

Panel: Practical resources for separating families

Chair

Dr Bruce Smyth, Research Fellow, Australian Institute of Family Studies

Bruce Smyth is a Research Fellow at the Australian Institute of Family Studies. Prior to joining the Institute in 1995, he was a freelance professional drummer. He has published widely in the area of family law, and is a member of the editorial board of the *Journal of Family Studies*. Bruce is currently managing several large collaborative research projects at the Institute. Most recently, he and Juliet Behrens (ANU) have been awarded an Australian Research Council (ARC) Discovery Grant to explore the experiences of parents and children after the making of relocation orders.

Presenters

Dr Joan Kelly, Psychologist, California, United States of America

Joan Kelly is a clinical psychologist, researcher, teacher and consultant. She received her PhD from Yale University. For thirty-five years, her research, practice and teaching focused on research in children's adjustment to divorce, custody and access issues, divorce mediation and applications of child development research to custody and access decision-making. She has published more than eighty articles and chapters, and her 1980 book, *Surviving the breakup: How children and parents cope with divorce*, remains a classic resource. Dr Kelly was Executive Director of the Northern California Mediation Center for 20 years, and mediated divorce and family disputes. She developed and provided training programs in mediation, and in parenting coordination. She was also a forensic expert, custody evaluator, therapist, consultant, and parenting coordinator in high-conflict custody cases. Now retired from the Mediation Center, Dr Kelly continues to speak and teach seminars in the US and elsewhere and publish articles. She was a member of the recent AFCC Taskforce on Parenting Coordination to develop standards of practice. Dr Kelly has been honoured with many awards, including Fellow of the American Psychological Association, the Distinguished Mediator Award from the Academy of Family Mediators, and the Stanley Cohen Distinguished Research and Meyer Elkin awards from the Association of Family and Conciliation Courts. She is Past-President of the boards of the Academy of Family Mediators, the Northern California Mediation Association and the California Dispute Resolution Institute.

Dr Paul Murphy, Family Court of Western Australia

Paul Murphy is a post-doctoral scholar in the School of Psychology at Edith Cowan University in Perth, Western Australia. In early 2002, he was seconded to the Family Court of Western Australia (FCWA) to lead an interdisciplinary, inter-university research team evaluating the Columbus Pilot project, an innovative program to better manage difficult cases involving allegations of spousal violence, child abuse or child sexual abuse, and family violence. Dr Murphy and his colleague, Professor Lisbeth Pike, have published a number of articles covering various aspects of the Columbus Pilot project. They are currently evaluating the Case Assessment Conference process in FCWA, and a highly innovative model of child-inclusive family reports. Dr Murphy has worked as a facilitator in post-separation parenting and stepfamily education programmes for the past fifteen years.

Mr Trevor Sutton, Child Support Agency

Trevor Sutton is Deputy General Manager of the Child Support Agency. He is responsible for Business Strategy and Innovation, including strategic and business planning, change management, business development, research and business analysis, electronic service delivery and the National Compliance and Enforcement Strategy. Prior to this appointment, Mr Sutton was Director of Marketing for the Australian Taxation Office. During this period, he managed major marketing campaigns associated with the government's major tax reforms of the early to mid-1990s. He also was the National Campaign Director for the Australian AIDS Education Campaign in the Department of Health during the late 1980s. Mr Sutton holds an Honours degree in sociology and is currently completing a PhD in Public Policy at the Research School of Social Science at Australian National University.

Opening remarks

Dr Bruce Smyth, Research Fellow, Australian Institute of Family Studies

This session explores practical resources for separating parents and their children. Practical resources are likely to play an important role in the ‘new family law system’—particularly at the brand new entry point to the system: Family Relationship Centres.

The raft of family law reforms currently being operationalised comprises an interesting mix of both aspirational and practical macro-level initiatives. But at the micro-level, practical resources—such as contemporary models for parenting plans, graphic tools to help parents reflect on more lateral arrangements for the care of their children, information brochures, telephone- and web-based information tailored to Australian families, and so forth—can resonate with the broad thrust of the reform package by helping to reduce conflict, and by offering practical ideas for sharing the care of children.

How can practical resources help reduce conflict and foster the involvement of both parents? Binary ways of thinking create fertile ground for parents to get stuck, and to become entrenched. Worse still, all-or-nothing binaries can escalate conflict—‘They live with you or they live with me’, ‘Fifty-fifty or nothing’, and so forth. Practical resources can help parents to consider a broad range of options, and help them to explore possibilities that might best fit their own and their children’s particular needs and circumstances. Qualitatively richer options make sense in a more complex social world.

