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FOR THE AUSTRALIAN ATTORNEY-GENERAL'S DEPARTMENT

Family Violence and Family Law in Australia

The Experiences and Views of Children and
Adults from Families who Separated
Post-1995 and Post-2006

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Appendix 1

The online survey questions for adults who had separated since 1995

1. Introduction to the survey

We invite you to participate in a study which aims to identify factors that impact on the decisions that affect people who have separated and accessed the courts and various family dispute resolution services since the 1995 and 2006 changes to the Australian Family Law Act.

If you have separated or divorced since 1995 we would be pleased if you could volunteer to complete this survey. You are not asked to identify yourself – all information provided is confidential and no identifying material will be published. We are asking sensitive questions in the survey about family violence but we will not be able to identify who you are. Your answers will assist us to understand the experiences of people experiencing separation and may be used to inform future policy decisions by Government. This survey is voluntary and will take about one hour – of uninterrupted time - to complete.

You can complete this web-based survey **online** on a computer (the preferred option) and the source will not be identifiable. The survey has to be completed in one go. It can not be saved and returned to later. If you choose this option please remember to **press the SUBMIT button at the end**. OR you can print out a **hard copy**, fill it in and post it to *(name and address of the research assistant to be added – this will vary in each location)*

Please answer all questions with regard to your most recent relationship which ended in separation/divorce. Please note that in this survey we have referred to your ex-partner, ex-husband or ex-wife as 'EX'. Please answer all questions unless otherwise indicated.

SECTION 2: BACKGROUND INFORMATION

1. What is your age?

- Under 20
- 20–29
- 30–39
- 40–49
- 50–59
- 60+

2. What is your sex?

- Male
- Female

3. Where do you live (please check ONE only)?

- Capital city
- Regional town or city
- Rural area
- Remote area

4. What is your postcode?

5. What is your cultural background?

- Indigenous Australian
- Other Australian
- UK
- NZ
- European
- Asian
- African
- North American
- South American
- Other English-speaking country
- Other non-English-speaking country

6. What is your EX's cultural background?

- Indigenous Australian
- Other Australian
- UK
- NZ
- European
- Asian
- African
- North American
- South American
- Other English-speaking country
- Other non-English-speaking country

7. Have you separated or divorced since 1995?

- YES
- NO

8. Have you accessed any services or made any arrangements or decisions about your property, relationship and/or parenting issues since 1995? Please check ONE answer only.

- NO, I have not made any arrangements or decisions or accessed any services
- YES, I have made arrangements and/or decisions WITHOUT professional assistance or using any services
- YES, I have sought professional help and/or accessed services to assist with arrangements and/or decisions SINCE JULY 1995 and AFTER JULY 2006.
- YES, I have sought professional help and/or accessed services to assist with arrangements and/or decisions only BETWEEN JULY 1995 and JUNE 2006.
- YES, I have sought professional help and/or accessed services to assist with arrangements and/or decisions only SINCE JULY 2006.

To assist you to answer the next question, here is the definition of family violence in the Family Law Act:

'family violence' means conduct, whether actual or threatened, by a person towards, or towards the property of, a member of the person's family that causes that or any other

member of the person's family reasonably to fear for, or reasonably to be apprehensive about, his or her personal wellbeing or safety.

In everyday language, family violence includes abuse of one family member (including a child) by another and can involve physical, sexual, psychological, social and financial abuse and neglect. Normally the abused person is fearful of and/or intimidated by the abuser and feels relatively powerless.

Please note that the term 'family violence' includes 'domestic violence' (violence from one adult to another) and 'child abuse'.

9. Has family violence been an issue in your relationship with your EX before, during or since your separation?

- NO
- NOT SURE
- YES

10. Has family violence had an impact on your post-separation parenting arrangements?

- NO
- NOT SURE/NOT RELEVANT
- YES

11. If YES, please explain the nature of the impact in a few words:

SECTION 3: THE NATURE OF YOUR RELATIONSHIP WITH YOUR EX

1. Were you in a same-sex relationship?

- YES
- NO

2. How long were you in a relationship with your EX?

- Less than 1 year
- 1–4 years
- 5–9 years
- 10–14 years
- 15–19 years
- 20–29 years
- 30+ years

3. What year did you finally separate?

4. Who decided to end the relationship?

- Me
- My EX
- Both

5. What was the nature of your relationship prior to the separation?

- Married
- Not married but living together
- Never lived together
- Something else

6. If something else, please specify.

7. What do you consider were the main reasons the relationship finally ended (please give UP TO 3 REASONS IN ORDER OF IMPORTANCE)?

| |
|---|
| Communication breakdown |
| We grew apart |
| Parenting issues |
| I was unfaithful |
| My EX was unfaithful |
| I had physical health problems |
| My EX had physical health problems |
| I had mental health problems |
| My EX had mental health problems |
| I had money problems |
| My EX had money problems |
| My work pressures |
| My EX's work pressures |
| High level and/or frequent mutual conflict |
| Violence/abuse of me by my EX |
| Violence/abuse of our child/ren by my EX |
| I was violent towards or abused my EX |
| I was violent towards or abused our child/ren |
| My abuse of alcohol or other drugs |
| My EX's abuse of alcohol or other drugs |
| Something else |

8. If something else, please specify.

SECTION 4: YOUR EXPERIENCES OF FAMILY SERVICES DURING AND SINCE YOUR SEPARATION

1. Please indicate whether or not you have received assistance from any of the following services to help you with decisions about matters arising from your separation/divorce (other than the divorce itself)?

| Answer Option | NO, I have not accessed this service | YES, I have accessed this service as an individual | YES, my EX and I have BOTH accessed this service TOGETHER |
|---|--------------------------------------|--|---|
| Family Relationships Centre | | | |
| Another Family Dispute Resolution Service | | | |
| Please specify – e.g. Relationships Australia, Centacare, Anglicare, Roundtable Dispute Management, Legal Aid conferencing etc. | | | |
| Family Court of Australia | | | |
| Family Court of Western Australia | | | |
| Federal Magistrates Court | | | |
| Legal Services Commission or Legal Aid | | | |
| Community legal centre | | | |
| Lawyer in private practice | | | |
| Mediator in private practice | | | |
| Counsellor in private practice | | | |
| Domestic violence service | | | |
| Child protection service | | | |

| | | | |
|---|--|--|--|
| Child Support Agency | | | |
| Centrelink | | | |
| Religious person or group | | | |
| Police | | | |
| Health service (e.g. a GP or psychiatrist) | | | |
| Informal help (e.g. from family and/or friends) | | | |
| Something else | | | |

2. If something else, please specify the service.

3. If you used another Family Dispute Resolution Service, please specify which – e.g. Relationships Australia, Centacare, Anglicare, Roundtable Dispute Management, Legal Aid conferencing etc.

4. If you have NOT accessed any formal services please explain why.

5. If you have accessed services to assist you with decisions about FINANCES AND/OR PROPERTY MATTERS arising from your separation, please specify your level of satisfaction with the MAIN SERVICE that you used.

- Not satisfied
- Partly satisfied
- Not relevant
- Satisfied
- Very satisfied

6. Please name the service that you used.

7. If you have accessed services to assist with FAMILY VIOLENCE ISSUES, please specify your level of satisfaction with the MAIN SERVICE that you used.

- Not satisfied
- Partly satisfied
- Not relevant
- Satisfied
- Very satisfied

8. Please name the service that you used.

If you do not have any children with your EX please proceed to Section 5.

9. If you have accessed services to assist you with DECISIONS ABOUT CHILDREN'S MATTERS arising from your separation, please specify your level of satisfaction with the **main service** that you used.

- Not satisfied
- Partly satisfied
- Not relevant
- Satisfied
- Very satisfied

10. Please name the service that you used.

SECTION 5: CHILDREN AND PARENTING POST-SEPARATION

1. What are the ages of your children?

2. Since you separated from your EX have you been sharing the parenting of other children from a prior relationship with him/her?

YES

NO

From now on please only consider the children who continue to be parented by you and your EX after your separation and their relationship with you and your EX.

3. Who was the *primary* caregiver of the children prior to your separation?

- Mother
- Father
- Both parents
- Grandparents
- Someone else

4. If someone else, please specify.

5. Who decided the parenting arrangement for your children and how (please check **ONE** response only)?

- No decisions have been made about parenting arrangements
- My EX and I made these decisions on our own
- My EX and I made these decisions with assistance from family or friends
- My EX and I made these decisions with assistance from a lawyer, including obtaining consent orders from a court
- My EX and I made these decisions with assistance from a family dispute resolution practitioner (mediator)
- My EX and I made these decisions with assistance from a counsellor
- A Judge from a Family Court made the decisions for us
- A Magistrate from the Federal Magistrate's Court made the decisions for us
- A mediator made these decisions for us
- Someone else

6. If someone else, please specify.

If you separated, or made decisions about your parenting arrangements AFTER JULY 2006 please answer the following question. If not please skip this question and go to the next one.

7. Do/did you think that after your separation someone in the family law system would be likely to decide that you and your EX would be JOINTLY RESPONSIBLE for all long term parenting decisions, such as where your child would go to school?

- NO
- NOT SURE
- YES

8. Do/did you think that someone in the family law system would be likely to require that your children spend EQUAL TIME with you and your EX?

- NO
- NOT SURE
- YES

9. If you answered YES to either of the above questions, did this belief influence your decisions regarding parenting arrangements?

- NO
- NOT SURE
- YES

10. If you answered YES to the last question, please explain how these arrangements were influenced.

11. Please check the factors that influence/d the way the parenting decisions are/were made in your situation.

| Answer option | No | Not Sure | Yes |
|--|----|----------|-----|
| Information and guidance from friends or family | | | |
| Advice from my lawyer | | | |
| Advice from my EX's lawyer | | | |
| Information and guidance from a mediator or family dispute resolution practitioner | | | |
| Information and guidance from a counsellor | | | |
| Information and guidance from a health practitioner (e.g. GP or psychiatrist) | | | |
| Information and guidance from a religious leader | | | |
| Fear that I would lose the primary care of my children if I did not agree | | | |
| Fear that I would lose contact with my children if I did not agree | | | |
| The wishes of my children | | | |
| The 'best interests' of my children | | | |
| Allegations of child abuse that could not be substantiated and were not believed | | | |
| Allegations of domestic violence that could not be substantiated and were not believed | | | |
| Child abuse that was substantiated and believed | | | |
| Family violence that was substantiated and believed | | | |
| The influence of experts on decisions made by a judge or magistrate in a court | | | |
| The changes to the Family Law Act about shared parental responsibility | | | |
| A concern for the welfare and safety of my children | | | |
| The requirements of the Child Support Agency | | | |
| The requirements of Centrelink | | | |
| Something else | | | |

12. If something else, please specify the factors which influence/d the way parenting decisions are/were made.

13. If your child/ren spend time with both you and your EX (post-separation), please indicate your response to EACH the following statements.

| Answer option | Strongly disagree | Disagree | Neutral | Agree | Strongly agree |
|---------------|-------------------|----------|---------|-------|----------------|
|---------------|-------------------|----------|---------|-------|----------------|

| | | | | | |
|---|--|--|--|--|--|
| I AM SATISFIED with decisions made about the current parenting arrangements | | | | | |
| I think MY CHILDREN ARE SATISFIED with the decisions made about parenting | | | | | |
| I think my children are WELL CARED FOR when they are with their other parent | | | | | |
| My concerns about MY OWN SAFETY were heard and considered in the decisions made about parenting | | | | | |
| My concerns about THE CHILDREN'S SAFETY were heard and considered in the decisions made about parenting | | | | | |
| MY NEED to continue parenting my children was heard and considered | | | | | |
| MY CHILDREN'S CONCERNS AND WISHES were heard and considered in the decisions made about parenting | | | | | |
| MY CHILDREN ARE SAFE when they are with their other parent | | | | | |
| I WORRY that my children are not safe when with the other parent | | | | | |
| MY CHILDREN ARE NOT SAFE when they are with the other parent | | | | | |

14. If you stated that your child/ren are not safe or you are worried in questions 86 and 87, please explain why.

15. How WILLING were you to agree to the current parenting arrangement (please check ONE box only)?

- I WILLINGLY agreed to and accepted this arrangement and was involved in the decision
- I WILLINGLY agreed to and accepted this arrangement but was not involved in the decision
- The decision was made by a judge or a magistrate and I was happy to abide by it
- I RELUCTANTLY agreed to this arrangement as I was afraid of my EX
- I RELUCTANTLY agreed to this arrangement as I was fearful of losing contact with my children
- I RELUCTANTLY agreed to accept this arrangement on advice from my lawyer or family dispute resolution provider.
- The decision was made by a judge or a magistrate and, although I do not like it, I have to abide by it
- I am unhappy with the parenting arrangement, am RELUCTANT to abide by it and am taking action to change the situation
- Something else

16. If something else, please specify.

17. Please describe the parenting arrangements with your child/ren OVER THE PAST 6 MONTHS:

The child/ren spend some days on the weekend and some days during the week with each of their parents (roughly 50:50)

| Answer option | Yes | Sometimes | No |
|--|-----|-----------|----|
| The child/ren have overnight stays during the week with each of their parents | | | |
| The child/ren spend most of their time with one parent and rarely see the other parent | | | |

| | | | |
|---|--|--|--|
| The child/ren spend a significant amount of time in the care of someone other than a parent | | | |
|---|--|--|--|

18. If YES or SOMETIMES, please specify WHO cares for them and WHY.

19. If you would like, please comment on the existing arrangements.

20. Have the parenting arrangements changed since your separation?

- YES
- NO

21. If YES to question 20, how have the parenting arrangements changed and why? Please describe the most recent changes.

SECTION 6: FAMILY VIOLENCE

Family violence includes abuse of one family member (including a child) by another and can involve physical, sexual, psychological, social and financial abuse and neglect. Normally the abused person is fearful of and/or intimidated by the abuser and feels relatively powerless.

When answering questions in this section please remember that we cannot identify who you are and all information you provide will be confidential. If you and/or your children are a victim of violence and need support, we have provided a national website address at the end of the survey which contains a wealth of information for children, young people and parents and links to relevant service providers for victims and perpetrators of violence in each state.

1 Have you ever been frightened by your EX's behaviour (Please check ONE answer only)?

- NO
- YES – before the separation, but not now
- YES – during the separation, but not before or after
- YES – before and during the separation
- YES – during and after the separation
- YES – only since we have separated, not before
- YES – before, during and since the separation

If NO, proceed to question 5.

2. If YES, please explain why you were afraid.

3. If YES, how often have you been frightened by your EX's behaviour?

- Sometimes frightened
- Not sure
- Often frightened
- Frightened most of the time
- Frightened all of the time

4. Please tell us more about how often you have been frightened by your EX's behaviour.

5. Do you think that your EX has ever been frightened by your behaviour?

- NO
- I DON'T KNOW
- YES – before the separation, but not now
- YES – during the separation, but not before or after
- YES – before and during the separation
- YES – during and after the separation
- YES – only after we separated, not before
- YES – before, during and after the separation

6. Please tell us more about your EX being frightened of your behaviour

If NO to questions 1 and 5 please proceed to Section 7 children and violence or abuse by clicking 'next' at the bottom of the page.

7. Please indicate your response to EACH of the following statements.

| Answer option | Never | Occasionally | Not sure | Frequently | Most of the time |
|--|-------|--------------|----------|------------|------------------|
| My EX has subjected me to verbal abuse or put-downs which affect me e.g. by calling me names, criticising or judging my behaviour. | | | | | |
| My EX has subjected me to threats that made me fearful e.g. by threatening to harm me, the children or pets; stalking; threatening to hurt me physically (e.g. to kill, hit me or use a weapon), by smashing or throwing things, torturing pets. | | | | | |
| My EX has subjected me to sexual abuse or denigration e.g. by forcing me to have sex against my will, having sex with others | | | | | |
| My EX has subjected me to physical assault e.g. by pushing, shoving, hitting, strangling, burning, using a weapon. | | | | | |
| My EX has subjected me to social isolation e.g. by making it hard for me to see my friends or family; putting me down socially | | | | | |
| My EX has controlled property and access to finances e.g. by controlling the money and how it is spent, not giving me much to live on | | | | | |
| My EX has subjected me to other forms of abuse or control. | | | | | |

8. If your EX has subjected you to other forms of abuse and control, please specify what these are/were.

9. Please indicate your response to EACH of the following statements.

| Answer option | Never | Occasionally | Not sure | Frequently | Most of the time |
|--|-------|--------------|----------|------------|------------------|
| I have subjected my EX to verbal abuse or put-downs e.g. by calling them names, criticising or judging their behaviour. | | | | | |
| I have subjected my EX to threats that made them fearful e.g. by threatening to harm your EX, the children or pets; stalking; threatening to hurt them physically (e.g. to kill, hit or use a weapon), by smashing or throwing things, torturing pets. | | | | | |
| I have subjected my EX to sexual abuse or denigration e.g. by forcing them to have sex against their will, having sex with others. | | | | | |
| I have subjected my EX to physical assault e.g. by pushing, shoving, hitting, strangling, burning, using a weapon. | | | | | |

119. I have subjected my EX to social isolation e.g. by making it hard for them to see my friends or family; putting them down socially.

I have controlled property and access to finances e.g. by controlling the money and how it is spent, not giving them much to live on.

I have subjected my EX to other forms of abuse or control.

10. If you have subjected your EX to other forms of abuse and control, please specify what these are/were.

11. Please indicate your response to EACH of the following statements. Remember that family violence can be physical, verbal, psychological, emotional, social, sexual, or financial and usually leave the victim feeling powerless or fearful.

| Answer option | Never | Occasionally | Not sure | Frequently | Most of the time |
|--|-------|--------------|----------|------------|------------------|
| My EX has been violent toward me <u>and</u> the children | | | | | |
| I have been violent toward my EX <u>and</u> the children | | | | | |
| My EX has been violent toward me, not my children | | | | | |
| I have been violent toward my EX, not my children. | | | | | |
| My EX has been violent toward the children, not me | | | | | |
| I have been violent toward the children, not my EX | | | | | |
| My EX has been violent toward our pets | | | | | |
| I have been violent toward our pets | | | | | |

| | | | | | |
|---|--|--|--|--|--|
| My EX has been violent toward me and there are no children involved | | | | | |
| I have been violent toward my EX and there are no children involved | | | | | |

12. Have any family violence orders been issued (such as intervention/apprehended/domestic violence/restraining orders)?

- NO
- YES

If NO proceed to question 20

If yes, please answer each of the following questions.

