

House of Representatives Standing Committee
on Family and Community Affairs

Submission No: 949

Date Received: 17-8-03

Secretary:

CHAIR
Danni POPE
4 Hillside Dr
Daisy Hill Q'ld 4127
Ph (07) 3299 1764

SECRETARY
Maree LUBACH
15 Mimi Cr
Mt Warren Pk Q'ld 4207
Ph (07) 3287 1664
Mob 0414 87 1664
mlubach@itconnect.net.au

TREASURER
Miriam DENTON
5 Bramley Cr
Mt Warren Pk Q'ld 4207
Ph (07) 3807 6237

KinKare

Submission to Parliament of Australia

Department of the House of Representatives

**Standing Committee on Families and Community
Affairs**

**Inquiry into child custody arrangements in the event of
family separation**

July 2003

KinKare...Caring for relative carers and those without acce

**KinKare is an independent community group supported and auspiced by Connect the Coast Assoc.
Inc.**

Page 1 of 5

Committee Secretary
Standing Committee on Family and Community Affairs
Child Custody Arrangements Inquiry
Department of the House of Representatives
Parliament House
Canberra ACT 2600
Australia

Dear Committee Secretary,

On behalf of the membership of KinKare, Eagleby branch, I have pleasure in forwarding herewith three copies of KinKare's submission to the inquiry into child custody arrangements in the event of family separation. This submission was approved by the members on July 2003. Our organization also wishes to have the opportunity for further elaboration of this submission and presents itself as a potential target group for the continuing debate of the issue.

KinKare is an organization representing full time relative carers, mostly grandparents, and those denied access to their grandchildren. Our aim is to act for the betterment of the children and carers so affected.

KinKare's submission is relatively brief in that we want to comment on the second section of the first term of reference ;“(ii) in what circumstances a court should order that children of separated parents have contact with other persons, including their grandparents.”

In particular, we would respectfully request that the inquiry carefully consider the following points:

- In all cases and in all ways the best interests of the children **MUST** be paramount.
- “Parental” conflict may not always be between the birth parents, but between those raising the child/ren and birth parents. We note that “conflict is a more potent predictor of poor child adjustment than is divorce” according to Government response to the Family Law Pathways Advisory Group Report May 2003
- More and more the Family Court is being asked to rule on cases involving grandparents, and is ill equipped to do so
- Centrelink's, and other government/non-government agencies, range of income and personal support measures seldom reaches grandparents
- Whilst Australia leads the world in some areas of family law policy, this is definitely not the case where grandparents are involved

These days people enter into relationships for better or for worse, but not for good. The subsequent breakdown of the partnership, which usually has produced children, has lead to a major new class of children and “families” in our society- those whose days, weeks and months consist of non-stop shuttling between separated parents, relatives and/or foster carers.

This inquiry suggests an acknowledgement on behalf of the Government of the situation facing our children and an intention to improve their situation in its role as supporter of Australian families and citizens. KinKare commends the Federal Government for this initiative and trusts that funding and policy changes will subsequently be directed into this important area which certainly needs your wholehearted commitment.

On behalf of KinKare,
Yours faithfully,

Maree Lubach (Secretary)

In all cases and in all ways the best interests of the children *must* be paramount.

Our members encompass many different types of grandparents, from those who are raising their

grandchildren totally, to those who are denied access to them.

We see everyday how those we love are being left out of the system and others who may not be as deserving seem to be welcomed with open arms. Many grandparents are unwilling to seek assistance because of the pressure applied by our children often as a result of current Government policies. Parents in receipt of government monies are not expected to prove that they are, in fact, rearing their children. This means that grandparents raising grandchildren have to confront the parents over a transfer of entitlements. Most often this results in unnecessary conflict which grandparents are usually not willing to instigate or have the grandchildren become aware of.

Grandparents raising their grandchildren face barriers unknown to "normal" aged parents and are therefore in greater need of government aid. This aid, we believe, should be both as an allowance and entitlements to services which are currently being implemented for other parents. We refer, in particular, to those outlined in your response paper to the Family Law Pathways Advisory Group. The current support for separating families seems to provide little help for the extended family.

We respectfully submit that the future of the children in all types of family separation is a Federal issue and request that your enquiry address their needs as its first priority by including reference to relative carers specifically.

KinKare also suggests that a system be introduced to enable those in real need to gain timely, effective assistance. The Advisory Group found that, " the right sort of help was not always available to families at the time and place they needed it most." We concur with this finding and further suggest that this is even more difficult for older people who are often less technologically literate to gain the support they need.