Recent work at the Australian Institute of Family Studies warrants brief mention as further context for this session. Catherine Caruana, Anna Ferro and I found that parents often report having limited information about formulating creative and individualised parenting arrangements, and are not sure where they can obtain this kind of information easily. Running on ‘automatic’ in the confusion, pain and stress of relationship breakdown, parents go along with what is suggested to them by legal or other professionals, who themselves may lack access to more creative approaches. Alternatively, parents are told by some counsellors, mediators and legal professionals: ‘Work it out yourselves’.

Surely we can do better than that? While parents are, in the long run, usually the best judge of what will work best for their children, resources that can help them to reflect sensibly on the possibilities can make a critical difference. To this end, recently we have been mapping different patterns of care in Australia to help parents see some workable possibilities.

In passing, I note that while much of the material being developed aims to support parents, pockets of innovative work are beginning to emerge in Australia and elsewhere that directly aims to provide practical help for children themselves. Let’s hope that this line of work burgeons quickly and responsibly.

Each of the three presenters in this session has been developing ideas and tools to support separating parents for some time. Dr Joan Kelly has spent the last thirty-five years as a leading clinician and researcher in the United States, and works tirelessly educating legal professionals and parents about post-separation parenting. Dr Kelly

is a legend, and continues to be at the vanguard of practical ideas and resources to help separating parents.

Dr Paul Murphy, who wears many hats as an embedded academic and clinician within the Family Court of Western Australia, has been doing some interesting work recently on parenting plans. Parenting plans are featured in various parts of the Australian reform package, and all the evidence from the US is that they have a vital role to play in the conflict-reduction arsenal of mediators.

Trevor Sutton, from the Child Support Agency, is the final speaker in this session. As many people here know, the Child Support Agency has been producing an array of useful booklets and education programs to help parents manage money, stay connected to their children, get along with their children's other parent and look after themselves. This holistic and practical approach to the many challenges of post-separation parenting sets the tone of this session.

I look forward to seeing the many new practical resources for families, and hopefully their coherent coordination, in wide use throughout the new family law system.

Parenting plan models: Ideas and examples

Dr Joan Kelly, Psychologist, California, United States of America

Transcribed address

Good morning. My interest in the types of living arrangements that parents make with respect to their children goes back many years.

When I first started doing divorce research in 1970, it was really compelling to hear from children aged as young as 5 or 6 years who were saying in interviews for our research project, 'Would you please tell my mum I want to see my dad more?' or 'Would you please tell my dad that I want to see him? It makes me really sad that I don't see him'. There were a lot of pleas and requests from the children at a time when the traditional parenting plan was every other weekend, if that. This sparked a career-long interest in the kinds of living arrangements in which children benefit, recognising, of course, that there are multiple situations and therefore many different possible ways in which parents can share the time with their children based on their particular family characteristics.

A strong influence on parent-child access has been a very traditional gender belief that children really belong with their mothers, and that's been true in our culture and everywhere in the Western world and, I suspect, in many other cultures as well. This was amplified by psychoanalytic theory that placed tremendous emphasis on the importance of the psychological parent, which was most often the mother. In the 70s and 80s, mental health professionals, in particular, believed that children had to have one home base or setting. This belief guided a lot of the thinking about how living arrangements are made when parents are in dispute or simply functioning in the shadow of the law when deciding on their contact arrangements.

As a result of all these strands we ended up with either formally written laws in jurisdictions or informal guidelines for every-other-weekend arrangements. You don't have to have them written down. My experience with custody evaluators and assessors and judges has been that they hold ideas about what's right for children. Often their belief about what is right for children is that every other weekend is fine, or there should not be any overnight stays during the week, or children need a home base.

In the last thirty-five years there has been a lot of divorce research and child development research that informs the discussion about what kinds of parenting plans might be appropriate for different children and of different ages. For example, if you just look at the infant attachment research, when I was in graduate school it was believed that babies first formed an attachment to one parent and then only after that to the other parent—but that's wrong. We now know from research that babies form attachments to both mothers and fathers at the same age, about 6 to 7 months. That kind of research informs how we think about children's needs for continuity after separation when they have strong attachments to both parents—because they've lived with them and interacted with them—and other issues about child development. Child development research has been germane in showing that children typically, as a result of separation, show evidence of more insecure attachments. This is a function of the separation or, more specifically, the conflict surrounding the separation, but this research also suggests that, if things simmer

down and children maintain a relationship to both parents, they will move back in the direction of more secure attachments.

The problem with the guidelines that we've had is that they have been 'one size fits all'. It has been mentioned several times at this forum that 'one size doesn't fit all' absolutely. It is not suitable for children who have a very emotionally abusive parent to have the same visiting plan or schedule as children who have a very loving relationship with a parent. The biggest problem with restrictive visitation schedules has been that the quality of the parenting and the quality of the parent-child relationship were not considered. They were just blindly applied and certainly didn't take into account cultural and ethnic and other kinds of issues.

