Parenting dynamics after separation

A follow-up study of parents who separated after the 2006 family law reforms

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Executive summary

In July 2006, the Australian Government commenced the roll-out of the most significant reforms to the family law system in 30 years. These included changes to the law, the introduction of new service types and the expansion of some existing early intervention and post-separation services. The reforms were designed to create a "cultural shift" in the way in which parental separation was managed, with "cooperative parenting" taking centre stage. Earlier in 2006, the Attorney-General's Department (AGD) and the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) commissioned the Australian Institute of Family Studies (AIFS) to undertake an extensive evaluation of the early impact of the reforms—here called the "Evaluation".

As part of this work, AIFS developed the Longitudinal Study of Separated Families (LSSF), with findings from the first wave feeding into the Evaluation report (Kaspiew et al., 2009). The LSSF is a national study of parents with a child under 18 years old who separated after the reforms were introduced and who were registered with the Child Support Agency (CSA) in 2007. Some 10,000 parents participated in the first survey wave. Interviews were conducted in late 2008, on average 15 months after separation.

A second wave of the survey was conducted around 12 months later (on average 28 months after parental separation). This survey drew on the experiences of 7,031 of the parents in the original sample. By Wave 2, just over half these parents were mothers and only a minority were living with a new partner (fathers: 16% in Wave 1 and 24% in Wave 2; mothers: 7% in Wave 1 and 13% in Wave 2). The second survey was designed to throw light on the robustness of relevant findings in the Evaluation, identify the nature and level of change that had taken place since the first survey, and gain insight into newly arising challenges facing these families. This work was also commissioned by the AGD and FaHCSIA.

In both survey waves, virtually all child-related questions asked of parents focused on one child born of the separated relationship. This child was the first child listed for their case in the CSA database. Given the timing of the interviews relative to separation, these children tended to be quite young—6 years old on average, with around one-quarter being under 3 years old. This fairly young age profile would help to explain some of the trends that emerged, including initial patterns of care-time arrangements and changes in these arrangements.

Key findings

Despite the short interval between survey waves, a dynamic picture emerged.

Inter-parental relationships

- Most parents described their relationships as either friendly or cooperative, with close to half providing these evaluations in both survey waves. Only around one in ten indicated that their relationship was highly conflictual or fearful on both occasions. Around one-third indicated that their relationship had changed, with reports of improved and worsened relationships being equally common. Overall, around 16% indicated that their relationship had become distant, having been either positive or clearly negative in Wave 1.
- Parents were more likely to report a decline (45%) than increase (20%) in the frequency of communication about their child with the other parent, although at least half the parents reported in Wave 2 that they were in touch with each other in relation to their child on a weekly or more frequent basis.

While the results were consistent with the notion that re-partnering may be a trigger for conflict, they were by no means definitive, given that only a small proportion of respondents had re-partnered by Wave 2. Nevertheless, the findings point to possible emerging problems that may interfere with parents' ability to focus on their children's needs when negotiating about child-related matters.

Physical or emotional abuse and safety concerns

Respondents were asked whether their child's other parent had engaged in various emotionally abusive ways and whether they had physically hurt them. In Wave 1, these questions focused on experiences that occurred before or during separation, while in Wave 2, attention was directed to experiences in the previous 12 months (i.e., between survey waves).

