



**Australian Government**  
**Australian Institute of Family Studies**

# Parliamentary inquiry into a better family law system to support and protect those affected by family violence

Submission from the  
Australian Institute of Family Studies

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<sup>1</sup> The authors wish to acknowledge the contributions of their co-researchers on the *Evaluation of the 2012 Family Violence Amendments*: Dr Rae Kaspiew (Evaluation program manager), Jessie Dunstan, Dr Briony Horsfall, John De Maio, Sharnee Moore, Lawrie Moloney, Melissa Coulson and Sarah Tayton.

# 1 Introduction

This submission is based on datasets from two research programs conducted by the Australian Institute of Family Studies (AIFS). These data are relevant to terms of reference 1, 2, 4 and 5 for the current *Parliamentary inquiry into a better family law system to support and protect those affected by family violence*. The two research programs are:

1. the *Longitudinal Study of Separated Families* (LSSF), which entails three survey waves covering a five-year period after separation with the most recent report of LSSF data in *Post-separation parenting, property and relationship dynamics after five years* (Qu et al., 2014)<sup>2</sup> (See Appendix A for further details of the LSSF research program); and
2. the *Evaluation of the 2012 family violence amendments*<sup>3</sup>. The Evaluation research program examined the effects of amendments to the *Family Law Act 1975* (Cth) (FLA) that were intended to improve the family law system's responses to matters involving family violence and safety concerns and it involved the following studies:
  - the Responding to Family Violence Study (RFV Study) which was a survey family law practices and experiences, and was primarily based on online surveys completed by judicial officers and registrars ( $n=37$ ), legal professionals ( $n=322$ ) and non-legal professionals ( $n=294$ ) across the family law system;
  - the Experiences of Separated Parents Study (ESPS), which comprised two cross-sectional quantitative surveys (the Surveys of Recently Separated Parents [SRSP] 2012 ( $n=6,119$ ) and SRSP 2014 ( $n=6,079$ ) and provided pre- and post-reform data on parents' experiences of separation and the family law system; and
  - the Court Outcomes Project (CO Project), involving:
    - a. an examination of quantitative data from court files in matters resolved prior to the 2012 family violence amendments ( $n=895$ ) and in matters resolved post-2012 family violence amendments ( $n=997$ ). The analysis of these court files provided insight into patterns in orders made by judicial determination ( $n=613$ ) and those made by consent after proceedings had been issued ( $n=774$ ) and those made by consent without litigation ( $n=505$ ), including in relation to parental responsibility<sup>a</sup> and parenting time and the incidence of allegations and/or evidence of family violence and child abuse;
    - b. an examination of patterns in courts filings based on administrative data from each of the three family law courts for each financial year from 2009-10 to 2013-14;
    - c. A systematic analysis of published appeal and first instance judgments applying the provisions introduced by the 2012 family violence amendments. The judgments were from the publicly available judgment data bases of the Family Court of Australia, the Federal Circuit Court of Australia and from the Family Court of Western Australia and related to family law proceedings that commenced after the amendments came into effect.

The first two waves of the LSSF were commissioned by the Australian Government, Attorney-General's Department (AGD) and the then Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) now called the Department of Social Services (DSS), while AGD commissioned the third LSSF wave. Together with both Surveys of Recently Separated Parents, the AGD commissioned each component of the Evaluation of the 2012 family violence amendments.

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<sup>2</sup> The first two waves of the LSSF were commissioned by the Australian Government, Attorney-General's Department (AGD) and the then Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) now called the Department of Social Services (DSS), while AGD commissioned the third LSSF wave.

<sup>3</sup> Together with the SRSP 2012, the AGD commissioned each component of the *Evaluation of the 2012 family violence amendments*.

## 2 Background - How common is family violence among separated families?

This submission first sets out the context against which this inquiry takes place, by providing an overall picture of experiences of family violence among separated families, the extent to which separated parents reported having concerns for their safety and/or the safety of their child/ren, children's exposure to family violence and family law service pathways followed by families characterised by complex issues including family violence.

