



Family Services Australia

Submission No. 113.1

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Mr Peter Slipper MP
Committee Chairman
House of Representatives Legal and Constitutional Affairs Committee
PO Box 6021
Parliament House
CANBERRA ACT 2600

Transmission via mail and email: Peter.Slipper.MP@aph.gov.au and laca.reps@aph.gov.au

Re: Response to Additional Questions from the Inquiry into Older People and the Law

Dear Mr Slipper,

Family Services Australia (FSA) is pleased to assist the Inquiry into Older People and the Law (the 'Inquiry'). Our area of interest is specifically around older people and family law, most typically in the role of grandparents. As you are aware we wrote to the Inquiry in early March and subsequently appeared at a public hearing on 23 March 2007. We write now in response to additional questions sent from the Committee following our appearance.

1. **What kind of information is currently available to grandparents through FSA member organisations? Has that information been specifically designed for elderly people? If so, how?**

The information available to grandparents will vary from agency to agency and will also depend on the service type. For example:

- Family Relationship Centres - are open to the public and make a diversity of resources available. Many generic resources are made available through centres and these will sometimes mention the role of grandparents (see for example brochures developed by the Attorney-General's Department and Child Support Agency publications). FSA is not aware of specific resources for grandparents that have been made available through all FRCs but individual services may have developed brochures, flyers, posters or other information.
- Family Relationship Counselling - these services are usually provided to an individual or a couple on an appointment basis. Information may be available in the foyer or may be given to someone by the counsellor. FSA is not aware of information tailored to older people or grandparents that is widely used by counsellors but once again, individual agencies may have developed resources for use within the agency.
- Family Relationship Dispute Resolution - these services are usually provided to separating couples with children for the purpose of developing a parenting agreement. The agreement will generally include arrangements for contact with grandparents where appropriate and many services have resources for assisting parents to develop parenting agreements that consider broader family relationships. There is also a *Parenting Plan Guide* being developed by the Attorney-General's Department that includes such examples. The service may or may not have direct contact with grandparents. Once again, individual services may have developed specific information for grandparents but we are not aware of any generic resources that are used.
- Family Relationship Education & Skills Training - these services are generally delivered to groups around a theme or topic. Some relationship education services run programs for grandparents but this is not universal.

There are a range of more specific programs in the Family Relationship Services Program (FRSP) that may or may not have contact with grandparents or older people. These services may provide generic information or resources and/or may have tailored information to older people. For example:

- Children's Contact Centres
- Parenting Orders Program
- Adolescent Mediation and Family Therapy
- Men and Family Relationship Programs
- Specialist Family Violence Services
- Drought Counselling
- Family Relationship Services for Humanitarian Entrants

Grandparents may be involved directly in the Family Court and may apply for contact orders and/or residency orders where they believe children are at risk. In these circumstances grandparents may benefit from FRSP information about access to family counsellors and support with caring for children.

2. **Your submission calls for targeted information for grandparents explaining the changes in family law, the role of grandparents in family law matters and where and how to access support and services. Yet you also note that grandparents are actively engaging support services provided by FSA members and Family Relationship Centres.**

- **Doesn't this indicate that older people are adequately informed about family law and the support services available?**

Anecdotally the number of grandparents involved in family relationship services is increasing. The national public education campaign that has been underway to promote Family Law Reform and the Family Relationship Centres has had a positive impact. There has been an overall increase in the number of people contacting family relationship services and the proportion of grandparents appears to be higher.

Grandparents are one group amongst many that are demonstrating an increased awareness of support services and we welcome this outcome of the education campaign. However the campaign does not target grandparents or provide any tailored information on family law for grandparents. In some cases the grandparents in contact with services are those who are denied contact with children due to a family dispute. This may be fairly late in the process of separation, indeed it may be many years since the parents concerned separated. It can be difficult to resolve these issues when relationships have broken down.