13. Was that order

| Answer option | No | Don't know | Yes |
|---------------------------------------|----|------------|-----|
| Interim? | | | |
| Final? | | | |
| Ex parte (just one of you was there)? | | | |
| Contested? | | | |

14. I have taken an order out against my EX because s/he has used violence.

- YES
- NO

15. My EX took out an order against me on the grounds that I have been violent toward him/her.

- YES
- NO

16. Has the order ever been breached?

- YES
- NO

If NO, proceed to question 20

17. If YES, did the police ever attend?

- YES
- NO

18. If YES, did the police ever prosecute?

- YES
- NO

19. If yes, was there a guilty verdict?

- YES

- NO

20. Please indicate your response to EACH of the following statements.

| Answer option | Strongly disagree | Disagree | Neutral or not relevant | Agree | Strongly agree |
|---|-------------------|----------|-------------------------|-------|----------------|
| My children and/or I have been the victim of violence from my EX but have been too afraid to tell anyone. | | | | | |
| I have been violent toward my EX and/or my children but have never admitted it to anyone. | | | | | |
| I have NOT made any allegations of violence to judges, magistrates or mediators, even though my EX has used violence, as I have been advised by my lawyer and/or others not to. | | | | | |
| I have NOT made any allegations of violence to judges, magistrates, lawyers or mediators, even though my EX has used violence, as I am too afraid of the consequences. | | | | | |
| I have DENIED allegations made by my EX that I have engaged in family violence. | | | | | |
| I have CONCEDED OR NOT DISPUTED allegations made by my EX that I have engaged in family violence. | | | | | |
| My ALLEGATION that my EX has used violence has been believed and taken seriously by family law professionals (counsellors, mediators, judges, magistrates, lawyers). | | | | | |
| My DENIAL that I have used violence has been believed and taken seriously by family law professionals (counsellors, mediators, judges, magistrates, lawyers). | | | | | |

21. If something else, please explain.

22. For HOW LONG has the violence /abuse been occurring (whether you were a victim or perpetrator)?

- 0 to 6 months
- 6 months to one year
- 1 to 2 years
- 3 to 4 years
- 5 to 9 years
- 10+ years

23. On average, HOW FREQUENTLY has the violence/abuse occurred (whether you were a victim or a perpetrator)?

- Daily
- Once or twice a week

- Once or twice a month
- Three or four times a year
- Once a year
- A few times only

24. Please comment on the frequency of the violence/abuse.

25. Has the violence/abuse become more frequent and/or more severe over time?

- NO
- DON'T KNOW
- YES

26. Please comment on the frequency and severity of the violence/abuse.

27. Do you avoid disagreeing with your EX for fear of making him/her angry?

- Never
- Occasionally
- Not sure
- Frequently
- Most of the time,

28. If you have been the VICTIM of family violence to what extent do you think this has harmed you physically, sexually, emotionally, financially and socially?

| Answer option | No harm | A little harm | Don't know | Considerable harm | Extreme harm |
|--|---------|---------------|------------|-------------------|--------------|
| Physical harm | | | | | |
| Sexual harm | | | | | |
| Emotional/psychological harm | | | | | |
| Financial harm (e.g. inability to earn money/work) | | | | | |
| Social harm (e.g. disrupted or severed social relationships) | | | | | |

29. Please describe the nature of the harm.

30. If you and your EX have children, and if family violence has occurred AFTER separation, how often has the violence been related to the following

| Answer option | Never | Occasionally | Not sure/not relevant | Frequently | Most of the time |
|--|-------|--------------|-----------------------|------------|------------------|
| making decisions with regard to the children | | | | | |
| implementing parenting arrangements | | | | | |
| making changes to existing parenting arrangements | | | | | |
| changeover periods when the children are moving from one parent to another | | | | | |

31. Please explain how the violence was related to these situations.

If you and your EX do not have any children please proceed to section 8.

SECTION 7: CHILDREN AND VIOLENCE OR ABUSE

1. If either you or your EX have engaged in abusive behaviours toward the other, to what extent have your children SEEN OR HEARD this behaviour (ONE answer only)?

- The children have seen the abuse
- The children have heard the abuse
- Both of the above
- None of the above

2. If your children HAVE seen or heard violence involving their parents, on a scale of 1-5, to what extent do you think this has harmed the children, psychologically/emotionally, educationally and socially?

1= no harm, 2 = a little harm, 3 = don't know/not relevant, 4 = considerable harm and 5 = extreme harm

- Psychological/emotional harm
- harm
- Educational harm (e.g. disrupted school work)
- Social harm (e.g. disrupted peer relationships)

3. Have you ever directly abused your child/ren?

- Physically NO/NOT SURE/YES
- Sexually NO/NOT SURE/YES
- Psychologically/Emotionally NO/NOT SURE/YES

4. Has your EX ever directly abused your child/ren?

- Physically NO/NOT SURE/YES
- Sexually NO/NOT SURE/YES
- Psychologically/Emotionally NO/NOT SURE/YES

If you answered NO to questions 3 and 4, please proceed to Section 8.

5. If YES to 3or 4, please indicate the accuracy and frequency of EACH of the following statements using the 5 point scale.

| Answer option | No/not relevant | Yes but rarely | Don't know | Yes/someti mes | Yes/often |
|--|-----------------|----------------|------------|----------------|-----------|
| The child/ren have been physically abused by me | | | | | |
| I think that the child/ren have been physically abused by my EX, but I have no evidence | | | | | |
| I have evidence that the child/ren have been physically abused by my EX | | | | | |
| I think that the children have been physically abused by someone else (e.g. a step-parent), but I have no evidence | | | | | |
| I have evidence that the children have been physically abused by someone else (e.g. a step-parent) | | | | | |

| | | | | | |
|---|--|--|--|--|--|
| The child/ren have been sexually abused by me | | | | | |
| I think that the child/ren have been sexually abused by my EX but I have no evidence | | | | | |
| I have evidence that the child/ren have been sexually abused by my EX | | | | | |
| I think that the children have been sexually abused by someone else (e.g. a step-parent) | | | | | |
| I have evidence that the child/ren have been sexually abused by someone else (e.g. a step-parent) | | | | | |
| The child/ren have been psychologically/emotionally abused by me | | | | | |
| I think that the child/ren have been psychologically/emotionally abused by my EX, but I have no evidence | | | | | |
| I have evidence that the child/ren have been psychologically/emotionally abused by my EX | | | | | |
| I think that the children have been emotionally/psychologically abused by someone else (e.g. a step-parent) but I have no evidence. | | | | | |
| I have evidence that the children have been emotionally/psychologically abused by someone else (e.g. a step-parent) | | | | | |

6. Please provide further details.

7. If either you or your EX have directly abused any of your children, on a scale of 1–5, to what extent do you think this has harmed those children physically, sexually, emotionally, educationally and socially?

| Answer option | No harm | A little harm | Don't know | Considerable harm | Extreme harm |
|---|---------|---------------|------------|-------------------|--------------|
| Physical harm | | | | | |
| Sexual harm | | | | | |
| Emotional/psychological harm | | | | | |
| Educational harm (e.g. disrupted school work) | | | | | |
| Social harm (e.g. disrupted peer relationships) | | | | | |

8. Please describe the nature and severity of the harm.

SECTION 8: ACCESSING FAMILY SERVICES POST-SEPARATION

1. If you have experienced family violence AND your post-separation matters have been dealt with since the 2006 changes to the Family Law Act AND you have accessed a Family Dispute Resolution (FDR) service, were you given an exemption from using the service or did you decide jointly with the FDR practitioner to proceed with mediation or counselling?

- This question is not relevant to my situation
- Family violence was not disclosed when we attended a FDR service
- We were exempted from using a FDR service when family violence was disclosed
- We proceeded with Family Dispute Resolution (mediation or counselling) in spite of the fact that violence was disclosed.

2. To what extent has the **issue of violence** impacted on the arrangements made for the parenting of your children after your separation (please check ONE only)

- it has NOT been considered in decisions as there has been no violence
- it has NOT been considered in decisions even though there has been a history of violence
- it has been considered and the SAFETY OF THE CHILDREN HAS BEEN GIVEN PRIORITY in parenting arrangements
- it has been considered but the CHILD/REN'S NEED TO HAVE CONTACT WITH BOTH PARENTS HAS BEEN GIVEN PRIORITY over the safety of the child/ren in parenting arrangements
- it has been considered and there has been an ATTEMPT TO BALANCE THE CHILD/REN'S NEED FOR SAFETY WITH THEIR NEED TO SPEND TIME WITH BOTH PARENTS
- something else

3. If something else, please specify.

4. If you and/or your children HAVE experienced family violence, has it affected the following?

Your choice to access professional assistance to help you through your separation

- NO
- NOT RELEVANT
- YES

5. If YES please describe how this has affected your choices.

6. Your access to professional assistance to help you through your separation

- NO
- NOT RELEVANT
- YES

7. If YES, please describe how this has affected your access.

8. Your ability to negotiate fair and/or safe outcomes for you and/or your children

9. If YES, please describe how it has affected your ability to negotiate

10. The outcomes of your use of professional assistance to help you through your separation

- NO
- NOT RELEVANT
- YES

11. If YES, please describe how this has affected the outcomes:

12. If you and/or your children HAVE experienced family violence, on a scale of 1–5, HOW SATISFIED are you with the LEVEL OF UNDERSTANDING AND SUPPORT you have received from the following sources to assist you with the safety of those involved and other issues relating to this violence during your separation and divorce?

| Answer option | Extremely dissatisfied | Partially satisfied | Not relevant | Satisfied | Extremely satisfied |
|---|------------------------|---------------------|--------------|-----------|---------------------|
| Family Relationship Centre | | | | | |
| Another Family Dispute Resolution Service | | | | | |
| Please specify – e.g. Relationships Australia, Centacare, Anglicare, Roundtable Dispute Management, Legal Aid conferencing etc) | | | | | |
| Family Court of Australia | | | | | |
| Family Court of Western Australia | | | | | |
| Federal Magistrates Court | | | | | |
| Legal Services Commission or Legal Aid | | | | | |
| Community Legal Centre | | | | | |
| Lawyer in private practice | | | | | |
| Mediator in private practice | | | | | |
| Counsellor in private practice | | | | | |
| Domestic violence service | | | | | |
| Child protection service | | | | | |
| Child welfare service | | | | | |
| Child Support Agency | | | | | |
| Centrelink | | | | | |
| Religious person or group | | | | | |
| Police | | | | | |
| Health service (e.g. a GP or psychiatrist) | | | | | |
| Informal help (e.g. from family and/or friends) | | | | | |
| Something else | | | | | |

13. If something else, please specify the service.

14. If you used another Family Dispute Resolution Service, please specify which (e.g. Relationships Australia, Centacare, Anglicare, Roundtable Dispute Management, Legal Aid conferencing, etc.)

15. Please provide any further comments you have on your satisfaction and the level of understanding and support from any of these services.

16. If you HAVE NOT experienced family violence, on a scale of 1-5, HOW SATISFIED are you with the LEVEL OF UNDERSTANDING AND SUPPORT you have received from the following sources to assist you with issues relating to your separation and divorce?

| Answer option | Extremely dissatisfied | Partially satisfied | Not relevant | Satisfied | Extremely satisfied |
|---|------------------------|---------------------|--------------|-----------|---------------------|
| Family Relationship Centre | | | | | |
| Another Family Dispute Resolution Service | | | | | |
| Please specify – e.g. Relationships Australia, Centacare, Anglicare, Roundtable Dispute Management, Legal Aid conferencing etc) | | | | | |
| Family Court of Australia | | | | | |
| Family Court of Western Australia | | | | | |
| Federal Magistrates Court | | | | | |
| Legal Services Commission or Legal Aid | | | | | |
| Community Legal Centre | | | | | |
| Lawyer in private practice | | | | | |
| Mediator in private practice | | | | | |
| Counsellor in private practice | | | | | |
| Domestic violence service | | | | | |
| Child protection service | | | | | |
| Child welfare service | | | | | |
| Child Support Agency | | | | | |
| Centrelink | | | | | |
| Religious person or group | | | | | |
| Police | | | | | |
| Health Service (e.g. a GP or psychiatrist) | | | | | |
| Informal help (e.g. from family and/or friends) | | | | | |
| Something else | | | | | |

17. If something else, please specify the service.

18. If you used another Family Dispute Resolution Service, please specify which (e.g. Relationships Australia, Centacare, Anglicare, Roundtable Dispute Management, Legal Aid conferencing, etc.)

19. Please provide any further comments you have on your satisfaction and the level of understanding and support from any of these services.

20. Have you ever felt pressured to allow your children to see your EX even though you thought it was inappropriate?

- YES
- NO

21. If YES, why did you think it was inappropriate?

22. If YES to question 20 what was the source of this pressure?

23. If you were pressured to allow your children to see your EX even though you thought it was inappropriate, were there any consequences of allowing the children to spend time with your EX?

24. If so, please explain what the consequences were.

25. Have you ever tried to show service providers in the family law system that your EX was trying to stop your children from seeing you?

- YES
- NO

26. If YES, why did you take this course of action?

27. If YES, were the service providers able to assist in resolving your concerns?

28. If YES, how did they help?

SECTION 9: THE FAMILY LAW AMENDMENT (SHARED PARENTAL RESPONSIBILITY) ACT 2006

If you have experienced family violence have any of the following factors affected what you wanted to do since you have separated?

1. Shared parental responsibility

- NO
- NOT SURE
- YES

2. If YES, please explain how.

3. Shared care

- NO
- NOT SURE
- YES

4. If YES, please explain how.

5. False statements (denials and allegations of violence)

- NO
- NOT SURE
- YES

6. If YES, please explain how.

7. Relocation

- NO
- NOT SURE

- YES

8. If YES, please explain how.

9. Based on your experiences, views and understandings of the current Family Law Act and the family law system, what do you think could be improved to help people establish safe, workable arrangements post-separation?

SECTION 10: FINALLY, WE WOULD LIKE TO ASK YOU ABOUT PARTICIPATING IN A FOLLOW-UP INTERVIEW

1. We may decide to do some follow-up interviews by phone, but will not ask participants for their REAL name. If so, would you willing to be interviewed by telephone?

- YES
- NO

If YES, please provide your telephone number only (preferably a mobile number) and an appropriate time and day of the week for one of the researchers to call you. If you like you can give us a FALSE first name so we can identify you when we call (please remember this name).

2. My false first name

3. My phone number (preferably a mobile)

4. Best day of the week to ring me

5. Best time of the day to ring me

Are you willing for your child or children (aged over 8 years) to complete a separate, anonymous online children's survey OR to be interviewed by a researcher over the phone? *Please note that your child/ren must also freely consent for this to happen and can withdraw at any time.*

6. If my child agrees, I am willing for my child to complete a survey online

- YES
- NO

Your child/ren can access the online survey on this website address: (to be added)

7. If my child agrees, I am willing for a researcher to ring my child

- YES
- NO

If YES, please provide a FALSE first name, the child's age, sex and telephone number and an appropriate time and day of the week for a researcher to phone. The researcher will not ask for any information that will identify your child and will not record any identifying information from the data collected. We will not keep your telephone number on file.

8. My child's FALSE first name (please remember it):

9. My child's age

10. My child's sex
11. My child's phone number (preferably a mobile phone):
12. Best day of the week to ring my child:
13. Best time of the day to ring my child:

If you and/or your children have separated and/or have experienced family violence and want further information or support we can recommend that you access the Children and Teens First (CHaT First) website: <http://www.chatfirst.com.au>. There are three sections on the website: one for children, one for teenagers and one for parents. The website is based on research and is designed specially for children, teens and parents who have experienced separation and divorce. It includes information about family violence and contact details for organisations who may be able to assist you.

Thank you for taking the time to answer this survey. If you are completing this survey electronically, please remember to press the SUBMIT button at the end or we will not receive your responses.

Appendix 2

The online survey questions for children and young people whose parents had separated since 1995

Hi. Thanks for looking at this list of questions. We are interested in hearing from you about your experiences of your parents' separation and the things that happened before they separated and after.

We are not asking for your name and we will not know who you are so all of your answers will be confidential (private). You can leave those questions you do not want to answer, but if possible we would like you to try to complete all the questions and send them to us, so we can get a good idea about what children like you are thinking and feeling. Your answers will help us to make things better for other children.

Remember to click on the SUBMIT button at the end of the survey otherwise we will not receive your responses.

The first questions are for us to find out a bit more about you:

1. How old are you now?
2. Are you a boy or a girl?
 - Girl (female)
 - Boy
3. What country were you born in?
4. Do you live in a rural area (country town or a farm) or a city?
 - Rural area
 - City
5. How do your family describe themselves? Please check the one that best describes it:
 - Indigenous Australian
 - Other Australian
 - UK
 - NZ
 - European
 - Asian
 - African
 - North American
 - South American
 - Other English-speaking country
 - Other non-English speaking country
 - Don't know

6. How long have your parents been separated?
 - Less than one year
 - At least a year
 - Longer than a year
 - Not really sure
7. How many brothers and sisters do you have?
8. How old are they?
9. Who did you live with after your parents separated?
 - With Mum most of the time
 - With Dad most of the time
 - With Mum for half of the time and Dad for half of the time
 - With my Grand parents most of the time
 - With someone else
10. If you lived with someone else: can you tell us who:
11. Do you still live there?
 - No
 - Yes
 - Sometimes and sometimes somewhere else
12. Please tell us more about where you live now:
13. How happy are you with the **amount of time** you spend with your Mum?
 - Very unhappy
 - A bit unhappy
 - Don't know
 - A bit happy
 - Very happy
14. How happy are you with the **amount of time** you spend with your Dad?
 - Very unhappy
 - A bit unhappy
 - Don't know
 - A bit happy
 - Very happy
15. **Who decided** WHERE you would live and WHO you would live with after your parents separated?
 - Dad
 - Mum
 - Dad and Mum

- A judge, magistrate or mediator
 - I decided
 - Dad, Mum and I decided together
 - I'm not really sure
16. Did your parents **ask you what you wanted** when these decisions were made?
- They did not ask me what I wanted
 - They asked me, but they did not do what I wanted
 - They asked me and I got most of what I wanted
 - I can't remember if anyone asked me
17. Did the judge, magistrate or mediator **ask you what you wanted** when these decisions were made?
- They did not ask me what I wanted
 - They asked me, but they did not do what I wanted
 - They asked me and I got most of what I wanted
 - I can't remember if anyone asked me
18. Would you like to have had more to say about where you wanted to live and how often you wanted to see your parents (you can choose MORE than one answer)?
- I would have liked to have made the decision myself
 - I would have liked Mum to have asked me
 - I would have liked Dad to have asked me
 - I would have liked a judge to have asked me
 - I would have liked a lawyer to have asked me
 - I would have liked a counsellor to have asked me
 - I would have liked someone at my school to have asked me
 - I did not want to be asked at all
 - I don't know what I would have liked
19. If you don't live with your parents for the same amount of time, how much do you see the parent you live with the least?
- I spend about the same amount of time living with each parent
 - Every second weekend
 - Sometimes during the week
 - Mostly only during the school holidays
 - Not very often; maybe four times a year
 - Never
 - A different amount of time
20. If you see this parent a different amount of time, please tell us.
21. How easy is it to talk to:
- Your Mum? Really hard | A bit hard | Don't know | A bit easy | Very easy
 - Your Dad? Really hard | A bit hard | Don't know | A bit easy | Very easy

BEFORE THE SEPARATION

The next questions ask you what happened before your parents separated. We would like you to try to answer all of the questions but please remember that you do not have to answer a question if you do not want to.