### Experiences of family violence

Information on experiences of violence and/or abuse inflicted by the other parent of their children was collected by AIFS from parents participating in the Longitudinal Studies of Separated Parents (2008-2012) (LSSF) and the Experiences of Separated Parents Study (ESPS) which was based on the Survey of Recently Separated Parents (SRSP) 2012, and SRSP 2014] (see Appendix B for questions used in these studies on experiences of family violence). LSSF, SRSP and 2012 and SRSP 2014 were comparable in methodologies.

The data collected from the cross-sectional ESPS and in the three waves of the LSSF indicate similar patterns of family violence, safety concerns and other indications of complexity according to reports of separated parents in these studies.

Table 1 shows the reports of physical hurt and/or emotional abuse before separation and different time points after separation.

- Reports of experience of violence or emotional abuse before/during separation were fairly common.
  - A substantial minority of separated parents reported experience of physical hurt before separation (16–26%) and more than one-half of parents experienced at least one form of emotional abuse before/during separation (52–68%). 32–46% of parents indicated having experienced neither before/during separation.
- The reports of experience of physical hurt substantially diminished after separation (W2: 4–5%; W3: around 2%; SRSP 2012 & 2014: 5–6%). Emotional abuse after separation also declined to some extent, but remained fairly common. For example, 38% of fathers and 43% of mothers reported experience of at least one form of emotional abuse in the past 12 months after five years of separation.
- Across all of the surveys, mothers were more likely than fathers to indicate that they had experienced physical hurt inflicted by their child's other parent.
  - Around one-quarter of mothers had been physically hurt *before separation* (LSSF W1: 26%; SRSP 2012 & 2014: 23–24%), compared with one in six fathers (LSSF W1: 17%; SRSP 2012 & 2014: 16%).
  - The reports of experience of physical hurt substantially diminished after separation (W2: 4–5%; W3: around 2%; SRSP: 5–6%). Nevertheless, the proportions of mothers who reported experience of physical hurt by their child's other parents were still higher compared to fathers.<sup>4</sup>
  - Mothers were also more likely than fathers to report of experience at least one form emotional abuse. With the decline in experience of physical hurt after separation, the violence/abuse reported post separation was largely in forms of emotional abuse alone.

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<sup>4</sup> Parents in Waves 2 and 3 of LSSF reported their experience only on the previous 12 months while their reports in Wave 1 of LSSF were before separation, unspecified period which likely covered much longer period for many parents.

**Table 1: Reports of experience of violence/abuse inflicted by study child’s other parent by gender, LSSF waves and SRSP 2012 & 2014**

	LSSF			SRSP 2012		SRSP 2014	
	W1 Before/ during separation (%)	W2 Last 12 months (%)	W3 Last 12 months (%)	Before/ during separation (%)	Since separation (%)	Before/ during separation (%)	Since separation (%)
<b>Fathers’ reports</b>							
Physical hurt	16.8	3.9	1.5	16.0	4.7	16.1	4.7
Emotional abuse (any form) and no physical hurt	36.4	41.6	36.4	43.2	51.7	42.2	49.2
Neither physical hurt nor emotional abuse	46.8	54.5	62.1	40.9	43.6	41.7	46.1
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Any emotional abuse (with or without physical hurt)	52.1	45.3	37.9	58.2	55.8	57.4	53.4
No. of parents	4918	3227	4478	2818	2833	2896	2801
<b>Mothers’ reports</b>							
Physical hurt	26.0	4.7	2.2	23.9	6.3	22.9	5.9
Emotional abuse (any form) and no physical hurt	39.0	48.7	41.0	45.4	56.5	44.8	54.2
Neither physical hurt nor emotional abuse	35.0	46.6	56.8	30.8	37.1	32.2	39.9
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Any emotional abuse (with or without physical hurt)	63.9	53.3	43.2	68.4	62.5	67.0	59.7
No. of parents	4959	3407	4228	3218	3247	3230	3249
No. of forms of emotional abuse	10 forms	7 forms	10 forms	11 forms	10 forms	11 forms	10 forms

Note: Percentages were based on weighted data. LSSF Wave 3 data were based on the combined reports of the continuing and top-up samples. The number of parents represented in each survey wave varies. Includes a small number of parents who had been physical hurt but did not report whether they received any emotional abuse. Some of these forms of emotional abuse may have included direct physical assault that did not cause physical hurt. Percentages may not sum to 100% due to rounding. The sample sizes varied slightly larger for computing percentages of any emotional abuse.

