediation will be used and evaluated to encourage parents to put the needs of their children in the centre of their deliberations. However, before proceeding with mediation, all cases will be screened carefully for the existence of violence and where there is domestic violence special provisions will be made to ensure the safety of all parties concerned, including recourse to advocates and the court. In some cases where violence is identified and where perpetrators accept responsibility for the violence, mediation of some issues may proceed with the informed consent of both parties. Safety and fairness will be ensured by mediators using techniques such as enforcing strict ground rules, using separate meetings, shuttle mediation and/or co-mediation, by the use of advocates or support people, and by linking the victims to other sources of support.

Children coping with separation

The literature review indicated that children experience high levels of grief during family separation due to the multitude of losses that occur at this time (Wallerstein & Kelly, 1980; Wallerstein, 1985; Mitchell, 1985; Walczak & Burns, 1984; Wallerstein & Blakeslee, 1990; Bagshaw, 1998). Researchers argue that throughout a child’s life cycle children need some degree of continuity and stability in their lives (Sroufe & Ward, 1984). Therefore, when considering the best interests of children during separation, there is a need to balance continuity, which promotes attachment, with stability, which promotes security (Kelly, 1988). Attachment here refers to that bond that a child has with his or her primary caregivers. Stability is that which is constant and nurturing. It is a challenge then to consider both continuity and stability in the lives of children whose parents are separating. Reports from parents, relatives, service providers and children involved in our study concur with research that shows children move house, kindergarten or child care frequently during and after separation and that they generally see their non-resident parent intermittently, or not at all (Kelly & Emery, 2003). Children’s relationships with primary caregivers, friends, relatives and others are disrupted as well as their familiar environments, spaces and other symbols of stability.

Much grief is experienced by children as a result of the disruptions and losses that occur during separation. This was validated by children’s reports in our phone-in, where over half said they had no good feelings about their parents’ separation. The dominant feelings children experienced were sadness, anger, fear and worry. Almost half of the parents interviewed also stated that their children had found separation ‘very difficult’, experiencing distress, nightmares, bedwetting and expressing a lot of anger. Some parents also reported that their children threatened suicide, and two of the 19 children interviewed claimed that they had thought about suicide. A number of children said that parental fighting and violence against the mother by the father contributed to these feelings, as well as not being able to talk with parents about the separation, not knowing why it was occurring, and finding the process sudden, confusing and unexpected. To compound the problem, parents are often not aware of the grief
and feelings that their children experience during separation. This was found in the literature and confirmed by a number of parents in the phone-in who stated that they were too busy dealing with their own emotions to notice what was happening to their children.

From these findings then, our fourth set of recommendations for a best practice child-centred model includes the development of research-based parenting education packages to assist service providers to educate parents about the needs of children during separation and divorce and the value of promoting safety, stability and continuity in a child’s life during and after separation. Child-focused and child-inclusive mediation should encourage parents to develop parenting plans that take into account their children’s expressed wishes and needs, their ages and stages of development, ways of maintaining and strengthening attachment bonds between the child and both of their parents, where it is safe to do so, and ways to promote stability and continuity in the life of the child. For example, education packages should instruct parents about the importance of communicating with children about the separation process before, during and after separation, and to assist parents to recognise and respond to their children’s grief. Furthermore, separate groups should be run for fathers to teach parenting skills. Groups for fathers and mothers, with or without their ex-partners, should also be conducted parallel to groups with their children to assist parents to understand the needs of their children and to respond effectively to communications arising from the children’s group. Finally, group-work packages should be developed for work with parents and linked to the CHaT First website.

Supporting children during separation
Our research findings highlight the need for timely, cohesive and appropriate services for all family members so that children can be assisted through the process. Help for parents, such as affordable counselling and easy access to legal advice, was seen as important by parents and service providers. The data also revealed an urgent need for improved service delivery in rural and remote areas. Parents, service providers and children themselves stated that it is important for children to have easy access to someone to talk to about their family’s separation. Half the children interviewed suggested that counsellors would be helpful and three children (16%) specified school counsellors. However, most of the children we interviewed did not know how to access the support they needed or where to go to. Parents also often did not know where to go to get assistance for their children, or services they knew about were either not appropriate or had long waiting lists. Service providers themselves indicated that there were an inadequate number of services available that catered specifically to the needs of children whose families are in transition.

Our fifth set of recommendations includes the requirement for a range of integrated services to be developed for children in both urban and rural areas that are easily accessible for children and that address the support and coping needs of children during family separation. Furthermore, services for children should be advertised in child-friendly ways so children are both encouraged to attend and shown how to make contact.

A ‘one-stop shop’ that will house a variety of services, including legal information and education for parents and children and other services specific to the needs of children, will be developed and evaluated in the next stage of our project so that children and families do not have to travel between different services. Group-work packages will be developed for use with children in conjunction with the CHaT First website. Ideally, school counsellors will also be educated and trained to work with children of separation and divorce, using specially developed and
packaged group-work materials. There will be opportunities for networking and collaboration between service providers from different professional backgrounds to encourage the coordination and integration of services in meeting the needs of children whose families are in transition. Furthermore, there will be assistance provided to extended family members, by way of information and education groups, so that they might understand and address the needs of the children whose parents are separating.

**Supporting Aboriginal children during separation**

Our study of service providers working with Aboriginal families indicated that generic non-Aboriginal service providers to this population generally lack cultural awareness and preparedness to work in a culturally sensitive manner. It was reported that services currently do not provide enough professionally trained Aboriginal workers and do not adequately educate and train non-Aboriginal workers in the particular cultural requirements of Aboriginal clients.

Participants in our study stressed a need to differentiate between the terms ‘domestic violence’ and ‘family violence’ when working with Indigenous families. This was found to be the case in the literature reviewed also. Indigenous communities prefer the term ‘family violence’ as it encompasses a wider understanding of violence as experienced socially, culturally, and spiritually by Aboriginal people, and acknowledges that violence can involve extended families and communities as a whole. Participants also identified the need for service providers to acknowledge the effects of colonisation on Aboriginal peoples and the impact of prior institutionalised oppression on their current day-to-day experiences, in particular on those requiring health care. They reported that many individuals and families fear entering into the healthcare system because of a general lack of trust in the motives of the dominant ‘white’ service providers. Because training and employment of Aboriginal workers in the health care profession is limited, many Aboriginal people treat agencies that are only staffed with white workers with suspicion. However, it was also noted that there are times when individuals will seek out non-Aboriginal service providers because privacy and confidentiality is more likely to be maintained where community members are not present.

Aboriginal service providers reported that the experiences of Aboriginal children exposed to parental separation and family violence will be culturally different, in that there is an expectation that the wider family and community has input into and responsibility for the care and well-being of a child, including for the effects of abuse. It was deemed that non-Aboriginal service providers generally lack cross-cultural knowledge and understanding.

Based on findings from the literature review and on these interviews with service providers, our **sixth set of recommendations** include the need for cultural awareness education and training, including the impact of colonisation on Aboriginal people, for all service providers in services that engage with Aboriginal families. Organised and accessible education and training also needs to be available to Aboriginal workers entering into, or already in, professional employment in this field. Furthermore, there should be culturally specific services that cater to the special needs of Aboriginal children and families in transition, taking into consideration the cultural context and the set of recommendations for children generally.
Towards a best practice model of service delivery

Less than a third of the 213 Australian service provider respondents to our national survey offered direct services to children, and a quarter of those reported a lack of services to children and young people. Our comparative research indicated that many more service providers in Germany may work directly with children, both individually and in groups. Service providers, parents and children in Australia raised concerns about the lack of child-centred counselling and group work, contact services and accessible professional support for children in general, in particular for children who have experienced or are experiencing abuse. The situation is worse for children in country and rural areas and for Aboriginal children.

Service providers working with Aboriginal families identified the need to work holistically with children and families in transition, taking into consideration the wider cultural context and extended family/community structures. They reported a lack of services, particularly outside of cities, where accommodation, transport and safety needs for children in general, and family members escaping violence, are not met.

A best practice model of child-centred service delivery for children and families experiencing separation will address the aforementioned six sets of recommendations. It will place children at the centre of all considerations, including the design, structure and presentation of the premises. It will prioritise their safety and welfare during the separation process, and ensure that children are provided with opportunities to have a voice in decisions that affect them. Cultural sensitivity and awareness will be required in the development of services for special needs groups, including Aboriginal children and families, gay and lesbian families, linguistically diverse and differently abled persons and their families and those from rural and remote areas.

A best practice model will encourage collaborative work between Aboriginal and non-Aboriginal agencies and service providers, and between those agencies and Aboriginal families and communities. It will incorporate ongoing training for service providers and will include child-inclusive and child-focused mediation and counselling services, educational and therapeutic group work for parents and children, including in schools, and the provision of up-to-date, research-based information about legal, financial, health, mental health, cultural, educational and welfare resources that will assist children and their parents through the separation process. This model of service delivery will ideally be situated within a ‘one-stop shop’ where a range of child-centred services are readily and freely accessible. Service providers will work in an integrative and collaborative manner with each other and with external service providers from a variety of professions. Ongoing action research and evaluations will be built into this model of service delivery to ensure its continued relevance to the children and families it is set up to serve.


Campbell, A. (2003). Like stubbing your toe and then like suing the ground: children, their rights and their ability to participate in decisions that directly affect them. Children Australia, 1–18.


8. GLOSSARY OF TERMS: Promoting child-centred practice

The glossary presents some of the terms and resources commonly used in child-centred practice.


Alternative Dispute Resolution (ADR) refers to processes, other than judicial, in which an impartial person (mediator or ADR practitioner) assists those in a dispute to resolve the issues between them; The ‘A’ in ADR may also refer to ‘Assisted’ or ‘Appropriate’ dispute resolution (see also PDR).

Australian Institute of Family Studies promotes research and other appropriate means to identify the factors affecting marital and family stability in Australia with the object of protecting the family as the natural and fundamental group unit in society.

Best Interests of the Child is the central tenet in Family Law, child care and welfare practice; it is integral to all decisions made for children and should lead to an outcome that is best for each child regarding his/her individual needs.

Best Practice in the context of this report draws on peer reviewed research-based knowledge and clinical expertise to inform models of practice that set out to achieve the best outcomes for children who are caught up in parental postseparation disputes.

Blended Family is a two-parent family with two or more children, of whom at least one is the biological, fostered or adopted child of both members of the couple, and at least one is the stepchild of either member of the couple.

CAFIT is an acronym for Children and Families in Transition, an ongoing research and educational project managed by the University of South Australia’s Conflict Management Research Group (CMRG), Hawke Research Institute in partnership with Centacare Family Services (SA). CAFIT aims to promote the provision of the best services possible for children who are experiencing family separation. CAFIT also promotes the child’s active participation in the process whenever appropriate.

Case Assessment Conference is the first major event most people have at the Family Court after documents have been filed. A Case Assessment Conference provides an early opportunity to identify issues in dispute and adopt a case management pathway.

ChaT First (Children and Teens First) is a website that invites children, teenagers and parents who are experiencing separation and divorce in their family to find support. The website aims to assists families to cope with the separation process. CHaT First is an initiative of the Children and Families in Transition Project and is in the process of construction.

Child and Family Counsellor can be a court counsellor or a person authorised by an approved counselling organisation to offer family and child counselling on behalf of the court or the organisation.

Child-centred practice embraces a range of child-focused and child-inclusive methods to enhance the best interests of the child.

Child-focused practice means finding the child’s voice in the absence of the child
Child-inclusive practice means finding the child’s voice in the presence of the child. Voice in this context is the right or opportunity for the child to express their views in different ways in discerning their own best interests.

Child Mediation involves discussing difficulties experienced by parents regarding the arrangements for children during or after separation. The goal is to achieve an agreement which is in the best interests of children.

Contact applies to separated or divorced parents where each parent has care of the child(ren) at least once a week or between 14% and 34% of nights per year. Shared care applies to separated or divorced parents where each parent has care of the child(ren) for at least 5 nights per fortnight or between 35% and 65% of nights per year.

Counselling aims to assist people to solve personal and interpersonal issues and problems. Counselling has a specific meaning under the Family Law Act, where it is included as one of the Primary Dispute Resolution processes (see PDR).

Court Mediators are qualified social workers and psychologists with specialist experience in working with families who are experiencing separation. They are part of the Court's team trained in mediation.

Depression - A spectrum of affective disorders, ranging from passing sad moods to serious, crippling disease requiring medical treatment. Major depression is a “whole body” disorder, impacting the patient's emotions (feelings of guilt and hopelessness or loss of pleasure in once enjoyed activities), thinking (persistent thoughts of death or suicide; difficulty concentrating, remembering, or making decisions), behaviour (changes in sleep patterns, appetite, or weight), and even their physical well-being (persistent symptoms, such as headaches or digestive disorders, that do not respond to treatment).

Divorce - Under the Family Law Act 1975 (Cwlth), the only ground on which a divorce may be granted is the irretrievable breakdown of the marriage. For this to be established, the husband and wife must have lived apart for 12 months or more, and there is no reasonable likelihood of reconciliation.

Domestic Violence occurs when a family member, partner or ex-partner attempts to physically or psychologically dominate or harm the other. It manifests in many forms, including physical violence, sexual abuse, emotional abuse, intimidation, economic deprivation, social isolation or threats of violence. Domestic violence occurs in all geographic areas of Australia and in all socioeconomic and cultural groups.