FRSP agencies are keen to work with grandparents in a more proactive way and encourage early contact with services. There are roles that grandparents can have in reducing conflict within intact families, providing respite care to couples experiencing relationship difficulties, helping parents to focus on the needs of children through separation and assisting with dispute resolution. There is also assistance that services can provide to grandparents to better understand the process of separation and dispute resolution, to support them through their own feelings of grief and loss that can occur and to assist them to maintain and perhaps rebuild their relationship with grandchildren.

Working effectively with grandparents relies on timely engagement backed up with adequate resources and expertise within the agency. Encouraging grandparents to make contact with a service early, before conflict becomes entrenched is one of a number of strategies that would help to achieve this.

- **Would you describe the kind of targeted information you envisage?**

Issues concerning grandparents in family separation have been neatly summarised in a recent paper by Gay Ochiltree¹ for the Australian Family Relationships Clearinghouse:

- Grandparents are often very anxious when a son or daughter is experiencing separation.

¹Gay Ochiltree (2006) The changing role of grandparents, *AFRC Briefing No. 2*, Australian Institute of Family Studies

- They are often involved in providing care for children as well as emotional support for the parent(s).
- Residency arrangements of the family have the greatest influence on which side of the family has more contact with the grandchildren and becomes more important in their lives - eg children living with their mother are more likely to have contact with maternal grandparents and children living with their father are more likely to have regular contact with paternal grandparents.²
- Some grandparents who continue to have a close relationship with their grandchildren after the divorce of the parents may have a second disruption and period of adjustment when one or both of the parents repartner or remarry. Grandparents may find themselves step-grandparenting and having to adjust to step-grandchildren who they have not known since birth and who may have been accustomed to different family rules and conventions and who also have other grandparents who are part of another extended family.

FSA is keen to see some of these issues addressed through information developed specifically for grandparents. The type of information envisaged is brochures and fact sheets, as well as some video/DVD resources to provide examples of how grandparents can be a part of dispute resolution and shared parenting, nurturing relationships after separation and adjusting if a parent re-partners. Ideally, a suite of information resources would be developed catering to different language and literacy needs and sensitive to cultural diversity.

The national community education campaign promoting the family law changes and the FRCs is time limited. Eventually advertisements on television, radio and in newspapers will cease. Community organisations funded to provide FRSP services do not have the capacity to advertise in this way. Sustainable promotion of services using information products that are low cost and widely distributed in the community will be important when the campaign winds down. These products can be tailored to different target groups and needs. There is a potential cost saving in producing such materials at a national level for use by services, rather than leaving it to individual agencies to develop such resources.

FSA is aware of two resources for grandparents, both of which are relatively brief and focused on explaining legislation:

- *Family Law Reform Factsheet: The Role of Grandparents* (2006) produced by the Attorney-General's Department, available from <http://www.familyrelationships.gov.au/www/agd/familyrelonline.nsf/Page/RWPC1527D6725C456DAC257219000E6262>
- *Grandparents: Parenting and Family Law*, produced by the QLD Government and QLD Law Society (2005), available from http://www.communities.qld.gov.au/seniors/publications/documents/pdf/grandparents_booklet.pdf

There are some good resources for separating parents that provide more detailed information, including access to support services. These could be drawn on to develop information specifically tailored to grandparents and extended family members involved in a family separation. Examples include:

- *Putting your children first: a video for separated parents*, produced by Great Southern Communications for the Attorney-General's Department;
- The 'Me and My' series of publications about adjusting to life after separation and the *Dealing with Separation* DVD both produced by the Child Support Agency; and
- *Untying the knots: your guide to family law*, produced in each State and Territory by Legal Aid.

There are also some very good resources that have been developed for grandparents in related service sectors. For example, the Mirabel Foundation's publication 'When the Children Arrive' is a resource book for kinship carers looking after children due to parental drug use. FRSP services have sometimes provided this publication to grandparents caring for children due to other reasons such as mental health issues or separation. However, it does not cover issues that children and young people, their parents and grandparents may experience as a result of family breakdown and it would be preferable to have more tailored resources.