### Children witnessing family violence

It is evident in the data of LSSF and SRSP that children were often exposed to family violence when it occurred. For example, the majority of parents in LSSF Wave 1 who reported experiencing physical/hurt before separation indicated that their children had seen or heard some forms of abuse (fathers: 63%; mothers: 72%). Similarly, of the parents who participated in the ESPS (SRSP 2012 and 2014) and who reported experiencing emotional abuse or physical hurt before/during separation, 53–54% of fathers and 64% of mothers (taken separately in two survey years) reported that their children had seen or heard the violence or abuse.

### Ongoing safety concerns

Table 2 demonstrates that a substantial minority of parents in each LSSF wave and the ESPS (SRSP 2012 & 2014) expressed that they had safety concerns for themselves and or their child as a result of the child’s ongoing contact with the other parent, with the concerns being reported more by mothers (18–20%) than by fathers (13–17%). LSSF data suggests that safety concerns appeared to fall somewhat with the increasing duration of separation, from 16% in Wave 1 to 13% in Wave 3 as reported by fathers and from 20% to 18% during the same period based on mothers’ reports.

**Table 2: Proportions of parents who reported having safety concerns as a result of child’s ongoing contact with other parent**

	LSSF			SRSP 2012 (%)	SRSP 2014 (%)
	W1 (%)	W2 (%)	W3 (%)		
<b>Fathers' reports</b>					
Had concerns	16.4	14.6	12.9	13.7	15.1
No concerns	83.6	85.4	87.2	86.3	84.9
Total	100.0	100.0	100.0	100.0	100.0
Number of parents	4871	3220	4375	2797	2701
<b>Mothers' reports</b>					
Had concerns	20.4	19.6	18.0	20.3	19.8
No concerns	79.6	80.4	82.0	79.7	80.2
Total	100.0	100.0	100.0	100.0	100.0
Number of parents	4919	3399	4141	3199	3088

Note: percentages were based on weighted data.

### Family Law Service Pathways

The data from both the LSSF and ESPS datasets also provides insight into the complexity of issues faced by families engaging with family law system services.

The majority of separated parents who resolved their parenting arrangements indicated that they did so via discussions between themselves (LSSF Wave 1: 62%; SRSP 2012 & 2014: 69%). Only a minority of parents with parenting agreements in LSSF Wave 1 and SRSP 2012 & 2014 reported that their parenting arrangements were achieved by accessing family law system services (courts: 3-5%; lawyers: 6-7%; FDR: 9-10%)

While most parents did not report using a family law system service (including legal and non-legal services) as their main pathway to sort out their parenting arrangements,<sup>5</sup> parents who did use a family law system services as their main pathway were more likely to report the presence of complex issues, including family violence, substance misuse, mental ill health, problematic social media use, pornography use (prior to separation) and current safety concerns for themselves and/or their child (after separation) (See Table 3).<sup>6</sup>

<sup>5</sup> See Kaspiew et al, *Evaluation of the 2012 Family Violence Amendments: Experiences of Separated Parents Study*, Tables 4.2, 4.3 and 4.8.

<sup>6</sup> This table was first presented as Table 2.2 in Kaspiew et al, *Evaluation of the 2012 Family Violence Amendments: Synthesis Report*.