Family and Child Mediation is a non-legal service available for separating or divorcing couples to help them agree on how to settle their property, finances, and the care of their children. Family and Child Mediation uses an impartial third person to help couples resolve their disputes.

Family Consultant - The Family Court of Australia employs male and female Aboriginal Family Consultants whose role is to assist Aboriginal and Torres Strait Islander clients to access the services of the Court. The consultants work within the Court's mediation service and assist counsellors and the Court to respond to the needs of Indigenous clients, especially in relation to disputes involving children following separation.

Family Violence as defined by the Australian Family Law Act, 1975, is ‘conduct, whether actual or threatened, by a person towards, or towards the property of, a member of the person's family that causes that or any other member of the person's family to fear for, or to be apprehensive about, his or her personal well-being or safety.’
Mediation - A voluntary process in which a neutral third party (the mediator) assists persons in dispute to negotiate their own settlement. The mediator has no power to impose a settlement. Mediation emphasises the disputing parties’ responsibility for making decisions that affect their lives.

Mediation Services are offered by the Court to help settle disputes by agreement rather than a court hearing. Sessions deal with child-related issues or combined child-related and financial issues. Sessions can be conducted by mediators trained in law, social work or psychology who are expert in child-related and/or financial issues as relevant.

Next Friend is a person appointed by the Court to conduct proceedings on behalf of another person who is a party to the proceedings, but is unable to participate directly because of infirmity or is a child requiring adult guidance.

Order 30A Expert is a professional (such as a psychologist or psychiatrist) who has been appointed by the Family Court under Order30A of the Family Law Rules to be involved in the proceedings.

PDR (Primary Dispute Resolution) is a term used in particular jurisdictions to describe dispute resolution processes which take place prior to, or instead of, determination by a court. The Family Law Act 1975 (Cth) 'encourages people to use primary dispute resolution mechanisms (such as counselling, mediation, arbitration or other means of conciliation or reconciliation) to resolve matters in which a court order might otherwise be made'.

Privileged Counselling involves a counselling session with a Child and Family Counsellor where the contents of that counselling remain confidential. The Court will usually direct parties in a child's case to such a session at an early stage of the proceedings.

Qualitative research is a term used to describe the nature of the answers (evidence) in terms of their verbal, written word, picture or other descriptive nature. The who, which, what, when and why.

Quantitative research addresses statistical aspects of how much and how many and to what extent

Reunification requires that every child in out of home care or in the guardianship of the minister be returned to his birth parents or relatives once the safety and adequate future provisions of the child is assured.

Service Providers in the context of family and child support services, are usually offered under the auspices of federal and state government departments which in turn fund non government organisations, usually incorporated in religious organisations.

Shared care applies to separated or divorced parents where each parent has care of their child(ren) for at least 5 nights per fortnight or between 35% and 65% of nights per year. Contact applies to separated or divorced parents where each parent has care of their child(ren) at least once a week or between 14% and 34% of nights per year.

State Welfare Authority is the government department which deals with child protection issues. It is usually notified by counsellors, teachers or others with responsibility for a child, when a concern about child abuse is raised.

Systems Abuse occurs when a child is further traumatised by the systems (courts, child protection or other State Welfare Authority), which he/she encounters or which are appointed to make decisions about the child. This may include: the failure to consider children's needs; the unavailability of appropriate services for children; a failure to effectively organise and coordinate existing services; and institutional abuse.
9. APPENDICES

List of Appendices
Appendix 1: Online survey (English version)
Appendix 2: Online survey (German version)
Appendix 3: Phone-in interview: Children and young people
Appendix 4: Phone-in interview: Parents and stepparents
Appendix 5: Phone-in interview: Relatives
Appendix 6: Interview: Indigenous service providers
Appendix 1: Online survey (English version)

Children and Families in Transition Survey

*Children and Families in Transition* is a joint University of South Australia and Centacare Family Services (Adelaide) research project, funded by the Telstra Foundation. The project aims to develop a ‘best practice’, child-centred model of service provision for children and families experiencing separation and/or divorce (hereafter referred to as ‘children and families in transition’).

If your work includes contact with children and families in transition, **in whatever role you are in**, we strongly encourage you to complete the attached survey. Your answers to our questions will help us identify models, practices, trends and resource issues that influence services to children and families experiencing separation and divorce.

Your contribution to this survey is highly valued. The survey is confidential and anonymity will be preserved. Information provided will be coded and individual responses will not be identifiable in future reports or publications.

The survey should take approximately 30 minutes to complete and will provide valuable information for the family law field in Australia. Please answer all questions and type ‘n/a’ for those questions that do not apply to you or your organisation.

Associate Professor Dale Bagshaw, Project Manager ([Dale.Bagshaw@unisa.edu.au](mailto:Dale.Bagshaw@unisa.edu.au))

1. To which organisation does your service belong? Please tick one box. (The list continues over the page.)

- [ ] Aboriginal Family Support Services
- [ ] Australian Defence Force
- [ ] Catholic Welfare Australia
- [ ] Child and Adolescent Mental Health Service
- [ ] Child Support Agency
- [ ] Children’s Contact Centre
- [ ] Domestic/Family Violence Service
- [ ] Family Court of Australia
☐ Family Court of Western Australia
☐ Family Services Australia
☐ Federal Magistrates Court
☐ Legal Services Commission
☐ Legal Aid
☐ Mental Health Service (Adults)
☐ National Council of Single Mothers and their Children (NCSMC)
☐ Relationships Australia
☐ SPARK Resource Centre
☐ Specialised Men’s Service
☐ Women's Legal Service
☐ Self-employed
☐ Other
☐ Overseas

2. If you ticked 'Other' for the question above, please tell us what the name of your organisation is:

_________________________________________________________________________

3. If you are in Australia, which State or Territory do you mainly work from? Please tick one box:

☐ Australian Capital Territory
☐ New South Wales
☐ Northern Territory
☐ Queensland
☐ South Australia
☐ Tasmania
☐ Victoria
☐ Western Australia

4. Please indicate whether you work in a city/metropolitan or rural or remote area?

☐ City/Metropolitan
☐ Rural
☐ Remote
☐ All of the above

5. If you are not in Australia, in which country, state and/or province is your service located?

_________________________________________________________________________

6. What is your age group?

☐ Under 20
☐ 21-30
☐ 31-40
☐ 41-50
☐ Over 50
7. What is your sex?

☐ Female
☐ Male

8. What is your ethnicity?

____________________________________________________________________________

9. What is your highest qualification? Please tick one box:

☐ PhD/Doctorate
☐ Masters Degree
☐ Graduate Diploma
☐ Graduate Certificate
☐ Undergraduate University degree
☐ Undergraduate University Diploma
☐ Other

10. If you answered 'Other' to the above question, please tell us what your highest qualification is:

____________________________________________________________________________

11. What is your primary profession? Please tick one box:

☐ Counselling/Therapy
☐ Education
☐ Health Science (eg Nursing)
☐ Law
☐ Psychiatry
☐ Psychology
☐ Social Science
☐ Social Work
☐ Other

12. If you answered 'Other' to the above question, please tell us what your primary profession is:

____________________________________________________________________________

13. How many years work experience do you have with families and children? Please tick one box:

☐ Under 1 year
☐ 1-5
☐ 6-10
☐ 11-15
☐ 16-20
☐ More than 20 years
14. Which of these client groups, who are experiencing separation and divorce, does your organisation work directly with? Please tick the appropriate box/es. (The list continues over the page)

- Individual children
- Parents/caregivers only
- Children and adult parents/caregivers
- Grandparents and other extended family members
- Groups of children
- Groups of children and adults
- Groups of female parents/caregivers
- Groups of male parents/caregivers
- Groups of parents/caregivers (mixed gender)
- All of the above
- Other

15. What range of services does your organisation offer to children and families experiencing separation and divorce? Please tick the appropriate box/es:

- Information
- Referral
- Legal Advice
- Financial Advice
- Education/Training
- Group Work
- Counselling/Therapy
- Family Mediation
- Conciliation
- Arbitration
- Adjudication
- Advocacy
- Crisis Intervention
- Residential Support
- Assistance for child victims of abuse
- Assistance for adult victims of abuse
- Assistance for adult perpetrators of abuse
- Other

16. If you ticked 'Other' to the question above, please tell us what additional services your organisation offers, if any, to children and families in transition:

____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

17. Which of these client groups do you work with? Please tick the appropriate box/es:

- Children only
- Women only
Men only
Individual children
Individual adults
Couples
Separating/ed parents
Families
Groups of children
Groups of adults
Groups of children and adults
Groups of women
Groups of men

18. What is your **formal role or roles** in relation to work with children and families in transition? Please tick the relevant box/es:

- Information Provider
- Intake Worker
- Legal Adviser
- Financial Adviser
- Educator/Trainer
- Group Worker
- Counsellor/Therapist
- Support Worker
- Mediator
- Conciliator
- Arbitrator
- Adjudicator (Judge)
- Child Representative
- Advocate
- Other

19. If you ticked 'Other' to the question above, please tell us what your role is:

____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

20. How would you describe your organisation's service delivery to children and families in transition at this stage? Please tick **one** box:

- Generic
- Specialised
- Both of above
- Other

21. Please comment on your answer to question 20:
22. How would you describe your organisation's services to children and families in transition at this stage?

- [ ] Integrated/coordinated
- [ ] Compartmentalised/fragmented
- [ ] Other

23. Please elaborate on your answer to question 22:

____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

24. What is the primary focus of your work in relation to service delivery to children and families in transition? Please tick the relevant box/es:

- [ ] Child focus
- [ ] Mother focus
- [ ] Father focus
- [ ] Parent/Caregiver focus
- [ ] Post-separation family focus
- [ ] Extended family focus
- [ ] Other

25. Please comment on your answer to question 24:

____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
26. What are the main referral sources for clients experiencing separation and divorce who come to see you (formal and informal)? Please tick relevant boxes. (The list continues over the page)

- Family Court
- Federal Magistrates’ Service
- Local Courts
- Family Lawyers
- Legal Services Commission/Legal Aid
- Community Legal Services
- Specialised Women’s Services
- Specialised Men’s Services
- Specialised Children’s Services
- Family Services (non Government)
- Family Services (government)
- Medical Services
- Police Services
- Schools
- Child Care Agencies
- Child Support Agencies
- Child Contact Centres
- Self Referred
- Other

27. If you answered 'Other' to this question, please specify the referral source:

____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

28. Please estimate the percentage of your clients that are mandated to attend your services:

- Nil
- Up to 10%
- 11-20%
- 21-30%
- 31-50%
- Over 50%

29. Please indicate whether you provide services to any of the following special needs groups in relation to separation and/or divorce by ticking the relevant box/es:

- Indigenous
- Culturally and Linguistically Diverse
- Low Income
30. If you ticked 'Other' to this question, please tell us what special needs group you work with:
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

31. How does your service provision to special needs client groups differ to services you provide to other client groups?
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

32. Based on your professional experience what are the main influences that contribute to high-level and/or entrenched conflicts over children between parents/caregivers during separation? Tick the box/es that you deem most applicable:

- Love for a child
- Desire to nurture and care for a child
- Fear of losing contact with a child
- Desire to protect child
- Concern for child’s well-being
- Stereotypical gender roles/attitudes
- Biological/non-biological connectedness
- Involvement of extended family
- Residential matters
- Financial matters
- Influence of Family Law legislation
- Influence of the legal process
- View of child as property
- Need to control child
- Need to control other parent
- Revenge against other parent
- Power/control issues for both parents
- Other
33. If you answered ‘Other’ to question 32, please elaborate:
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

34. In your view, when families are experiencing separation and/or divorce who should be involved in making decisions that affect children?

☐ Parents have the right to make decisions for their children
☐ Children have the right to contribute to decision making where decisions affect them
☐ Both parents and children have the right to contribute to decision making
☐ Other

35. Please provide an explanation for your response to question 34:
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

36. If you believe that children should be included in decision making when their families are experiencing separation and divorce, should this inclusion be:

☐ Direct
☐ Indirect
☐ They should not be included
37. Please provide an explanation for your response to question 36:

____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
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____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

38. In deciding whether or not children are included in decision making when their families are experiencing separation and divorce, which of the following factors are important to consider? Please tick the relevant box/es:

- [ ] Not applicable - children should not be included
- [ ] The child’s age and stage of development
- [ ] The child’s level of competence
- [ ] The child’s level of willingness and approval to be involved
- [ ] The rights of the child
- [ ] Presence or suspected presence of high-level parental conflict
- [ ] Presence or suspected presence of domestic/family violence
- [ ] Willingness and permission of one parent or
- [ ] Willingness and permission of both parents
- [ ] Expertise of the interviewer
- [ ] Other

39. Please comment on your answer to question 38:

____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
40. Do you work **directly** with children whose parents/caregivers are experiencing separation? If so please indicate the children's age range/s:

- [ ] Under 3
- [ ] 3-5
- [ ] 6-12
- [ ] 13-18
- [ ] All Ages
- [ ] Don't work directly with children

41. Approximately how many children do you directly work with per month?

- [ ] Nil
- [ ] 1-5
- [ ] 6-10
- [ ] 11-15
- [ ] 16-20
- [ ] More than 20

42. What **direct** services do **you** provide to **children** whose families are in transition? Please tick the relevant box/es:

- [ ] No direct service
- [ ] Information
- [ ] Advice
- [ ] Education
- [ ] Advocacy
- [ ] Counselling/therapy
- [ ] Child-inclusive mediation
- [ ] Assessment
- [ ] Group work
- [ ] Crisis intervention
- [ ] Referral
- [ ] Placement
- [ ] Residential care
- [ ] Parent-child contact services
- [ ] Other

43. Please expand on your answer to question 42 about direct services to children:

____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
44. If your work **does not directly** include children, please go to question 49. If your work **does directly** include children please explain why or for what purpose you include them.