22. How happy were you before your parents separated?
- Very unhappy
 - A bit unhappy
 - Not happy and not unhappy
 - A bit happy
 - Very happy
 - I can't remember
23. Before your parents separated, how much did they argue with each other (answer ONE only)?
- Seemed like all the time
 - A few times each week
 - Maybe only once each week
 - Maybe once every three or four weeks
 - Not very often at all
 - They never argued
 - I can't remember
24. If your parents argued before they separated, how much of their arguments did you hear or see?
- All of them
 - None of them
 - I knew they were arguing but I was never there when they did
 - They never argued
 - I can't remember
25. After your parents argued, how do you think your mum felt?
- Scared
 - Worried
 - Sad
 - Like she was to blame
 - Wanted to leave
 - Happy
 - Like she won
 - I really don't know
 - I can't remember
 - Something else
- If you think your Mum felt something else, please tell us.
26. After your parents argued, how do you think your dad felt?
- Scared
 - Worried
 - Sad

- Like he was to blame
- Wanted to leave
- Happy
- Like he won
- I really don't know
- I can't remember
- Something else

If you think your Dad felt something else, please tell us.

27. After your parents argued, what did your mum do?

- Cried a lot
- Went to her room and locked the door
- Left the house and went somewhere else
- Left the house and didn't come back till the next day or the day after
- Threw something
- Broke something
- Phoned a friend or family
- Phoned the police
- Did nothing
- I can't remember
- Something else

If your Mum did something else, please tell us.

28. After your parents argued, what did your dad do?

- Cried a lot
- Went to his room and locked the door
- Left the house and went somewhere else
- Left the house and didn't come back till the next day or the day after
- Threw something
- Broke something
- Phoned a friend or family
- Phoned the police
- Did nothing
- I can't remember
- Something else

If your Dad did something else, please tell us.

29. Before they separated, how often did your parents' arguments turn into real fights where **one of them was really hurt and frightened** (for example hitting someone, breaking things, name-calling, shouting)? Please check the answers that best describes what you remember about who got hurt or frightened:

Mum got hurt/frightened: Never / Occasionally (hardly ever)/ Sometimes/ Usually/ Always/ Don't know

Dad got hurt/frightened: Never/ Occasionally (hardly ever)/ Sometimes/ Usually/ Always/ Don't know

I got hurt/frightened: Never/ Occasionally (hardly ever)/ Sometimes/ Usually/ Always/ Don't know

Please tell us more about what usually happened when your parents had a fight:

30. In what ways did **you** get hurt when your parents had a fight before they separated and how often?

Every time they had a fight...Lots of times...Don't know...Only a few times...Never (*this scale will be put next to each item on the following list*)

- I felt frightened, scared
- I felt angry
- I was hit
- I was bruised
- I was yelled at
- I felt like no one cared
- I felt helpless as I couldn't stop what happened
- I felt like it was my fault
- I had to go to the doctor
- I had to go to hospital
- I felt OK
- Anything else?

Please tell us more about how you have been hurt

31. How safe did you feel when your parents had a fight before they separated?

- Really unsafe
- A bit unsafe
- Don't know
- A bit safe
- Really safe

Please tell us why you felt like this.

32. How frightened or scared were you when your parents had a fight before they separated?

- Very scared
- A lot scared
- Don't know
- A bit scared
- Not at all scared

Please tell us why you felt like this:

33. Who usually started the fights BEFORE your parents separated? (Please choose ONE only)

- Mum
- Dad
- Both Mum and Dad
- I don't know
- I can't remember
- Someone else

If someone else, please say who and give an example of how they started the fights.

34. When your parents had a fight before they separated, what did you do to keep yourself safe? You can answer more than one of these if you want to.

- I hid
- I cried a lot
- Went to my room and locked the door
- Went as far away as I could
- Tried to block my ears so I wouldn't hear them
- Rang a friend on the phone or emailed a friend
- Did some things on my computer or with other games
- Went next door or to someone else's house
- Tried to think of happy things
- Cuddled my cat or dog
- Rang the police or 000
- Rang another adult to ask them to come around
- Tried to stop them from fighting

Can you list other things you did?

AFTER THE SEPARATION:

*The next questions ask you what happened **after** your parents separated. We would like you to try to answer all of the questions but please remember that you do not have to answer a question if you do not want to.*

35. When your parents separated, who left home? (Please choose ONE only)

- Mum
- Dad
- They both left home

36. What happened to you when your parents separated?

- I left too
- I stayed at home
- I stayed for a little while then left and stayed with my other parent
- Something else?

If something else happened to you when your parents separated, what was it?

37. How often did your parents fight **after** they separated?

- They fought all the time
- They fought often
- Don't know

- They fought a bit
- They didn't fight at all
- I can't remember

38. Who do you think started the fights after your parents separated? (Please choose ONE only).

- Mum
- Dad
- Sometimes Dad, sometimes Mum
- Someone else
- No one – there were no fights
- Don't know

If someone else, can you say who and give an example of how they started the fights?

39. When your parents were fighting after they separated, what did you do? You can tick as many of these as you like:

- I hid
- I cried a lot
- Went to my room and locked the door
- Went as far away as I could
- Tried to block my ears so I wouldn't hear them
- Rang a friend on the phone or emailed a friend
- Did some things on my computer or with other games
- Went next door or to someone else's house
- Tried to think of happy things
- Cuddled my cat or dog
- Rang the police or 000
- Rang another adult to ask them to come around
- Tried to stop them from fighting
- They did not fight

Can you list other things you did when they fought?

40. After your parents separated, who did you talk to for help? You can tick more than one of these if you talked to them.

- My grandparents
- Brothers and sisters
- Other family (like uncles, aunts, cousins)
- Friends
- School counsellor or teacher
- Doctor
- A counsellor who works with children
- A religious person at my church
- Someone at a Family Relationship Centre, Centacare, Relationships Australia, Anglicare or a similar place
- A lawyer
- A judge or someone in a Court

- I didn't talk to anyone
- I can't remember
- Other people

If you talked to other people, please tell us who.

41. How helpful was it to talk with these people?

- Not helpful at all
- Just a bit helpful
- Don't know
- Pretty helpful
- Very helpful

42. Who helped you the most?

43. What did they do that was most helpful?

44. Which people or services were least helpful?

45. What did your parents do to help you?

- Took me to see someone who talked with me
- Took me to someone who said they were going to talk with my parents about what I wanted
- Took me to join a group where I could talk with other children whose parents had separated
- Talked with my school about what was happening to my family
- My Mum talked with me
- My Dad talked with me
- My parents did not do anything to help me
- I don't know

46. What other kinds of help would you like?

47. What kinds of help do you think other children might need when their parents separate?

WHAT YOU THINK ABOUT WHAT'S HAPPENING NOW

The next questions are about what is happening and how you feel now. We would like you to try to answer all of the questions but please remember that you do not have to answer a question if you do not want to. :

48. When you think about your parents' separation, what feelings do you have now? You can choose as many feelings as you have:

- Sad
- Angry and cross
- Caught in the middle of my Mum and Dad (don't want to choose between them)
- Lonely
- Scared
- Worried
- Confused
- Like it's all my fault
- Relieved
- Happy
- Calm
- Happy that there's no more fighting

- Just OK
- Feel like running away
- Upset
- Safe

Any other feelings? _____

49. How well do you think your parents care for you when you're with them? Please check the answer that best describes how well you think each parent cares for you:

Mum: Doesn't care for me at all/ Doesn't care for me sometimes/ Not sure/ Cares for me sometimes/ Cares for me all the time

Dad: Doesn't care for me at all/ Doesn't care for me sometimes/ Not sure/ Cares for me sometimes/ Cares for me all the time

Please tell us a bit more about how your parents care or don't care for you

50. How safe do you feel now when you're with your mum?

- Not at all safe
- A bit safe
- Don't know
- Mostly safe
- Very safe

Please tell us more about why you feel safe or unsafe with your mum:

51. How safe do you feel now when you're with your dad?

- Not at all safe
- A bit safe
- Don't know
- Mostly safe
- Very safe

Please tell us more about why you feel safe or unsafe: with your dad:

52. How much do your parents argue now?

- Seems like all the time
- A few times each week
- Maybe only once each week
- Maybe once every three or four weeks
- Not very often at all
- They never ever argue

53. How much do your parents fight now where **one of them is hurt or frightened** (for example hitting, breaking things, name-calling, shouting)?

- Seems like all the time
- A few times each week
- Maybe only once each week

- Maybe once every three or four weeks
 - Not very often at all
 - They never ever argue
54. What do you think children need when they have a parent or parents whose behaviour makes them feel frightened and scared?
55. Do you think that children and young people have a right to have a say about things they want or would like? (For example who they want to live with. Or who they want to see after their parents split up. And how often they want to see them).
- No, I strongly don't agree
 - I don't agree
 - I don't know
 - Sometimes
 - Yes, I agree
 - Yes, I strongly agree
56. What do you think are *the most important things* that would help children and young people when their parents separate?
57. What advice (ideas that might help) would you give to other children to help them to handle their parents' separation?
58. If you woke up tomorrow morning and everything was exactly the way you would really want it to be, what would be happening that is different from now?

If you'd like more information about separation, divorce and how children and young people live with their parents' separation, there's a great website that you might want to check out called Children and Teens First. It's at <http://www.chatfirst.com.au/>.

When parents separate, it can be sad, even scary. If you feel sad, upset or even scared at any time the school counsellors and other counsellors like at Kids Helpline on 1800 55 1800 are there to help you.

*If you want to check your answers please do that now, and when you have finished please remember to **CLICK ON THE SUBMIT BUTTON AT THE END** or we will not receive your answers.*

Thank you for answering these questions. Your answers will help us to think about how we can make things better for children and their parents in the future.

Appendix 3

Phone interview schedule for parents who separated post 1995

| Violence | No Violence | Researcher | Call number |
|----------|-------------|------------|-------------|
| | | | |

DO NOT ASK FOR OR RECORD ANY IDENTIFYING DATA IN THIS INTERVIEW

We are conducting this phone-in to find out about the experiences of parents who, since 1995, have gone through or are going through separation and divorce, in particular those who have experienced family violence (child abuse or domestic violence) or allegations of family violence.

Before I start it is imperative that I ask you **not give me any information that will identify you** otherwise it may be necessary for me to **report any harm or abuse of children**, or I **may be subpoenaed if any information you give me relates to a matter before the courts**. What you say will be written down and used for the research but I will **not** be asking you for your real name, your state or anything that will identify you, or anyone else. Are you in a safe place to participate in the study?

This interview is voluntary and you can stop the interview at any time. However, it would be helpful if you answered all questions so we can assist the family law system to improve services for others who are experiencing separation and divorce.

The interview may go for 30 minutes or more. If you feel distressed at any time you may hang up or I can **put you through on the phone to someone who can support you** and who can, if necessary, provide you with a **referral** for further assistance.

| | |
|---|--|
| Before we start can you please let me know the name (false) you would like to be called during this interview? | |
| 1. Can you please let me know how old you are? | Under 20 20–29 30–39 40–49 50–59 60+ |
| 2. Are you male or female ? (if not obvious) | MALE FEMALE |
| 3. Which cultural group do you identify with? | Indigenous Australian Other Australian Born in another country (specify) |
| 4. What year did you separate or divorce? | Pre-1995 Post-1995 Post-2006 |
| 5. Which location do you live in (circle)/ | Capital city, regional town or city, rural, remote |

| | |
|---|---|
| 6. Have you accessed any services to assist you with decision-making after your separation/divorce? | YES NOT SURE NO |
| 7. If NO: Why not? | |
| 8. If YES, what services have you accessed and when (post-1995/post-2006)? Prompts: 1. Family Relationships Advice Line 2. Family Relationships Centre 3. Another FDR service (specify) 4. Family Court of Australia 5. Family Court of WA 6. Federal Magistrates Court 7. Legal Services Commission or Legal Aid 8. Community Legal Centre 9. Lawyer in Private Practice 10. Mediator (where?) 11. Counsellor (where?) 12. Domestic Violence Service 13. Child Protection Service 14. Child Support Agency 15. Contact Centres 16. Centrelink 17. Religious person or group 18. Police 19. Health Service (e.g. G.P) 20. Informal (Family/Friends) 21. Something else (specify) | <div>Post-1995</div> <div>Post-2006</div> |
| 9. Please specify the <u>main service</u> you have used and for what purpose(s). | |
| 10. Has there been any family violence (domestic violence or child abuse) of a physical, verbal, emotional, sexual, social, or financial nature before, during or since the separation? | BEFORE DURING AFTER ALL OF THE ABOVE NO VIOLENCE |
| <i>If YES, can you please tell me more about the violence in your family? (see questions below)</i> | <i>If NO, go to question 25, page 8</i> |
| 11. When did the violence start? | Before separation During separation After separation |
| 12. Who was/is the perpetrator(s)? victim(s)? | Father/Mother/Sibling/Grandparents/Other (specify) Father/Mother/Child/ren/other (specify) |
| 13. What was/is the nature of the violence (circle more than one if needed)? | Physical Sexual Verbal Emotional Financial Social |
| 14. How frequently did/does the violence occur (circle)? | Once or twice Once a month Once a fortnight Weekly Daily Other |

| | |
|--|--|
| 15. When did the violence <u>stop</u> (circle), and <u>why</u> ? | Before separation When we separated Violence is still ongoing <u>Why?</u> |
| 16. On a scale of 1–5, with 1 being ‘not fearful at any time’ and 5 being ‘very fearful all of the time’ (read the list out and circle), how frightened is/was the victim of the perpetrator of the violence? Please explain why that is/was so? | 1. NEVER FEARFUL 2. OCCASIONALLY FEARFUL 3. NOT SURE 4. FREQUENTLY FEARFUL 5. FEARFUL MOST OF THE TIME |
| 17. In what ways has the family violence affected your <u>decision making</u> since the separation? | |
| 18. In what ways has family violence affected your <u>choice</u> and <u>use</u> of services? | |
| 19. Which <u>specific</u> services <u>that you have used</u> took account of the family violence? (e.g. Family Relationship Centres, advice line, FDR practitioners, family services such as Centacare, Relationships Australia, Anglicare, legal practitioners, Family Court, Federal Magistrates Court, community legal services, domestic violence services, Contact Centres) | |
| 20. How did the service(s) <u>you used</u> take family violence into account? What did they do that was helpful? What did they do that was not helpful? <u>Overall</u> , on a scale of 1–4 with 1 being ‘very satisfied’ and 4 being ‘not satisfied’ how satisfied were you with these services? 1. Very satisfied 2. Satisfied 3. Partly satisfied 4. Not satisfied 5. Not relevant | |
| 21. What effects did using services that DID take family violence into account have on you and/or your child/ren? | |
| 22. Which <u>specific</u> services that you used DID NOT take into account family violence? e.g. Family Relationship Centres, advice line, FDR practitioners, family services such as Centacare, Relationships Australia, Anglicare, legal practitioners, Family Court, Federal Magistrates Court, community legal services, domestic violence services, Contact Centres) What did they do that was helpful? What did they do that was <u>not</u> helpful? In your opinion, what should they have done differently? <u>Overall</u> , on a scale of 1–4 with 1 being ‘very satisfied’ and 4 being ‘not satisfied’ how satisfied were you with these services? 1. Very satisfied 2. Satisfied 3. Partly satisfied 4. Not satisfied 5. Not relevant | |
| 23. What effects did using the services that DID NOT take family violence into account have on you and/or your child/ren? | |

| |
|--|
| <p>24. In the context of family law, what particular problems has the issue of family violence created for you and/or your child/ren? PROMPTS: e.g. were you coerced into agreeing to arrangements, were you too fearful to disclose the violence for fear of losing the children, were you falsely accused, were you not believed</p> |
| <p>25. On a scale of 1–4 with 1 being ‘very satisfied’ and 4 being ‘not satisfied’ (circle) how satisfied were/are you with decisions made about current <u>parenting arrangements</u> and why? 1. Very satisfied 2. Satisfied 3. Partly satisfied 4. Not satisfied 5. Not relevant Why?</p> |
| <p>In your opinion, what should have happened differently?</p> |
| <p>26. On a scale of 1–4 with 1 being ‘very satisfied’ and 4 being ‘not satisfied’ (circle) how satisfied were/are you with decisions made about current <u>financial and property matters</u> and why? 1. Very satisfied 2. Satisfied 3. Partly satisfied 4. Not satisfied 5. Not relevant Why?</p> |
| <p>In your opinion, what should have happened differently</p> |
| <p>27. Did you have a support person or an advocate to help you when you were using services? YES NO If NO, would you have liked one, who would it have been, and how could they have helped? If YES, who were they, and how did the person help?</p> |
| <p>28. Do/did you think that after your separation someone in the family law system would be likely to decide that you and your EX would JOINTLY SHARE RESPONSIBILITY for all long-term parenting decisions, such as where your child/ren would go to school? YES NO NOT SURE</p> <p>29. Do/did you think that after your separation someone in the family law system would require that your CHILDREN SPEND EQUAL TIME with you and your EX? YES NO NOT SURE</p> <p>30. Did you think that if you stated that there was FAMILY VIOLENCE AND COULD NOT PROVE IT you could be punished – e.g. costs could be awarded against you in court and/or you may lose your children? YES NO NOT SURE</p> <p>31. If you answered YES to any of the last three questions, did this belief influence your decisions and agreements regarding parenting arrangements? YES NO NOT SURE</p> <p>32. If you answered YES to the last question, please explain how these arrangements were influenced.</p> |
| <p>33. Based on your experiences, views and understandings of the current <u>Family Law Act, family law policies and the family law system</u>, what do you think could be changed or improved to help people establish safe, workable arrangements for parents and for children post-separation?</p> |
| <p>34. What are your suggestions for improvement or change in relation to <u>specific services</u> for families who have separated, in particular services for families who have experienced violence or abuse?</p> |
| <p>35. Do you have any other comments that will assist us in our research?</p> |

THANK YOU FOR PHONING AND FOR ASSISTING US WITH OUR RESEARCH. YOUR CONTRIBUTIONS WILL ASSIST OTHER FAMILIES EXPERIENCING SEPARATION AND DIVORCE.

WOULD YOU LIKE TO BE PUT THROUGH TO SOMEONE ON ANOTHER LINE WHO MAY BE ABLE TO ASSIST YOU WITH A REFERRAL?

Appendix 4

Phone interview schedule for children whose parents had separated post-1995

| Violence | No Violence | Researcher | Call no. |
|----------|-------------|------------|----------|
| | | | |

DO NOT ASK FOR OR RECORD ANY IDENTIFYING DATA IN THIS INTERVIEW

Thank you for ringing to talk to us about your experiences of family life after your parents separated. It is really important for us to have children' and young people's views and experiences of their family life when this happens.

Are you in a safe and comfortable place at the moment? If you feel unsafe, or any of my questions make you feel uncomfortable, you can choose not answer the question or you can ask me to stop this interview at any time if you want to.

Before I start I need to reassure you that everything you say will be kept private – I will **not** be asking you for your name or anything that will identify you, or anyone else, in any way. Would you like to make up a name for me and I will call you that name.