**Table 3: Complex issues and family law pathways, 2012 and 2014**

Safety concern issue	FDR / mediation (%)		Lawyer (%)		Court (%)		Discussions (%)		Just happened (%)		Other (%)	
	2012	2014	2012	2014	2012	2014	2012	2014	2012	2014	2012	2014
Alcohol or drug use	22.4	27.5	26.6	29.5	27.5	41.6 *	21.3	19.0 *	27.2	27.8	30.0	32.2
Mental health	40.5	45.8	40.5	50.5 *	55.4	59.3	28.6	32.2 **	28.0	34.4	39.9	41.3
Gambling	6.3	8.7	6.5	6.8	6.1	12.0	5.6	4.5	8.9	9.4	5.6	9.9
Internet or social media	27.5	26.2	26.3	33.1	28.0	31.2	19.5	19.6	20.0	19.8	26.9	22.5
Pornography use	9.3	13.0	12.7	12.7	13.9	15.2	7.2	6.7	7.1	8.3	10.8	7.0
Emotional abuse	72.2	73.7	79.9	86.1	92.6	85.3 *	49.9	47.8	58.0	58.4	76.4	82.5
Physical violence	33.0	26.6 *	33.7	38.9	49.7	53.7	16.1	14.8	23.9	21.8	28.4	29.8
<b>4+ issues</b>	<b>18.7</b>	<b>21.1</b>	<b>23.0</b>	<b>26.8</b>	<b>28.5</b>	<b>38.1</b>	<b>11.3</b>	<b>10.5</b>	<b>14.8</b>	<b>16.8</b>	<b>23.0</b>	<b>24.4</b>
<b>Mean no. of issues</b>	<b>2.1</b>	<b>2.2 *</b>	<b>2.3</b>	<b>2.6</b>	<b>2.7</b>	<b>3.0</b>	<b>1.5</b>	<b>1.4 ***</b>	<b>1.7</b>	<b>1.8 ***</b>	<b>2.2</b>	<b>2.3</b>
Current safety concerns	22.6	25.6	29.3	33.8	41.7	46.4	12.1	11.5	16.1	18.0	25.4	27.3
<b>No. of participants</b>	<b>439</b>	<b>453</b>	<b>322</b>	<b>282</b>	<b>177</b>	<b>145</b>	<b>2,927</b>	<b>2,778</b>	<b>433</b>	<b>450</b>	<b>130</b>	<b>111</b>

Table 3 above shows that these characteristics were most evident in parents who reported using the services of courts but were also evident among parents using lawyers and to a lesser extent FDR/mediation. In the post-2012 reforms context, nearly four in ten court users had four or more of these issues, compared with nearly three in ten who used lawyers, and two in ten who used FDR/mediation.

### 3. Ensuring safety from family violence

The evidence from all three components of the *Evaluation of the 2012 Family Violence Amendments* demonstrates that there has been an increased emphasis on identifying family violence and safety concerns across the family law system, particularly among lawyers and courts. However, the evidence also indicates that refinements in practice in this area are required, and the development of effective screening approaches has some way to go (Kaspiew et al., *Evaluation of the 2012 family violence amendments: Synthesis Report* 2015).

The ESPS provided insight into changes in professional practices associated with identifying family violence, with statistically significant increases in the proportions of parents who reported being asked about family violence and safety concerns when using a formal pathway (FDR/mediation, lawyers and courts) as the main means of resolving their parenting arrangements (ESPS report, Figure 5.2). Nevertheless, close to three in ten parents in the SRSP 2014 reported never being asked about either of these issues in dealings with these formal pathways.

The ESPS also suggest that there were small increases in the proportions of parents who reported disclosing concerns, with equal proportions of parents (38% each in SRSP 2014 cf. 35% each in SRSP 2012) disclosing family violence and safety concerns to family law services, which represented statistically significant increases when compared with the 2012 cohort (ESPS report, Table 5.5). Substantial minorities of parents still reported not disclosing either kind of concern (ESPS report, Table 5.10), but this was more marked for family violence than safety concerns (ESPS report, Figures 5.3 and 5.4).

Consistent with this, data from the Court Files Study component of the Court Outcomes Project indicate that allegations of family violence and child abuse have been made in court proceedings to a greater extent since the 2012 family violence amendments (CO report, Table 3.10). The data also

suggests a greater emphasis on identifying concerns about family violence and child abuse in matters that proceed to court, with evidence of more discussion of risk assessment in Family Reports (CO report, Table 3.16), and more evidence about family violence and child abuse on court files, including evidence concerning engagement with state child protection agencies (CO report, Tables 3.19 and 3.22).<sup>7</sup> Nevertheless, the Published Judgments Study component of this Court Outcomes Project demonstrated that while the inclusion of FLA s 60CC(2A) was intended to provide a means of resolving the tension between the two primary considerations, the analysis suggested that the provision had limited effects, especially where courts found there to be ambiguity associated with the allegations of family violence or child abuse or in the way in which one parent had behaved in relation to the other parent's relationship with the child.