From the divorce research field, we've learned a lot that has informed how we think about parenting plans. Among others, research both in New Zealand and Australia has asked children about access and the kind of time that they would like to spend with their parents. More than half of kids say that they would like to spend much more time with their non-resident parent, usually fathers, and if you ask college students whose parents have been divorced for ten years what they would have liked, more than 50 per cent of those kids say, 'What I really wanted was equal time, but I also knew that my mother was opposed to it'. There is now a range of feedback from children about what it is they think would work for them.

We also have research that suggests that when children have a close relationship with the non-resident parent, the more contact, warmth, support and involvement they have with the parent, the better the child's adjustment is post-divorce. There is some research that has found that when children continue to have a meaningful involvement with both parents after separation, there's no difference between those children and married family children, in terms of psychological adjustment, social and emotional adjustment.

We've had research about sole physical custody and joint physical custody. Among other things, when you compare these groups, sole physical custody kids express much more pain and longing about the separation compared to children who have lived in shared physical custody arrangements. There is also some evidence, although some of the research has been problematic, that joint physical custody children are significantly better adjusted than are sole physical custody children, even after you control for any number of relevant factors.

What I really wanted to talk about this morning is that in the United States we have seen a movement towards developing research-based models of parenting plans that take into account some of the things which I've just mentioned previously, and creating tools for parents to use which will help them think about their particular family, their child's age and the type of relationship that mothers and fathers have had with these children.

I will give you some samples of the Arizona model parenting time plan. This work was commissioned by the Arizona State Supreme Court. The court pulled together an interdisciplinary group (I was a consultant to this group) and spent a year developing this product, and it's a very good product. This booklet—which is, I think, 47 pages—is wonderful, with really good drawings and tremendous information. It is available both online and in hard copy to parents in Arizona. The booklet addresses the key question for parents: 'What kind of plan should we choose for our children?' The booklet differentiates between parents who want to be very involved in their children's lives following separation, usually the non-resident parent, versus those

who may want less involvement. It encourages parents to consider factors that are important in deciding what is an appropriate living arrangement for their children.

It is interesting to note that one factor highlighted by the booklet is a parent's ability and willingness to learn basic care-giving skills, such as feeding, changing and bathing a child. This was inserted because there are many fathers who are less involved in the very direct physical care of their very young children. The belief underlying its inclusion in the booklet is that this should not be a barrier to having extensive contacts with children who have an attachment to a parent following separation; the issue is willingness and ability basically to learn. This is based on evidence that good parenting is all about on-the-job training—and that's how all of us have learned to be good parents—and whether or not we've been parented well ourselves.

The information contained in the booklet for parents is research-based. Every one of these things has come out of research projects, particularly information concerning the things parents can do to benefit children.

In the end, the booklet divides the parenting plan options by age so that there are three different ways fathers can be involved with their children following separation for children from birth to 12 months and going on 12 to 24 months of age. There are ideas and examples for parents to use as a basis for their discussion and their negotiation. There are suggestions also for 3 to 5 years olds. The predominant plan all the way through is basically shared physical custody, typically 40 to 50 per cent of the time. Plan A is less extensive contact and Plan B somewhere in the middle.

I have developed parenting plan options that I've used over the years both for training purposes and also, in a different format, for parents in mediation, to help them think about the options to reach settlement about their children's living arrangements.

The parenting plan indicates how many overnights the child is spending with the father in a four-week period. For example, 4 out of 28 overnights is every other weekend, where the child spends 4 nights a month essentially with dad. The plans are also annotated from a perspective of child development research and divorce research, so they are used as a teaching tool for parents along the way. For example, one of the biggest problems with every-other-weekend arrangements is that for many children the 12-day wait between seeing their father from one weekend to the next is intolerable, especially where there is an adequate or better relationship with the parent. It's very upsetting to kids who have a warm relationship to wait that long. So when we started doing every-other-weekend and a mid-week visit, they only had to wait 7 days. The parenting plan deals with the extent of separation issues as well.

There are different kinds of joint shared physical custody resources that are available on the web that have to do with both divorce education programs. Software such as 'Our Family Wizard' have been developed to help parents negotiate their way through the process with a lot of structure and ideas for settlement. Finally, there are some publications that are relevant to this.