45. Drawing from your experience, what sort of things do the children who present at your organisation need assistance with when their parents/caregivers are separating or divorcing? Please tick the relevant box/es:

- Information/education about the separation/divorce process
- School-related issues
- Changing family relationships
- Loyalty conflicts
- Extended family relationships
- Blended family relationships
- Talking to parents about their interests, needs and/or wishes
- Peer relationships
- Sibling relationships
- Self-esteem/self-concept
- Depression
- Anger
- Grief and loss
- Decision-making
- Moving residence/neighbourhood/school
- Visitation/contact with a parent/caregiver
- Contact with extended family members
- Abuse from a parent/caregiver – direct
- Abuse from a parent/caregiver – indirect (eg witnessing domestic violence)
- Trauma arising from separation/divorce
- Other
46. If you ticked ‘Other’ to this question, please explain:

____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

47. If your work **directly** includes children, how are children invited, who is involved and what are they involved in (e.g. mediation, counselling)?

____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

48. If your work **directly** includes children how are children's expressed interests, needs and/or wishes conveyed and addressed in decision making?

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____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

49. If your work **does not** directly include children, how do you identify the needs, interests and/or wishes of children and then incorporate them into decision making?

____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
50. Over the past five years has your work become:

- [ ] More child inclusive
- [ ] More child focused
- [ ] Less child inclusive
- [ ] Less child focused
- [ ] None of the above

51. Please elaborate on your answer/s to question 50:

____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
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52. Please tick the relevant box/es to indicate any difficulties or issues you have experienced in relation to incorporating the best interests of the child into your work in the area of separation and divorce:

- [ ] Systems issues
- [ ] Lack of relevant knowledge/skills
- [ ] Lack of relevant experience
☐ Ethical issues
☐ Lack of resources
☐ Other

53. Please elaborate on your answer to question 52:
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54. What additional education and training would help you in your work with children and families in transition?
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55. Do you have ethical standards that guide your work with families and children? Please indicate which associated Code of Ethics or standards apply:

☐ No I don't
☐ Australian Association of Social Workers
☐ Australian Psychological Society
☐ Counselling Association of South Australia
☐ Australian Counselling Association
☐ Law Society/Council
☐ LEADR
☐ Australian Institute for Arbitrators and Mediators
☐ My organisation's policy and procedural standards
☐ Other

56. If you ticked 'Other' to the question above, please name or identify the organisational standards by which you are guided in your work with families and children:
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57. Please comment on your answer to question 55:

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58: In defining domestic/family violence please indicate which of the following factors you include:

☐ An imbalance of power
☐ Fear and intimidation
☐ Financial abuse
☐ Physical abuse
☐ Psychological/Emotional abuse
☐ Sexual abuse
☐ Social abuse
☐ Spiritual abuse
☐ Verbal abuse
☐ Other

59: If you ticked ‘Other’ to question 58, how else would you define ‘domestic/family violence’?

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60. How do you identify and manage imbalances of power that present in your work with children and families? Please tick appropriate box/es:

☐ Haven’t experienced imbalances of power in this context
☐ Screen prior to intervention
☐ Find out presence and conditions of Restraining Orders
☐ Adhere to established safety policies and procedures in the organisation
☐ Deal with individuals separately
☐ Refer to relevant agencies
☐ Provide relevant information
☐ Enforce strict ground rules
☐ Use co-mediation/counselling
☐ Use gender-balanced interventions
☐ Refuse service
☐ Terminate service
☐ Obtain supervision/consultation/debriefing before and after sessions
☐ Other
61. Please provide more information about your answer to question 60:

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62. Please indicate whether your adult client group presents with:

☐ Lower level conflicts involving children
☐ High level/complex conflicts involving children
☐ Entrenched conflicts involving children
☐ Family/domestic violence involving children
☐ All of the above
☐ None of the above

63. When working with children and families in transition, do you actively screen for signs of:

☐ Domestic Violence
☐ Child Abuse
☐ Both of the above
☐ None of the above

64. If you do actively screen, please comment on how you do this:

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65. Please estimate the percentage of your adult female client group who are separating or divorcing that you perceive to have been victims of family/domestic violence:

- NIL
- 1-10%
- 11-30%
- 31-50%
- 51-70%
- 71-90%
- 91-100%

66. Please estimate the percentage of your adult female client group who are separating/divorcing that you perceive to have been perpetrators of family/domestic violence:

- NIL
- 1-10%
- 11-30%
- 31-50%
- 51-70%
- 71-90%
- 91-100%

67. Please estimate the percentage of your adult male client group who are separating/divorcing that you perceive to have been victims of family/domestic violence:

- NIL
- 1-10%
- 11-30%
- 31-50%
- 51-70%
- 71-90%
- 91-100%

68. Please estimate the percentage of your adult male client group who are separating/divorcing that you perceive to have been perpetrators of family/domestic violence:

- NIL
- 1-10%
- 11-30%
- 31-50%
- 51-70%
- 71-90%
- 91-100%

69. Please estimate the percentage of your child client group from families in transition that you perceive would have been exposed to family/domestic violence:

- NIL
- 1-10%
- 11-30%
70. Please estimate the percentage of children in your client group from families in transition that have been direct victims of child abuse (physical, sexual, emotional and/or neglect)?

☐ NIL
☐ 1-10%
☐ 11-30%
☐ 31-50%
☐ 51-70%
☐ 71-90%
☐ 91-100%

71. Please estimate the percentage of your client group that reports pet abuse:

☐ NIL
☐ 1-10%
☐ 11-30%
☐ 31-50%
☐ 51-70%
☐ 71-90%
☐ 91-100%

72. Please use this space, which is continued over the page, to elaborate on your answers to the last 8 questions about violence and abuse:

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73. Where it has been established that children have experienced child abuse and/or exposure to family/domestic violence, what services do you provide?
☐ Not applicable
☐ No service
☐ **Voluntary** referral to an appropriate agency
☐ **Mandatory** referral to an appropriate agency
☐ Individual child counselling/therapy
☐ Groupwork for children
☐ Family interventions **excluding** the perpetrator
☐ Family interventions **including** the perpetrator
☐ Education for children
☐ Education for parents/caregivers
☐ Other

74. Please elaborate on your answer to question 73:

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75. In your opinion, what services do you consider could be helpful in assisting adults to cooperate around their children in the post-separation stage? Tick the box/es that you deem most applicable:

☐ Counselling/Therapy
☐ Mediation
☐ Teaching conflict resolution skills
☐ Parenting information
☐ Educating parents around the needs of children
☐ Direct communication to parents from children
☐ Indirect communication to parents from children
☐ Group work with parents
☐ Domestic/Family violence services
☐ Legal advice
☐ Financial advice
☐ Other
76. Based on your own experience with children and families in transition, please outline what you see as being significant **overlaps** in service delivery:

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77. Based on your own experience with children and families in transition, please outline what you see as being significant **gaps** in service delivery:

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78. In what ways should family law legislation in your country be changed to meet the needs and interests of children and families in transition?

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79. What do you identify as being the main areas of need for the future in relation to family relationship services for children and families in transition?

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80. Please comment on current national and/or organisational trends that concern you in relation to your work with families and children in transition.

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81. How do you evaluate success in terms of service delivery to children and families in transition?

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82. Finally, if you could wave a magic wand, what would be the key **principles, features** and/or **components** of a best practice **child-centred** model of service delivery to children and families in transition?

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THANK YOU FOR YOUR TIME

The 'Children and Families in Transition' research team are extremely grateful that you participated in this survey. We value your contribution to our research.
**Children and Families in Transition (Fragebogen)**


Der Fragebogen wird vertraulich behandelt. Die Informationen werden so kodiert, dass Anonymität gewährleistet ist.

Das Beantworten des Fragebogens wird ca. 30 Minuten erfordern.

Vielen herzlichen Dank für Ihre Teilnahme!

Associate Professor Dale Bagshaw, Projektmanagerin

Deutsche Ansprechpartnerin: Birte Schmidt (Birte.Schmidt@unisa.edu.au)
1. Zu welchem der folgenden Verbände gehört Ihre Serviceeinrichtung?

- [ ] Arbeitsgemeinschaft Mediation im DAV
- [ ] Berufsverband deutscher Psychologinnen und Psychologen (BDP)
- [ ] Bundeskonferenz für Erziehungsberatung e.V. (bke)
- [ ] Bundes- und Arbeitsgemeinschaft für Familienmediation
- [ ] Bundesrechtsanwaltskammer
- [ ] Bundesverband Mediation
- [ ] DAJEB, Deutsche Arbeitsgemeinschaft für Jugend- und Eheberatung e.V.
- [ ] Deutsche Gesellschaft für Mediation
- [ ] Evangelische Konferenz für Familien- und Lebensberatung e.V.
- [ ] Fachverband für psychologische Beratung und Supervision (EKFuL)
- [ ] Katholische Bundesarbeitsgemeinschaft für Ehe-, Familien- und Lebensberatung, Telefonseelsorge und Offene Tür e.V.
- [ ] Pro familia. Deutsche Gesellschaft für Familienplanung, Sexualpädagogik und Sexualberatung e.V.
- [ ] Keinem
- [ ] Andere


__________________________________________________________________

3. In welchem Bundesland arbeiten Sie?

- [ ] Baden-Württemberg
- [ ] Bayern
- [ ] Berlin
- [ ] Brandenburg
- [ ] Bremen
- [ ] Hamburg
- [ ] Hessen
- [ ] Mecklenburg-Vorpommern
- [ ] Niedersachsen
- [ ] Nordrhein-Westfalen
- [ ] Rheinland-Pfalz
- [ ] Saarland
- [ ] Sachsen
- [ ] Sachsen-Anhalt
- [ ] Schleswig-Holstein
- [ ] Thüringen

4. Arbeiten Sie in der Stadt oder auf dem Land?

- [ ] Stadt
- [ ] Land
- [ ] beides
5. Zu welcher Altersgruppe gehören Sie?

☐ Unter 20
☐ 21-30
☐ 31-40
☐ 41-50
☐ Über 50

6. Wie ist Ihr Geschlecht?

☐ Weiblich
☐ Männlich

7. Wie ist Ihr kultureller Hintergrund?

_____________________________________________________________________

8. Was für einen Schul-/Ausbildungsabschluss haben Sie?

_____________________________________________________________________


☐ Beratung
☐ Erziehung
☐ Gesundheit
☐ Psychologie
☐ Recht
☐ Sozialwissenschaften
☐ Sozialarbeit
☐ Therapie
☐ Andere

10. Wenn ‘Andere’ angekreuzt, nennen Sie uns bitte das Berufsfeld, in dem Sie tätig sind.

_____________________________________________________________________


☐ Unter einem Jahr
☐ 1-5
☐ 6-10
☐ 11-15
☐ 16-20
☐ Mehr als 20 Jahre

☐ Kindern
☐ Paaren
☐ Kindern und ihren Eltern/Erziehungsberechtigten
☐ Großeltern und/oder weiteren Familienmitgliedern
☐ Gruppen von Kindern
☐ Gruppen von Kindern und Erwachsenen
☐ Gruppen von Eltern/Erziehungsberechtigten (weiblich)
☐ Gruppen von Eltern/Erziehungsberechtigten (männlich)
☐ Gruppen von Eltern/Erziehungsberechtigten (männlich und weiblich)
☐ Allen der oben genannten
☐ Anderen


☐ Information (allgemein)
☐ Überweisung zu anderen Einrichtungen
☐ Rechtsberatung
☐ Finanzberatung
☐ Trainings
☐ Gruppenangebote
☐ Beratung
☐ Therapie
☐ Familienmediation
☐ Schlichtung
☐ Schiedsverfahren
☐ Krisenintervention
☐ Gerichtsverfahren
☐ Unterkunft
☐ Unterstützung für missbrauchte Kinder
☐ Unterstützung für missbrauchte Erwachsene
☐ Unterstützung für Missbrauchstäter
☐ Andere


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□ Nur mit Kindern  
□ Nur mit Frauen  
□ Nur mit Männern  
□ Kindern (individuell)  
□ Erwachsenen (individuell)  
□ Paaren  
□ Sich trennende/getrennte Eltern  
□ Familien  
□ Gruppen von Kindern  
□ Gruppen von Erwachsenen  
□ Gruppen von Kindern und Erwachsenen  
□ Gruppen von Frauen  
□ Gruppen von Männern  


□ InformationsgeberIn (allgemein)  
□ GruppenleiterIn  
□ BeraterIn  
□ TherapeutIn  
□ MediatorIn  
□ RechtsanwältIn  
□ FinanzberaterIn  
□ RichterIn  
□ SchiedsrichterIn  
□ SchlichterIn  
□ SozialarbeiterIn  
□ TrainerIn  
□ KindesvertreterIn  
□ Andere

17. Wenn Sie ‘Andere’ in der obigen Frage angekreuzt haben, welches ist Ihre Rolle in der Arbeit mit Kindern und Familien in Trennung/Scheidung?

