

## Parliamentary Inquiry into the Child Support Program

### Submission to the House of Representatives Standing Committee on Social Policy and Legal Affairs

#### Background

This submission is written on behalf of Relationships Australia's eight member organisations.

Relationships Australia provides a range of family support services to Australian families, including counselling, dispute resolution, children's services and relationship and professional education.

We respect the rights of all people in all their diversity to live life fully within their families and communities with dignity and safety, and to enjoy healthy relationships. These principles underpin our work.

Relationships Australia is a leading provider of relationship support services for individuals, families and communities. We aim to support all people in Australia to achieve positive and respectful relationships.

We are a community-based, not-for-profit Australian organisation with no religious affiliations. Our services are for all members of the community, regardless of religious belief, age, gender, sexual orientation, lifestyle choice, cultural background or economic circumstances.

#### The work of Relationships Australia

Relationships Australia has been a provider of family relationships support services for more than 60 years. In the course of this work, we have developed a considerable body of knowledge that we can contribute to the development of public policy in the areas of family relationships and child support.

Relationships Australia State and Territory organisations, along with our consortium partners, operate around one third of the 65 Family Relationship Centres across the country. In addition,

Relationships Australia Queensland is funded to operate the Family Relationships Advice Line, work previously undertaken by Centrelink staff.

The core of our work is relationships – through our programs we aim to enhance and improve relationships in the family, whether or not the family is together, with friends and colleagues and within communities. We believe that a strong parental alliance offers children security and a firm base for healthy development.

Relationships Australia puts the safety and well-being of children at the forefront of its work. We encourage respectful relationships and actively screen and assess the risk of violence for all our clients. We take a prevention and early intervention approach to our work with all clients. In all our work, Relationships Australia will make reports to statutory authorities if we believe that children and young people are at risk of harm.

In our individual counselling sessions and our work with couples, there is always a focus on the needs of children, and whenever possible, their voices are heard directly through the child-inclusive practice approach. We also offer education programs for parents, and programs for people who are affected by, or who have used, violence in the family.

The nature of our work means that most of our clients are vulnerable – emotionally, physically, financially and socially – and many are disadvantaged. Children in these families are particularly vulnerable and we are committed to supporting and strengthening them, and advocating for them. Assisting separated parents to reach agreement over parenting and child support to improve outcomes for children, is often a component of this work.

## Connections between Relationships Australia and Child Support Program

The transfer of child support necessarily results in positive and negative effects on children. On the one hand, child support income directly benefits children, while on the other, the transfer of child support, in many cases, leads to conflict between paying and receiving parents.

Evidence suggests that more than half of family disputes after separation are due to post separation financial arrangements, including the payment of child support. There is a well-documented relationship between family conflict and child outcomes. While positive relationships with both parents post-separation is important in improving child outcomes, policies which encourage non-resident parents to spend more time with children and make it more difficult for the non-resident parent to avoid paying child support may also increase parental conflict, either by increasing contact between parents who would otherwise avoid one another, by encouraging resident mothers to be more assertive in obtaining child support (ie linking child support and family payments), or by increasing non-resident fathers' dissatisfaction with the system<sup>i</sup>.

Mixed results have been shown when examining the relationship between increased contact and child outcomes; with a number of studies reporting that, rather than the amount of contact, key to

good child outcomes is the post separation parental relationship<sup>ii</sup>. Therefore, any policy change that affects child support transfers needs to also consider programs which can improve the quality of family relationships. These programs need to be strongly embedded in the administration of the Child Support Program.

Relationships Australia services support a range of clients where child support payments are a key issue. Conflict and disagreement is often between separated parents, but parental conflict and non-payment of child support also affects relationships between custodial parents and new partners.

The time the child spends with each parent and how this relates to the amount of child support that is paid is a common theme in mediation sessions. These issues arise more frequently when the amount of time spent with each parent is close to child support formula thresholds that significantly affect the amount of child support paid. Often clients will ask the Family Dispute Resolution (FDR) practitioner to verify the custody arrangements and advise on the proportion of child support which each parent should pay. The role of the FDR practitioner is to focus on the needs of the child, rather than to advise on child support rates, and given the complexity of the formula and policy, they would not have the expertise to provide this advice. Instead, FDR practitioners would refer detailed questions about the payment and rates of child support to the Child Support Agency. Practitioners report that their referral service works effectively and they have productive relationships with Child Support services.

Our practitioners have indicated that the introduction of a transition period for high conflict families would be ideal. Changes to payment occur as soon as changes occur in the care arrangements which can make it difficult for children to spend increasingly/decreasing care with each parent. For example, a child may be interested in spending more time with one parent but the change in care arrangements may impact on the other parent immediately which in some instances can be a disincentive for changes to care arrangements, even if this is what the child(ren) may want.

With respect to the formula, the use of overnight care as the measure for time spent in care can be problematic, particularly when younger children are involved. In many instances, owing to the age of the child, it may be more developmentally appropriate (depending on attachment) to have more frequent contact during the day rather than overnight care. The failure of the formula to account for day care may act as a disincentive for non-custodial parents and lead to perceptions of fairness.

There are often problems with the Child Support Agency where one or both parents have work involving rolling shifts or fly in - fly out arrangements, resulting in different care arrangements in across weeks and months. These arrangements can work well where families and extended families work cooperatively to care for children, but such arrangements are not handled easily within Child Support formulae.

The negotiation of three nights of care per week is a clear consideration for many of our clients as this is seen as the threshold used by Child Support. This means that the child support formula, rather than best interests of children, may drive the negotiation for some separated families.

Our practitioners report that some parents appreciate the flexibility of being able to negotiate private child support arrangements, but these agreements do not readily then lend themselves to enforcement. Lack of access to child support enforcement powers may lead to ongoing conflict between parents which go unnoticed by many reports and studies centred around child support transfers facilitated by the Child Support Agency. Lack of public assistance with enforcement may also result in reluctance by some families to negotiate private arrangements. Family violence or the fear of violence has been shown to influence parenting arrangements and thus indirectly influences financial settlements, as well as having a negative influence on legal processes, disputes, and outcomes, including child support arrangements<sup>iii</sup>. Family relationship counsellors have an important role in advocating on behalf of the child and supporting parents in unequal power arrangements.

Thank you for the opportunity to provide a submission to the Parliamentary Inquiry into the Child Support Program. Should you require any further clarification of any aspect of this submission or need information about the services Relationships Australia provides, please do not hesitate to contact me.

Yours sincerely,



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National Executive Officer

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<sup>i</sup> Seltzer, J. A., McLanahan, S. and Hanson T. L. (1997). Will Child Support Enforcement Increase Father-Child Contact and Parental Conflict after Separation? <http://apps.olin.wustl.edu/macarthur/working%20papers/wp-mclanahan1.htm> accessed on 10/06/2014.

<sup>ii</sup> For example see: McIntosh, J., Smyth, B., Kelaher, M., Wells, Y., & Long, C. (2010). Post-separation parenting arrangements and developmental outcomes for infants and children. Collected Reports. Report to the Australian Government Attorney-General's Department. Attorney-General's Department: Canberra.

<sup>iii</sup> Fehlberg, B. and Millward, C. (2014). Family violence and financial outcomes after parental separation. Hayes, Alan, ed. Higgins, Daryl J., ed. Families, policy and the law : selected essays on contemporary issues for Australia. Melbourne, Vic. : Australian Institute of Family Studies, 235-243.