Our conversation may go for about 15 to 30 minutes – is that OK? Remember, if you feel upset at any time you may ask me to stop, or just hang up the phone, or I can put you through to someone who can give you some information that might help you. Kid's Helpline is also a good number to ring if you need to talk more with someone – 1800 55 1800.

| | |
|--|--|
| 1. Before we start can you please let me know the name you would like me to use when I talk to you? | |
| 2. Can you please let me know how old you are? | |
| 3. Are you a boy or a girl? (if not obvious) | MALE FEMALE |
| 4. How would you describe your family's cultural background? | Australian Indigenous Australian Another cultural group e.g. Italian |
| 5. Do you mainly live in the Capital city, a country town or a rural area | Capital city, country town, rural area – such as on a farm |
| 6. How long ago did your parents separate? | Pre-1995 Post-1995 Post-2006 |
| 7. How old were you when your parents split up? | |
| FAMILY LIFE NOW | |
| 8. Can you tell me about your family | LIVE WITH MUM |

| | |
|---|--|
| life now – who do you live with most of the time? | LIVE WITH DAD LIVE WITH MUM AND DAD EQUALLY LIVE WITH GRANDPARENT OR RELATIVE OTHER (specify) |
| 9. How often do you spend time with your other parent? How do you feel about that? | ABOUT HALF OF THE TIME ONE DAY A WEEK AND EVERY SECOND WEEKEND EVERY SECOND WEEKEND ONCE OR TWICE A MONTH A FEW TIMES A YEAR HARDLY EVER NEVER OTHER (please specify) |
| POST-SEPARATION ARRANGEMENTS | |
| 10. Is family life better or worse <u>for you</u> than it was before your parents separated? Why is that so? | Much better Better Don't know Worse Much worse |
| 11. Do you remember how you felt about your parents' separation when it happened? If YES, can you tell me what some of those feelings were? | YES MAYBE NOT SURE NO |
| 12. Have you talked to anyone outside your family about your parents splitting up? | YES MAYBE DON'T KNOW NO |
| 13. If YES, who have you talked to? What did you talk about? | |
| 14. If NO: Would you like/have liked to talk to someone about your parents splitting up? <u>Who</u> would you have liked to be able to talk to? | YES MAYBE DON'T KNOW NO |
| 15. What do you think children need to talk to someone about when their parents split up? | |
| 16. When your parents split up did you have any say about what you wanted to happen, like where you lived or how often you saw your other parent? Who did you talk to and what did you talk about? | A LOT OF SAY A LITTLE SAY NO SAY DON'T KNOW |
| 17. Did those people/that person listen to what you had to say and take into account what you wanted to happen? | YES MAYBE NO DON'T KNOW |
| 18. Do you think <u>children should be able to decide</u> who they live with and how often they see their parents, or | CHILDREN SHOULD DECIDE CHILDREN SHOULD HAVE A SAY, THEN SOMEONE ELSE DECIDE |

| | |
|--|---|
| should they just tell people what they want or what matters to them and then <u>have someone else make the decisions</u> ? Why do you think that? | CHILDREN SHOULDN'T HAVE A SAY – SOMEONE ELSE DECIDE DON'T KNOW |
| 19. Were you ever worried about what plans would be made for you about spending time with your parents? What did you worry about? Have your worries come true? | YES MAYBE NO DON'T KNOW |
| 20. What is it like <u>for you</u> having your parents living in different houses? | |
| 21. Do <u>you</u> like your current family arrangements? Why is that so? | YES MAYBE NO DON'T KNOW |
| 22. If you could wave a magic wand, what, if anything, would you change right now about your family life? | |
| 23. In your opinion, what would help to make things better for children when their parents split up? Prompt: for example what should people consider when making arrangements for children? | |
| 24. Is there anything you would like to say about keeping children safe from harm when their parents split up? | |
| 25. Finally, what advice would you give to other children when their parents split up. | |

Thank you for helping us with our research. Your answers will help other children when their parents separate. Do you need to talk more with someone about what we have been talking about? If so, I can put you through to someone now who can give you some information, or you can talk to a school counsellor or ring Kid's Helpline on 1800 55 1800

Appendix 5

Schedule for the phone calls (call-backs) to people who had responded to the survey and volunteered to be interviewed

FAMILY VIOLENCE CALL BACK QUESTIONNAIRE

Introduction: Hello, my name is...

I am calling you back following the survey you filled in online about the Family Law Reforms and Family Violence to ask you more about your experiences and views. Are you still happy for me to talk about this with you? This should take some 20–30 minutes and is this convenient for you to do this now?

A

Demographic Information

Male

Female

Age

City Regional City

Country

Australian born Overseas born

B

Questions

1. Before you used any family law services (and maybe when you were thinking about separation before you actually separated) how did you think you would manage the separation and any family violence?
2. Had it occurred to you that family violence and shared care together might be difficult for you to manage?
3. If you used a legal practitioner (a lawyer) did they ask you if there was any family violence?
4. If they asked, did you tell them?
5. If they didn't ask, did you tell them?
6. How did they react to anything you said about family violence?
7. When you filled in the survey, you told us you were..... with the main service, you used for property and finance matters. Why were youwith this service?

8. When you filled in the survey, you told us you were..... with the main service,, you used for making parenting arrangements for the children. Why were youwith this service?
9. What other services did you tell about family violence?
GP
FRC
FDR
Centrelink
CSA
DV service
10. How did they react to anything you said about family violence?
11. IF you used FDR, did you tell anyone at that service about family violence. IF you told them, how did that service manage the FV?
12. Did you feel pressured by FDR to reach an agreement?
13. How did you resolve this pressure? What things did you consider here?
14. Was the 'equal time' or 'shared care' a problem for you or your children?
15. What effect has the process of separation had on you and your children in the longer term?
Mental health
Physical health
Economic well being
Other
16. Do you feel able to manage your situation now?
17. What changes in the family law services system would you recommend to help separating couples with family violence and separation and divorce?

Thank you for your very valuable help.

Appendix 6

Online survey with adults

Appendix 6(a)

Overview of the online survey with adults

The questions for the online survey for parents can be found in Appendix 1. The survey was divided into 9 main sections and different researchers in the team took responsibility for the analysis of the data for at least one section, so the style of analysis for each section may differ slightly. We have constructed an additional section (Appendix 6(i)) which analyses in more depth the reasons why some people who responded to the survey had not accessed services to assist them with their post-separation arrangements.

The main report (Volume 1) contains an overview of each section and discussion of the findings and these appendices provide a more detailed analysis of each question, with tables, graphs and direct quotations from the respondents. More direct quotations have been included in the analysis of some sections of the adult survey than in others, in particular in the section on family violence, to illustrate in more depth the experiences, perceptions, understandings and attitudes of the respondents.

Appendix 6(b) Online survey with adults

Sections 2 and 3: Background information and the nature of the respondents' relationships with ex-partners

Respondent numbers and characteristics

Number and gender of respondents

The survey was publicised as being open to men and women who had separated and or divorced from 1995 to the present and who had a history or current experiences of family violence as well as those who did not. The total number of those responding to the on line survey for adults was 913, 677 (74.2%) were women, and 236 (25.8%) were men.

The respondents fell into five groups. These groups were:

- (1) Group One: those who had not made decisions or accessed any services,
- (2) Group Two: those who had made decisions but who had not accessed services or professionals,
- (3) Group Three: those who had accessed services from 1995 to 2005,
- (4) Group Four: those who had accessed services after 2006 and
- (5) Group Five: those who had accessed services and professionals from 1995 and after 2006, that is, those who had experience with the family law socio legal services system both before and after the 2006 reforms.

As Table 1 illustrates, the percentages of those who fell into each of these groups were

- (1) Group One: 7.4% total, 4.8% women and 2.6 % men.
- (2) Group Two: 10.1% total, 7.3% women and 2.8% men.
- (3) Group Three: 23.5% total, 18.4% women and 5.1% men.
- (4) Group Four: 29.4% total, 21.2% women and 8.2% men.
- (5) Group Five: 29.6% total, 22.6% women and 7.0% men.

Graph 51: Percentage of male and female respondents across the five groups in relation to whether or not they had accessed services since 1995

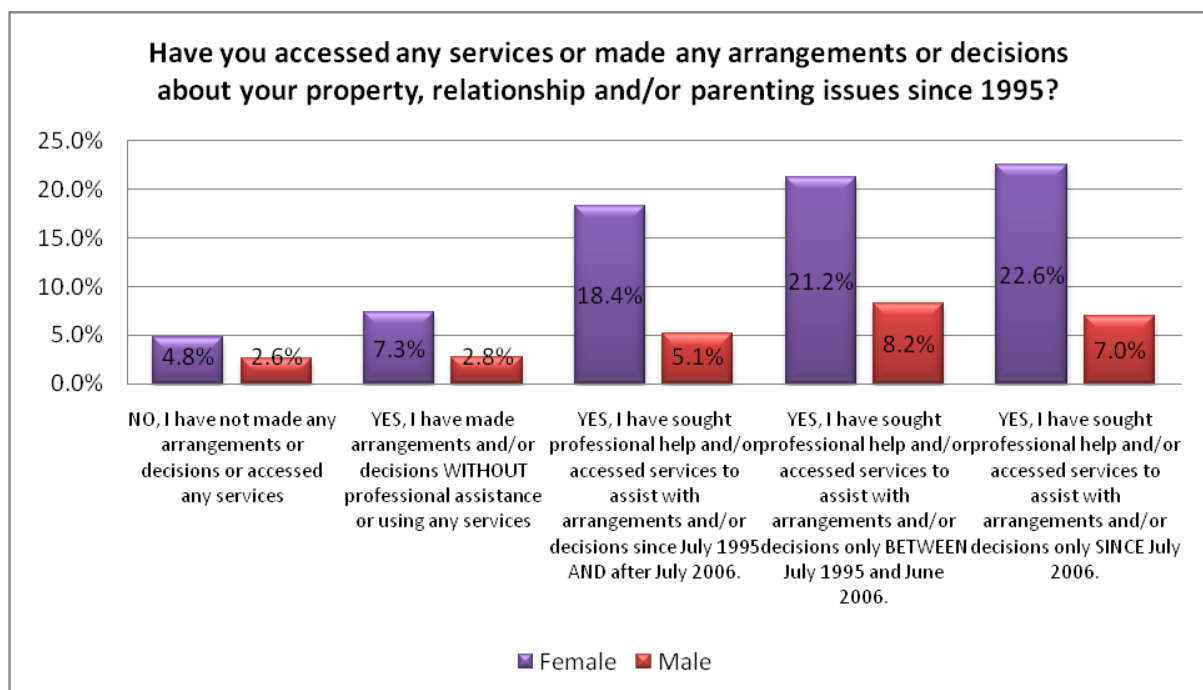


Table 42: Number and percentage of all male and female respondents to the survey in relation to their access to services

| Answer options | Male | Male % | Female | Female % |
|--|------|--------|--------|----------|
| NO, I have not made any arrangements or decisions or accessed any services | 23 | 2.6% | 43 | 4.8% |
| YES, I have made arrangements and/or decisions WITHOUT professional assistance or using any services | 25 | 2.8% | 66 | 7.3% |
| YES, I have sought professional help and/or accessed services to assist with arrangements and/or decisions since July 1995 AND after July 2006. | 46 | 5.1% | 165 | 18.4% |
| YES, I have sought professional help and/or accessed services to assist with arrangements and/or decisions only BETWEEN July 1995 and June 2006. | 74 | 8.2% | 191 | 21.2% |
| YES, I have sought professional help and/or accessed services to assist with arrangements and/or decisions only SINCE July 2006. | 63 | 7.0% | 203 | 22.6% |

The groups who had accessed services in the three time periods were roughly equal. The number of people using services from 1995 to 2006, and after 2006, were also roughly equal.

Age of respondents

The female respondents were a little younger than the males, with 43.9% of women and 54.0% of the men falling into the modal age group of 40 to 49. The age cohorts for those who responded to the survey are pictured in Table 2 below.

Table 2: Numbers and percentages of male and female respondents in relation to their age cohort

| Answer options | Male | Male% | Female | Female% |
|----------------|------|-------|--------|---------|
| Under 20 | 0 | 0.0% | 2 | 0.3% |
| 20–29 | 8 | 3.4% | 51 | 7.5% |
| 30–39 | 47 | 20.0% | 232 | 34.3% |
| 40–49 | 127 | 54.0% | 297 | 43.9% |
| 50–59 | 41 | 17.4% | 85 | 12.6% |
| 60+ | 12 | 5.1% | 9 | 1.3% |

Location of respondents: capital city, provincial city and town, rural area and remote area

The respondents came from across Australia with an appropriate representation from capital cities (48.2%), provincial towns and cities (34.8%), rural areas (16.5%) and remote areas (0.6%). The distribution of respondents was much the same for women as for men, but with fewer women (55.2%) coming from the capital cities as compared with men (57.9%), more women from provincial cities and towns (34.8%) than men (32.8%), and fewer women from rural areas (11.5%) than men (12.7%), but with the same percentage from remote areas (1.3%). Table 3 (below) shows the geographical distribution of the respondents.

Table 3: Numbers and percentages of male and female respondents in relation to their location

| Answer options | Male | Male % | Female | Female % |
|-----------------------|------|--------|--------|----------|
| Capital city | 136 | 57.9% | 329 | 48.7% |
| Regional town or city | 77 | 32.8% | 260 | 38.5% |
| Rural area | 19 | 8.1% | 78 | 11.5% |
| Remote area | 3 | 1.3% | 9 | 1.3% |

Location of respondents: states and territories

The representation from the various states was not entirely typical of each state's population.

In addition two Australian people living currently overseas answered the survey.

Cultural background of respondents and their former partners

The cultural backgrounds of respondents was typical of the general population with 3.2% coming from Indigenous backgrounds, 72.3% from other Australia, 10.5% from the UK, 1.8% from New Zealand, 7.0% from Europe, 1.4% from Asia, .2% from Africa, .5% from North America, 0.8% from South America, 1.1% from other English speaking country, and 1.1% from another non-English-speaking country. There appeared to be little difference in the representation of men and women from the various cultural backgrounds with the exception that no women of African background responded to the survey and men from Europe were more heavily represented in the 'prior to 2006' group than any other group and any of the three groups of women. The cultural background of the respondents, according to gender and group is illustrated in Table 4.

Table 4: Numbers and percentages of male and female respondents according to cultural background and group

| Answer options | Male | Male% | Female | Female% |
|------------------------------------|------|-------|--------|---------|
| Indigenous Australian | 5 | 2.1% | 24 | 3.6% |
| Other Australian | 167 | 70.8% | 491 | 72.8% |
| UK | 22 | 9.3% | 74 | 11.0% |
| NZ | 3 | 1.3% | 13 | 1.9% |
| European | 25 | 10.6% | 39 | 5.8% |
| Asian | 2 | 0.8% | 11 | 1.6% |
| African | 2 | 0.8% | 0 | 0.0% |
| North American | 2 | 0.8% | 3 | 0.4% |
| South American | 1 | 0.4% | 6 | 0.9% |
| Other English-speaking country | 2 | 0.8% | 8 | 1.2% |
| Other non-English-speaking country | 5 | 2.1% | 5 | 0.7% |

The distribution of the cultural backgrounds of the respondents' partners was much the same as that of the respondents and there was little difference in terms of gender, as illustrated in Table 5.

Table 5: Numbers and percentages of male and female respondents in relation to the cultural background of their partners

| Answer options | Male | Male% | Female | Female% |
|------------------------------------|------|-------|--------|---------|
| Indigenous Australian | 7 | 3.0% | 26 | 3.9% |
| Other Australian | 154 | 65.3% | 453 | 67.8% |
| UK | 18 | 7.6% | 62 | 9.3% |
| NZ | 6 | 2.5% | 18 | 2.7% |
| European | 26 | 11.0% | 55 | 8.2% |
| Asian | 10 | 4.2% | 13 | 1.9% |
| African | 3 | 1.3% | 1 | 0.1% |
| North American | 1 | 0.4% | 7 | 1.0% |
| South American | 3 | 1.3% | 6 | 0.9% |
| Other English-speaking country | 3 | 1.3% | 13 | 1.9% |
| Other non-English-speaking country | 5 | 2.1% | 14 | 2.1% |

Family violence

Respondents were asked whether family violence had been an issue in their relationship with their former partner before, during or after their separation. As Table 6 illustrates, the responses taken together showed some 82% of women said that family violence had been an issue and some 56% men said this too. Thus for most of these people, more of whom were women, family violence was an issue in their partnership.

Table 6: Numbers and percentage of male and female respondents who used services post-1995 and from 1995 and beyond 2006

| Answer options | Males | | | | | | Females | | | | | |
|-----------------|----------|-------|-----------|-------|-------------------------|-------|----------|-------|-----------|-------|-------------------------|-------|
| | Pre-2006 | % | Post-2006 | % | Since 1995 & after 2006 | % | Pre-2006 | % | Post-2006 | % | Since 1995 & after 2006 | % |
| NO | 30 | 40.5% | 24 | 38.7% | 15 | 32.6% | 21 | 11.0% | 22 | 10.8% | 13 | 7.9% |
| NOT SURE | 4 | 5.4% | 2 | 3.2% | 2 | 4.3% | 6 | 3.1% | 9 | 4.4% | 4 | 2.4% |
| YES | 40 | 54.1% | 36 | 58.1% | 29 | 63.0% | 164 | 85.9% | 172 | 84.7% | 148 | 89.7% |

Looking at Table 6 it can be seen that among the post-1995 group, but before 2006, 85.9% of women and 54.1% of men said family violence was an issue, among those separating and using services after 2006, 84.7% of women and 58.1% of men said it was an issue and for those using services from 1995 onwards 89.7% of women and 63% of men said it was an issue. These results suggest that family violence leads its sufferers to need services for a long period as the proportion of those with family violence was greatest in the group that had been involved in the service system for the longest period of time.

Impact of family violence on parenting arrangements

Respondents were asked whether family violence had impacted on their parenting arrangements and, as Table 7 illustrates, the majority, 68.7% of women and 52.2% of men, said that it had.

Table 7: Numbers and percentage of male and female responses in relation to whether or not family violence impacted on their parenting arrangements in the three time periods

| Answer options | Males | | | | | | Females | | | | | |
|------------------------------|----------|-------|-----------|-------|-------------------------|-------|----------|-------|-----------|-------|-------------------------|-------|
| | Pre-2006 | % | Post-2006 | % | Since 1995 & after 2006 | % | Pre-2006 | % | Post-2006 | % | Since 1995 & after 2006 | % |
| NO | 30 | 40.5% | 18 | 29.0% | 16 | 36.4% | 38 | 20.0% | 41 | 20.3% | 28 | 17.0% |
| NOT SURE/NOT RELEVANT | 3 | 4.1% | 2 | 3.2% | 5 | 11.4% | 12 | 6.3% | 18 | 8.9% | 8 | 4.8% |
| YES | 41 | 55.4% | 42 | 67.7% | 23 | 52.3% | 140 | 73.7% | 143 | 70.8% | 129 | 78.2% |

The pattern discerned in the replies to the previous question was not maintained in the replies to this question. While more of the women in the group that had been accessing services for the longest period said family violence was an issue in making parenting arrangements, this was not so for the male respondents. By far the largest proportion of males bringing it up as an issue was in the post-2006 group.