PowerPoint presentation—Dr Joan Kelly

Parenting plan models: Ideas and examples

Joan B. Kelly, PhD

2 December 2005

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Common determinants of parent–child access

- Traditional gender-based belief that children should live primarily with mothers
- Theory of one psychological parent
- A belief in the importance of one home for children after separation
- Resulting formal or informal guidelines for access used within jurisdictions

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Child development: Relevant research

- Infant attachment formation
- Gender differences in parenting
- Separation anxiety
- Loss of important attachment relationships
- Overnights and infant sleeping patterns
- Secure and insecure attachments
- Sources of stability for child
- Child's cognitive, memory, and language abilities

3

Problems with simple guidelines

- One size fits all—no assessment of child's best interests or developmental stages and needs
- Quality of parenting not considered
- Quality of each parent–child relationship not considered
- Cultural, ethnic, socioeconomic, employment not considered

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Parenting plans and empirical divorce research

- Children's views of access
- Adjustment and academic outcomes associated with greater or lesser paternal involvement (not specific plans)
- Weaker father–child ties long-term
- Sole physical custody vs. joint physical custody
- Effect of overnights for young children

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Options for parenting plans

- Arizona: Model Parenting Time Plans—www.supreme.state.az.us (AOC/Fam Law/Publications)
- AFCC website: Planning for shared parenting—www.afccnet.org
- Alaska Model Parenting Agreement—www.state.ak.us/courts/forms/dr-475.pdf
- Joan B. Kelly, PhD—Parenting Plan Options, jbkellyphd@mindspring.com (and included in materials)

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Model parenting time plans for parent/child access (Arizona)

See www.supreme.state.az.us for full publication

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Which plan should we choose?

- A parent who has an extremely busy work schedule, has not been the child's primary caregiver or wants regular access without extensive caregiving responsibility may consider Plan A.
- A parent who has been involved in the day-to-day care of the child may desire greater access. This parent may consider Plan B.
- A parent who has caregiving experience and desires maximum access may consider Plan C. For ages three and older, all Plan C schedules are for shared access.

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Important factors to consider when choosing a plan

- The child's age, maturity, temperament and strength of attachment to each parent
- Any special needs of the child and parents
- The child's relationship with siblings and friends
- The distance between the two households
- The flexibility of both parents' work schedules and the child's schedule to accommodate extended access
- Childcare arrangements
- Transportation needs
- The ability of the parents to communicate and cooperate
- The child's and parents' cultural and religious practices
- A parent's willingness to provide adequate supervision, even if the parent has not done so in the past
- A parent's ability and willingness to learn basic caregiving skills, such as feeding, changing and bathing a young child, preparing a child for day care or school or taking responsibility for helping a child with homework
- A parent's ability to care for the child's needs

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Children benefit when parents:

- initiate the child's contact with the other parent on a regular basis by phone, letter, audio and videotapes, email and other forms of communication
- maintain predictable schedules
- are prompt and have children ready at exchange time
- avoid any communication that may lead to conflict at exchange time
- ensure smooth transitions by assuring the children that they support their relationship with the other parent and trust the other's parenting skills
- allow the children to carry 'important' items, such as clothing, toys and security blankets with them between the parents' homes
- follow similar routines for mealtime, bedtime and homework time

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Children are harmed when parents:

- make their child choose between mom and dad
- question their child about the other parent's activities or relationships
- make promises they do not keep
- argue with or put down the other parent in the child's presence or range of hearing
- discuss their personal problems with the child or in the child's range of hearing
- use the child as a messenger, spy or mediator
- withhold access because child support has not been paid

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Model parenting time plans

Birth to twelve months

Plan A(1): Three periods of three to six hours spaced throughout each week

Plan A(2): Two six-hour periods spaced throughout each week

Plan B: Two three-hour periods and one eight-hour period spaced throughout each week.

Plan C: Two periods of three to six hours and one overnight each week.

Twelve to twenty-four months

Plan A(1): Three periods of three to six hours spaced throughout each week.

Plan A(2): Two six-hour periods spaced throughout each week.

Plan B: Two four-hour periods and one eight-hour period spaced throughout each week.

Plan C: One daytime period of three to six hours and two non-consecutive overnights each week.

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Three to five years

Plan A(1): Two consecutive overnights every other week and an additional overnight or afternoon/evening period each week.

Plan A(2): Three consecutive overnights week one. Another overnight or afternoon/evening period of three to four hours may be added in week two.

Plan B: Four consecutive overnights week one. Another overnight or afternoon/evening period of three to four hours may be added in week two.

Plan C(1): Parents split each week and weekend.

Plan C(2): Each parent has the same two consecutive mid-week overnights each week and alternates the weekends.

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Six to nine years

Plan A(1): Two consecutive overnights every other week. An additional three to six-hour period or overnight may be added each week.

Plan A(2): Three consecutive overnights every other week and an additional four to six-hour period each week.

Plan B: Four consecutive overnights week one with an additional overnight week two.

Plan C(1): Split each week and weekend.

Plan C(2): Each parent has the same two consecutive mid-week overnights each week and alternates the weekends.