The *Responding to Family Violence Study* provided particular insight into the capacity of family law system professionals to facilitate the early identification and effective assessment and response to family violence when families are engaging with family law system services. The evaluation indicates that professional practices on the whole had changed in a direction consistent with the intention of the reforms, with a greater emphasis on identifying and assessing concerns about family violence and child abuse among family law system professionals. Self-assessments by lawyers and non-legal professionals participating in the RFV study indicated shifts in advice-giving practices in a direction consistent with the intention of the reforms, though this was evident in legal practice to a greater extent than non-legal practice (RFV report, Table 2.10). However, while participating professionals were more confident in their own capacity to identify family violence and child abuse/child safety concerns following the reforms (RFV report, Tables 4.3 and 4.4, and Figure 4.3), this did not translate into high levels of confidence among the aggregate sample of professionals in relation to the system's general capacity to screen for these concerns (RFV report, Table 4.1).

Professionals participating in this RFV study raised concerns about the level of resources required to assess family violence and child abuse concerns, the need for improvements in training and screening as well improved practice tools to strengthen the capacity of family law system professionals to effectively identify, assess and respond to family violence and safety concerns, and the impact of the complexities associated with the family law system, including overlaps with and inconsistencies between the family law system and state/territory child protection and family violence responses (RFV report, sections 4.2–4.3 and 6.2–6.3).

## **4. Arrangements/orders for parenting in the context of family violence**

Data from the *Evaluation of the 2012 family violence amendments* identifies subtle changes in the patterns of parenting arrangements since the introduction of the 2012 family violence amendments.

Findings from the ESPS study suggest that the greater emphasis on identifying family violence and child safety concerns following the 2012 family violence amendments has supported modest, positive shifts in the making of parenting arrangements in the post-reform period.

- Participating parents who disclosed experiencing family violence and/or safety concerns were more likely to describe having care time arrangements that involved little or no contact with a father when compared to parents who did not disclose such experiences, save for fathers in the 2014 cohort who disclosed family violence (ESPS report, Figures

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<sup>7</sup> Note that the data on the pre-reform sample were collected from matters initiated after 1 July 2009 and finalised by 1 July 2010 and from matters initiated after 1 July 2012 and finalised by 30 November 2014 for the post-reform sample. It is important to note that in relation to the post-reform sample, data collectors for the Family Court of Western Australia were directed to include ex-nuptial/de facto matters lodged from October 2013 to account for the implementation of the legislative reforms in Western Australia with the passage of amendments to the *Family Court Act 1997* (WA) by the *Family Court Amendment (Family Violence and Other Measures) Act 2013* (WA). A sample top up was also required for the post-reform sample to ensure sufficient numbers of files in the three determination categories.

5.7 and 5.8).

- Where participating parents disclosed safety concerns, the main shift indicated in the ESPS data involved a substantial increase in the 2014 cohort (falling just short of statistical significance) in parenting arrangements where the child spent time with the father during the daytime only (2012: 19% and 2014: 23%; ESPS report, Figure 3.17).
- Where participating parents' care time increased towards more shared arrangements, there was a decrease in their reported perceptions of their disclosure of concerns having influenced the resulting parenting arrangements (ESPS report, Figure 5.9).

Of note however, there was a reduction in reports of parenting arrangements involving supervision between the 2012 and 2014 SRSP cohorts (2012: 13%; 2014: 10%; ESPS report, Table 2.7), together with a decline in parents holding safety concerns reporting that the focus child lived with one parent for 100% of their time and spent no time with the other parent, although this decrease was not statistically significant (ESPS report, Figure 3.17).

The Court Files Study component of the Court Outcomes Project component of the *Evaluation of the 2012 family violence amendments* also indicated subtle shifts in court orders for parenting arrangements that varied according to whether the orders were judicially determined, settled by agreement after proceedings were initiated, or presented to court for endorsement as consent orders.