- While experiences of abuse were more likely to take the form of emotional abuse rather than physical hurt, this was particularly the case for the more recent of these two periods. The proportion of parents who reported the experience of physical violence declined markedly (from 22% to 4%), while the proportion reporting emotional abuse had only declined slightly (from 64% to 53%). In each survey wave, around half the respondents indicated that their child's other parent had engaged in humiliating insults. Each of the other forms of emotional abuse examined was less commonly reported in each survey wave, especially the second one.
- The line between behaviour that may be described as "violent" and behaviour that may best be seen as reflecting interpersonal "conflict" is difficult to draw—with engagement in humiliating insults representing an example. Given the many issues being investigated in the LSSF surveys, it was beyond their scope to examine the frequency and precise nature of such behaviour. Nevertheless, reports of emotional abuse captured in Wave 2 (mostly humiliating insults) were associated with a history of emotional abuse and/or physical harm, as reported in Wave 1.
- Consistent with the findings of the Evaluation (based on Wave 1 data), parents who indicated that mental health issues, alcohol or drug problems, or (other) addictions were apparent in the relationship prior to separation were more likely to report having experienced some form of abuse between survey waves. Furthermore, most of those who reported that the other parent had hurt them physically between survey waves indicated that their children had witnessed violence or abuse.
- Around one in five parents in each of the two survey waves (taken separately) said that they held safety concerns for their child and/or themselves as a result of ongoing contact with the other parent.
- Respondents' safety concerns tended to relate to their child's other parent—a trend that was most marked for mothers. Nevertheless, where the mother was known to have re-partnered, fathers were almost as likely to see this new partner, as much as the mother herself, as a source of their safety concerns. Once again then, although re-partnering was not common among these parents—given that they had only been separated for around 28 months—re-partnering sometimes generated anxiety or difficulties between the parents, this time in relation to the child's safety when the mother re-partnered.
- Not surprisingly, safety concerns were linked with clearly negative inter-parental relationships and reports of physical or emotional abuse.

These findings raise important issues for policy and practice. Families may need a great deal of long-term assistance where physical or emotional abuse, substance misuse, addictions, and the sorts of behaviours judged by parents to reflect mental health problems are already apparent prior to separation. Although only a small minority of parents reported that they had been physically hurt, the objective of the reforms to protect children from negative family dynamics was not being met in these cases.

Development of parenting arrangements and family law pathways

- Most parents indicated that they had sorted out their parenting arrangements, with a slightly higher proportion of parents reporting this in the more recent of the two surveys (77% in Wave 2 vs 71% in Wave 1). Nevertheless, a substantial minority of parents (23%) in Wave 2 indicated that they had not yet sorted out these arrangements.
- Parenting arrangements were by no means fixed. Among those who said in Wave 1 that they had sorted out their arrangements, just under half indicated that these arrangements had

remained intact, while a substantial minority had already changed them and others were in the process of doing so. This is not surprising, given that the suitability of initial arrangements can only be assessed properly when they are implemented, and the age-related developmental needs of their children, along with changing circumstances of each parent, are likely to call for periodic refinements to these arrangements.

- Respondents most commonly indicated that they had developed or revised their arrangements (or were in the process of doing so) mainly through discussions with their child's other parent. These respondents tended to provide favourable assessments of the workability of this, their main pathway for developing or revising arrangements. Nevertheless, a lower proportion of parents in Wave 2 compared with Wave 1 said that they had mainly relied (or were relying) on discussions between themselves (49% vs 60%), while a higher proportion nominated use of the courts (11% vs 5%).
- Those who were still developing their initial parenting arrangements in Wave 2 were considerably more likely than all other groups to nominate the use of family law system services (i.e., relationship services, lawyers or the courts) as their main pathway for sorting out these arrangements, with 24% identifying the courts, 20% indicating counselling, mediation or family dispute resolution, and 14% nominating lawyers as their main pathway.
- Close to one in four fathers and one in five mothers indicated that they had attempted family dispute resolution (FDR). Of parents who had used family dispute resolution, the issuing of a certificate was less prevalent in Wave 1 than Wave 2 (22% vs 31%). This suggests that those conflicts that continue, or re-emerge, may not be suitable for FDR. Alternatives to the litigation pathway that may be useful include forms of therapeutic mediation and approaches that entail close cooperation between FDR practitioners and legal services.

These various results highlight: the different picture that emerges concerning help-seeking when attention is directed to different periods after separation; the common need for parents to revise their parenting arrangements; and the different help-seeking strategies of those who arrive at an initial agreement relatively early in separation, compared with others. Identification of such pathways, which may well change course for some of these parents in the future, can best be achieved through longitudinal research.