Plan C(3): The parents share time with the child during alternating seven-day periods. A mid-week overnight period is optional for the parent who does not have access that week.

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Parenting plan options: Limited access (school age)

- Every other weekend (48 hrs = 4/28*)
 - 12 days separation too long for many children
 - Non-resident parent (NRP)—child relationship diminishes in meaning
 - NRP less involved in school/homework/projects
 - Resident parent (RP) has little time off
 - May benefit children if NRP angry/inept/rigid
 - 14% time-share
 - Every other weekend and brief mid-week visit
 - 7 days separation too long for many children
 - Transition back to RP home has potential for conflict
 - Little time for homework or reconnecting
 - Often seen as rushed, hectic
- * Number of overnights each four weeks with non-residential parent

Joan B. Kelly, Ph.D., Parenting plan options

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Parenting plan options: Limited access (school age)

- Every other extended weekend (6/28)
 - Friday p.m. to Monday a.m.
 - More expansive weekend
 - Child dropped off at school/day care
 - Reduced opportunity for conflict
 - One less transition for child
 - Not workable if NRP lives too far away
 - 21% time-share

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Parenting plan options: Mid-range (expanded) contact

- Every other weekend and mid-week overnight (8/28)
 - Friday to Sunday p.m. and Wednesday p.m. to Thursday a.m.
 - No separation greater than 6 days
 - NRP engages in school and homework
 - RP has regular mid-week evening off-duty
 - No transition and conflict Wednesday evening
 - 28% time-share
- Every other extended weekend and mid-week overnight (10/28)
 - Same as above, with weekend to Monday a.m.
 - NRP assumes more responsibility for homework
 - Potential for conflict eliminated with school/day care pickups
 - 36% time-share

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Parenting plan options: Shared physical custody

- Every other weekend and split mid-weeks (14/28)
 - Each week:
 - ◆ Parent A: Monday p.m. to Wednesday a.m.
 - ◆ Parent B: Wednesday p.m. to Friday a.m.
 - ◆ Alternating Friday to Monday a.m.
 - All transitions at school or day care avoid conflict
 - Consistent mid-week residence each week
 - Five days separation acceptable for most children age 5+
 - Each residence provides clothing, equipment
 - Both parents fully involved in school, activities, play
 - Most children satisfied with shared arrangements
 - May not work for children with disabilities, difficult temperament
 - 2–2–5–5 pattern is 50% time-share

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Parenting plan options: Joint custody (pre-school)

- All weekends and mid-week split
 - Each week:
 - ◆ Mid-week divided as described above
 - ◆ Friday p.m. to Saturday p.m. or Sunday a.m.
 - ◆ Saturday p.m. to Sunday p.m. or Monday a.m.
 - No separation from parents greater than three days
 - More appropriate for pre-school or two-year-old
 - An interim schedule until child is 5 or 6
- Weekend transitions may be problem for high conflict

Joan B. Kelly, Ph.D., Parenting plan options

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Parenting plan options: Shared physical custody

- Every other week (14/28)
 - Monday after school to next Monday a.m.
 - 7-day separation stresses younger children (< 6–7)
 - Minimum number of transitions per month
 - Parent and children can settle into routine
 - Lessons and activities may be a problem
 - Adolescents may want two-week or monthly rotation
 - Eliminates face-to-face parent conflict

Joan B. Kelly, Ph.D., Parenting plan options

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Resources for parents and professionals

Divorce education programs

CODIP—www.childrensinstitute.net

Kids' Turn, 1242 Market Street, 4th Fl., San Francisco, CA
94102–4802, 415–437–0700

Lemons2lemonade—www.lemons2lemonade.com

Children in the Middle—www.divorce-education.com

After the storm: Resolving post-separation conflict. Video,
manuals—www.divorce-education.com

Co-parenting software and guides

Info@ourfamilywizard.com

www.sharedground.com

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Relevant Kelly publications

Kelly, J. B. (2005). Developing beneficial parenting plan models for children following separation and divorce. *Journal of American Academy of Matrimonial Lawyers*, 19(2), 237–254.

Kelly, J., & Emery, R. (2003). Children's adjustment following divorce: Risk and resilience perspectives. *Family Relations*, 52, 352–362.

Kelly, J., & Lamb, M. (2003). Developmental issues in relocation cases involving young children: When, whether, and how. *Journal of Family Psychology*, 17, 193–205.

Kelly, J. B., & Lamb, M. E. (2000). Using child development research to make appropriate custody and access decisions. *Family and Conciliation Courts Review*, 38(3), 297–311. Available in *Overnights and young children: Essays from the Family Court Review*. afcc3@afccnet.org.

Lamb, M. E., & Kelly, J. B. (2001). Using the empirical literature to guide the development of parenting plans for young children: A rejoinder to Solomon and Biringen. *Family Courts Review*, 39(4), 365–371.