The impact was described in detail by the respondents. The replies are presented according to the respondents in each group.

Post-1995 and pre-2006

Almost all respondents reported family violence that involved them as well as the children and they reported that parenting arrangements led to, or allowed the opportunity for, ongoing family violence. Some 25% of the violence to the children was very serious, for example injuries to children included head injuries, overdoses of sedatives requiring hospital admission, abduction of children and confirmed sexual abuse of children. Most of the mothers reporting serious violence directly to the children did not find any easy solution. Some 10% had obtained no contact orders and a smaller group had supervised contact (mostly with a relative), but as they reported constant threats and harassment this protection was not as tight as one might imagine. There were a small number of mothers who said that their children were having no contact with their abusive father. In some of these cases the no contact was by consent, in some the violent parent had mental health problems and had lost any connection with the children. A small group of children had organised no contact for themselves with their violent parent.

The most commonly reported impact was the continuation of a violent relationship between the partners, with the children seeing the violence either at changeover, or when living with the victim or the perpetrator and thereby seeing the ongoing abuse. After separation the violence reported by women included threats (such as threats of murder of respondent and or children, other threats of physical harm to respondent and children and threats of property damage and financial losses), harassment by letter or phone (such as 15 calls in one day) and stalking, for example to the extent of keeping a daily log on the respondent. Also frequently reported was the terror the respondent felt and that they reported their children felt too. Some saw themselves as having great difficulty in parenting as a result.

Many reported that their children were profoundly affected by the continuing violence although they were not injured. Rather they were psychologically affected and were frightened, anxious and or depressed. Most of these children were in primary school when the separation had occurred but some had been in the 'under 4' category and respondents were most distressed about this group. Some of the most serious injuries were reported for this group, including drug overdoses and head injuries. Some respondents pointed out that the other parent had often had little parenting expertise and being distressed and violent meant that their parenting was worse. Some respondents reported their partner as being mentally ill and felt that this was not taken into account in making parenting arrangements.

Some of the female respondents reported that they had felt powerless at separation and still felt this way. These women felt particularly powerless in relation to sharing care of the children and finances and felt they had been pressured into agreements that were unfair. For example as one respondent said: *'the power he held over me during the relationship continued afterwards in regard to parenting arrangements and finances'*. She was bluffed into thinking she must agree to the equal time, although this was prior to the 2006 legislation. Another respondent just said: *'I made decisions based on my fear of him'*.

Most of the female respondents who were victims of violence reported not being able to attract help. Often they were not believed and when they were they still did not gain protection. As one mother said, *'The judge said that he was violent ... he agreed that he was violent ... but he ordered overnight contact'*. In this section of the survey, these respondents did not report accessing many services other than solicitors or courts.

While there were many male respondents who answered this section, and who reported ongoing violence to themselves and abuse of the children, their reports did not include physical or sexual violence or threats of harm to the children. Rather they reported ongoing harassment and psychological abuse. Some of the men, while very distressed, were not fearful of their former partner nor did they report feeling powerless. As one man said *'My ex-wife is very violent to me but I have been able to block her access to the children and so it is not such a problem'*. However, while not fearful, some men felt powerless, particularly those who believed their ex-partner was using accusations of violence to stop them having access to their children.

Post-2006

Those in the post-2006 group were closer in time to the separation than the previous group and this might have been expected to produce somewhat different views. However their responses were much the same in most respects. They all reported ongoing violence to themselves and to the children, continuing fear, ongoing threats, harassment and stalking, all of which made parenting very difficult. At the same time they mentioned threats over finances more often and they mentioned services like mediation, family relationship centre services and private counselling more frequently as well as mentioning legal services, like solicitors, barristers and courts more often.

There were many references to financial blackmail or threats similar to those reported by this mother who said: *'My ex used our son as a bargaining tool. He would threaten to have more access if I did not agree to a particular financial arrangement ... He also logged my emotional and psychological states ... He refused to let my son be a baby-sat by my parents to stop me from going to university ... He did not want me to continue studying.'* Some one third of respondents spoke of financial abuse, a much higher proportion than prior to 2006. The respondents reported financial threats and actual pressure ranging from being made homeless, by being forced to leave the family home or by obstructing a court ordered settlement, withholding assets held by the bank, and by withholding clothes and furniture. Some of the threats were linked to the desire of the main breadwinner to obtain more time with their children.

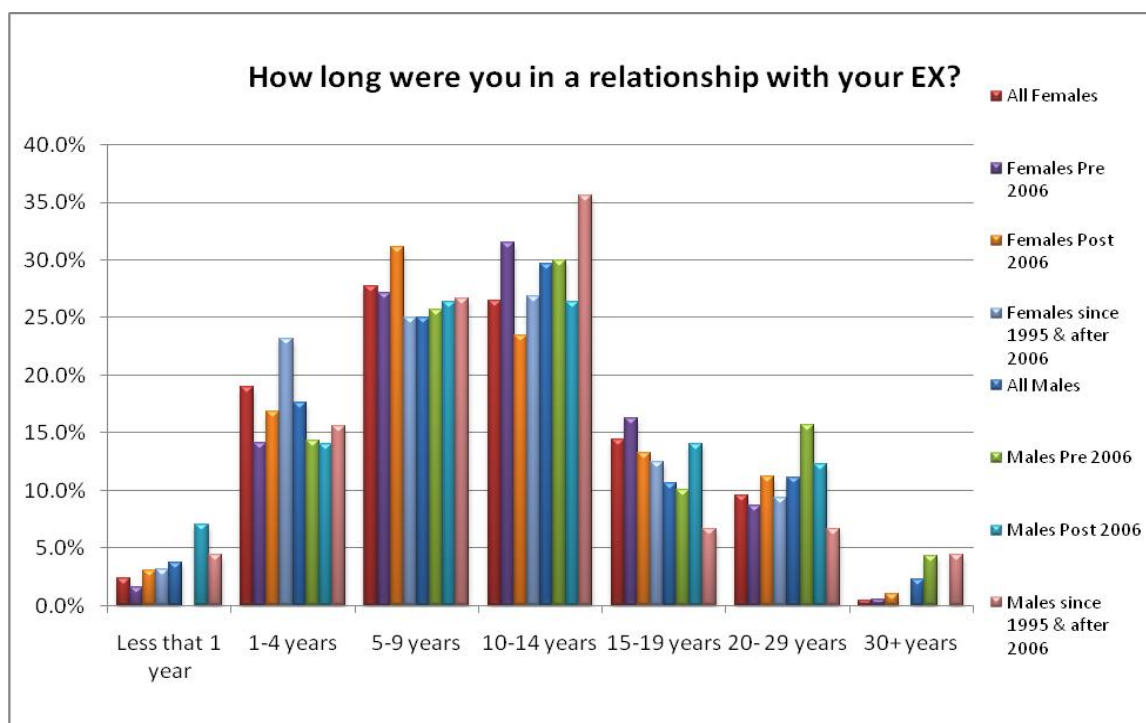
More of the respondents had used services and some had found some helpful and some had not. As one person said *'Family Relationship Centre worked well and mediation there was helpful'*. Some thought that the Family Relationship Centre pre-mediation and information sessions did not focus on family violence and thought the topic needed to be more firmly addressed. Some had used Parenting Orders Programs and found them helpful in managing the violent ex-partner's behaviour but some had not. Some children had been ordered an ICL and some parents found them helpful and some did not. Post-2006 more respondents had been granted intervention orders where the violent parent could not see the other parent and/or the child. More reported these as being effective in stopping the violence than had done so before but their replies did not indicate why this was so.

The court was still seen more negatively than positively; the *'violence has been ignored by the court'*. Some of this was linked to the notion of shared parenting and the point that many made that the focus on shared parenting took emphasis away from violence. As one mother said, *'I have felt pressured by the court to give the father contact even though he is unsafe; the court believes he must have access every weekend'*. Another mother said, *'My concerns [as to his violence] were ignored by the court. He says he has overcome his anger problem. However, since then he has attempted to force me into a deserted isolated car park but as I did not go and he did not assault me, I cannot take any action. His intimidation of me and the children did not count in court.'*

Another parent, a father, expressed similar problems as did other fathers, in being a father with a violent wife. He thought the legal system, solicitors and courts, had *'virtually ignored him and his son's problems'* as a result of psychological, sexual and financial abuse from a partner who was the breadwinner and who had had a number of admissions to a psychiatric facility. Like some other men, he reported that his ex-wife made allegations of violence against him to ensure agreement with her parenting plans. Many of these men reported that their ex-partners had mental health or substance abuse problems.

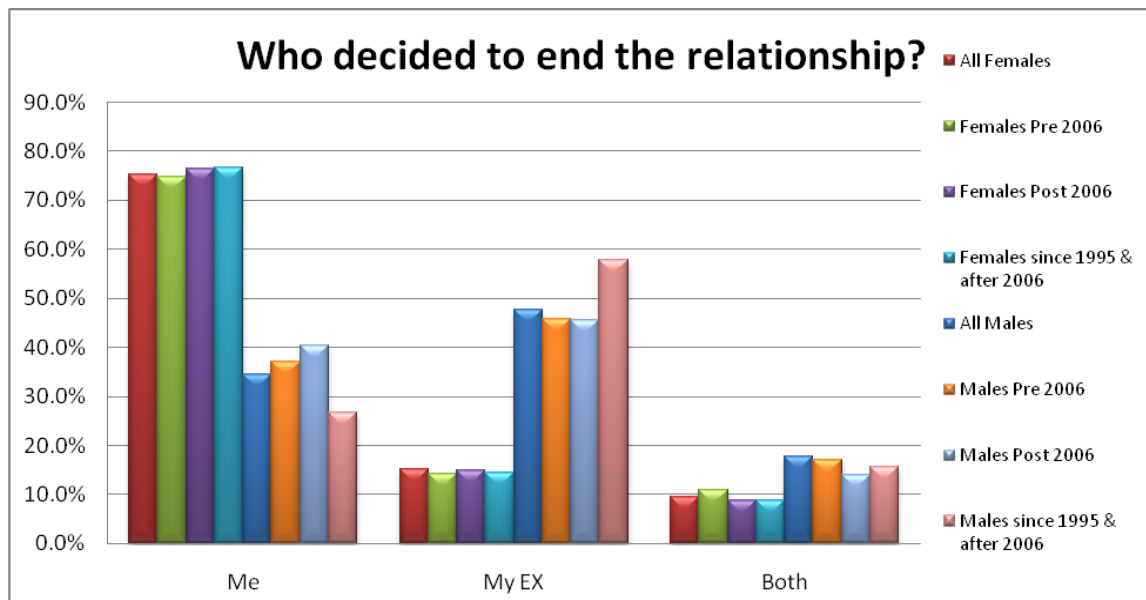
Despite the often severe nature of the violence reported by respondents, results show that the majority of them were in long-term relationships. Roughly a third of all female and male respondents placed themselves in the 5–9 year category or the 10–14 year category, as Graph 2 shows.

Graph 52: Percentage of male and female respondents in relation to the length of their relationship with their ex-partner



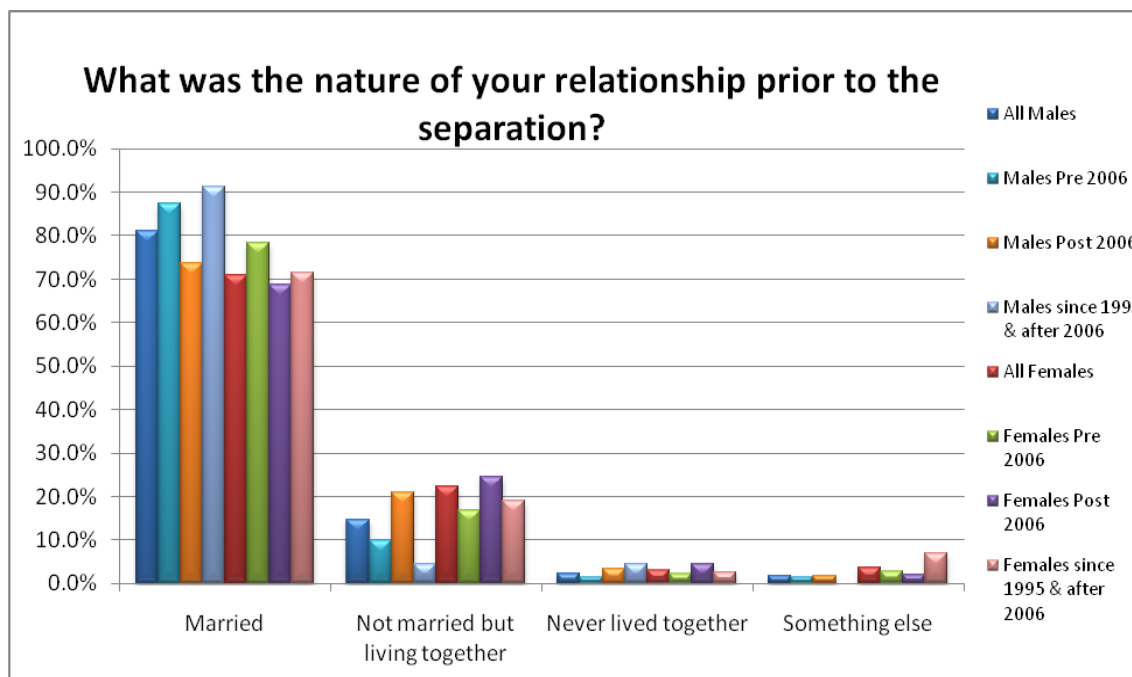
Respondents were also asked to disclose who ended the relationship – overwhelmingly females came out as the ones to put an end to the relationship. This was further confirmed by the majority of men stating that it was their former partner who ended the relationship.

Graph 53: Percentage of male and female respondents in relation to who decided to end the relationship



In terms of the nature of the relationship it was clear that most of the respondents to the survey had been married to their ex-partners, followed by those who were living together but were not married. We also recorded a sample of the population that defined themselves as 'something else'. When the extended answers (question 6, section 3) were read it became obvious that these respondents had had very complex, and sometimes violent, relationships but that most of them were conventional marriages or de facto partners. The need to categorise their relationship as 'something else' points to fact that the respondents with complex needs felt as though they belonged to a different cohort and that they did not fit into standard categories due to their circumstances.

Graph 54: Percentage of male and female responses in relation to the nature of the relationship with their ex-partner



Perhaps the most revealing answers in this section were the ones that related to the reasons for relationship breakdown (question 7, section 3). Respondents were asked to choose from a list of possible reasons what they considered were the main reasons why the relationship ended. The respondents could choose more than one reason so to analyse their responses we have used the frequency of response. That is, we have categorised the responses in terms of which ones were selected most often.

The results indicate that there was a clear gender difference as to why the relationships had broken down. The reasons most frequently cited by men were different to those cited by women and confirmed that in our sample family violence was clearly a gendered phenomenon that predominantly affected women and their children.

Female respondents were adamant that the main reason for the relationship breakdown was the violence or abuse from their former partners directed at themselves. This reason was consistently the most cited one throughout the three cohorts. Overall the second most frequent reason for the separation was communication breakdown. For the pre-2006 cohort, however, their partner's abuse of alcohol and other drugs was the second most common reason, for post-2006 females and those who had been in the system since 1995 and after 2006 the second most common reason was also communication breakdown.

Overall, the third most common reason for the separation was abuse of alcohol or drugs by the respondents' ex-partner for those women who were in the post-2006 cohort, but for the females in the pre-2006 category an unfaithful ex was the third most cited reason for breakdown. For those females who had been in the system since 1995 and after 2006 their ex-partner's mental health problems was the third most common reason.

All of these reasons were later provided by women as grounds for fathers' diminished capacity to parent and as the origin of the danger for their children. Most female respondents argued that it was impossible to share parental responsibility with someone who was capable of hurting them, had serious unresolved mental health issues or substance abuse issues, or had no desire to communicate with the mother to arrange contact or handovers.

Table 8: Percentages and numbers of women in relation to the reasons for relationship breakdown in the three different time periods

| Female respondents | | | | | | | | |
|---|---------|-------|----------|-------|-----------|-------|---------------------------|-------|
| Answer options | Overall | | Pre-2006 | | Post-2006 | | Since 1995 and after 2006 | |
| Communication breakdown | 210 | 31.0% | 54 | 28.3% | 74 | 36.5% | 52 | 31.5% |
| We grew apart | 110 | 16.2% | 35 | 18.3% | 28 | 13.8% | 21 | 12.7% |
| Parenting issues | 96 | 14.2% | 27 | 14.1% | 35 | 17.2% | 21 | 12.7% |
| I was unfaithful | 21 | 3.1% | 6 | 3.1% | 6 | 3.0% | 6 | 3.6% |
| My EX was unfaithful | 163 | 24.1% | 58 | 30.4% | 48 | 23.6% | 39 | 23.6% |
| I had physical health problems | 14 | 2.1% | 5 | 2.6% | 7 | 3.4% | 1 | 0.6% |
| My EX had physical health problems | 19 | 2.8% | 7 | 3.7% | 4 | 2.0% | 5 | 3.0% |
| I had mental health problems | 25 | 3.7% | 7 | 3.7% | 9 | 4.4% | 8 | 4.8% |
| My EX had mental health problems | 158 | 23.3% | 44 | 23.0% | 48 | 23.6% | 49 | 29.7% |
| I had money problems | 13 | 1.9% | 3 | 1.6% | 6 | 3.0% | 3 | 1.8% |
| My EX had money problems | 75 | 11.1% | 24 | 12.6% | 24 | 11.8% | 17 | 10.3% |
| My work pressures | 15 | 2.2% | 8 | 4.2% | 3 | 1.5% | 3 | 1.8% |
| My EX's work pressures | 35 | 5.2% | 9 | 4.7% | 13 | 6.4% | 10 | 6.1% |
| High level and/or frequent mutual conflict | 165 | 24.4% | 46 | 24.1% | 54 | 26.6% | 39 | 23.6% |
| Violence/abuse of me by my EX | 406 | 60.0% | 128 | 67.0% | 125 | 61.6% | 108 | 65.5% |
| Violence/abuse of our child/ren by my EX | 186 | 27.5% | 53 | 27.7% | 56 | 27.6% | 54 | 32.7% |
| I was violent towards or abused my EX | 10 | 1.5% | 5 | 2.6% | 2 | 1.0% | 1 | 0.6% |
| I was violent towards or abused our child/ren | 8 | 1.2% | 4 | 2.1% | 2 | 1.0% | 1 | 0.6% |
| My abuse of alcohol or other drugs | 20 | 3.0% | 6 | 3.1% | 7 | 3.4% | 1 | 0.6% |
| My EX's abuse of alcohol or other drugs | 201 | 29.7% | 62 | 32.5% | 64 | 31.5% | 47 | 28.5% |
| Something else | 97 | 14.3% | 28 | 14.7% | 25 | 12.3% | 29 | 17.6% |

Male respondents cited communication breakdown as the most frequent reason for the relationship breakdown; the cohort of men who had been in the system since 1995 and after 2006 also cited

their ex's mental health problems as the most frequent reason. For the other cohorts mental health issues were the second most common reason for breakdown.