Care-time arrangements

- Consistent with care-time patterns in Wave 1, the majority of children in Wave 2 were in the care of their mother for most or all nights (76%). Nevertheless, the proportion of children with daytime-only contact with the father had decreased from Wave 1 to Wave 2 (21% vs 15%), with this decrease being more likely to represent a conversion to overnight stays rather than loss of all face-to-face contact with the father. Children under 3 years old in Wave 2 were the most likely to experience a change from daytime-only care with the father to overnight stays with him. Such changes are understandable in light of the maturational transitions of very young children, and suggest that such changes in arrangements were "child-focused".
- Just over two-thirds of children, however, had the same care-time arrangement in each survey wave. Of children whose care time had changed, increasing time with the father was more likely to have occurred than increasing time with the mother. However, this did not result in a higher proportion of children being in the care of the father for most or all of the time.
- Consistent with Wave 1 findings, a great majority of parents reported in Wave 2 that their parenting arrangements were flexible (72%), and worked for the mother (86%), father (77%) and child (78%).
- Parents who provided negative assessments of the workability of their parenting arrangements in Wave 1 were more likely than others to have changed their care-time arrangements by Wave 2.
- While most of the respondents in most of the care-time arrangements examined reported favourable inter-parental relationships and no safety concerns, those whose child never saw

one parent were the most likely to report problems in these areas. While such trends are in keeping with the intent of the reforms to protect children from family relationships that are likely to jeopardise their wellbeing, they also suggest a need for intensive therapeutic interventions.

- As was the case in Wave 1, substantial minorities of parents with shared care-time arrangements in Wave 2 reported clearly negative inter-parental relationships, safety concerns and/or the experience of abuse. As noted above, the latter behaviour in Wave 2 usually took the form of emotional abuse, especially humiliating insults.
- Given the short duration between survey waves, it is not surprising that only one-third of children experienced shifts in care-time arrangements, and that most of these shifts were modest. A key issue concerns how care-time arrangements pan out in the long run: how much change do children of separated parents experience throughout their childhood, and how does the nature and level of change affect their developmental outcomes?

The success of the reforms in encouraging both parents to remain involved in their children's lives can only be fully tested by ongoing research. A recent longitudinal study in the US covering several years, for instance, has challenged the impression given by many studies based on aggregate data that most children experience diminishing contact with their non-resident father over the years (Cheadle, Amato, & King, 2010). An understanding of the nature and prevalence of different care-time trajectories, and of the factors explaining them, requires long-term longitudinal research based on a large sample of separation families.

Contributions to parenting decisions

- The more time that a child spent with one parent, the more likely were respondents to indicate that this parent made unilateral decisions on major long-term issues affecting the child. In other words, the more equal the care time of each parent, the more likely were respondents to indicate that decisions were shared equally between themselves and their child's other parents. This suggests that removal of the concepts of "custody" and "access", and then "residence" and "non-residence", has not overcome the problem that the parent who spends most of the time with the child will typically be the parent who makes such decisions.
- Nevertheless, a substantial minority of parents whose child spent most nights with one parent said that decisions were made jointly with the other parent, while some parents in equal time said that decisions were made by one parent only. These patterns applied to both waves.
- Joint decision-making was more commonly reported in Wave 1 by parents whose arrangements changed from mother-majority care (entailing 66–100% of nights with mother) to shared care time, than by those whose child continued to be in the care of the mother for most or all nights. Unilateral decision-making, on the other hand, was more commonly reported in Wave 1 by parents whose care-time arrangements subsequently switched from shared to mother-majority care, than by those who had maintained a shared care-time arrangement.

These trends may suggest that decision-making behaviour laid some of the foundation for changes in care-time arrangements. It may well be that children who experienced increases or decreases in parental involvement in these ways also experienced corresponding changes in parental engagement in other ways.

Child support liability and compliance

- Nearly nine in ten parents reported in Wave 2 that they were liable to pay or receive child support. Changes in liability status over the two survey waves were reported by a higher proportion of parents who, in Wave 1, were either mother payers or father payees (around one in three), than father payers or mother payees (around one in ten).
- Of parents whose child's overnight care time had changed, more than two-thirds reported that the change did not result in any actual change in child support payment, while one-

quarter indicated that child support payments had changed, and the remainder expressed uncertainty about this issue.