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Resources for separating parents

Dr Paul Murphy, Family Court of Western Australia

Transcribed address

I am in the unique position of being a postdoctoral research fellow at Edith Cowan University, but have been able to work primarily in the Family Court of Western Australia (FCWA) as a full-time researcher. I am also a group facilitator in the Contact Orders Program (COP) with Anglicare (WA). I helped to develop that program in Perth and want to start this brief discussion of resources for separating parents with that, because that is my practice base. Before I consider resources for separating parents—primarily the concept of parenting plans that are central to the proposed reforms—I wish to contextualise and ground my thinking on this issue.

I have been facilitating the eight-week group work program for separated parents since the start of the program. The best session in the program is Week 3, which deals with grief and loss. That is the session when people walk past the room and say, ‘What the hell’s going on in there? People are laughing?’ I say, ‘Oh, we’re talking about grief and loss’.

In this session, we explain to parents who are very angry that, in any separation or divorce, one of the parties (usually the woman) may be up to three years ahead of the other in terms of coming to grips with the situation from an emotional, and sometimes from a practical, perspective. It is more likely the woman who is in this situation, because in about 70 per cent of cases, women initiate the separation.

Thus, by the time a partner announces that they want to end the relationship, it is common that they have done a lot of grieving and are more ready to start doing something else. Typically, they will be somewhere down the track in organising things like income support, accommodation and some legal issues. The partner (most often the man) may be in an early stage of grief—for example, shock, disbelief or anger—even though he too might have been unhappy in the relationship.

Often, by this stage in the session, women are nodding in agreement, while the men are saying, ‘Gee, I didn’t know that’. This can be one of the most profound insights for participants in the program. It can help former partners to better appreciate why each is behaving in certain ways. It permits differing explanations for otherwise incomprehensible behaviours.

In cases of separation, various levels of angst and grief go with the territory. An important question is how this links to our notions of early intervention. What is it that we are intervening in? Can we help parents to focus on his or her parenting responsibilities whilst they are still in an early state of coming to terms with grief?

There is another aspect to the question of early intervention when we consider court-based programs. Two major projects in the FCWA show that it takes almost two years from the time parents separate for the lodgement of a child-related application with a court. Of course, it takes even longer to reach a judicial determination. This finding may indicate that the concept of Family Relationship Centres (FRCs) is on the right track in terms of timing. In other words, it may be that the majority of separating couples try other ways of resolving parenting issues before they approach

a court, and that high-quality services at this stage will result in fewer parents needing to begin litigation proceedings. On the other hand, the services provided by the Centres will need to be sensitive to the fact that the parents may be quite distant from each other from an emotional perspective.

Another issue that has become apparent in the COP groups is the number of times that one parent appeals to specialised knowledge with respect to a child in a way that undermines the confidence of the other. The knowledge might be of a medical nature, such as, 'You would have no idea what to do if he got an asthma attack!' or it may focus on another safety related issue, such as, 'You can't take them to sailing lessons. You can't even swim!' These dynamics are evident in about half of the fifty or so groups that I have run over the past six years.

I thought, therefore, that the issue of children's health and safety might provide a potential starting point for looking at a parenting plan. How much do some dads know about their children's allergies—whether they are allergic to penicillin, what happens if they hurt themselves, when did they get their last tetanus injection? To me, parenting plans are much more than a contact regime. They are all of the things that we would do in an intact family, without necessarily feeling the need to articulate them. Hopefully, they are about both parents knowing what is going on with their kids.

For this reason, we developed a research proposal in collaboration with Anglicare (WA) and submitted it to the Department of Families, Community Services and Indigenous Affairs (FaCSIA) for consideration. The project was approved and funded by both FaCSIA and the Federal Attorney-General's Department within the Contact Orders Program.

We began with the research and child development literature. However, we then took a different tack and went back to the UK-designed Looking After Children documentation system that has been developed for managing children taken into state care—the parenting plan when the state becomes the corporate parent. This system is now used in about twenty countries and is based on twenty-five years of solid research. It comprises a series of booklets divided up into age groups (similar to the materials that Dr Joan Kelly has just shown).

We thought that if we could sit mum and dad down face-to-face with a mediator and talk about medical, health and safety issues (such as allergies, managing food types, who is going to sort out the next doctor's visit, who is the doctor that we go to, how do we contact them, and so on), then the parents might start talking to each other, doing so in a child-focused way. In the situations in which fathers have spent more time in the workforce and less time with their children, they might feel as if they can become more involved. Mothers, too, might become more confident in the father's ability to manage the children in situations in which they have not, to date, played a role. It might also be possible that the parents might find that they can communicate about other matters too.