The majority of all men and the post-2006 men cited violence from their ex's as the third most common reason for relationship breakdown. The pre-2006 males cited 'something else' as the reason for breakdown and the men who had been in the system since 1995 and after 2006 cited 'growing apart' as the most common reason.

Similar to women, men regard communication breakdown and unresolved mental health issues as grounds for women's diminished parenting capacity. Men frequently frequently stated that their former partners suffered from serious mental health illnesses that marred their ability to parent their children. Though a considerable number of men said that their partners were violent towards them, when asked to provide details they rarely did so. It would be possible to associate this with the difficulty men might have in coming to terms with being victims of women's violence but it may also have to do with their notions of violence and victimhood.

Table 9: Percentages and numbers of male responses in relation to their reasons for the relationship breakdown in the three different time periods

| Male respondents | | | | | | | | |
|---|---------|-------|----------|-------|-----------|-------|---------------------------|-------|
| Answer options | Overall | | Pre-2006 | | Post-2006 | | Since 1995 and after 2006 | |
| Communication breakdown | 97 | 41.1% | 31 | 41.9% | 24 | 38.1% | 18 | 39.1% |
| We grew apart | 61 | 25.8% | 18 | 24.3% | 16 | 25.4% | 13 | 28.3% |
| Parenting issues | 34 | 14.4% | 12 | 16.2% | 13 | 20.6% | 5 | 10.9% |
| I was unfaithful | 11 | 4.7% | 3 | 4.1% | 5 | 7.9% | 0 | 0.0% |
| My EX was unfaithful | 58 | 24.6% | 15 | 20.3% | 17 | 27.0% | 11 | 23.9% |
| I had physical health problems | 5 | 2.1% | 1 | 1.4% | 3 | 4.8% | 1 | 2.2% |
| My EX had physical health problems | 4 | 1.7% | 2 | 2.7% | 1 | 1.6% | 0 | 0.0% |
| I had mental health problems | 8 | 3.4% | 3 | 4.1% | 3 | 4.8% | 1 | 2.2% |
| My EX had mental health problems | 74 | 31.4% | 22 | 29.7% | 21 | 33.3% | 18 | 39.1% |
| I had money problems | 16 | 6.8% | 4 | 5.4% | 8 | 12.7% | 2 | 4.3% |
| My EX had money problems | 27 | 11.4% | 8 | 10.8% | 10 | 15.9% | 5 | 10.9% |
| My work pressures | 25 | 10.6% | 8 | 10.8% | 8 | 12.7% | 5 | 10.9% |
| My EX's work pressures | 5 | 2.1% | 1 | 1.4% | 1 | 1.6% | 1 | 2.2% |
| High level and/or frequent mutual conflict | 50 | 21.2% | 15 | 20.3% | 14 | 22.2% | 14 | 30.4% |
| Violence/abuse of me by my EX | 61 | 25.8% | 18 | 24.3% | 18 | 28.6% | 12 | 26.1% |
| Violence/abuse of our child/ren by my EX | 27 | 11.4% | 10 | 13.5% | 9 | 14.3% | 3 | 6.5% |
| I was violent towards or abused my EX | 3 | 1.3% | 0 | 0.0% | 2 | 3.2% | 0 | 0.0% |
| I was violent towards or abused our child/ren | 2 | 0.8% | 0 | 0.0% | 2 | 3.2% | 0 | 0.0% |

| | | | | | | | | |
|---|----|-------|----|-------|----|-------|----|-------|
| My abuse of alcohol or other drugs | 8 | 3.4% | 1 | 1.4% | 5 | 7.9% | 0 | 0.0% |
| My EX's abuse of alcohol or other drugs | 27 | 11.4% | 10 | 13.5% | 10 | 15.9% | 2 | 4.3% |
| Something else | 54 | 22.9% | 21 | 28.4% | 14 | 22.2% | 11 | 23.9% |

Appendix 6(c): Online survey with adults

Section 4: Experiences of family services during and since the separation

Question 1: Please indicate whether or not you have received assistance from any of the following services to help you with decisions about matters arising from your separation/divorce (other than the divorce itself)

Table 10: Numbers and percentages of male and female responses in relation to assistance received from services to help with decisions about matters arising from separation/divorce

| | All respondents | | Male | | Female | |
|---|-----------------|--------|------|--------|--------|--------|
| | n | % | n | % | n | % |
| <i>No of responses to Q</i> | 820 | | 202 | | 615 | |
| Family Relationships Centre | 344 | 41.95% | 89 | 44.06% | 255 | 41.46% |
| Another family dispute resolution service | 328 | 40.00% | 83 | 41.09% | 245 | 39.84% |
| Family Court of Australia | 449 | 54.76% | 104 | 51.49% | 345 | 56.10% |
| Family Court of Western Australia | 48 | 5.85% | 16 | 7.92% | 32 | 5.20% |
| Federal Magistrates Court | 265 | 32.32% | 61 | 30.20% | 203 | 33.01% |
| Legal Services Commission or Legal Aid | 332 | 40.49% | 52 | 25.74% | 279 | 45.37% |
| Community legal centre | 206 | 25.12% | 32 | 15.84% | 174 | 28.29% |
| Lawyer in private practice | 609 | 74.27% | 159 | 78.71% | 450 | 73.17% |
| Mediator in private practice | 122 | 14.88% | 38 | 18.81% | 84 | 13.66% |
| Counsellor in private practice | 440 | 53.66% | 91 | 45.05% | 349 | 56.75% |
| Domestic violence service | 307 | 37.44% | 22 | 10.89% | 284 | 46.18% |
| Child protection service | 223 | 27.20% | 39 | 19.31% | 184 | 29.92% |
| Child Support Agency | 595 | 72.56% | 128 | 63.37% | 465 | 75.61% |
| Centrelink | 555 | 67.68% | 78 | 38.61% | 475 | 77.24% |
| Religious person or group | 171 | 20.85% | 31 | 15.35% | 139 | 22.60% |
| Police | 441 | 53.78% | 85 | 42.08% | 356 | 57.89% |

| | | | | | | |
|--|-----|--------|-----|--------|-----|--------|
| Health service (e.g. a GP or psychiatrist) | 477 | 58.17% | 91 | 45.05% | 384 | 62.44% |
| Informal help (e.g. from family and/or friends) | 642 | 78.29% | 130 | 64.36% | 511 | 83.09% |
| Something else | 113 | 13.78% | 26 | 12.87% | 86 | 13.98% |

All respondents

This question asked adult respondents about the services that had provided them with assistance. For all respondents to this question (n=820), the most common source of assistance received individually or in conjunction with their ex-partner was informal help from family or friends (78% of respondents), followed by lawyers in private practice (74%), the Child Support Agency (73%), Centrelink (68%), health services (e.g. a GP or a psychiatrist: 58%), the Family Court of Australia (55%), state police (53.8%), counsellors in private practice (53.7%), Family Relationship Centres (42%) and Legal Services Commissions or legal aid (40%). The least used services reported by all respondents were the Family Court of Western Australia (6%),¹ mediators in private practice (15%) and religious persons or groups (21%).

Gender

When analysed by gender, it is clear that the cohort of men who responded to this question (n=202) reported using different and fewer family services than the women (n=615). Although overall the number of men and women who reported making arrangements and/or decisions without any professional assistance, or that they did not use any services, was similar (10.8% of male respondents compared to 9.9% of female respondents), however, the patterns of use of family services differed markedly.

Men were most likely to use a lawyer in private practice (79% of male respondents), followed by informal help from family or friends (64.4%), the Child Support Agency (63.4%), the Family Court of Australia (51%) and a health service or counsellor in private practice (both 45%). Women were most likely to use informal help from family and friends (83% of female respondents), followed by Centrelink (77%), the Child Support Agency (76%), a lawyer in private practice (73%) and a health service (62%).

There were gaps, sometimes quite large, between the sexes for use of most family services. For each of the following family services, men were much less likely to have reported using the service than women: Centrelink (39% of men used the service compared with 77% of women), followed by domestic violence services (11% of men compared with 46% of women), Legal Services Commissions or legal aid (26% of men compared with 45% of women), informal help from family or friends (64% of men compared with 83% of women) and health services (45% of men compared with 62% of women).

By a much smaller margin, men were more likely than women to have used lawyers in private practice (79% of men compared to 73% of women), mediators in private practice (19% of men

¹ The data on all respondents were collected nationally, hence the low reported use of the Western Australian Family Court.

compared with 14% of women), the Family Court of Western Australia (8% of men compared to 5.2% of women) and Family Relationship Centres (44% of men compared with 41% of women).

Before and after the 2006 reforms

Table 11: Numbers and percentages of respondents in relation to assistance received from services to help with decisions about matters arising from separation/divorce (other than divorce itself) pre- and post-2006

| | Pre-2006 | | Post-2006 | |
|---|----------|--------|-----------|--------|
| | n | % | n | % |
| No of responses | 246 | | 242 | |
| Family Relationships Centre | 87 | 35.37% | 139 | 57.44% |
| Another family dispute resolution service | 108 | 43.90% | 104 | 42.98% |
| Family Court of Australia | 166 | 67.48% | 120 | 49.59% |
| Family Court of Western Australia | 15 | 6.10% | 15 | 6.20% |
| Federal Magistrates Court | 77 | 31.30% | 92 | 38.02% |
| Legal Services Commission or legal aid | 104 | 42.28% | 108 | 44.63% |
| Community legal centre | 60 | 24.39% | 58 | 23.97% |
| Lawyer in private practice | 204 | 82.93% | 195 | 80.58% |
| Mediator in private practice | 32 | 13.01% | 36 | 14.88% |
| Counsellor in private practice | 134 | 54.47% | 142 | 58.68% |
| Domestic violence service | 86 | 34.96% | 101 | 41.74% |
| Child protection service | 65 | 26.42% | 79 | 32.64% |
| Child Support Agency | 186 | 75.61% | 182 | 75.21% |
| Centrelink | 170 | 69.11% | 178 | 73.55% |
| Religious person or group | 56 | 22.76% | 51 | 21.07% |
| Police | 136 | 55.28% | 148 | 61.16% |
| Health service (e.g. a GP or psychiatrist) | 138 | 56.10% | 159 | 65.70% |
| Informal help (e.g. from family and/or friends) | 186 | 75.61% | 201 | 83.06% |
| Something else | 29 | 11.79% | 34 | 14.05% |

As Table 11 illustrates, by far the greatest difference in service usage between the pre-2006 cohort (n=246) and post-2006 cohort (n=242) was the increase in use of Family Relationship Centres, followed closely by a drop in the use of the Family Court of Australia. Although 36% of respondents who told us that they had separated before 2006 reported using Family Relationship Centres 22% more respondents reported using that services after 2006 (57%). While 67% of the pre 2006 cohort confirmed that they had attended the Family Court of Australia, just 50% of those who separated after 2006 reported going to the court, a reduction of 18%.

Other services which saw an increase in patronage after 2006, according to the reports of our survey respondents, were health, GP and psychiatric services (a 10% increase), informal help from family and friends, the Federal Magistrates Court and domestic violence services (all a 7% increase) and child protection and police services (both a 6% increase).

Table 12: Number, percentage and sex of respondents in relation to their use of services before and after 2006

| | Male Pre-2006 | | Female Pre-2006 | | Male Post-2006 | | Female Post-2006 | |
|--|---------------|--------|-----------------|--------|----------------|--------|------------------|--------|
| | n | % | n | % | n | % | n | % |
| No of responses to Q | 65 | | 181 | | 52 | | 190 | |
| Family Relationships Centre | 26 | 40.00% | 61 | 33.70% | 36 | 69.23% | 103 | 54.21% |
| Another family dispute resolution service | 31 | 47.69% | 77 | 42.54% | 24 | 46.15% | 80 | 42.11% |
| Family Court of Australia | 39 | 60.00% | 127 | 70.17% | 29 | 55.77% | 91 | 47.89% |
| Family Court of Western Australia | 7 | 10.77% | 8 | 4.42% | 3 | 5.77% | 12 | 6.32% |
| Federal Magistrates Court | 22 | 33.85% | 55 | 30.39% | 20 | 38.46% | 72 | 37.89% |
| Legal Services Commission or legal aid | 13 | 20.00% | 91 | 50.28% | 17 | 32.69% | 91 | 47.89% |
| Community legal centre | 7 | 10.77% | 53 | 29.28% | 9 | 17.31% | 49 | 25.79% |
| Lawyer in private practice | 61 | 93.85% | 143 | 79.01% | 44 | 84.62% | 151 | 79.47% |
| Mediator in private practice | 13 | 20.00% | 19 | 10.50% | 10 | 19.23% | 26 | 13.68% |
| Counsellor in private practice | 27 | 41.54% | 107 | 59.12% | 29 | 55.77% | 113 | 59.47% |
| Domestic violence service | 5 | 7.69% | 81 | 44.75% | 9 | 17.31% | 92 | 48.42% |
| Child protection service | 15 | 23.08% | 50 | 27.62% | 15 | 28.85% | 64 | 33.68% |
| Child Support Agency | 46 | 70.77% | 140 | 77.35% | 33 | 63.46% | 149 | 78.42% |
| Centrelink | 29 | 44.62% | 141 | 77.90% | 25 | 48.08% | 153 | 80.53% |
| Religious person or group | 15 | 23.08% | 41 | 22.65% | 6 | 11.54% | 45 | 23.68% |
| Police | 31 | 47.69% | 105 | 58.01% | 26 | 50.00% | 122 | 64.21% |
| Health service (e.g. a GP or psychiatrist) | 32 | 49.23% | 106 | 58.56% | 29 | 55.77% | 130 | 68.42% |
| Informal help (e.g. from family and/or friends) | 42 | 64.62% | 144 | 79.56% | 34 | 65.38% | 167 | 87.89% |
| Something else | 5 | 7.69% | 24 | 13.26% | 6 | 11.54% | 28 | 14.74% |

By analysing the pre- and post-2006 cohorts by gender, it is clear that more men used more family services after 2006 than they did before the 2006 reforms (with some exceptions, explained below). After 2006, women reported using the same or slightly more family services than they had prior to 2006. These changes indicate that after the implementation of the 2006 reforms, there was less of a gap between men's and women's use of family services in some key areas, especially in the area of legal services.

After 2006, when comparing the reports of men who separated and used services before the reforms, 29% more men reported using Family Relationship Centres,² 14% more men reported using counsellors in private practice, 13% more men reported using Legal Services Commissions or legal aid and 10% more men reported using specialist domestic violence services. Services that men

² It is clear that some respondents had trouble differentiating between various family services in their responses.

reported using less frequently after 2006 are religious persons or groups (12% fewer), lawyers in private practice (9% fewer), the Child Support Agency (7% fewer) and both the Family Courts of Australia and Western Australia (4% to 5% fewer).

When comparing the reports of women who separated and used services before and after 2006, there was a less marked increase in use of family services than for male respondents. After the 2006 reforms, 21% more women reported using Family Relationship Centres than before; however it is clear that some respondents had trouble differentiating between various family services in their responses. In addition, 10% more women reported attending health services than before 2006, 8% more women reported using informal help from family and friends and 6% more women reported using police services. Services that women reported using less after 2006 than before the reforms were the Family Court of Australia (22%) and legal services (3% fewer women reported using community legal services after 2006 than before and 2% fewer women reported using lawyers in private practice after 2006 than before).

Overall, after 2006 there was less of a gap between men's and women's use of legal services. Before the 2006 reforms, 30% more women reported using Legal Services Commissions or legal aid than men, but after the 2006 reforms, just 15% more women reported using the same services than men. For community legal centres before the reforms, 19% more women reported using the service than men, but after the reforms, just 8% more women reported using community legal centres than men. Before the reforms 15% more men reported consulting a lawyer in private practice than women, but after 2006, just 5% more men than women reported going to a lawyer in private practice.

Question 2: If you used something else, please specify the service

This question did not yield enough useful data to warrant any detailed analysis.

Question 3: If you used another Family Dispute Resolution Service, please specify which – e.g. Relationships Australia, Centacare, Anglicare, roundtable dispute management, legal aid conferencing, etc.

This question did not yield enough useful data to warrant any detailed analysis.

Question 4: If you have NOT accessed any formal services, please explain why

Overall for the survey, just over 10% of respondents (n=92) told us that they had made arrangements following separation without using formal family services to assist with property, relationship or parenting arrangements following separation (refer to survey question 8, Section 2).

Question 4 asked respondents why they had not accessed any formal family services and invited open-ended responses. We received 119 responses to this question. The qualitative responses have been grouped into 13 categories, outlined in Table 13 below.

Table 13: Number and percentage of responses in relation to reasons why they had not accessed formal family services

| Response category | No. of reponses | Percentage of responses (n=119) |
|--|------------------------|---------------------------------|
| Preferred private resolution | 32 | 26.89% |
| Family violence | 22 | 18.49% |
| Not necessary | 20 | 16.81% |
| Unable to access | 14 | 11.76% |
| Partner refused | 12 | 10.08% |
| Disenfranchised male | 9 | 7.56% |
| Didn't know what services were available | 9 | 7.56% |
| Processes poor | 7 | 5.88% |
| In process of seeking service | 4 | 3.36% |
| Children too old to need assistance | 3 | 2.52% |
| Shame | 1 | 0.84% |
| Processes inappropriate | 1 | 0.84% |
| Not prepared to | 1 | 0.84% |
| total | 351³ | |

The most common reason given for not using any formal family law services was that the respondent preferred to resolve matters privately with his or her former partner themselves without outside help (27%). The next most common reason for avoiding family services was that family violence committed against the respondent made use of the services dangerous or impossible (just over 18%), which is concerning. Almost 17% of respondents stated that they did not use services because they did not think it was necessary to use any services. 12% of respondents made statements which suggested that they did not use formal services because they were unable to access family services for a range of reasons, including because they were in a rural area without such services or because they could not afford services. Finally 10% of respondents to the question suggested that they had not used formal family services because their partner refused to use any services.

The following sub-sections explore the answers to the question of why formal services were not used in 6 of the 13 identified categories. These six categories have been chosen according to frequency.

Preferred private resolution

27% (n=32) of respondents to the question suggested that they did not use formal family services because they preferred private forms of resolution, that is, to resolve matters with their former partners themselves without outside help. Three recurring themes stand out amongst the responses which fit into this category: first, that separation was amicable and no outside help was needed; second, a rejection of the adversarial legal system led parties to use no formal legal services; and

³ Total responses add up to more than the 119 responses received for the question because some answers fitted into multiple categories.

third, that in cases of family violence, victims had chosen to negotiate without professional help because the violence had ceased. Each of these three themes is explored here.