² Weston, R. (1992). Families after marriage breakdown. *Family Matters*, 32, 41-45.

Grandparents providing full time or part time care for children, sometimes as a result of a Family Court order, might benefit from coordinated information on a range of topics, such as:

- Counselling and support services;
- Parenting advice and support - particularly for dealing with difficult behaviours;
- Home help and back-up care;
- Child care and financial assistance with the cost of child care;
- Social security payments they may be eligible for; and
- Navigating service systems including child protection, education, children's health services etc.

There are some unique issues in communicating with grandparents experiencing family separation or children needing out of home care. An example is the issue of stigma and shame - many grandparents are reluctant to seek assistance as they are greatly embarrassed by their children's issues and feel that they have failed in some way. This increases their stress levels and makes them even more reluctant to seek assistance. Many grandparents have also grown up in different eras and cultures and are simply unaware of what may be available to assist them. Information targeting grandparents could address some of these issues, encouraging them to make use of the community supports that are available to them and to the children and young people they care for.

3. Your submission calls for further research and training with regard to the needs of Indigenous and culturally and linguistically diverse population groups. What are the main issues that you (or your member organisations) have experienced in relation to older people of Indigenous or culturally diverse backgrounds?

Family structure in Indigenous families and some families from diverse cultural backgrounds can be very complex and have unique characteristics that impact on the delivery of family relationship services. For example, cultural norms can influence whether it is appropriate to involve grandparents in family dispute resolution either directly or indirectly. FRSP organisations often work closely with migrant services and other specialist services to provide culturally responsive support and in some areas employ staff with specialist cultural expertise or strong community links. In rural and remote areas it can be more difficult to access specialist services and more difficult to employ specialist staff. Training in cultural diversity has been available to FRSP funded organisations on an ad hoc basis and we would like to see it more widely available on a regular basis.

FSA has also called for more capacity building work in this area. For example, family dispute resolution practitioners could benefit from a series of fact sheets on differences across cultural and linguistic communities in relation to family structures, kinship relationships, beliefs, values and attitudes toward marriage, child rearing and separation.

Some of the Family Relationship Centres have been funded to engage Indigenous Liaison Workers which is an excellent initiative. They are finding, however, that these positions need to be staffed by people with the expertise to deliver services in Indigenous communities - not just link people into mainstream services. There is a lack of Indigenous people with the appropriate expertise in areas such as counselling and dispute resolution to fill these positions and a strategy for increasing access to training is much needed.

There are also practical issues that can impact on the delivery of services to these target groups. Grandparents in migrant families may have limited English and/or low levels of literacy. As a result, written information may be of limited value, particularly if it is not translated into an appropriate language. Services also face significant costs in engaging interpreters or translators to work with extended family members. Transport can also be an issue, particularly in older CALD communities where grandparents may never have learnt to drive and public transport is not always accessible. Such issues and whether grandparents can get to and from information sessions, counselling or mediation interventions or services such as children's contact centres or support groups.

4. Would you tell us a bit more about the 'Keeping Children Safe Program'? For example, how is it promoted? To what extent do older people participate in the program? What does the participation of older people in the program indicate about their awareness of family law and support services?

"Keeping Children Safe" is a child protection program for parents and carers designed by Uniting *Care* Burnside (FSA Member) in 2001. The Family Centre at South Tweed Heads (FSA

member) has been running the program for over 3 years. It is open to anyone who wishes to participate.

Over the past 3 years grandparents who are the primary carer for their grandchildren have attended. Many referrals come from State child protection service (Department of Community Services). With the numbers of grandparents caring for their grandchildren increasing it is anticipated that demand for the program will continue to grow.