We have completed the first set of six age-related documents (0 to 1 years, 1 to 2, 3 to 4, 5 to 9, 10 to 14, 15 and over) that can be used as mediation tools. The different age groups are colour-coded so that, if there are three children, you have got three different-coloured documents on the table. This moves things away from a 'one-size-fits-all' model (that is, the children are not a 'job lot').

We tried to field trial the materials with mediators. However, many current mediation practices do not allow the time that you need to sit with a couple to work through things in this amount of detail. It takes about an hour and a half to work through the health care needs of a two-year-old and discuss the issues (When was the last time each child was given a health check? When did they have meningitis injections? and so on).

It was interesting that during the developmental phase that a number of mothers questioned why the fathers might have to know these details when the mothers had most of the care. It was pointed out that if the children were with him and something happened and the mother could not be contacted, what then? What if something goes wrong? I argued that the father needs to know. This places a new responsibility on fathers to learn how to take care of these matters and a new responsibility on mothers to make sure that the fathers know the required details.

The booklets that we have developed also have a photograph on the front of them. In the Contact Orders Pilot groups, parents do not talk about themselves; they talk about their children. They bring photographs of their children along to each meeting and we put them in the middle of the room in every session so that we can continually focus the parents on the needs of their children. Parents will talk about their kids very easily. They will not necessarily talk to each other about what is going on for them, but they will certainly talk about their kids.

We are currently working on the next phase of the project to develop separate plans for children at different developmental stages, in the hope that these additional materials will be useful tools for use in the Family Relationship Centres. These materials cover things like managing education, religious upbringing and self-identity in terms of relationships with grandparents and wider kinship networks (often, in a separated situation, children can lose contact with grandparents and other kin). A third phase of the project is to ask some focus groups of children for their views on the plans.

These types of parenting plans need considerable time, thought and input to negotiate and discuss. For this reason, they are designed to be used outside of the court system—possibly in Family Relationship Centres. The use and development of parenting plans is likely to require significant community education as, often, the information about children can be used as a power-base in attempts to control post-separation parenting relationships.

And, of course, parenting plans are not static things. They need to reflect and accommodate change as the children develop. A critical part of parenting plans is an agreement to review the plan, how it will be reviewed and who might assist in such a review process. Can the parents manage this discussion themselves, or might this be a role for parenting advisors or mediators within the Centres? I would like to suggest that parenting plans of this nature should play an important role in the new family law system, and that the materials that we have developed might be one way of helping parents to negotiate their continuing responsibilities for their children. This approach might also assist separated parents to realise that their parenting responsibilities continue, regardless of their separation, and that the concept of ‘final orders’ about parenting has significant inbuilt limitations.

What we did not develop was a formal summary of the parenting plan materials that will be required as the parenting order that can be endorsed by the Family Court and accepted by various authorities such as Centrelink, the Child Support Agency, the Australian Taxation Office, schools and pre-schools, sporting clubs, medical practitioners and other professions as the authority to provide services. This is a legal issue that is yet to be addressed.

Connecting clients: CSA products and services to support separated parents

Mr Trevor Sutton, Child Support Agency

Transcribed address

Today, I would like to give you a whirlwind tour of some of the products and services that the Child Support Agency has developed over the past four or five years, often in partnership with other members of the family law system, and with the support of those agencies, such as the Department of Families, Community Services and Indigenous Affairs, the Attorney-General's Department, the Family Court, and a range of community organisations who have helped support the process of developing those products and services to help separated parents.

It's about helping—from our perspective—helping support separated parents from the point of view of engendering voluntary compliance. I guess you could ask the obvious question, 'Why is voluntary compliance such an important objective for the Child Support Agency?' It's really important because it has a number of key factors or key characteristics. First of all, what we've found is that voluntary compliance engenders sustainable payments. It really shouldn't come as any surprise, but at the very least it's very important in terms of financial support for children. Furthermore, it is also associated with high levels of customer satisfaction and that's very important. For me, however, probably one of the most important characteristics of voluntary compliance is that it is associated with much higher quality of relationships between both the parents and the children. Last, but not least, it actually engenders lower costs—lower costs to the community and lower costs of administration—and again that's something that is part of that important mix.

Armed with this knowledge of why voluntary compliance is so important, the Child Support Agency has sought to identify the factors that might be involved in leveraging voluntary compliance and improving it. To this end, we embarked upon our own research, reviewed the literature and came up with four key areas that we believed if we could leverage. We could actually grow that voluntary compliance market and, indeed, deliver a whole range of other benefits for parents.

Just briefly, to touch on those, procedural justice is really about the extent to which parents believe they're receiving a 'fair' service and they're being given an understanding of what their rights, responsibilities and obligations are all about, and that that's being done with a level of empathy. Perceived affordability of child support came up as another important factor. Involvement with the children, and quality of the relationship with the other parent—the last two factors—are obviously very much interconnected.