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□ Allgemein  
□ Spezifisch  
□ Beides  
□ Andere

20. Wie würden Sie die Serviceangebote Ihrer Organisation für Kinder und Familien beschreiben?

☐ Integriert/aufeinander abgestimmt
☐ Wenig/nicht aufeinander abgestimmt
☐ Andere


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☐ Fokus auf dem Kind
☐ Fokus auf der Mutter
☐ Fokus auf dem Vater
☐ Fokus auf den Eltern/Erziehungsberechtigten
☐ Fokus auf der Nachscheidungsfamilie
☐ Fokus auf der Großfamilie
☐ Andere


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24. Welches sind die Hauptquellen, durch die Klienten, die Trennung und Scheidung erleben, zu Ihnen kommen (formell und informell)? Bitte kreuzen Sie die zutreffenden Antworten an.

☐ Erziehungsberatungsstellen
☐ Familiengerichte
☐ Familieneinrichtungen
☐ Fraueneinrichtungen
☐ Jugendämter
☐ Kindertagesstätten
☐ Männereinrichtungen
☐ Medizinischen Einrichtungen
☐ Polizei
☐ Regionalgerichte
☐ Schulen
☐ Selbstmelder
☐ Andere

25. Haben Sie ‘Andere’ bei der obigen Frage angekreuzt, bitte sagen Sie uns welches die Hauptquelle ist, durch die Klienten zu Ihnen kommen.

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☐ Keine
☐ Bis zu 10%
☐ 11-20%
☐ 21-30%
☐ 31-50%
☐ Über 50%

27. Bitte geben Sie an, ob Ihr Angebot für eine oder mehrere der folgenden Gruppen gilt.

☐ Kulturell und/oder sprachlich benachteiligte Personen
☐ Personen mit geringem Einkommen
☐ Geistig beeinträchtigte Personen
☐ Körperlich beeinträchtigte Personen
☐ Homosexuelle Frauen
☐ Homosexuelle Männer
☐ Andere
☐ Keine der oben genannten Personen

28. Falls Sie ‘Andere’ in der Frage zuvor angekreuzt haben, sagen Sie uns für welche benachteiligte Gruppe Ihr Angebot gilt.
29. Worin unterscheidet sich das Angebot für benachteiligte Gruppen von dem Angebot, das Sie für andere Gruppen anbieten?


30. Auf Grundlage Ihrer beruflichen Erfahrung: Was sind die Haupteinflussfaktoren im Trennungs-/Scheidungsgeschehen, die zu Konflikten zwischen Eltern/Erziehungsberechtigten um ihre Kinder führen?

☐ Liebe fürs Kind
☐ Wunsch für das Kind zu sorgen
☐ Angst den Kontakt mit dem Kind zu verlieren
☐ Wunsch das Kind zu beschützen
☐ Sorge um das kindliche Wohlergehen
☐ Stereotypische Geschlechtsrollen/Einstellungen
☐ Biologische/Nichtbiologische Verbundenheit
☐ Eingriff von anderen Teilen der Familie
☐ Wohnprobleme
☐ Finanzielle Probleme
☐ Einfluss durch die Gesetzgebung
☐ Einfluss durch das Gerichtsverfahren
☐ Sichtweise ‘das Kind als Eigentum’
☐ Drang, das Kind zu kontrollieren
☐ Drang, den anderen Elternteil zu kontrollieren
☐ Rache an dem anderen Elternteil
☐ Macht/Kontrolle von beiden Elternteilen
☐ Andere

32. Wenn Familien Trennung/Scheidung durchleben, wer sollte Ihrer Meinung nach an 
Entscheidungen beteiligt sein, die Kinder betreffen? Geben Sie bitte eine der folgenden 
Antworten.

☐ Eltern haben das Recht Entscheidungen für ihre Kinder zu treffen
☐ Kinder haben das Recht an Entscheidungen beteiligt zu werden die sie betreffen
☐ Eltern und Kinder haben das Recht Entscheidungen zu treffen
☐ Andere

33. Bitte erläutern Sie Ihre Antwort auf Frage 32.

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34. Wie sollten die Kinder in den Entscheidungsprozess bzgl. Trennung/Scheidung ihrer 
Familien miteinbezogen werden? Kreuzen Sie bitte eine der folgenden Antworten an.

☐ Direkt
☐ Indirekt
☐ Kinder sollten nicht am Entscheidungsprozess beteiligt werden

35. Bitte erläutern Sie Ihre Antwort auf Frage 34.

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36. Welche der folgenden Faktoren sind Ihrer Meinung nach wichtig zu berücksichtigen, wenn es um die Frage geht, ob Kinder an Entscheidungen bzgl. der Trennung/Scheidung ihrer Eltern beteiligt werden oder nicht?

- Kinder sollten nicht am Entscheidungsprozess beteiligt werden
- Alter und Entwicklungsstand des Kindes
- Kompetenzlevel des Kindes
- Wille und Bereitschaft des Kindes involviert zu sein
- Rechte des Kindes
- Präsenz oder vermutete Präsenz schwerwiegender elterlicher Konflikte
- Präsenz oder vermutete Präsenz von häuslicher/familiärer Gewalt
- Bereitschaft und Erlaubnis eines Elternteils
- Bereitschaft und Erlaubnis beider Elternteile
- Expertise des Interviewers
- Andere

37. Bitte kommentieren Sie Ihre Antwort auf Frage 36.

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38. Arbeiten Sie mit Kindern, deren Eltern/Erziehungsberechtigte sich trennen/scheiden, direkt? Wenn ja, bitte geben Sie die Altergruppe dieser Kinder an.

- Unter 3
- 3-5
- 6-12
- 13-18
- Alle Altergruppen
- Ich arbeite nicht mit Kindern im direkten Kontakt

39. Mit wie vielen Kindern direkt arbeiten Sie pro Monat?

- Keinen
- 1-5
- 6-10
- 11-15
- 16-20
- Mehr als 20

☐ Keine speziellen Angebote
☐ Information
☐ Beratung
☐ Training
☐ Rechtliche Beratung/Vertretung
☐ Therapie
☐ Mediation mit Kindern
☐ Beurteilungstests
☐ Gruppenangebote
☐ Krisenintervention
☐ Überweisung zu zuständigen Einrichtungen
☐ Aufenthalt
☐ Unterkunft
☐ Eltern-Kind-Angebote
☐ Andere

41. Bitte erläutern Sie Ihre Antwort auf Frage 40.

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42. Wenn Sie nicht direkt mit Kindern arbeiten, bitte gehen Sie zu Frage 49. Wenn Sie direkt mit Kindern arbeiten, bitte beschreiben Sie Ihr Ziel.

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43. Auf Grundlage Ihrer Erfahrung: Worin brauchen die Kinder, die zu Ihrer Einrichtung kommen, Unterstützung, wenn sich ihre Eltern trennen/scheiden? Bitte kreuzen Sie die zutreffenden Antworten an.

- [ ] Information über den Trennungs-/Scheidungsprozess
- [ ] Schulbezogene Fragen
- [ ] Veränderte Familienbeziehungen
- [ ] Loyalitätskonflikte
- [ ] Großfamiären Beziehungen (z.B. Großeltern)
- [ ] Beziehungen zu Personen aus vorherigen elterlichen Partnerschaften
- [ ] Gespräche mit Eltern über Bedürfnisse, Interessen und/oder Wünsche
- [ ] Beziehung zu Gleichaltrigen
- [ ] Beziehung zu Geschwistern
- [ ] Selbstwert/Selbstkonzept
- [ ] Depression
- [ ] Ärger
- [ ] Trauer und Verlust
- [ ] Entscheidungsfindung
- [ ] Verlassen der gewohnten Umgebung/Nachbarschaft/Schule
- [ ] Umgang/Kontakt mit einem Elternteil/Erziehungsberechtigten
- [ ] Kontakt mit weiteren Familienmitgliedern (z.B. Großeltern)
- [ ] Missbrauch durch einen Elternteil/Erziehungsberechtigten (direkt)
- [ ] Missbrauch durch einen Elternteil/Erziehungsberechtigten (indirekt, z.B. Beobachten von Gewalt)
- [ ] Trauma entstanden durch Trennung/Scheidung
- [ ] Andere

44. Wenn Sie ‘Andere’ angekreuzt haben, bitte erläutern Sie ihre Antwort auf Frage 43.

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45. Wenn Ihre Arbeit den direkten Kontakt mit Kindern beinhaltet, wie werden die Kinder ‘eingeladen’, wer ist noch involviert und wie sind Sie involviert?

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46. Wenn Ihre Arbeit den **direkten** Kontakt mit Kindern beinhaltet, wie werden deren Interessen, Bedürfnisse und Wünsche ermittelt und in den Entscheidungsprozess integriert?

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47. Wenn Ihre Arbeit **nicht** den **direkten** Kontakt mit Kindern beinhaltet, wie werden deren Interessen, Bedürfnisse und Wünsche ermittelt und in den Entscheidungsprozess integriert?

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- [ ] Stärkere Einbeziehung von Kindern
- [ ] Stärkerer Fokus auf Kinder
- [ ] Geringere Einbeziehung von Kindern
- [ ] Geringerer Fokus auf Kinder
- [ ] Keines dergleichen

49. Bitte erläutern Sie Ihre Antwort zu der Entwicklung Ihrer Arbeit.
50. Falls **Schwierigkeiten** oder **Hindernisse** in Ihrer Arbeit mit Trennungs-/Scheidungsfamilien bestehen im besten Interesse für das Kindes handeln zu können, worin liegen diese Schwierigkeiten? Bitte kreuzen Sie Zutreffendes an.

- [ ] Schwierigkeiten im System
- [ ] Mangel an Wissen/Können
- [ ] Mangel an Erfahrung
- [ ] Ethische Schwierigkeiten
- [ ] Mangel an Ressourcen
- [ ] Andere

51. Bitte erläutern Sie Ihre Antwort auf Frage 50.

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52. Welche Art von **Weiterbildung** und **Training** würde Ihnen in Ihrer Arbeit mit Kindern und Familien in Trennung/Scheidung helfen?

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☐ Ich arbeite nach keinen Standards
☐ Standards des Bundesverbandes Mediation
☐ Standards des Deutschen Arbeitskreises für Jugend-, Ehe- und Familienberatung
☐ Standards der Deutschen Gesellschaft für Psychologie (DGP)
☐ Standards der Deutschen Gesellschaft für Sozialarbeit
☐ Standards meiner Organisation
☐ Andere

54. Wenn Sie ‘Andere’ in der obigen Frage angekreuzt haben, bitte sagen Sie uns, nach welchen Standards/Richtlinien Sie arbeiten.

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55. Bitte kommentieren Sie Ihre Antwort auf Frage 53:

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56. Welche der folgenden Faktoren sind in Ihrer Definition für familäre/häusliche Gewalt enthalten?

☐ Machtungleichgewicht
☐ Angst und Einschüchterung
☐ Finanzieller Missbrauch
☐ Physischer Missbrauch
☐ Psychologischer/emotionaler Missbrauch
☐ Sexueller Missbrauch
☐ Sozialer Missbrauch
☐ Geistiger Missbrauch
☐ Verbaler Missbrauch
☐ Andere

57. Haben Sie ‘Andere’ in der obigen Frage angekreuzt, bitte erläutern Sie, wie Sie für sich ‘familiäre/häusliche Gewalt’ definieren.

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☐ Ich habe bisher keine Erfahrungen in diesem Zusammenhang gemacht
☐ Ich überprüfe den Fall und greife ein
☐ Ich finde heraus über Präsenz und Bedingungen von bereits vorherrschenden Maßnahmen
☐ Ich halte mich an bestehende Sicherheitsvorschriften unserer Organisation
☐ Ich arbeite mit den Beteiligten getrennt
☐ Ich weise die Klienten an zuständige Einrichtungen
☐ Ich gebe die relevanten Informationen
☐ Ich setzte strikte Regeln durch
☐ Ich wende Co-Mediation/Co-Beratung an
☐ Ich wende geschlechterausgleichende Interventionen an
☐ Ich lehne die Arbeit mit den Klienten ab
☐ Ich breche die Arbeit mit den Klienten ab
☐ Ich erhalte Supervision/Beratung/Information vor und nach den Sitzungen
☐ Andere

59. Bitte erläutern Sie Ihre Antwort auf Frage 58 näher.

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____________________________________________________________________________

60. Mit welcher der folgenden Konfliktarten kommen Erwachsene zu Ihnen?

☐ Geringes Konfliktevel (Kinder sind involviert)
☐ Hohes Konfliktevel (Kinder sind involviert)
☐ Tiefgreifende Konflikte (Kinder sind involviert)
☐ Familiäre Gewalt/häusliche Gewalt (Kinder sind involviert)
☐ Alle der oben genannten
☐ Keine der oben genannten

61. Suchen Sie in Ihrer Arbeit mit Kindern und Familien in Trennung/Scheidung aktiv nach Anzeichen von (geben Sie bitte eine der folgenden Antworten):

☐ Häuslicher Gewalt
☐ Kindesmissbrauch
☐ Beides der oben genannten
☐ Keines der oben genannten

62. Wenn Sie aktiv nach Anzeichen suchen, geben Sie bitte an, wie Sie dies tun.

____________________________________________________________________________
____________________________________________________________________________
63. Bitte geben Sie eine Schätzung über die Prozentzahl der **weiblichen Erwachsenen** im Trennungs-/Scheidungsprozess ab, mit denen Sie arbeiten, die **Opfer** von familiärer/häuslicher Gewalt sind.