Table 4 sets out more generally the number of allegations of family violence and child abuse that were made across the Court Files Study sample as a whole, including matters in the three determination categories identified above (judicial determination, consent after proceedings and consent without litigation). Cumulatively, this table shows that 29% of pre-reform matters involved an allegation, increasing to 41% of matters in the post-reform sample. The proportion of matters in which both issues were alleged doubled from 8% to 17%, which represented a statistically significant increase. Child abuse allegations alone were substantially less common than allegations of both family violence and child abuse or of family violence alone. Nevertheless, a statistically significant increase was evident in relation to child abuse allegations alone, from 3% to 5%, while the rate of allegations of family violence alone remained relatively stable across both periods. The proportion of matters in which neither family violence or child abuse were alleged decreased significantly from the pre-reform (71%) to the post-reform (59%) period.

**Table 4 Allegation of family violence and child abuse in court files, 2009-10 & 2012-2014**

<b>Allegation of family violence <sup>a</sup> and child abuse</b>	<b>2009-10 <sup>b</sup></b> <b>(%)</b>	<b>2012-2014 <sup>c</sup></b> <b>(%)</b>
Both family violence and child abuse	8.2	17.0
Family violence alone	18.2	18.9
Child abuse alone	2.8	4.9
Neither	70.8	59.2
Total	100.0	100.0
No. of cases	895	997

Note: <sup>a</sup> Includes family violence order raised. Percentages are based on weighted data. <sup>b</sup>

Looking more specifically at the findings as they varied by determination category, it is apparent that in relation to the judicial determination sample, orders for shared parental responsibility decreased after the reforms (from 51% to 40%; CO report, Table 3.25), but changes in patterns of care-time orders were very limited (CO report, Table 3.30). More specifically, negligible changes in shared care-time orders were evident in matters where family violence and/or child abuse allegations had been raised in judicial determination cases (CO report, Table 3.33). In relation to the consent after proceedings sample, orders for shared parental responsibility did not substantially change after the



reforms (CO report, Table 3.25), but orders for shared care time were less frequent to a statistically significant extent (CO report, Tables 3.31 and 3.33). Orders for children to spend a majority of their time with mothers were also more frequent to a statistically significant extent (CO report, Table 3.31).

Overall, the findings in relation to court orders establish that for the total sample, the frequency of orders for shared parental responsibility did not change substantially after the reforms (CO report, Table 3.24), but orders for shared care time were less common to a statistically significant extent where allegations of both family violence and child abuse were raised (CO report, Table 3.29). Where both allegations were raised, nearly one-fifth of cases had shared care time before the reforms, compared with just under one-tenth after the reforms (CO report, Table 3.29). Nevertheless, orders for supervised time remained stable (4% of les in both the pre- and post-reform samples; CO report, Figure 3.2), and orders involving arrangements for no face-to-face time with one or other parent were rare in both periods (no face-to-face time with fathers: 2012: 2%; 2014: 3%; no face-to-face time with mothers: < 1% in both periods; CO report, Table 3.28).

The evidence of very limited changes in these datasets is consistent with findings in the Responding to Family Violence study outlined in section 3 above, indicating that among family law system professionals there were reservations about the capacity of the family law system to deal adequately with cases involving family violence and child abuse concerns.

## **5. Property and financial arrangements in the context of family violence**

The fourth term of reference for this Parliamentary Inquiry focuses on “how the family law system can better support people who have been subjected to family violence recover financially, including the extent to which family violence should be taken into account in the making of property division orders”. The analysis of LSSF data provides some insight on this issue.

Parents who reported experience of physical hurt inflicted by the other parent of their children before separation received less share of property division than parents who reported neither emotional abuse before/during separation nor physical hurt before separation. This pattern was consistent for both fathers and mothers. The mean shares of property division reported receiving:

- Fathers:
  - Physical hurt before separation: 32%
  - Emotional abuse alone before/during separation: 34%
  - Neither before/during separation: 37%
- Mothers:
  - Physical hurt before separation: 46%
  - Emotional abuse alone before/during separation: 50%
  - Neither before/during separation: 50%

The further multivariate analysis of this data by Kaspiew and Qu (2016) indicates a more complex link between family violence and property division. Mothers who experienced physical hurt before separation were more likely than other mothers to be the party leaving the family house. Leaving the family home was linked with receiving a lesser share of the property division. While fathers who left the family home also received a lesser share of property division, leaving the family home was not related to fathers’ reports of experience of family violence before/during separation. Kaspiew and Qu also pointed out that parents who experienced violence/abuse before/during separation were still more likely than parents without such experiences to have financial hardship four to five years later after separation.