- In Wave 2, parents were asked whether any attempted or actual change was linked with the other parent wanting to change the size of the child support liability. Most parents maintained that no such link existed. However, among the small minority who reported that a change in care time had in fact led to a change in child support, just over half the mothers and one-third of the fathers believed that the other parent's desire to change child support payments was behind this actual change.
- In each survey wave, nearly three-quarters of the father payers reported that their child support payment was met in full and on time (here called "full compliance"). In contrast, full compliance of child support was reported by only half the mother payees in Wave 1 and even fewer (43%) in Wave 2.
- When children spent some time with both parents, there was no apparent link between care-time arrangement and the extent to which parents reported that child support was paid in full and on time. However, mother payees whose child lost all face-to-face contact with the father were less likely to report full compliance than other mother payees.
- Consistent with the findings based on Wave 1 data, parents in general most commonly believed that their current child support payment was fair for them. Nevertheless, father payers who never saw their child and those with equal care time were less inclined than other father payers to consider that their payments were fair to them. In addition, mothers who were consistently payees across the two survey waves were less likely than fathers who were consistently payers to believe that their payments were personally fair (reported by just over half these fathers and nearly 40% of these mothers).

Children's wellbeing

- Most parents either gave consistently favourable assessments of their child's wellbeing or indicated improvements. Consistently favourable assessments were most commonly made regarding the child's health.
- No strong pattern emerged between changes in care-time and assessments of the child's wellbeing. However, where the child had moved from a shared care-time arrangement to spend most or all nights with the mother, fathers were less inclined than the other groups examined to provide consistently favourable reports of their child's health.
- Consistent with Wave 1 findings reported in the Evaluation, family dynamics appeared to be considerably more important than care time in shaping child wellbeing. Children in the various care-time arrangements appeared to fare less well if family dynamics entailed inter-parental conflict or fear, abuse, or safety concerns. The Evaluation found that, from mothers' perspectives, the negative apparent impact of safety concerns on children's wellbeing was more marked for children with a shared care-time arrangement than for other children. In Wave 2, this finding held for some but not all of the aspects of child wellbeing that were examined.

Conclusions

Overall, the findings of Wave 2 of the LSSF reinforce those reported the Evaluation. A positive picture prevailed among these separated families some two to three years after their separation. Most respondents indicated that they were able to maintain a harmonious relationship with their child's other parent, and most of the others described their relationship as distant, rather than highly conflictual or fearful. Most engaged in at least weekly communication with each other about their child, and the vast majority indicated that they did not hold any safety concerns for themselves or their child in relation to ongoing contact with the other parent. Parents also tended to provide positive assessments of their child's wellbeing.

Not surprisingly, and again consistent with findings in the Evaluation, reports of safety concerns, physical or emotional abuse and negative inter-parental relationships tended to co-

occur, and such problems were more important than care-time arrangements in explaining child wellbeing. Even some two to three years after separation, parents who held safety concerns continued to be more likely than other parents to maintain that mental health, substance misuse or other addictions existed in the relationship prior to separation. This finding suggests a strong need for effective, early and ongoing therapeutic supports or interventions relating to the various behaviours that parents interpret as indicators of mental health problems and those associated with substance misuse or addictions. Without such assistance, the children's best interests may be compromised if they have substantial involvement with the parent concerned.

As time goes by and parents move on with their own lives, their circumstances change and, of course, the children continue to develop. Some changes in one parent's household may generate or intensify inter-parental conflict or lead the other parent to have misgivings about their child's safety. The two waves of the LSSF suggest that re-partnering by a parent may pose such problems. Only a minority of the parents had re-partnered by the time the second survey wave took place; however, in the future, increasing numbers of these parents will re-partner and some will do so more than once—an experience that can create a great deal of complexity in children's lives.

This report also highlights the fluidity of care-time arrangements and parenting arrangements in general—neither of which is surprising, given the changing developmental needs of children and changing circumstances of parents. While most parents were able to re-negotiate arrangements mainly through discussions between each other, some mainly relied on family law system services such as Family Relationship Centres to arrive at their new arrangements.

The various dynamics examined in this report represent rich information that can be drawn upon for the fine-tuning of interventions that are designed to assist families with young children who have been separated for an average of just over two years. From a policy and practice perspective, it would be useful to examine the ways in which the different trajectories suggested by these data evolve throughout childhood, the factors that explain differences in outcomes and, most importantly, their implications for the children's longer-term developmental progress and wellbeing.