- Keine
- 1-10%
- 11-30%
- 31-50%
- 51-70%
- 71-90%
- 91-100%

64. Bitte geben Sie eine Schätzung über die Prozentzahl der **weiblichen Erwachsenen** im Trennungs-/Scheidungsprozess ab, mit denen Sie arbeiten, die **Täter** von familiärer/häuslicher Gewalt sind.

- Keine
- 1-10%
- 11-30%
- 31-50%
- 51-70%
- 71-90%
- 91-100%

65. Bitte geben Sie eine Schätzung über die Prozentzahl der **männlichen Erwachsenen** im Trennungs-/Scheidungsprozess ab, mit denen Sie arbeiten, die **Opfer** von familiärer/häuslicher Gewalt sind.

- Keine
- 1-10%
- 11-30%
- 31-50%
- 51-70%
- 71-90%
- 91-100%
66. Bitte geben Sie eine Schätzung über die Prozentzahl der männlichen Erwachsenen im Trennungs-/Scheidungsprozess ab, mit denen Sie arbeiten, die Täter von familiärer/häuslicher Gewalt sind.

☐ Keine
☐ 1-10%
☐ 11-30%
☐ 31-50%
☐ 51-70%
☐ 71-90%
☐ 91-100%

67. Bitte geben Sie eine Schätzung über die Prozentzahl der Kinder, die vom Trennungs-/Scheidungsprozess betroffen sind ab, mit denen Sie arbeiten, die familiärer/häuslicher Gewalt ausgesetzt sind.

☐ Keine
☐ 1-10%
☐ 11-30%
☐ 31-50%
☐ 51-70%
☐ 71-90%
☐ 91-100%

68. Bitte geben Sie eine Schätzung über die Prozentzahl der Kinder, die vom Trennungs-/Scheidungsprozess betroffen sind ab, mit denen Sie arbeiten, die direkt Opfer von familiärer/häuslicher Gewalt sind (physisch, sexuell, emotional, Verwahrlosung).

☐ Keine
☐ 1-10%
☐ 11-30%
☐ 31-50%
☐ 51-70%
☐ 71-90%
☐ 91-100%

69. Bitte geben Sie eine Schätzung über die Prozentzahl der Klienten ab, die von Haustiermissbrauch berichten.

☐ Keine
☐ 1-10%
☐ 11-30%
☐ 31-50%
☐ 51-70%
☐ 71-90%
☐ 91-100%

70. Bitte nutzen Sie den folgenden Raum und erläutern Sie Ihre zuletzt gegebenen Antworten über Gewalt und Missbrauch.

- [ ] Nicht zutreffend
- [ ] Keine Angebote
- [ ] Überweisung zu einer der zuständigen Stellen (freiwillig)
- [ ] Überweisung zu einer der zuständigen Stellen (zwangsläufig)
- [ ] Individuelle Beratung/Therapie
- [ ] Gruppen für betroffene Kinder
- [ ] Familiäre Intervention ohne Täter
- [ ] Familiäre Intervention mit Täter
- [ ] Training für Kinder
- [ ] Training für Eltern/Erziehungsberechtigte
- [ ] Andere

72. Bitte erläutern Sie Ihre Antwort auf Frage 71.

____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________


- [ ] Beratung
- [ ] Therapie
- [ ] Mediation
- [ ] Training zum Umgang mit Konflikten
- [ ] Elterninformation
- [ ] Training zu den Bedürfnissen von Kindern
- [ ] Direkte Kommunikation zwischen Eltern und Kind
- [ ] Indirekte Kommunikation zwischen Eltern und Kind
- [ ] Gruppenangebote für betroffene Eltern
- [ ] Angebote im Bereich familiäre/häusliche Gewalt
74. Auf der Grundlage Ihrer Erfahrung mit Kindern und Familien im Trennungs-/Scheidungsprozess, worin überschneiden sich Ihrer Meinung nach Serviceangebote?
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75. Auf der Grundlage Ihrer Erfahrung mit Kindern und Familien im Trennungs-/Scheidungsprozess, was sind Ihrer Meinung nach signifikante Defizite bei Serviceangeboten?
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76. Sind Sie der Meinung, dass Veränderungen in der familiären Gesetzgebung nötig sind, um die Bedürfnisse und Interessen von Kindern und Familien im Trennungs-/Scheidungsprozess zu erreichen? Wenn ja, wie sehen diese aus?
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77. Wo liegt in der Zukunft, Ihrer Meinung nach, Bedarf im Bereich der Familieneinrichtungen in Ihrer Arbeit mit Kindern und Familien im Trennungs-/Scheidungsprozess?

____________________________________________________________________________
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78. Bitte beschreiben Sie derzeitige Trends (intern sowie deutschlandweit), die Sie in Ihrer Arbeit mit Kindern und Familien im Trennungs-/Scheidungsprozess betreffen.

____________________________________________________________________________
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79. Wie evaluieren Sie den Erfolg Ihrer Arbeit mit Kindern und Familien im Trennungs-/Scheidungsprozess?

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80. Wenn Sie zum Abschluss Ihr Wunschmodell für ein kinderzentriertes Praxismodell entwerfen könnten, wie sähe dieses Modell aus? Was wären die Hauptcharakteristika, Prinzipien und Hauptkomponenten dieses Modells?
VIELEN HERZLICHEN DANK FÜR DIE ZEIT, DIE SIE SICH GENOMMEN HABEN!

Das gesamte Team bedankt sich für Ihre Teilnahme an dem Fragebogen und wird Ihren Beitrag in die Forschung miteinbeziehen
Appendix 3: Phone-in interview: Children and young people

CHILDREN AND FAMILIES IN TRANSITION PHONE-IN - INTERVIEW SCHEDULE FOR CHILDREN AND YOUNG PEOPLE

DO NOT RECORD ANY NAMES OR OTHER IDENTIFYING DATA

I would like to talk to you about what it was like for you when your parents decided not to live together anymore and to ask you some questions that can help us to help other children and young people whose parents have separated.

Before we start the questions I want you to know that I won’t ask you for your last name so you and your family can’t be identified. I will write down what you say but no one will ever know who you are.

It is OK to stop at any time.

1. What is your first name?

2. How old are you? …….. YRS

3. Are you a boy or a girl? (if not obvious) BOY GIRL

4. Thanks for calling us today. Was there something in particular you wanted to tell us about before I ask you some questions?

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We will talk for about 15 Minutes. Is that okay with you?
Just tell me if our talk doesn’t feel good for you - if what we talk about upsets you please feel free to stop at any time, or I can get someone else for you to talk to after we finish talking.

So let’s start the questions now.

5. How old were you when your parents stop living together?  
   
   □  

6. Do you have any brothers and sisters and/or step brothers and sisters?  
   IF NO - go to question 8  
   YES  
   NO  

7. IF YES - How old are they now?  
   Start with the eldest  
   
   S = step brother/sister  
   
   □  

8. Who did you live with after your parents separated?  
   MUM  
   DAD  
   BOTH  
   OTHER (specify) ………………………………………..  
   □  

9. Do you still live there?  
   ………………………………………………………………………………………  
   ………………………………………………………………………………………  
   ………………………………………………………………………………………  
   □  

10. Did your brothers and sisters stay living with you?  
   YES  
   NO  
   □
11. Have mum, dad or anyone else given you a say about where you wanted to live and who you wanted to live with?  
<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

12. Who gave you a say?  
| MUM | DAD | BOTH | OTHER (specify) ………………………………………… |

| | | | |

13. Did they listen to you and do what you wanted?  

| ………………………………………………………………………………………………………………… |
| ………………………………………………………………………………………………………………… |
| ………………………………………………………………………………………………………………… |
| ………………………………………………………………………………………………………………… |
| ………………………………………………………………………………………………………………… |
| ………………………………………………………………………………………………………………… |

14. How easy is it for you to talk to your mum?  
| EASY | DIFFICULT | SOMEWHERE BETWEEN |

15. How easy is it for you to talk to your other parent?  
| EASY | DIFFICULT | SOMEWHERE BETWEEN |

16. Can you please tell me more about that?  

| ………………………………………………………………………………………………………………… |
| ………………………………………………………………………………………………………………… |
| ………………………………………………………………………………………………………………… |
17. Have you mainly lived in the same house that you lived in before your parents separated?
   IF YES – go to question 19

18. IF NO- How many times have you moved house since your parents separated?

19. Did you keep going to the same school/child care centre as you did before your parents separated?

20. When were you told that your parents were splitting up
    (before/during/after the separation)?

21. Were you surprised when you heard that your parents were separating?

22. Can you please tell me more about why you were or were not surprised?
23. Has anyone ever told you why your parents didn’t want to live together anymore?

IF NO - go to question 28

YES  NO

24. IF YES - Who told you?

MUM  DAD  BOTH  OTHER (specify) ........................................

25. IF YES - Can you please say some more to that?

………………………………………………………………………………………………………………
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26. Were you told enough to help you understand what was happening and why?

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260
27. Would you like to have known more about what was happening?

28. IF NO – Would you have liked someone to talk to about your parents splitting up?  
   IF NO – go to question 31

   YES | NO

29. IF YES – Who would you have liked to talk to (eg. parents, grandparent, friend, counsellor, etc.)?

30. What would you like to have talked about?

   (eg. feelings, worries, what’s going to happen to you/absent parent, etc.)
31. What feelings have you had since your parents split up?

What were the bad feelings? *(eg. sad, angry, worried, confused, it’s my fault, etc.)*

What were the good feelings? *(eg. relieved, no more fighting, glad, etc.)*

32. What sort of worries do you think other children/young people will have when their parents split up? *(eg. loyalty conflicts, their fault, parents fighting, who will look after them, worried about siblings, etc.)*

33. Were there or are there things happening in your family that frightened you?  
   IF NO - go to question 35  
   YES  NO

34. IF YES – Can you please tell me what sort of things?
35. Have there been things happening to you that have frightened you?

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

IF NO - go to question 37

36. IF YES - What sort of things? Can you please give me some examples?

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|………………………………………………………………………………………………………………
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|………………………………………………………………………………………………………………
|………………………………………………………………………………………………………………
|………………………………………………………………………………………………………………|

37. Did anyone help you to feel better when your parents split up?

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<thead>
<tr>
<th>YES</th>
<th>NO</th>
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</thead>
<tbody>
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<td></td>
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</table>

IF NO - go to question 39

38. IF YES – Who helped you and how did they help you? (after answer - go to question 41)

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|………………………………………………………………………………………………………………|

39. IF NO - What sort of things could someone have done to help you to feel better?
40. Who could have done that for you?

41. Do you think children/young people have a right to have a say about things they want or like, for example, who they want to live with, or who they want to see after their parents split up?

   IF NO – go to question 44

   YES

   NO

42. IF YES – Why do you think it’s important for children/young people to have a say?

43. Who do you think children/young people would like to talk to best?

44. IF NO – Why do you think children/young people should not have a say about what happens to them?
45. What do you think are the most important things that would help children and young people when their parents separate?

46. We are making a web site for children and young people whose families are splitting up.
   a) What do you think we should put on this website to help other children/young people?

   b) What things do you like on other web sites?

That’s the big questions out of the way. Can I ask some quick questions now?

47. What country were you born in?

   Country of birth: .................................................................
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>48. How would you describe your family? For example, is your family Asian, European, Australian, Aboriginal, Torres Strait Islander, North American etc?</td>
<td></td>
</tr>
<tr>
<td>Family description: .......................................................................</td>
<td></td>
</tr>
<tr>
<td>49. Is your family religious?</td>
<td>YES</td>
</tr>
<tr>
<td>IF NO – go to question 51</td>
<td>NO</td>
</tr>
<tr>
<td>50. IF YES - Do you know what they call their religion? (eg. Catholic, Methodist, Christian, Muslim, Budhist, etc.)</td>
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<td>........................................................................................................</td>
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</tr>
<tr>
<td>51. What languages do your family speak at home?</td>
<td>ENGLISH</td>
</tr>
<tr>
<td>........................................................................................................</td>
<td>OTHER</td>
</tr>
<tr>
<td>52. Do you live in the CITY or the COUNTRY?</td>
<td>CITY</td>
</tr>
<tr>
<td>........................................................................................................</td>
<td>RURAL</td>
</tr>
<tr>
<td>53. Do you know your postcode number?</td>
<td>..........</td>
</tr>
</tbody>
</table>

That is the end of our questions.

Are there any questions you would like to ask me?

I’d like to thank you very much for talking with me today. What you’ve said will help us to help other children and young people whose parents are splitting up.