Amongst these respondents, a recurring theme was that the separation was amicable and that the ex-partners were able to resolve all necessary issues without outside help. The parties were motivated to achieve cooperative decision making without prompting or contact with family services. The respondents in this category suggested that they were able to work with their ex-partner and work through difficulties themselves. A common aspect of these responses is a commitment by parents to work together and make decisions in order to protect their children from further conflict.

The following responses, quoted whole and without alteration, illustrate this view:

- *Our relationship is still strong and respectful. We are committed to the children, fairness and equity.*
- *My Ex is a great father and gives everything to his kids, it was the drugs that separated us, I wanted to stop and he couldn't. There was no need for formal services as we work together to give the kids everything they need, no matter how hard it is to put personal feelings aside we just do for the kids sake.*
- *My husband and I came to an amicable arrangement for the division of our property and care of our children. Our children participated in the decision making process.*

Inherent in some responses within this category was an assumption that choosing to avoid formal family services was a choice to reject the legal system, which was seen as unnecessarily adversarial. The following responses illustrate that view:

- *Why should I? The other parent has her rights respected without having to feed the legal system, why are my rights not respected.*
- *Formal services are 'one size fits all' and work to create adversity and conflict between separating parents. So many 'professionals' we talked to before meeting assumed or wanted to see conflict between us, presumably because they are cynical and jaded – or get more money out of relationships in conflict. We wanted to keep the separation civil, so did not engage the so-called 'professionals'.*
- *Thought I would work through it myself. Thought that was fairer and less formalised.*

In a few cases respondents mentioned that they were a victim of family violence, but they had chosen not to use formal family services because the violence had abated. The following responses illustrate this view:

- *Despite the abusive nature of my ex we were able to negotiate shared parenting from the outset.*
- *The violence had stopped for some time so I felt safe to negotiate with him.*

While this is an adequate survival technique adopted by victims of family violence who must negotiate with their violent ex-partner in the family law system following separation, we have concerns over the use of such an unassisted approach to negotiating post-separation agreements. As Hilary Astor has pointed out, the cessation of family violence

May simply be an indicator that the perpetrator can exert effective control over the target without physical violence. The target of the violence may still be unable to assert her own needs and interests freely because she is profoundly affected by emotional abuse, by threats, by social isolation, by economic abuse. The fact that she has secured her safety for a period

does not necessarily mean that she has the capacity to negotiate on equal terms with the perpetrator. (1994: 18:)

Despite the violence being ostensibly over, the approach of negotiating without professional support or structures means that there may be few protections provided for victims of family violence, limited outside scrutiny of agreements made and family violence may be further pushed into the private domain, where it has traditionally been out of sight.

Family violence

The next most common reason for avoiding family services was that family violence committed against the respondent made the use of the services dangerous or impossible (just over 18% of respondents to the question, n=22).

Amongst the responses which fitted into this category there were many repetitive responses from women who said that formal services were not used because their violent male ex-partner refused to agree to use any services. The lack of service use for these respondents was a further expression of the violent control maintained by perpetrator ex-partners. A refusal to use services by the violent ex-partner was explained in many of these responses as a means of control in itself and also as a way of creating a negotiating environment where there were few structural and professional protections for the victim and therefore her wishes could be overridden by the perpetrator. The following responses illustrate this view:

- *Ex refused to participate in any of these things. Again, in hindsight, I realise that this was to ensure that he was able to bully me into agreeing to whatever he wanted.*
- *My ex husband refused invitations to attend Family Relationship Centre, Mediation services. He was determined to thrash it out all the way to the end in the Family Court, hence cost me thousands and thousands of dollars plus stress.*
- *He did not want me talking to anyone about anything that went on.*
- *He does not listen or participate 'only men have needs wants and rights' 'women and kids have no needs wants or rights'.*
- *I still feel bullied & am threatened by my ex to 'not go there'.*
- *Ex would only proffer/tentatively agree as means to inflict further perpetrate psychological abuse i.e. as an agent to threaten removal of the children from my custody, or to engage in further angst.*

A further theme that emerged is that some respondents who identified as victims thought it was not safe to engage with their perpetrator ex-partner at all and so they had used no family services at all as that would have involved contact with their violent ex-partner. The following responses illustrate this view:

- *I felt Relationships Australia were going and trying to push me into talking and make arrangements with my violent Ex about the kids visitation, even though it would have been at a different time and session, and force me into making arrangements for the children to see their dad. When the safest thing for the children was to be mentioned on the Permanent Protection Order (DVO) for two years away from their violent and volatile father whom I'm sure would try to have harmed them to get back at me for leaving him.*
- *Because of the restraining order – were told once that was in place Relationships Australia could not be involved.*
- *How can you mediate with someone who thinks hurting and bullying someone, is their right?*

- *I agreed to attend a mediation service on condition that it last no more than an hour (which was to be cost free) and on condition that I did not have to be in the same room with my ex-husband (against whom I already had a restraining order.)*

Another theme within the responses to this question that relate to family violence is that respondents who identified as victims chose not to use family services out of fear of retributive violence from their ex-partner. The following responses illustrate this view:

- *Don't want to rock the boat, keep things calm.*
- *Tried to go through Child Support Agency but this only serviced to increase the amount of verbal abuse and threats.*
- *Myself and children had to deal with police not helping each time the ex broke intervention order therefore leaving us to try and mentally keep it together being both scared and confused that we were and still are unable to access police help. We are terrified. Praying we don't become another statistic of murder.*

One response to the question which related to family violence suggested that the respondent did not use services because she or he felt too 'ashamed' by the violence to see anyone professionally.

These responses suggest that victims (mostly female) of family violence may be failing to use, unable to access or actively avoiding use of family services as a direct result of the family violence. The fact that so many respondents to this question proffered family violence as a reason for failing to use family services makes this issue worthy of further consideration and investigation.

Not necessary to use family services

Almost 17% of respondents (n=20) to this question stated that they did not use family services because they did not think it was necessary to use any services.

Amongst these responses it is clear that some respondent's life circumstances meant that they simply did not need to formally access the Australian family law system. Some respondents were solicitors themselves or had friends who were, one divorced in another country, some simply lost contact with their ex-partners and had no need to resolve any outstanding issues. The following responses illustrate these issues:

- *He moved interstate after separation and I felt safe then that I only had to deal with his weird parents.*
- *I no longer have contact with my ex and have moved on with my life.*
- *Because of the history of violence and he is also now in gaol.*
- *I contacted Relationships Australia though didn't pursue counselling as my ex had moved to Sydney.*
- *In the industry myself.*
- *I am a qualified family lawyer practising in WA.*
- *Friend was a solicitor.*
- *Divorced in the USA and have subsequently returned to Australia.*

Unable to access family services

12% of respondents (n=14) made statements which suggested that they did not use formal services because they were unable to access family services for a range of reasons, whether because they were in a rural area without such services or because they could not afford services.

One key reason why respondents who fitted into the 'unable to access' category did not access services was that they lived in regional or rural areas. Appropriate family service provision in regional and rural areas is much sparser than in metropolitan regions. A further difficulty of access to family services in rural areas described by respondents to this question is the lack on anonymity in small communities that makes service use awkward or impossible. The following responses illustrate this position:

- *Isolation – living in the country, working seven days a week.*
- *None close.*
- *Nothing available where we live.*
- *They weren't there.*
- *Please recognise that in a small regional city – using any relationship counsellor, psychologist or family assistance is not confidential in my view especially if u r well known – even the receptionist would be aware.*
- *Small town – no anonymity.*

Another reason for not using formal family services amongst respondents was that services were unaffordable. The following responses illustrate this view:

- *too expensive*
- *It all cost a lot of money*
- *I didn't have any money, didn't know the process or what was available. I represented myself at court, my ex never showed up*
- *My legal proceedings did not go so far, I was not provided legal aid and it was too expensive for me to pursue family law case and reach a RDM facility, so I decided not to pursue family law case and have since stopped pursuing any legal aspects.*

These responses reflect real and perceived flaws in family service provision.

Partner refused

10% of respondents (n=12) to the question suggested that they had not used formal family services because their partner refused to use any services. Because many family services, especially family dispute resolution, require the consent, participation or at least goodwill of both ex-partners, use of formal services was made more difficult or impossible by a refusal to participate by one partner. Almost all of the reported refusals to engage in family services in this category came from men. Many of these responses suggest that refusal to attend is a powerful continuation of existing family violence and control by men over women. The following responses illustrate this position:

- *He refuses.*
- *He refused point blank to go. Said there was no problem.*

- *Ex asked for mediation, I agreed through solicitor but he never went through with it.*
- *my ex would not be involved.*
- *Due to being an alcoholic, my ex no longer sees his children, and will not see them until he initiates mediation.*
- *Ex would only proffer/tentatively agree as means to inflict further perpetrate psychological abuse i.e. as an agent to threaten removal of the children from my custody, or to engage in further angst.*
- *Ex refused to participate in any of these things. Again, in hindsight, I realise that this was to ensure that he was able to bully me into agreeing to whatever he wanted.*

Question 5: If you have accessed services to assist you with decisions about FINANCES AND/OR PROPERTY MATTERS arising from your separation, please specify your level of satisfaction with the MAIN SERVICE that you used.

In the analysis for this question, the general 'satisfaction rate' is taken as including responses where the options 'very satisfied', 'satisfied' and 'partly satisfied' were checked. The 'dissatisfaction rate' is measured by including the responses 'partly satisfied' and 'not satisfied'. It is acknowledged that this method may artificially inflate the number of respondents who are counted as satisfied and dissatisfied, because some of those who have checked 'partly satisfied' are both somewhat dissatisfied and somewhat satisfied. Some respondents are counted more than once, using this method. In interpreting these results, it should be taken into account that the actual level of satisfaction with family services may be slightly lower.

Table 14: Numbers and percentages of respondents in relation to their levels of satisfaction and dissatisfaction with the main service used for finance and property matters

| Answer options | All respondents | | Satisf'n rate ALL | Disatisf'n rate ALL |
|--------------------------|-----------------|--------|----------------------|------------------------|
| | n | % | % | % |
| Not satisfied | 173 | 27.16% | | |
| Partly satisfied | 156 | 24.49% | | |
| Not relevant | 147 | 23.08% | | |
| Satisfied | 123 | 19.31% | 49.76% | 51.65% |
| Very satisfied | 38 | 5.97% | | |
| answered question | 637 | | | |

As Table 14 illustrates, for all respondents (n=637), the satisfaction rate with the main service used to assist with making decisions about finances and or property matters arising from separation was just under 50%. This is the highest level of satisfaction expressed by all respondents with any of the services we asked about in this survey (satisfaction rates of all respondents with family violence services was 48% and 46% for services used to assist with decision making for children's matters.)

The number of respondents who expressed dissatisfaction overall was slightly higher at 52%. The near equal division between satisfaction and dissatisfaction rates for respondents to this survey indicates that family services provision may need to improve before many clients are happy with the service level they receive.

The impact of the 2006 reforms

Table 15: Numbers and percentage of respondents in relation to their levels of satisfaction and dissatisfaction with the main service used for finance and property matters before and after 2006

| Answer options | PRE-2006 | | | | POST-2006 | | | |
|--------------------------|----------|--------|---------------|------------------|-----------|--------|---------------|------------------|
| | Pre 2006 | | Satisf'n Rate | Dissatisf'n Rate | Post 2006 | | Satisf'n Rate | Dissatisf'n Rate |
| | n | % | % | % | n | % | % | % |
| Not satisfied | 64 | 30.19% | | | 49 | 25.52% | | |
| Partly satisfied | 55 | 25.94% | | | 53 | 27.60% | | |
| Not relevant | 33 | 15.57% | | | 39 | 20.31% | | |
| Satisfied | 49 | 23.11% | 54.25% | 56.13% | 39 | 20.31% | 54.17% | 53.13% |
| Very satisfied | 11 | 5.19% | | | 12 | 6.25% | | |
| answered question | 212 | | | | 192 | | | |

As Table 15 illustrates, there was minimal variation before and after the 2006 reforms in the satisfaction rates with the *main service used* to assist with making decisions about finances and or property matters. This result is surprising as the 2006 reforms heralded the introduction of the Family Relationship Centres, whose focus, with some regional variations, is almost exclusively on helping parents to resolve disputes over the care of their children, to the exclusion of property or finance disputes.⁴ Clients who attend Family Relationship Centres with property disputes (whether exclusively or in conjunction with children's disputes) are likely to be referred on to other family services, increasing the potential for dissatisfaction.

For those respondents to this question who separated and went through the system prior to the 2006 reforms (n=212), 54% expressed some form of satisfaction with the services they used for property and finance matters. For the post 2006 cohort (n=192), 54% were satisfied. The dissatisfaction rate lessened marginally after 2006, going from 56% for the pre-2006 cohort to 53% for the post 2006 group. That suggests a minimal impact of the 2006 reforms upon the satisfaction with services used to resolve property and/or finance issues following separation.

⁴ Where Family Relationship Centres have the expertise and clients present with both property and children's disputes, Centres may include the property issues in the dispute resolution process: Australian Government, Attorney-General's Department (2007: 49).

The impact of gender

Table 16: Numbers and percentages of males and females in relation to their levels of satisfaction and dissatisfaction with the main service used for finance and property matters

| Answer options | Male | | Satisf'n Rate MALE | Dissatisf'n Rate MALE | Female | | Satisfat'n Rate FEMALE | Dissatisf'n Rate FEMALE |
|--------------------------|------------|--------|-----------------------|--------------------------|------------|--------|---------------------------|----------------------------|
| | n | % | % | % | n | % | % | % |
| Not satisfied | 56 | 36.60% | | | 117 | 24.32% | | |
| Partly satisfied | 35 | 22.88% | | | 120 | 24.95% | | |
| Not relevant | 40 | 26.14% | | | 105 | 21.83% | | |
| Satisfied | 18 | 11.76% | 37.25% | 59.48% | 105 | 21.83% | 53.85% | 49.27% |
| Very satisfied | 4 | 2.61% | | | 34 | 7.07% | | |
| <i>answered question</i> | <i>153</i> | | | | <i>481</i> | | | |

As Table 16 illustrates, gender provided the key variable in satisfaction rates with the main service used to assist with making decisions about finances and or property matters arising from separation. Men appeared much less satisfied with these services than women. Of male respondents to the question (n=153), 37% expressed satisfaction with the services used, while of the female respondents to the question (n=481), 54% expressed satisfaction, a gap of almost 17%. The male dissatisfaction rate (almost 60%) was much higher than the female dissatisfaction rate (49%). These figures suggest a large cohort of male respondents were particularly dissatisfied with the services they received for property or finance issues. That lower satisfaction rate for men did not vary between the pre and post 2006 cohorts.

The impact of family violence

Table 17: Numbers and percentages of respondents in relation to their levels of satisfaction and dissatisfaction with the main service used for finance and property matters where violence was 'an issue'

| Answer options | Violence an issue | | Satisf'n rate violence | Dissatisf'n rate violence |
|--------------------------|-------------------|--------|------------------------|---------------------------|
| | n | % | % | % |
| Not satisfied | 147 | 29.50% | | |
| Partly satisfied | 126 | 25.30% | | |
| Not relevant | 108 | 21.60% | | |
| Satisfied | 92 | 18.40% | 48.90% | 54.80% |
| Very satisfied | 26 | 5.20% | | |
| <i>answered question</i> | <i>499</i> | | | |

As Table 17 illustrates, the self-identification of violence in a relationship appeared to play little contributing role in creating the low satisfaction rates with services for property and finance issues for respondents. Where respondents identified that violence was 'an issue' in their relationship with their ex-partner (without differentiating between perpetrators or victims, n=499) there was very little variation in the satisfaction rate between the violence cohort (49%) and the general satisfaction rate for all respondents (just under 50%). The dissatisfaction rate for the violence cohort (nearly 55%) was only marginally increased from the dissatisfaction rate for all respondents (52%). These figures suggest that the violence may have had a very marginal effect on levels of dissatisfaction with family law services used for assistance with making decisions about finances and or property matters arising from separation.

Question 6: Please name the service that you used (to assist you with decisions about FINANCES AND/OR PROPERTY MATTERS arising from your separation)

This question did not yield enough useful data to warrant any detailed analysis.

Question 7: If you have accessed services to assist with FAMILY VIOLENCE ISSUES, please specify your level of satisfaction with the MAIN SERVICE that you used

This question enquired about respondents' satisfaction with the main service used to assist them to make decisions about family violence issues. In total, 603 responses were submitted to this question.

Respondents were asked about their level of satisfaction with the service used. In the analysis for this question, the general 'satisfaction rate' is taken as including responses where the options 'very satisfied', 'satisfied' and 'partly satisfied' were checked. The 'dissatisfaction rate' is measured by including the responses 'partly satisfied' and 'not satisfied'. It is acknowledged that this method may artificially inflate the number of respondents who are counted as satisfied and dissatisfied, because some of those who have checked 'partly satisfied' are both somewhat dissatisfied and somewhat satisfied. Some respondents are counted more than once, using this method. In interpreting these results, it should be taken into account that the actual rate of satisfaction or satisfaction with family services may be slightly lower than what is listed here.

Table 18: Numbers and percentages of respondents in relation to their overall levels of satisfaction and dissatisfaction with the main service used for family violence issues

| Answer options | All respondents | | Satisf'n rate ALL | Disatisf'n rate ALL |
|--------------------------|-----------------|--------|----------------------|------------------------|
| | n | % | % | % |
| Not satisfied | 190 | 31.51% | | |
| Partly satisfied | 112 | 18.57% | | |
| Not relevant | 123 | 20.40% | | |
| Satisfied | 106 | 17.58% | 48.09% | 50.08% |
| Very satisfied | 72 | 11.94% | | |
| <i>answered question</i> | 603 | | | |

Table 18 illustrates, for all respondents to this question (n=603), the satisfaction rate with the main service used to assist with making decisions about family violence was just under 48%. The number of respondents who expressed dissatisfaction overall was slightly higher at 50%. The near equal levels of satisfaction and dissatisfaction levels with family violence services suggested a strong division of feeling about these services amongst survey respondents.

Family violence and the impact of the 2006 reforms

Table 19: Numbers and percentages of respondents in relation to level of satisfaction and dissatisfaction with the main service used for family violence issues before and after 2006

| Answer options | Pre-2006 | | Satisf'n rate PRE-2006 | Disatisf'n rate PRE-2006 | Post-2006 | | Satisf'n rate POST-2006 | Disatisf'n rate POST-2006 |
|--------------------------|----------|--------|------------------------|--------------------------|-----------|--------|-------------------------|---------------------------|
| | n | % | % | % | n | % | % | % |
| Not satisfied | 55 | 29.57% | | | 62 | 33.16% | | |
| Partly satisfied | 33 | 17.74% | | | 38 | 20.32% | | |
| Not relevant | 44 | 23.66% | | | 31 | 16.58% | | |
| Satisfied | 33 | 17.74% | 46.77% | 47.31% | 31 | 16.58% | 50.27% | 53.48% |
| Very satisfied | 21 | 11.29% | | | 25 | 13.37% | | |
| answered question | 186 | | | | 187 | | | |

As Table 19 illustrates, there was a small variation in satisfaction levels with family violence services before and after the 2006 reforms. Of respondents who told us that they separated and used services before 2006 (n=186) 47% were satisfied with family violence services. That figure is slightly less than the post 2006 figure for respondents who told us that they separated and used family violence services after 2006 (n=187); just over 50% were satisfied at some level with the family violence services they used.