## 6. Summary

This submission consolidates information based on the datasets of two research programs conducted by the Australian Institute of Family Studies (AIFS) that is relevant to some of the terms of references for the current Parliamentary inquiry into a better family law system to support and protect those affected by family violence.

In addition to providing insight in the experience of family violence among separating/separated Australian families, this collation of data from the *Longitudinal Study of Separated Families* and the *Evaluation of the 2012 family violence amendments* identifies that while there has been an increased emphasis on identifying family violence and safety concerns across the family law system, refinements in practice are required and the development of effective screening approaches has some way to go. In particular, concerns identified in the context of the *Evaluation of the 2012 family violence amendments* regarding the level of resources required to assess family violence and child safety concerns, the need for improvements in training, screening and practice tools to strengthen the capacity of family law system professionals to effectively identify, assess and respond to family violence and safety concerns. This submission also provides insights from the Evaluation data regarding the subtle changes in the patterns of parenting arrangements made in the context of family violence, together with insights from the LSSF regarding property and financial arrangements made in this context.

## 7. References

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## Appendix A.

The LSSF is a national study of parents (with a child under 18 years of age) who had separated after the 2006 reforms were introduced and who were registered with the Department of Human Services—Child Support (DHS–CS) in 2007 and were still separated at the time of the survey.<sup>8</sup> Parents with child support arrangements that involved mothers having the liability to pay fathers were over-sampled. The study entails three survey waves, with the first two having been funded by the Attorney General’s Department (AGD) and the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) (now called the Department of Social Services (DSS)) and the third funded by the AGD. There were 10,002 parents who participated in the first survey wave (4,983 fathers and 5,019 mothers). Interviews were conducted in late 2008, on average 15 months after separation. The second wave of data collection was conducted between later 2009, with 70% of the original parents being interviewed again. The third wave of data collection took place between late 2012, with 9,028 parents interviewed (comprising 5,755 members of the original sample and a “top-up” sample of 3,273 parents). Both the original and top-up sample members had been separated for an average of five years at the time of this survey wave. Findings based on the three waves were published in 2014 (Qu et al., 2014).

## Appendix B.

### Types of emotional abuse participants were asked about in each wave of LSSF and in SRSP 2012 & 2014

Did [study child’s other parent] ...	LSSF wave 1 (before/during separation)	LSSF wave 2 (in last 12 months)	LSSF wave 3 (in last 12 months)	SRSP 2012 & 2014 (before/during separation)	SRSP 2012 & 2014 (since separation)
try to prevent you from contacting family or friends	✓			✓	
try to prevent you from using the telephone or car	✓			✓	
try to prevent knowledge of or access to family money	✓			✓	
insult you with the intent to shame, belittle or humiliate	✓	✓	✓	✓	✓
threaten to harm the child/children	✓	✓	✓	✓	✓
threaten to harm other family/friends	✓	✓	✓	✓	✓
threaten to harm you	✓	✓	✓	✓	✓
threaten to harm themselves	✓	✓	✓	✓	✓
threaten to harm or actually harm pets	✓	✓	✓	✓	✓
damage or destroy property	✓	✓	✓	✓	✓
tried to force you into any			✓	✓	✓

<sup>8</sup> When the LSSF Wave 1 sample was derived, this dataset was managed by the then Child Support Agency (CSA).

Did [study child's other parent] ...	LSSF wave 1 (before/during separation)	LSSF wave 2 (in last 12 months)	LSSF wave 3 (in last 12 months)	SRSP 2012 & 2014 (before/during separation)	SRSP 2012 & 2014 (since separation)
unwanted sexual activity					
monitored your whereabouts (e.g., followed you, made constant phone calls etc.)			✓		✓
circulated defamatory comments about you with the intent to shame, belittle or humiliate (incl. social media)			✓		✓