Would you like me to put you though to someone else now, on another phone line, so you can talk some more or get some information that might help you?
Appendix 4: Phone-in interview: Parents and stepparents

CHILDREN AND FAMILIES IN TRANSITION
PHONE-IN - INTERVIEW SCHEDULE – FOR PARENTS AND STEPPARENTS

<table>
<thead>
<tr>
<th>DO NOT RECORD ANY NAMES OR OTHER IDENTIFYING DATA</th>
</tr>
</thead>
<tbody>
<tr>
<td>We are conducting this phone-in to find out about the experiences and needs of parents, step-parents caregivers and their children who have gone through or are going through separation and divorce.</td>
</tr>
<tr>
<td>Before I start I need to reassure you that everything you say will be kept in confidence. What you say will be written down and used for the research but I will not be asking you for your last name or anything that will identify you, or anyone else, in any way.</td>
</tr>
</tbody>
</table>

| 1. Before we start can you please let me know your first name? |

| 2. Can you please let me know how old you are? | YEARS |
|---------------------------------------------------|

| 3. Are you male or female? (if not obvious) | FEMALE |
| MALE |

| 4. How did you hear about the phone-in? |

| 5. Please tell me briefly (at this stage) why you decided to call us today/tonight. |

| 6. | |
This interview may take up to 30 Minutes. If you feel distressed feel free to hang up anytime or we can connect you with someone else on another line – please let me know.

| 6. Has there been a separation or divorce in your family involving children (clarify if necessary) | SEPARATION DIVORCE |
| 7. Are you a parent or step-parent? | PARENT STEP-PARENT |
| 8. How long ago did the separation/divorce take place? | …… YEARS …… MONTH …… DAYS |
| 9. Who made the decision to end the relationship? | CALLER EX-PARTNER BOTH |
| 10. Are you still living in the same house as your ex-partner? | YES NO |
| 11. Is this the first time you have separated or have you separated before? | YES - FIRST TIME NO - SEPARATED BEFORE |
| IF YES – go to question 13 |
| 12. IF NO (separated before) – What encouraged you to go back to the relationship again? | … … … … |

268
<table>
<thead>
<tr>
<th>Question</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
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</thead>
<tbody>
<tr>
<td>13. How many children were involved in the separation (include step-children)?</td>
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<td></td>
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<tr>
<td></td>
<td>m = month</td>
<td></td>
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<td></td>
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<tr>
<td></td>
<td>y = years</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>(keep ages in mind for following questions)</td>
<td>m = month</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>y = years</td>
<td></td>
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<tr>
<td>16. Following the separation did the children/child mainly live with you,</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>your ex-partner or with someone else?</td>
<td>ightly, a:</td>
<td>CALLER</td>
<td>EX-PARTNER</td>
<td>OTHER</td>
<td>(specify)</td>
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<tr>
<td></td>
<td></td>
<td>DIFFERENT</td>
<td>FROM CHILD</td>
<td>TO CHILD</td>
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<tr>
<td>17. Have you ever talked with your children/child about the separation?</td>
<td>IF NO - go to question 19</td>
<td>YES</td>
<td>NO</td>
<td></td>
<td></td>
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<tr>
<td>18. IF YES – When did you talk with them and what did you talk about?</td>
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</tbody>
</table>
19. **IF NO** - Why did you choose not to talk with your children about the separation?

20. How did the separation affect your child/children?
21. Did the children continue to live in the same family home?
   IF YES – go to question 24
   YES
   NO
   DIFFERENT
   FROM CHILD
   TO CHILD

22. IF NO - How often have your children moved/changed the family home since the separation?

23. Did they continue to live in the same neighbourhood?
   YES
   NO

24. Did they have to move school/child care/kindergarten/playgroup after the separation?
   IF NO – go to question 26
   YES
   NO

25. IF YES – How often did they change?

26. Have you sought legal advice over the parenting arrangements?
   IF NO - Why not?
   YES
   NO

27. Do you intend to/did you go to court over parenting arrangements?
   YES
<table>
<thead>
<tr>
<th>Question</th>
<th>YES</th>
<th>NO</th>
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<tbody>
<tr>
<td>IF NO – go to question 29</td>
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<tr>
<td>28. IF YES – Did/Will the children have separate legal representation?</td>
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<tr>
<td>29. I would like to know what things cause conflict between you and your ex-partner around the children. Can you please tell me whether any of the following issues apply to your situation and how?</td>
<td></td>
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<tr>
<td>Has there been any conflict over where and who the children would live with? (Residence Issues)</td>
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<tr>
<td>Has there been any conflict around visitation/contact/access issues?</td>
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<tr>
<td>Has there been any conflict over children’s belongings? (eg. clothing, toys, pets)</td>
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<tr>
<td>Has there been any conflict over school-related issues/weekend sport/after hour activities?</td>
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<tr>
<td>Has there been any conflict over issues around children’s friends?</td>
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<tr>
<td>Has there been any conflict around other family members? (eg. grandparents, step-children, aunt, uncle, cousin)</td>
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<tr>
<td>Has there been any conflict over issues around the court/law?</td>
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<td>Has there been any conflict over issues of control?</td>
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<tr>
<td>Has there been any conflict over child support issues? (eg. Centrelink)</td>
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<tr>
<td>Question</td>
<td>YES</td>
<td>NO</td>
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<td>-------------------------------------------------------------------------</td>
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<tr>
<td>Has there been any conflict over other financial issues?</td>
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<tr>
<td>Have you talked to anyone about your reactions to the separation?</td>
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<tr>
<td>IF NO – go to question 32</td>
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<tr>
<td>IF YES - Who did you talk to?</td>
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<tr>
<td>FAMILY</td>
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<tr>
<td>FRIENDS</td>
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<tr>
<td>PROFESSION (eg. lawyer, counsellor, doctor, social worker, psychologist, psychiatrist)</td>
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<td>31. How did they respond?</td>
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<td>What sort of helpful responses did you receive?</td>
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<td>What sort of unhelpful responses did you receive?</td>
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<td>32. IF NO – What stopped you from talking to people?</td>
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<td>33. What sort of things have helped you to deal with the separation?</td>
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<td>34. What sort of things would help you to deal with the separation?</td>
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</table>
Now we are going to ask a few more questions about your children.

35. How have your children coped with your separation?

36. Have your children received any kind of help or support in relation to your separation?  
<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
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<tbody>
<tr>
<td>IF YES – go to question 38</td>
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</table>

37. IF NO - Can you tell me why not?

38. IF YES – What support did they get and from whom?

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<th>FAMILY</th>
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<thead>
<tr>
<th>PROFESSIONALS (eg. teacher, lawyer, counsellor, doctor, social worker, psychologist, psychiatrist)</th>
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</table>
39. Were your children directly consulted about decisions that would affect them?

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
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<tr>
<td>IF NO - go to question 41</td>
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40. If YES – What were they consulted about and who was involved?

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<tr>
<th>Other (specify)</th>
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<td>Other (specify)</td>
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41. IF NO – Can you please give me some reasons why your children were not consulted?

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<tr>
<th>Other (specify)</th>
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<tr>
<td>Other (specify)</td>
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42. Do you think your children have had enough help to cope with the separation?

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
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<tr>
<td>Can you please explain?</td>
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</table>
43. From your experience, what do you think children need most during separation?

44. From your experience, what do you think parents need most during separation?

45. Do you think the needs of children whose parents are separated are understood and considered by people like teachers, lawyers, judges, social workers, doctors, counsellors and other people in the community?

   YES

   NO

   IF NO – go to question 47

46. IF YES – Can you please give me some examples?
47. IF NO - What should people be doing differently with regard to children experiencing family breakups?

48. Have your children witnessed any high level family conflict, or abuse, at any stage?  
<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
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<tr>
<td>NO – go to question 53 (see text above)</td>
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</table>

49. IF YES – What has been their experience and how did it affect them?

   DIRECT ABUSE

   WITNESSED CONFLICT

   WITNESSED ABUSE
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<td><strong>50. Have your children talked to anyone about their experiences of conflict/abuse?</strong></td>
<td><strong>YES</strong></td>
<td><strong>NO</strong></td>
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<td>IF NO – go to question 52</td>
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<td><strong>51. IF YES - Who did they talk to and how helpful were their responses?</strong>&lt;br&gt;<em>(we don’t need names – just wondering whether they spoke to friends, family, teachers or anyone else)</em></td>
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<td><strong>52. IF NO – Was there a reason why they didn’t talk to anyone?</strong></td>
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The next questions are about high level conflict, violence or abuse that may or may not have occurred during the separation or during the prior relationship.
You can stop answering these questions at anytime. (then go to question 69, page 18)

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>53. Have there been any restraining orders taken out against you or your ex-partner?</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>IF NO – go to question 58</td>
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<tr>
<td>54. If yes, who by?</td>
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<td>55. When were the orders taken out?</td>
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<td>56. Why were the orders taken out?</td>
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<tr>
<td>57. Is the restraining order still in existence?</td>
<td>YES</td>
<td>NO</td>
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<td>IF YES – go to question 58</td>
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<tr>
<td>IF NO – Why not?</td>
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</table>
58. Have you ever been frightened of your ex-partner or was there any kind of abuse in your relationship?

<table>
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<th>YES</th>
<th>NO</th>
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<tbody>
<tr>
<td>IF NO – go to question 69</td>
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</table>

59. IF YES - Do you mind telling me why you were frightened and/or the nature of the abuse?

<table>
<thead>
<tr>
<th>Physical abuse (eg. pushing, shoving, breaking things, hitting, etc.)</th>
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<tbody>
<tr>
<td>Sexual abuse (eg. forced sex with you)</td>
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<tr>
<td>Verbal abuse (eg. put downs, threats)</td>
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<tr>
<td>Emotional abuse (eg. not talking/ignoring, intimidation, frightening behaviour)</td>
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<tr>
<td>Social abuse (eg. keep you away from friends, family, etc.)</td>
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<td>Financial abuse (eg. not giving you your own money, giving you too little money, etc.)</td>
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<tr>
<td>Abuse to family pets</td>
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<td>Any other?</td>
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<td>Question</td>
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<tr>
<td>60. When did the abuse/violence start?</td>
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<td>61. Is the abuse still happening?</td>
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<td>62. Over what period of time has the abuse occurred?</td>
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<td>63. How frequently has the abuse happen?</td>
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<td>64. Have you told anyone about any abuse that has occurred?</td>
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<td>IF NO – go to question 67</td>
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<tr>
<td>65. IF YES – Who have you told?</td>
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<td>FAMILY</td>
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<td>FRIENDS</td>
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<td>POLICE</td>
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<td>DOCTOR</td>
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<td>SOC SERVICE</td>
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66. How did they respond?

**Helpful responses**

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**Unhelpful responses**

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67. **IF NO** – What has stopped you from talking to people about the abuse?

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68. What would have helped you to deal with your abusive situation in relation to you and your children?

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| ………………………………………………………………………………………………………………… |
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That is the end of our questions about abuse and violence. We are near the end now........

69. Based on your experience, if you could wave a magic wand and create ideal services for children and families experiencing separation, what would those services look like and what would they provide?

70. We are constructing a web site for children and families experiencing separation and divorce. What important things do you think should be on there - for parents to help them with their children, and for children and young people whose parents are separating?
71. Can you please tell me where you were born and how your family describe themselves –
  eg. as Asian, European, Anglo-Australian, Aboriginal, Torres Strait Islander, North American,
  South American, African *(may be a mix)*

<table>
<thead>
<tr>
<th>Family description</th>
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<table>
<thead>
<tr>
<th>Where were you born?</th>
</tr>
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</table>

<table>
<thead>
<tr>
<th>What languages are spoken at home</th>
<th>ENGLISH</th>
<th>OTHER</th>
</tr>
</thead>
</table>

72. Do you have any strong religious beliefs?

IF NO – go to question 74

<table>
<thead>
<tr>
<th>YES</th>
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<table>
<thead>
<tr>
<th>NO</th>
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</table>

73. IF YES – What are they?

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74. Do you live in the CITY or the COUNTRY?

<table>
<thead>
<tr>
<th>CITY</th>
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<thead>
<tr>
<th>RURAL</th>
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</table>

75. What is your postcode number?

………………..

That is the end of our questions, so do you have any questions you want to ask us, or additional comments you would like to make that would assist us to provide better services to children and parents who are separating?
Would you be interested in participating in some follow up research?

☐ NO - If you don’t have any further comments, then this is the end of the questions.

Would you like further information about help that may be available to you or your children – if so I can now connect you with someone on another line.

Thank you for your time. You contributions will assist other families and their children who are experiencing separation.

☐ YES - The follow up research may involve an interview or a focus group. You may be asked more questions about the needs of children and parents in the process of separation and divorce. Can you please give me a SAFE telephone number. You may be contacted within the next month or two with a time for an interview or meeting.

Your participation in this research will be voluntary and you can withdraw from the research at any time.

First Name: __________________________

Phone number: ________________________ Best times to ring:    MORNING

AFTERNOON

EVENING (after 6pm)

What day during the week?

..............................

Would you like further information about help that may be available to you or your children – if so I can now connect you with someone on another line.

Thank you for your time. You contributions will assist other families and their children who are experiencing separation.
Appendix 5: Phone-in interview: Relatives

CHILDREN AND FAMILIES IN TRANSITION
PHONE-IN - INTERVIEW SCHEDULE – FOR RELATIVES/CAREGIVERS

DO NOT RECORD ANY SECOND NAMES OR OTHER IDENTIFYING DATA

We are conducting this phone-in to find out about the experiences and needs of parents and step-parents and their children, and also of relatives/caregivers who are involved in the process of separation and divorce.

Before we start I need to reassure you that everything you say will be kept in confidence. What you say will be written down and used for the research but I will not be asking you for your last name or anything that will identify you, or anyone else, in any way.