When parenting by birth parents is no longer realistic, "relative parenting" must be given assistance to ensure positive outcomes prevail for the children. Relative carers are often the ones providing the stability for the children; are less likely to seek assistance out of fear of "rocking the boat" and are next to ignored in our legal system.

So many times the grandparents are the ones the children confide in. They are often the best source of knowledge about the emotional state of the children and are usually powerless to help as they are not included in the proceedings. In the case of abused children, this is even more true as parents are often less likely to realize the long-term effects on them.

“Parental” conflict may not always be between the birth parents, but between those raising the child/ren and birth parents. We note that “conflict is a more potent predictor of poor child adjustment than is divorce” according to Government response to the Family Law Pathways Advisory Group Report May 2003

KinKare notes that the Advisory Group and Government are both concerned with early intervention of possible areas of conflict within families. We applaud this and further request that the definition of “family” be extended to include grandparents as too often they are left to pick up the pieces for the sake of the children.

We believe that the inclusion of grandparents in the resolution of family conflict would have a positive effect in maintaining civility and improve the plight of the children.

At present, there seems to be little recognition in legislation of the ever growing problem of addiction and mental disorders which are quickly becoming an integral part of society. These problems have now been present as major factors long enough for us to be experiencing the repercussions of an older generation, the parents, who are suffering the side-effects and therefore not relating as well to their families as was previously the norm.

It is our belief that specialized support staff are needed to guide rehabilitation and support families over an extended period of time and this must be facilitated by appropriate legislation.

More and more the Family Court is being asked to rule on cases involving grandparents, and is ill equipped to do so

KinKare respectfully submits that greater attention to the rights of grandparents be given in any new policies or amendments to the Family Law Act.

In the case of irretrievable breakdown of the parental family group, grandparents should have more legal stature than any non-related party. Legal Aid must therefore be granted to grandparents who are seeking the stability and security of their grandchildren through the court system. At present, eligibility guidelines do not allow for people who are facing retirement and have therefore accumulated assets for years of non-working life.

Many of our members, who are raising their grandchildren, have found parents previously considered “unfit” are able to receive Legal Aid to attempt to regain residency whilst they have to dispose of hard earned assets in order to defend the children in Court as well as continue to support them. Surely, this is a travesty of justice.

Access to the Court counseling system and other services & information must also be made more easily attainable. We submit that a well equipped and skilled community advisory section, able to speak to community support groups and service providers, attached to the Family Court could aid in this area and diminish the occurrence of long, drawn out family battles in the Court.

Centrelink’s, and other government/non-government agencies, range of income and personal support measures seldom reaches grandparents

There is little or no research on the topic of grandparents rearing grandchildren so it is difficult to know whether this is a growing circumstance or one that is just becoming evident. (KinKare believes it is probably a little of both.) Either way, it seems very few officers at the counter

understand the entitlements and the unique circumstances of this group of parents. We are aware of the willingness of staff to address this situation and congratulate them for it. However, we believe much needs to be done at a higher level to give equality of benefits to the children of relative carers. Just as other disadvantaged groups need greater understanding, so do grandparents.

In our day an orphan was a person whose parents had died. How can there be such a thing as a "Double Orphan"? Pride and dignity are important attributes to the older generation and just having to beg the Government for money is offensive to most of us. Yet, after many years of careful budgeting and planning, we often find ourselves in this position. To then have someone too young to even be a parent, tell us, publicly and loudly, we are undeserving of any real aid is devastating. Especially, when we know the parents are receiving many different allowances from the same Government Authority.

It is our belief that there are many avenues for the Government to save the money we believe as being able to be spent on more deserving cases, by simply monitoring the current misuse of funds. As you will no doubt be aware, we most certainly are, there is a cult of people who abuse the current social welfare system. We are in touch with this aspect because it is often our own children, unfortunately, who are guilty of this crime and we have spent many years paying taxes which we do not want to see squandered. We therefore suggest a tightening of the

Whilst Australia leads the world in some areas of family law policy, this is definitely not the case where grandparents are involved

In your deliberations into child custody, please consider the extended family and the rights of children. Please, also, take into account the new face of society and its effect on all of us during the lifetime of the new legislation.

KinKare thanks you for the chance to play a part in this enquiry and hopes it will be considered as a possible future reference group for further considerations.

Nerang)

On behalf of KinKare (Eagleby &

Yours Faithfully,

Maree Lubach (Secretary)