The program discusses child protection in the context of the *NSW Children and Young Persons (Care and Protection) Act 1998* and guides parents and caregivers in the best ways to ensure their own children remain safe.

Keeping Children Safe defines physical abuse, neglect, emotional abuse, domestic violence and sexual abuse and their effects on children. The program encourages alternatives to hitting children, methods of building self esteem in children and the teaching of protective behaviors to children by parents and care givers.

The benefit of the program for grandparents is that it gives a clear understanding of how the child protection system works. When the children are in their care because of abuse they are able to better understand the effects the abuse may have had on their grandchildren and their behavior. The program also teaches non violent parenting strategies. It also offers a social opportunity for grandparents to meet with other parents and share their knowledge and concerns in regard to the children in their care.

5. **Would you provide some examples of innovative practice in relation to the support provided to grandparents (alluded to on p. 2 of your submission)?**

Another example of innovative practice has been provided by Positive Solutions in Tasmania. Positive Solutions recognised a need for a mediation service specifically aimed at elderly people. The aim of this program is to:

- Reduce likelihood and prevalence of elder abuse;
- To assist families, and particularly the children of elders, to repair damaged relationships;
- To provide an alternative to legal processes for dealing with family conflict.

The program is called 'Seniors Relationship Care Program'. A brochure is enclosed.

This is an example of an individual agency recognising a need and crafting a response. There is no doubt that there would be more examples of this across the country but we lack the resources to gather information in a comprehensive way in order to document and compare practice.

6. **Your submission states that 'there is a lack of specific funded programs and agencies lack the capacity to dedicate resources needed' to meet the needs of grandparents in relation to family law. Would you expand on this? For example, what specific funded programs would you like to see?**

As stated in our earlier submission there are a range of circumstances in which FSA member organisations work with older people within a legislative context, some examples include:

- Grandparents of children whose parents are undergoing or have experienced separation - this can also include relocation (where one parent moves away) and/or re-partnering (creating step or blended families) (*context: Family Law Act and decisions of the Family Court*).

The primary resource needs in this area are concerned with information for grandparents of children experiencing parental separation (see earlier content under Q1). Education materials could also be developed to focus on reducing conflict in separation (see recommendations in *Every Picture Tells a Story*) and maintaining or strengthening relationships with grandparents post separation.

- Older people experiencing relationship difficulties and separation - this is not uncommon when children leave home creating an 'empty nest' (*context: Marriage Act, Family Law Act*).
- Traditionally relationship education resources such as videos/DVDs and programs to strengthen relationships have focused on people forming new relationships and/or experiencing a significant transition such as becoming parents. More recently the needs of older people experiencing relationship difficulties, often after children have left home or following retirement have been receiving more attention. It has also been recognised that couples can benefit from educative

programs at stages of the life course other than just the transition to marriage³ (Harris et al., 1992; Simons & Parker, 2002).

FSA would like to see greater investment in the development of relationship education resources for older people and support for organizations seeking to develop programs of support for this age group.

- Grandparents of children requiring out-of-home care, where the grandparent may or may not provide care (context: *State/Territory Child Protection legislation, Social Security Act*). Families Australia have recently undertaken a comprehensive study on the needs of grandparents which identifies the extent of need amongst grandparents providing out-of-home care in some detail. We enclose a copy of this report for your reference and support the recommendations that Families Australia have made.

In summary, we have not had the resources to undertake comprehensive research in this area but would support the development of a national focus or strategy within the FRSP to better examine the needs of grandparents, document the range of work that has been done in this area and identify priorities for the future. We believe that this would have widespread support amongst practitioners and deliver tangible benefits for grandparents, parents and children.

Please don't hesitate to contact FSA if you would like us to explain or elaborate on any of the points made in this letter.

Yours Sincerely



Samantha Page
Chief Executive Officer

³ Robyn Parker (2007) *Recent progress in marriage and relationship education in Australia*, AFRC Briefing No. 3, 2007. Australian Institute of Family Studies