1. Before we start can you please let me know your first name?

2. How old are you? ………. YRS

3. Are you male or female? (if not obvious) FEMALE MALE

4. How did you hear about the phone-in? …………………………………………………………………………………………………………………

………………………………………………………………………………………………………………

5. Please tell me briefly (at this stage) why you decided to call us today/tonight.

………………………………………………………………………………………………………………

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This interview may take up to 30 Minutes. If you feel distressed feel free to hang up anytime or we can connect you with someone else on another line – please let me know.
<table>
<thead>
<tr>
<th>Question</th>
<th>Options/Instructions</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. Has there been a separation or divorce in your family involving children? (clarify if necessary)</td>
<td>SEPARATION DIVORCE</td>
</tr>
<tr>
<td>7. What was your role in relation to the children?</td>
<td>CAREGIVER RELATIVE OTHER</td>
</tr>
<tr>
<td></td>
<td>CAREGIVER RELATIVE OTHER</td>
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<td>CAREGIVER RELATIVE OTHER</td>
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<td>CAREGIVER RELATIVE OTHER</td>
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<td>CAREGIVER RELATIVE OTHER</td>
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<tr>
<td>8. How long ago did the separation/divorce take place?</td>
<td>...... YEARS ...... MONTH ...... DAYS</td>
</tr>
<tr>
<td></td>
<td>CAREGIVER RELATIVE OTHER</td>
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<td>CAREGIVER RELATIVE OTHER</td>
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<td>CAREGIVER RELATIVE OTHER</td>
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<td>CAREGIVER RELATIVE OTHER</td>
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<tr>
<td>9. How many children were involved in the separation?</td>
<td>CAREGIVER RELATIVE OTHER</td>
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<td>CAREGIVER RELATIVE OTHER</td>
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<td>CAREGIVER RELATIVE OTHER</td>
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<td>CAREGIVER RELATIVE OTHER</td>
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<tr>
<td>10. What is their sex and their ages now starting with the eldest?</td>
<td>1. M/F ........</td>
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<td>2. M/F........</td>
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<td></td>
<td>3. M/F........</td>
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<td>4. M/F........</td>
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<td>5. M/F........</td>
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<td>CAREGIVER RELATIVE OTHER</td>
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<td>CAREGIVER RELATIVE OTHER</td>
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<td>CAREGIVER RELATIVE OTHER</td>
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<td>CAREGIVER RELATIVE OTHER</td>
</tr>
<tr>
<td>11. How old were the children when the separation took place?</td>
<td>1. M/F........</td>
</tr>
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<td></td>
<td>2. M/F........</td>
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<td></td>
<td>3. M/F........</td>
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<td>4. M/F........</td>
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<td>5. M/F........</td>
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<td>CAREGIVER RELATIVE OTHER</td>
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<td>CAREGIVER RELATIVE OTHER</td>
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<td></td>
<td>CAREGIVER RELATIVE OTHER</td>
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<tr>
<td>12. Following the separation who did the children mainly live with?</td>
<td>CALLER MUM/DAD OTHER DIFFERENT FROM CHILD</td>
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<td></td>
<td>CALLER MUM/DAD OTHER DIFFERENT FROM CHILD</td>
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<td>CALLER MUM/DAD OTHER DIFFERENT FROM CHILD</td>
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<td></td>
<td>CALLER MUM/DAD OTHER DIFFERENT FROM CHILD</td>
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<td></td>
<td>CALLER MUM/DAD OTHER DIFFERENT FROM CHILD</td>
</tr>
</tbody>
</table>

\[ w = \text{weeks} \quad m = \text{month} \quad y = \text{years} \]
<table>
<thead>
<tr>
<th>Question</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>13. When the separation took place, did you talk to the children involved about the separation?</td>
<td>YES</td>
</tr>
<tr>
<td>IF NO - go to question 15</td>
<td>NO</td>
</tr>
<tr>
<td>14. IF YES – What did you discuss with them?</td>
<td></td>
</tr>
<tr>
<td>15. IF NO - Why didn’t you talk with the children about the separation?</td>
<td></td>
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<td>16. How did the separation affect the child/children?</td>
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<tr>
<td>Question</td>
<td>YES</td>
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<td>-------------------------------------------------------------------------</td>
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<tr>
<td>17. Did the children continue to live in the same family home?</td>
<td>YES</td>
</tr>
<tr>
<td>IF YES – go to question 20</td>
<td></td>
</tr>
<tr>
<td>18. IF NO - How often have the children moved/changed the family home since the separation?</td>
<td></td>
</tr>
<tr>
<td>IF NO – go to question 22</td>
<td></td>
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<tr>
<td>19. Did they continue to live in the same neighbourhood?</td>
<td>YES</td>
</tr>
<tr>
<td>20. Did they have to move school/child care/kindergarten/playgroup after the separation?</td>
<td>YES</td>
</tr>
<tr>
<td>IF NO – go to question 22</td>
<td></td>
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<tr>
<td>21. IF YES – How often did they change?</td>
<td></td>
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<tr>
<td>22. Was there any legal help over parenting arrangements?</td>
<td>YES</td>
</tr>
<tr>
<td>IF NO – Do you know why not?</td>
<td></td>
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<tr>
<td>23. Was the court involved in deciding the parenting arrangements?</td>
<td>YES</td>
</tr>
<tr>
<td>IF NO OR DON’T KNOW – go to question 25</td>
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<tr>
<td>Question</td>
<td>Options</td>
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<td>-------------------------------------------------------------------------</td>
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<tr>
<td>24. IF YES – Did/Will the children have separate legal representation?</td>
<td>YES, NO, DON’T KNOW</td>
</tr>
<tr>
<td>25. Have you talked to anyone about your feelings and needs in relation to the separation and your ongoing involvement with the children?</td>
<td>YES, NO</td>
</tr>
<tr>
<td>IF NO – go to question 27</td>
<td></td>
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<tr>
<td>IF YES - Who did you talk to?</td>
<td></td>
</tr>
<tr>
<td>FAMILY</td>
<td></td>
</tr>
<tr>
<td>FRIENDS</td>
<td></td>
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<tr>
<td>PROFESSION (eg. lawyer, counsellor, doctor, social worker, psychologist, psychiatrist)</td>
<td></td>
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<tr>
<td>OTHER (specify)</td>
<td></td>
</tr>
<tr>
<td>26. How did they respond?</td>
<td></td>
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<tr>
<td>What sort of helpful responses did you receive?</td>
<td></td>
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<tr>
<td>What sort of unhelpful responses did you receive?</td>
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</tbody>
</table>
27. IF NO – What stopped you from talking to people?

28. What sort of things have helped you to deal with the separation for you as a relative of the children?

29. What sort of things would help you to better support the parents and children involved in the separation?

Now we are going to ask a few more questions about the children involved.

30. How do you think the children have coped with the separation of their parents?
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
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</thead>
<tbody>
<tr>
<td>31. Have the children received any kind of support in relation to the separation?</td>
<td>YES</td>
</tr>
<tr>
<td></td>
<td>NO</td>
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<td>32. IF NO - Can you tell me why not?</td>
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<tr>
<td>33. IF YES – What support did they get and from whom?</td>
<td>FAMILY</td>
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<td></td>
<td>FRIENDS</td>
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<tr>
<td></td>
<td>PROFESSIONALS (eg. teacher, lawyer, counsellor, doctor, social worker, psychologist, psychiatrist)</td>
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<td></td>
<td>OTHER (specify)</td>
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<tr>
<td>34. Were the children directly consulted about decisions that would affect them?</td>
<td>YES</td>
</tr>
<tr>
<td>Question</td>
<td>Response 1</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
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<tr>
<td><strong>35. If YES –</strong></td>
<td></td>
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<tr>
<td>What were they consulted about?</td>
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<tr>
<td><strong>Who was involved?</strong></td>
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<tr>
<td><strong>Do you think what the children said was taken into account?</strong></td>
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<td><strong>36. IF NO – Can you please give me some reasons why the children were not consulted?</strong></td>
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<td><strong>37. Do you think the children have received enough help to cope with the separation?</strong></td>
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<tr>
<td><strong>Can you please explain?</strong></td>
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</table>
38. From your experience, what do you think children need most during the separation of their parents or parent figures?

39. From your experience, what do you think parents need most during separation?

40. From your experience, what do you think close relatives or caregivers need most during the separation of other family members?
41. Do you think the needs of children whose parents are separated are understood and considered by people like teachers, lawyers, judges, social workers, doctors, counsellors and other people in the community?

**YES**

**NO**

IF NO – go to question 43

<table>
<thead>
<tr>
<th>42. IF YES – Can you please give me some examples?</th>
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</table>

43. IF **NO** - What should people be doing differently with regard to children experiencing family breakups?

<table>
<thead>
<tr>
<th>44. To your knowledge, have the children witnessed any high level family conflict, at any stage?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>YES</strong></td>
</tr>
<tr>
<td><strong>NO</strong></td>
</tr>
<tr>
<td><strong>DON’T KNOW</strong> – go to question 49</td>
</tr>
<tr>
<td><strong>DON’T</strong></td>
</tr>
</tbody>
</table>
45. IF YES – Can you please explain what happened and how it affected them?

**DIRECT ABUSE**

………………………………………………………………………………………………………………

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**WINESSED CONFLICT**

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**WITNESSED ABUSE**

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………………………………………………………………………………………………………………

46. Have the children talked to anyone about their experiences of conflict/abuse?  

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>IF NO – go to question 48</td>
<td></td>
</tr>
</tbody>
</table>

47. IF YES - Who did they talk to and how helpful were their responses?  

*(we don’t need names – just wondering whether they spoke to friends, family, teachers or anyone else)*

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48. IF NO - Was there a reason why they didn’t talk to anyone?

49. Have there been any restraining orders taken out against one of the parents?
   IF NO – go to question 54
   YES
   NO

50. If yes, who by?

51. Can you tell me **when** the orders were taken out?

52. Do you know **why** the orders were taken out?

53. Is the restraining order still in existence?
   IF YES – go to question 54
   YES
   NO
   IF NO – Do you know why not?
54. To the best of your knowledge, has one of the parents been frightened of the other for any reason?  
   IF NO – go to question 65, page 16

55. Would you mind telling me why?  

<table>
<thead>
<tr>
<th>Physical abuse (eg. pushing, shoving, breaking things, hitting, etc.)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual abuse (eg. forced sex with the other)</td>
<td></td>
</tr>
<tr>
<td>Verbal abuse (eg. put downs, threats)</td>
<td></td>
</tr>
<tr>
<td>Emotional abuse (eg. not talking/ignoring, intimidation, frightening behaviour)</td>
<td></td>
</tr>
<tr>
<td>Social abuse (eg. keep the other away from friends, family, etc.)</td>
<td></td>
</tr>
<tr>
<td>Financial abuse (eg. not giving the other his or her own money, giving too little money, etc.)</td>
<td></td>
</tr>
<tr>
<td>Abuse to family pets</td>
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</tr>
<tr>
<td>Any other?</td>
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</tbody>
</table>

56. Do you know when the abuse started?  

<p>| BEFORE SEP | SINCE SEP |</p>
<table>
<thead>
<tr>
<th>Question</th>
<th>Options</th>
</tr>
</thead>
<tbody>
<tr>
<td>57. Is the abuse still happening?</td>
<td>YES/NO</td>
</tr>
<tr>
<td>58. Do you know over what period of time the abuse occurred?</td>
<td>...... DAYS/ ...... MONTHS/ ...... YEARS</td>
</tr>
<tr>
<td>59. Do you know how frequently it happens/ed?</td>
<td>ONLY ONCE/RARELY/ ONCE/TWICE A YEAR/ ..........</td>
</tr>
<tr>
<td></td>
<td>ONCE/TWICE A MONTH/ ONCE/TWICE A WEEK/ ....</td>
</tr>
<tr>
<td></td>
<td>NEARLY EVERY DAY</td>
</tr>
<tr>
<td>60. Do you know if the victim has talked to anyone about the abuse?</td>
<td>YES/NO</td>
</tr>
<tr>
<td>IF NO – go to question 63</td>
<td></td>
</tr>
<tr>
<td>61. IF YES – Who have they sought help from?</td>
<td></td>
</tr>
<tr>
<td>FAMILY</td>
<td></td>
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<tr>
<td></td>
<td></td>
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<tr>
<td>FRIENDS</td>
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<td></td>
</tr>
<tr>
<td>POLICE</td>
<td></td>
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</tr>
<tr>
<td>DOCTOR</td>
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<tr>
<td>SOC SERVICE</td>
<td></td>
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<tr>
<td>OTHERS (specify)</td>
<td></td>
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</tbody>
</table>
62. Do you know how helpful their responses were?

**Helpful responses**

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**Unhelpful responses**

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63. **IF NO** – Do you know what has stopped the victim from talking to people about the abuse?

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64. What would have helped you as a relative to deal with this situation?

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That is the end of our questions about abuse and violence.

65. Based on your experience, if you could wave a magic wand and create ideal services for children and families (including relatives) experiencing separation and/or divorce what would those services look like and what would they provide?

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66. We are developing a website for children and families experiencing separation and divorce. What do you think are important things that should be on there - for parents, relatives and caregivers to help them with the children, and for children and young people whose parents are separating?