I would now like to focus on the first factor, procedural justice, which is really about making it easy for parents to understand their rights, obligations and options, and doing that hopefully with a great deal of empathy, particularly given the situation that parents find themselves in after separation.

Some of the things that we invested in to help leverage, if you like, that particular factor occurred in the early days of the agency. We redesigned our business some five or six years ago to segment parents into a group which we call 'new clients' (or 'new parents') and this is pretty much the way the name describes it: those parents who

are in the first nine months of their time as clients of the CSA. We then allocate 22 per cent of our resources to about 8 per cent of this particular client group in the first nine months of their experience with the Child Support Agency. This means that we are spending a lot of time trying to individually case-manage those parents when they first come to us, and that's why we invested that level of resourcing.

We also invested in channel management—that is, what we call a 'phone-first culture'—some years ago, and that was really about trying to deal with clients in a much more personalised way over the phone, as opposed to, say, in correspondence, which we had traditionally done in years gone by. This shift meant we were able to reduce the amount of inbound mail coming from parents—from about 15 per cent of our transactions with parents, down to less than 2 or 3 per cent.

We also dramatically improved our service standards around the phone side of our channel; from, to be quite honest, answering our phone, if we were lucky, within about three or four minutes of a parent ringing, to now less than twenty seconds. So there were some really important service standard improvements that we made in that area.

We also ramped up our face-to-face interaction with clients through increasing our community information sessions, and we are trying to help parents who wish to self-serve through an improvement in our web service. So, in the guise of a quick overview, I have tried to describe a couple of elements aimed at improving procedural justice. Clearly there's a lot more that we need to do in those areas, but that was, if you like, just the start of that journey, and some of the improvements that we have made.

If we look at perceived affordability, I guess it was one of those areas which we actually found quite interesting, because we found there was really very little relationship between the extent to which a parent perceived the child support was or wasn't affordable, and their level of income. This told us that it was really more around how parents managed their income rather than how much they actually had—although there was one exception to that, which I'll mention in a moment. So what we embarked upon was the development of a range of products, one of which was called *Me and My Money*. We then provided some other products to back that up, such as a CD-ROM which allowed people to interactively work out their finances, hopefully in a useful way. It was developed in cooperation with various financial planning organisations and, indeed, we still have links to those organisations through the product.

The exception that I mentioned just a moment ago was unemployed newly separated parents, who really were facing major economic constraints and were having great difficulty engaging in voluntary compliance. We approached government and sought extra resources, and developed a program called the Newly Separated Unemployed Parents Program. This program is about trying to engage those parents, help them with their emotional and social needs, particularly around parenting and relationship management and, through a series of interventions, actually try to get them back to work earlier than otherwise. So this initiative was really about capacity-building. We've been running that program for about two years and the early results highlight the multiple issues faced by this group; in particular, the challenge to find them and then get them into the intervention. For those who have participated, results are encouraging.

We developed a range of products covering the other areas. *Me and My Kids*, for example, focuses on helping dads who don't live in the same house or with their children anymore. The booklet aims to give them some strategies to enable them to parent across households more effectively.

The Staying Connected program is about targeting those parents (that is, non-resident parents) particularly at the workplace, and we've been running that workplace program for quite a number of years now. According to the parents themselves, this program has improved their ability to deal with their ex-partners and to have a better relationship with their children in a very significant way. These initiatives are more practical than academic.

We also have a product which helps parents with their relationships: *Me and My Kids* and *Me and my Ex*; the latter is a new product that will be launched shortly. It will also be promoted through the *Women's Weekly* magazine over Christmas.¹

We've developed a range of products which touch on the emotional wellbeing of our clients, because one of the things we realised was that there was no point sending people off to counselling and various other things, or in fact even doing parenting plans, if you didn't actually address the emotional and psychological issues that parents might have after separation. One of the products that we developed is *What about me? Taking care of yourself*. We also offer a telephone counselling support service. If we detect that parents might benefit from some counselling and discussions around their personal issues, they can be transferred to a dedicated telephone counselling service during conversations with us. This service has been running for quite a few years and is highly successful. Coming soon is *Me and My New Family*, which recognises the importance of re-partnering and trying to help parents understand some strategies they might find useful should they re-partner.

I would like to encourage those who are not familiar with these initiatives to visit our website (www.csa.gov.au) to find out more about them. I hope my brief overview has provided you with some of the flavour of what we've been doing. As the new family law system unfolds, I would like to think that these initiatives will also help foster cooperative post-separation parenting arrangements.

¹ This product has now been released and is available at www.csa.gov.au.