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67. We are near the end now. Can you please tell me where you were born and how your family describes themselves – eg. as Asian, European, Anglo-Australian, Aboriginal, Torres Strait Islander, North American, South American, African

<table>
<thead>
<tr>
<th>Family description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where were you born?</td>
</tr>
</tbody>
</table>

68. What languages are spoken at home

| ENGLISH | OTHER |

69. Are there any strong religious beliefs in the children’s family?

| YES | NO |

IF NO – go to question 71

70. IF YES – Can you please explain what they are?

………………………………………………………………………………………………………………

………………………………………………………………………………………………………………

71. Do you live in the CITY or the COUNTRY?

| CITY | RURAL |

72. What is your postcode number?

………………

That is the end of our questions, so do you have any questions you want to ask us, or additional comments you would like to make that would assist us to provide better services to children and their families who are separating/divorcing?

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Thank you very much for your participation – your answers will be of great help to others
Appendix 6: Interview: Indigenous service providers

Thank you for your time. I want to first of all reassure you that this interview is confidential and you will not be personally identified in any way, I'll use another name. Also your participation in this research is voluntary and you can withdraw at any stage.

1. Which organisation do you work with?

2. Do you work in a city/metropolitan or rural or remote area?

- [ ] City/Metropolitan
- [ ] Rural
- [ ] Remote
- [ ] All of the above

3. Do you mind telling me your age?

- [ ] Under 20
- [ ] 21-30
- [ ] 31-40
- [ ] 41-50
- [ ] Over 50

4. Sex? (should be obvious)

- [ ] Female
- [ ] Male

5. What is your ethnicity?

6. What is your highest qualification?

- [ ] PhD/Doctorate
- [ ] Masters Degree
- [ ] Graduate Diploma
- [ ] Graduate Certificate
- [ ] Undergraduate University degree
- [ ] Undergraduate University Diploma
- [ ] Other

7. What is your primary profession?

- [ ] Counselling/Therapy
- [ ] Education
- [ ] Health Science (eg Nursing)
Law
Psychiatry
Psychology
Social Science
Social Work
Other

8. How many years work experience do you have with Aboriginal families and children?

- Under 1 year
- 1-5
- 6-10
- 11-15
- 16-20
- More than 20 years

9. What range of services does your organisation offer to Aboriginal children and families experiencing separation and divorce?

- Information
- Referral
- Legal Advice
- Financial Advice
- Education/Training
- Group Work
- Counselling/Therapy
- Family Mediation
- Conciliation
- Arbitration
- Adjudication
- Advocacy
- Crisis Intervention
- Residential Support
- Assistance for child victims of abuse
- Assistance for adult victims of abuse
- Assistance for adult perpetrators of abuse
- Other

10. What particular Aboriginal client groups do you work with?

- Children only
- Women only
- Men only
- Individual children
- Individual adults
- Couples
- Separating/ed parents
- Families
- Groups of children
11. What is your formal role or roles in relation to work with Aboriginal children and families in transition?

- Information Provider
- Intake Worker
- Legal Adviser
- Financial Adviser
- Educator/Trainer
- Group Worker
- Counsellor/Therapist
- Support Worker
- Mediator
- Conciliator
- Arbitrator
- Adjudicator (Judge)
- Child Representative
- Advocate
- Other

12. How would you describe your organisation's service delivery to Aboriginal children and families in transition at this stage? Is it part of a general service or is it specialised for this client group?

- Generic
- Specialised
- Both of above
- Other

13. What is the primary focus of your work in relation to service delivery to Aboriginal children and families experiencing separation or divorce?

- Child focus
- Mother focus
- Father focus
- Parent/Caregiver focus
- Post-separation family focus
- Extended family focus
- Other
14. What are the **main referral sources** for Aboriginal clients experiencing separation and divorce who come to see you (formal and informal)?

- Family Court
- Federal Magistrates’ Service
- Local Courts
- Family Lawyers
- Legal Services Commission/Legal Aid
- Community Legal Services
- Specialised Women’s Services
- Specialised Men’s Services
- Specialised Children’s Services
- Family Services (non Government)
- Family Services (government)
- Medical Services
- Police Services
- Schools
- Child Care Agencies
- Child Support Agencies
- Child Contact Centres
- Self Referred
- Other

15. Please estimate the percentage of your clients that are **mandated** to attend your services:

- Nil
- Up to 10%
- 11-20%
- 21-30%
- 31-50%
- Over 50%

16. How does your service provision to Aboriginal clients differ to services provided to other client groups, ie. what are their special needs?

17. What are the main influences that contribute to high-level conflict over children between parents/caregivers and other family members in Aboriginal families during separation?

- Love for a child
- Desire to nurture and care for a child
- Fear of losing contact with a child
- Desire to protect child
- Concern for child’s well-being
- Stereotypical gender roles/attitudes
- Biological/non-biological connectedness
- Involvement of extended family
- Residential matters
18. In your view, when Aboriginal families are experiencing separation and/or divorce who is or should be involved in making decisions that affect the children?

- Parents have the right to make decisions for their children
- Children have the right to contribute to decision making where decisions affect them
- Both parents and children have the right to contribute to decision making
- Relatives should also be involved
- Other

19. Do you believe that Aboriginal children should be included in decision making, directly or indirectly, when their families are experiencing separation and divorce?

- Direct
- Indirect
- They should not be included

If yes, how should they be included?
If no, why not?

20. What are the important factors to consider in deciding whether or not children are included in decision making when Aboriginal families are experiencing separation and divorce,

- Not applicable - children should not be included
- The child’s age and stage of development
- The child’s level of competence
- The child’s level of willingness and approval to be involved
- The rights of the child
- Presence or suspected presence of high-level parental conflict
- Presence or suspected presence of domestic/family violence
- Willingness and permission of one parent or
- Willingness and permission of both parents
- Expertise of the interviewer
- Other

Comment
21. Do you work directly with Aboriginal children whose parents/caregivers are experiencing separation? If the participants work does not directly include Aboriginal children, please go to question 25 and then 27.

If yes, please indicate the children's age range/s:

☐ Under 3  
☐ 3-5  
☐ 6-12  
☐ 13-18  
☐ All Ages  
☐ Don't work directly with children

22. Approximately how many Aboriginal children do you work with per month?

☐ Nil  
☐ 1-5  
☐ 6-10  
☐ 11-15  
☐ 16-20  
☐ More than 20

23. If your work does directly include Aboriginal children please explain why or for what purpose you include them.

24. What range of services do you provide to Aboriginal children whose families are separating or divorcing?

☐ No service  
☐ Information  
☐ Advice  
☐ Education  
☐ Advocacy  
☐ Counselling/therapy  
☐ Child-inclusive mediation  
☐ Assessment  
☐ Group work  
☐ Crisis intervention  
☐ Referral  
☐ Placement  
☐ Residential care  
☐ Parent-child contact services  
☐ Other

Notes:
25. Drawing from your experience, what sort of things do the children of Aboriginal families need assistance with when their parents/caregivers are separating or divorcing?

☐ Information/education about the separation/divorce process
☐ School-related issues
☐ Changing family relationships
☐ Loyalty conflicts
☐ Extended family relationships
☐ Blended family relationships
☐ Talking to parents about their interests, needs and/or wishes
☐ Peer relationships
☐ Sibling relationships
☐ Self-esteem/self-concept
☐ Depression
☐ Anger
☐ Grief and loss
☐ Decision-making
☐ Moving residence/neighbourhood/school
☐ Visitation/contact with a parent/caregiver
☐ Contact with extended family members
☐ Abuse from a parent/caregiver – direct
☐ Abuse from a parent/caregiver – indirect (eg witnessing domestic violence)
☐ Trauma arising from separation/divorce
☐ Other

26. If your work directly includes Aboriginal children, how are children invited to participate, who is involved and what are they involved in (e.g. mediation, counselling)?

27. If your work includes Aboriginal children how are children's expressed interests, needs and/or wishes conveyed to the parents or caregivers and addressed in decision making?

28. If your work does not directly include Aboriginal children, how do you identify the needs, interests and/or wishes of children and then incorporate them into decision making?

29. Over the past five years has your work become:
30. Are there **any difficulties or issues** you have experienced **in relation to incorporating the best interests of the child into your work** in the area of separation and divorce in relation to Aboriginal families:

- Systems issues
- Lack of relevant knowledge/skills
- Lack of relevant experience
- Ethical issues
- Lack of resources
- Other

**Comments**

31. What additional education and training would help you in your work with Aboriginal children and families experiencing separation/divorce?

32. Do you have **ethical** standards that guide your work with families and children? Please indicate which associated Code of Ethics or standards apply:

- No I don't
- Australian Association of Social Workers
- Australian Psychological Society
- Counselling Association of South Australia
- Australian Counselling Association
- Law Society/Council
- LEADR
- Australian Institute for Arbitrators and Mediators
- My organisation's policy and procedural standards
- Other – please explain

33: In defining Aboriginal family violence please indicate what factors do you include:
34. How do you identify and manage violence or imbalances of power that present in your work with Aboriginal children and families?

☐ Haven’t experienced imbalances of power in this context
☐ Screen prior to intervention
☐ Find out presence and conditions of Restraining Orders
☐ Adhere to established safety policies and procedures in the organisation
☐ Deal with individuals separately
☐ Refer to relevant agencies
☐ Provide relevant information
☐ Enforce strict ground rules
☐ Use co-mediation/counselling
☐ Use gender-balanced interventions
☐ Refuse service
☐ Terminate service
☐ Obtain supervision/consultation/debriefing before and after sessions
☐ Other

35. Where children are involved, what level of conflict tends to arise with your Aboriginal family clients experiencing separation or divorce:

☐ Lower level conflicts involving children
☐ High level/complex conflicts involving children
☐ Entrenched conflicts involving children
☐ Family violence involving children
☐ All of the above
☐ None of the above

36. When working with Aboriginal children and families experiencing separation or divorce, do you actively screen for signs of:

☐ Domestic Violence
☐ Child Abuse
37. If you do actively screen, please comment on how you do this:

38. Please estimate the percentage of your adult Aboriginal female client group who are separating or divorcing that you perceive to have been victims of family violence:

- NIL
- 1-10%
- 11-30%
- 31-50%
- 51-70%
- 71-90%
- 91-100%

39. Please estimate the percentage of your adult Aboriginal female client group who are separating/divorcing that you perceive to have been perpetrators of family violence:

- NIL
- 1-10%
- 11-30%
- 31-50%
- 51-70%
- 71-90%
- 91-100%

40. Please estimate the percentage of your adult Aboriginal male client group who are separating/divorcing that you perceive to have been victims of family violence:

- NIL
- 1-10%
- 11-30%
- 31-50%
- 51-70%
- 71-90%
- 91-100%

41. Please estimate the percentage of your adult Aboriginal male client group who are separating/divorcing that you perceive to have been perpetrators of family violence:

- NIL
- 1-10%
- 11-30%
42. Please estimate the percentage of your Aboriginal child client group from families in transition that you perceive would have been exposed to family violence:

- [ ] NIL
- [ ] 1-10%
- [ ] 11-30%
- [ ] 31-50%
- [ ] 51-70%
- [ ] 71-90%
- [ ] 91-100%

43. Please estimate the percentage of Aboriginal children in your client group from families in transition that have been direct victims of child abuse (physical, sexual, emotional and/or neglect)?

- [ ] NIL
- [ ] 1-10%
- [ ] 11-30%
- [ ] 31-50%
- [ ] 51-70%
- [ ] 71-90%
- [ ] 91-100%

44. Please estimate the percentage of your client group that reports pet abuse:

- [ ] NIL
- [ ] 1-10%
- [ ] 11-30%
- [ ] 31-50%
- [ ] 51-70%
- [ ] 71-90%
- [ ] 91-100%

45. Would you like to elaborate on the answers given to the questions about violence and abuse:

46. Where it has been established that Aboriginal children have experienced child abuse and/or exposure to family violence, what services do you provide?

- [ ] Not applicable
- [ ] No service
- [ ] Voluntary referral to an appropriate agency
- [ ] Mandatory referral to an appropriate agency
- [ ] Individual child counselling/therapy
47. In your opinion, what services do you consider could be helpful in assisting Aboriginal adults to co-operate around their children in the post-separation stage?

- Counselling/Therapy
- Mediation
- Teaching conflict resolution skills
- Parenting information
- Educating parents around the needs of children
- Direct communication to parents from children
- Indirect communication to parents from children
- Group work with parents
- Domestic/Family violence services
- Legal advice
- Financial advice
- Other

48. Based on your own experience with Aboriginal children and families experiencing separation/divorce, please outline what you see as being significant overlaps in service delivery:

49. Based on your own experience with Aboriginal children and families experiencing separation/divorce, please outline what you see as being significant gaps in service delivery:

50. In what ways should family law legislation in your country be changed to meet the needs and interests of Aboriginal children and families experiencing separation and divorce?
51. What do you identify as being the **main areas of need** for the **future** in relation to family relationship services for Aboriginal children and families experiencing separation and divorce?

52. Please comment on **current** national and/or organisational trends that concern you in relation to your work with Aboriginal families and children in transition.

53. Finally, if you could wave a magic wand, what would be the key **principles, features and/or components** of a best practice **child-centred** model of service delivery to Aboriginal children and families experiencing separation and divorce?

THANK YOU FOR YOUR TIME

The 'Children and Families in Transition' research team are extremely grateful that you participated in this survey. We value your contribution to our research. Do you mind if I contact you again if I need to clarify any aspect of this interview?