Simultaneously, there was a slightly larger increase in dissatisfaction with family violence services after the reforms. Before 2006, 47% of respondents to the question reported some level of dissatisfaction with services used to assist with family violence, whereas after 2006, 53% of respondents reported being dissatisfied with family violence services, an increase in dissatisfaction of over 6%.

The impact of gender

Table 20: Number and percentage of males and females in relation to their level of satisfaction and dissatisfaction with the main service used for family violence issues

| Answer options | Male | | Satisf'n rate MALE | Disatisf'n rate MALE | Female | | Satisf'n rate FEMALE | Disatisf'n rate FEMALE |
|--------------------------|------------|--------|-----------------------|-------------------------|------------|--------|-------------------------|---------------------------|
| | n | % | % | % | n | % | % | % |
| Not satisfied | 57 | 44.19% | | | 133 | 28.18% | | |
| Partly satisfied | 17 | 13.18% | | | 95 | 20.13% | | |
| Not relevant | 44 | 34.11% | | | 78 | 16.53% | | |
| Satisfied | 6 | 4.65% | 21.71% | 57.36% | 99 | 20.97% | 55.30% | 48.31% |
| Very satisfied | 5 | 3.88% | | | 67 | 14.19% | | |
| answered question | 129 | | | | 472 | | | |

As Table 20 illustrates, on the question of satisfaction with services used to deal with family violence, the clearest division of responses was according to gender. While women were generally moderately satisfied with services used to assist them with family violence in the family law context, men were less satisfied. Nevertheless, the gap between men's and women's responses was much less extreme amongst those respondents who described themselves as 'dissatisfied' with family violence services. While men may not be as satisfied as women with services used to assist with family violence, men's extreme dissatisfaction with these services is much closer to the dissatisfaction rate for women with the same services.

Of male respondents to the question (n=129) just 22% were satisfied with services they used to deal with family violence, an extremely low figure compared to all responses. On the other hand, female respondents (n=472) expressed a satisfaction rate of 55% with family violence services, a huge gap of 34%. The female satisfaction rate was 7% higher than that received from all respondents.

The gap between men's and women's dissatisfaction rates was not quite as extreme. Men's dissatisfaction rate with family violence services in this survey was 57%, while women's was 55%. The male and female dissatisfaction rates are closer to each other than the satisfaction rates were. While both of these rates are somewhat higher the dissatisfaction rate with family violence services for all respondents to the survey (that was 50%), the male dissatisfaction rate did not vary from all responses as drastically as the satisfaction rate did. That suggests that while many men are less satisfied with family violence services than women, so many men did not feel so disenfranchised by their experiences with family violence services that they described their reaction to family violence services as 'dissatisfaction'.

Table 21: Numbers and percentages of males in relation to their levels of satisfaction and dissatisfaction with the main service used for family violence issues before and after 2006

| Answer options | Male pre-2006 | | Satisf'n rate MALE PRE-2006 | Disatisf'n rate MALE PRE-2006 | Male post-2006 | | Satisf'n rate MALE POST-2006 | Disatisf'n rate MALE POST-2006 |
|---------------------------------|---------------|--------|-----------------------------------|-------------------------------------|----------------|--------|------------------------------------|--------------------------------------|
| | n | % | % | % | n | % | % | % |
| Not satisfied | 19 | 45.24% | | | 13 | 34.21% | | |
| Partly satisfied | 6 | 14.29% | | | 6 | 15.79% | | |
| Not relevant | 14 | 33.33% | | | 13 | 34.21% | | |
| Satisfied | 3 | 7.14% | 21.43% | 59.52% | 2 | 5.26% | 15.79% | 50.00% |
| Very satisfied | 0 | 0.00% | | | 4 | 10.53% | | |
| <i>answered question</i> | 42 | | | | 38 | | | |

Looking closer at male satisfaction rates with family violence services, it appears that male respondent's satisfaction with these services has dropped since the 2006 reforms.

Of the pre-2006 male cohort for the adult survey (n=42), 21% expressed satisfaction with family violence services, a figure nearly identical to the general male satisfaction rate for family violence services. However after the 2006 reforms (n=38), just 16% expressed satisfaction with the same services, a drop in satisfaction of almost 6%.

Inversely, the male dissatisfaction rate dropped after the reforms. Just fewer than 60% of the pre-2006 male cohort expressed dissatisfaction with family violence services, while after the reforms, that rate dropped to 50%.

It is difficult to explain the decrease in both satisfaction and dissatisfaction rates amongst male survey respondents since the 2006 reforms. It may be that while men feel generally less satisfied with family violence services since the 2006 the dissatisfaction is not as extreme as it was prior to the changes.

Table 22: Numbers and percentages of females in relation to their levels of satisfaction and dissatisfaction with the main service used for family violence issues before and after 2006

| Answer options | Female pre-2006 | | Satisf'n rate FEMALE PRE-2006 | Disatisf'n rate FEMALE PRE-2006 | Female Post 2006 | | Satisf'n rate FEMALE POST-2006 | Disatisf'n rate FEMALE- POST 2006 |
|--------------------------|-----------------|-------|-------------------------------------|---------------------------------------|------------------|-------|--------------------------------------|---|
| | n | % | % | % | n | % | % | % |
| Not satisfied | 36 | 25.00 | | | 49 | 32.89 | | |
| | | % | | | | % | | |
| Partly satisfied | 27 | 18.75 | | | 32 | 21.48 | | |
| | | % | | | | % | | |
| Not relevant | 30 | 20.83 | | | 18 | 12.08 | | |
| | | % | | | | % | | |
| Satisfied | 30 | 20.83 | 51.21% | 43.75% | 29 | 19.46 | 55.03% | 54.36% |
| | | % | | | | % | | |
| Very satisfied | 21 | 14.58 | | | 21 | 14.09 | | |
| | | % | | | | % | | |
| answered question | 144 | | | | 149 | | | |

Women's satisfaction with services used to deal with family violence increased slightly over the reform period. This increase in women's satisfaction provides a clear juxtaposition to men's satisfaction with the same services which dropped over the reform period.

Of the pre-2006 cohort of females (n=144), 51% expressed some level of satisfaction with the services they used for family violence. 55% of women after 2006 (n=149) expressed satisfaction with the same services, a small increase in satisfaction rates with family violence services of almost 4%.

At the same time as female satisfaction levels rose, women's dissatisfaction with services used to deal with family violence increased by a significant amount. Women who separated and used family violence services before 2006 reported dissatisfaction at the rate of 44%. Women who used the same services after the 2006 reforms reported being dissatisfied at the rate of 54%, an increase of almost 11%.

Again, it is difficult to explain the small increase in satisfaction with services used to deal with family violence over the reform period for women and the corresponding larger increase in dissatisfaction levels with the same services.

Question 8: Please name the service that you used (to assist with FAMILY VIOLENCE ISSUES)

This question did not yield enough useful data to warrant any detailed analysis.

Question 9: If you have accessed services to assist you with DECISIONS ABOUT CHILDREN'S MATTERS arising from your separation, please specify your level of satisfaction with the MAIN SERVICE that you used

This question enquired about respondents' satisfaction with the main service used to assist them to make decisions about children's matters arising from separation. In total, 666 responses were submitted to this question.

Respondents were asked about their level of satisfaction with the service used. In the analysis for this question, the general 'satisfaction rate' is taken as including responses where the options 'very satisfied', 'satisfied' and 'partly satisfied' were checked. The 'dissatisfaction rate' is measured by including the responses 'partly satisfied' and 'not satisfied'. It is acknowledged that this method may artificially inflate the number of respondents who are counted as satisfied and dissatisfied, because some of those who have checked 'partly satisfied' are both somewhat dissatisfied and somewhat satisfied. Some respondents are counted more than once, using this method. In interpreting these results, it should be taken into account that the actual rate of satisfaction or satisfaction with family services may be slightly lower than what is listed here.

Table 23: Numbers and percentages of respondents in relation to levels of satisfaction and dissatisfaction with the main service used to assist with decisions about children's matters arising from the separation

| Answer options | All respondents | | Satisf'n rate ALL | Disatisf'n rate ALL |
|--------------------------|-----------------|--------|----------------------|------------------------|
| | n | % | % | % |
| Not satisfied | 274 | 41.14% | | |
| Partly satisfied | 149 | 22.37% | | |
| Not relevant | 88 | 13.21% | | |
| Satisfied | 105 | 15.77% | 45.65% | 63.51% |
| Very satisfied | 50 | 7.51% | | |
| answered question | 666 | | | |

As Table 23 illustrates, of all respondents to this question (n=666) almost 46% expressed some level of satisfaction with services used to assist them with decisions about children's matters arising from separation. This is the lowest level of satisfaction expressed by all respondents with any of the services we asked about in this survey (satisfaction for all respondents with services used to assist with property or finance matters was almost 50% and was 48% for family violence services).

The dissatisfaction rate expressed by all respondents with services used to assist them with decisions about children's matters arising from separation was a high 64%. This figure suggests a significant sense of disenfranchisement and disillusionment with children's services amongst respondents to this survey. The dissatisfaction rate with children's services contrasts to the much lower levels of dissatisfaction expressed by all respondents with property services (almost 52%) and services used to deal with family violence (50%).

Table 24: Numbers and percentages of males and females in relation to their levels of satisfaction and dissatisfaction with the main service used to assist with decisions about children's matters arising from the separation

| Answer options | Male | | Satisf'n rate MALE | Disatisf'n rate MALE | Female | | Satisf'n rate FEMALE | Disatisf'n rate FEMALE |
|---------------------------------|------------|--------|--------------------|----------------------|------------|--------|----------------------|------------------------|
| | n | % | % | % | n | % | % | % |
| Not satisfied | 81 | 50.00% | | | 193 | 38.37% | | |
| Partly satisfied | 29 | 17.90% | | | 119 | 23.66% | | |
| Not relevant | 22 | 13.58% | | | 66 | 13.12% | | |
| Satisfied | 20 | 12.35% | 36.42% | 67.90% | 85 | 16.90% | 48.51% | 62.03% |
| Very satisfied | 10 | 6.17% | | | 40 | 7.95% | | |
| <i>answered question</i> | 162 | | | | 503 | | | |

Men were clearly much less satisfied with services used to assist with decision-making about children's matters than women. Men were also more dissatisfied with these services than women, although the gap in satisfaction rates was less significant than for satisfaction rates.

Of men who responded to this question (n=162) just 32% expressed some level of satisfaction with services used to assist with decision-making about children's matters arising from separation. This is an extremely low rate of satisfaction. Of women who responded to this question (n=503), just under 49% expressed some satisfaction with services used to assist with decision-making about children's matters arising from separation. That figure for women is much closer to the general satisfaction rate with children's services than the men's figure. The gap between women's and men's satisfaction rate was 12%, a significant gap.

Dissatisfaction rates with children's services were high amongst both men and women, with the gap between men's and women's dissatisfaction much less than for satisfaction. 68% of men who responded to this question expressed dissatisfaction with services used to assist them with decisions about children's matters arising from separation, and just over 62% of women expressed dissatisfaction with the same services. That gap, just under 6% is half that of satisfaction rates with children's services. Large numbers of both men and women who responded to this survey felt so alienated from the services they used to assist them with decisions about children's matters arising from separation that they described themselves as 'dissatisfied'. The smaller gap between men's and women's dissatisfaction rates suggests that this feeling is near universal and is less divided than respondents' positive experiences with children's services.

Table 25: Numbers and levels of respondents in relation to their levels of satisfaction and dissatisfaction with the main service used to assist with decisions about children's matters arising from separation before and after 2006

| Answer options | Pre-2006 | | Satisf'n rate PRE- 2006 | Disatisf'n rate PRE- 2006 | Post-2006 | | Satisf'n rate POST- 2006 | Disatisf'n rate POST- 2006 |
|---------------------------------|----------|--------|----------------------------------|---------------------------------|-----------|--------|-----------------------------------|----------------------------------|
| | n | % | % | % | n | % | % | % |
| Not satisfied | 72 | 36.00% | | | 96 | 45.28% | | |
| Partly satisfied | 43 | 21.50% | | | 49 | 23.11% | | |
| Not relevant | 32 | 16.00% | | | 16 | 7.55% | | |
| Satisfied | 38 | 19.00% | 48.00% | 57.50% | 31 | 14.62% | 47.17% | 68.40% |
| Very satisfied | 15 | 7.50% | | | 20 | 9.43% | | |
| <i>answered question</i> | 200 | | | | 212 | | | |

There was little movement in satisfaction rates with services used to assist respondents with decisions about children's matters arising from separation across the reform period. However dissatisfaction with the same services rose markedly after the 2006 reforms were introduced.

Of the pre-2006 cohort (n=200) 48% expressed satisfaction with services used to assist them with decisions about children's matters arising from separation. That figure dropped marginally in the post-2006 cohort (n=212) to just over 47%. Dissatisfaction amongst the pre-2006 cohort was 58% which increased to 68% after 2006, a significant increase. That suggests that the main change between the pre- and post-2006 period in relation to children's services was a marked increase, amongst survey respondents, of dissatisfaction with the services used to assist with decision making for children's matters, a theme that is repeated throughout the analysis of the data.

Table 26: Numbers and percentages of males in relation to their levels of satisfaction and dissatisfaction with the main service used to assist with decisions about children's matters arising from the separation before and after 2006

| Answer options | Male pre-2006 | | Satisf'n rate MALE PRE- 2006 | Disatisf'n rate MALE Pre-2006 | Male post-2006 | | Satisf'n rate MALE POST- 2006 | Disatisf'n rate MALE POST-2006 |
|---------------------------------|---------------|--------|--|-------------------------------------|----------------|--------|---|--------------------------------------|
| | n | % | % | % | n | % | % | % |
| Not satisfied | 27 | 51.92% | | | 18 | 40.91% | | |
| Partly satisfied | 7 | 13.46% | | | 9 | 20.45% | | |
| Not relevant | 6 | 11.54% | | | 6 | 13.64% | | |
| Satisfied | 7 | 13.46% | 36.54% | 65.38% | 8 | 18.18% | 45.45% | 61.36% |
| Very satisfied | 5 | 9.62% | | | 3 | 6.82% | | |
| <i>answered question</i> | 52 | | | | 44 | | | |

As Table 26 illustrates, by further dividing the pre- and post-2006 cohorts by gender, there were clear gender patterns in children's services satisfaction levels within the pre- and post-2006 cohorts. Despite minimal movement in the general satisfaction levels with children's services between the pre- and post-2006 cohort, men's satisfaction with children's services increased while women's satisfaction decreased over the reform period. The 2006 reforms may have improved some men's experiences with services used to assist respondents with decisions about children's matters arising from separation. Correspondingly women appeared to be much more disillusioned with children's services after the 2006 reforms than before. Whereas men appeared to feel appeased by the reforms, women appeared to find themselves worse off than before 2006, when using services to assist them with decisions about children's matters arising from separation.

Of the male pre-2006 cohort (n=52), almost 37% expressed satisfaction with services used to assist them with decisions about children's matters arising from separation, a very low level of satisfaction. Male satisfaction with children's services increased amongst the post-2006 male cohort (n=44) to just over 45%. That was an increase of almost 9%. Despite minimal movements in the general satisfaction levels with children's services between the pre- and post-2006 cohort, men's satisfaction with children's services increased over the same period.

The level of dissatisfaction amongst the pre-2006 male cohort with services used to assist respondents with decisions about children's matters arising from separation was 65%, a very high rate indeed. This level of dissatisfaction reduced marginally after 2006 amongst male respondents to the question, with just over 61% expressing some level of dissatisfaction with children's services. This drop in dissatisfaction corresponds with the increase in satisfaction over the reform period, suggesting that although satisfaction rates amongst men with children's services are low and dissatisfaction rates high, the 2006 reforms may have improved some men's experiences with services used to assist respondents with decisions about children's matters arising from separation.

Table 27: Numbers and percentages of females in relation to their levels of satisfaction and dissatisfaction with the main service used to assist with decisions about children's matters arising from the separation before and after 2006

| Answer options | Female pre-2006 | | Satisf'n rate FEMALE PRE- 2006 | Disatisf'n rate FEMALE PRE-2006 | Female post-2006 | | Satisf'n rate FEMALE POST- 2006 | Disatisf'n rate FEMALE POST-2006 |
|--------------------------|-----------------|--------|---|---------------------------------------|------------------|--------|--|--|
| | n | % | % | % | n | % | % | % |
| Not satisfied | 45 | 30.41% | | | 78 | 46.43% | | |
| Partly satisfied | 36 | 24.32% | | | 40 | 23.81% | | |
| Not relevant | 26 | 17.57% | | | 10 | 5.95% | | |
| Satisfied | 31 | 20.95% | 52.03% | 54.73% | 23 | 13.69% | 47.62% | 70.24% |
| Very satisfied | 10 | 6.76% | | | 17 | 10.12% | | |
| answered question | 148 | | | | 168 | | | |

As Table 27 illustrates, women's satisfaction with services to assist them with decisions about children's matters arising from separation decreased through the reform period. Correspondingly, women's dissatisfaction with the same services rose dramatically through the same period. Women do not appear to feel favoured by the 2006 reforms in their use of children's services, in fact, many more women than before the reforms feel disillusioned and dissatisfied with the children's services they received after 2006.

Of the female pre-2006 cohort (n=148), satisfaction with services used to assist respondents with decisions about children's matters arising from separation was 52%. After 2006 for women (n=168), expressions of satisfaction with children's services dropped slightly to just under 48% of respondents in this cohort. This was a minimal change, a drop of just over 4% in satisfaction levels and contrasts starkly to the 9% increase in satisfaction for men with the same services over the same period.

The largest change for women over the reform period was a massive increase in dissatisfaction rates with services to assist respondents with decisions about children's matters arising from separation. While just under 55% of women before 2006 expressed dissatisfaction with services used to assist respondents with decisions about children's matters arising from separation, after the reforms, a substantial 70% of women expressed dissatisfaction with the same services. The increase in women's dissatisfaction with children's services over the reform period was just under 16%. The post 2006 female dissatisfaction rate with children's services was much higher than the male rate at the same time (which was 61%).

Prior to the 2006 reforms it was men who were more dissatisfied with children's services than women (male pre-2006 dissatisfaction was 65% compared to women's 55%). After the reforms, women were more dissatisfied with children's services than men (male post-2006 dissatisfaction was 61% compared to women's 70%). The reversal of men's and women's dissatisfaction levels with services used to assist them with decisions about children's matters arising from separation suggests that the reforms brought about changes to service provision for parents with post-separation children's disputes that disenfranchised many more women than men. Whereas men appeared to feel appeased by the reforms, women appeared to find themselves worse off than before 2006, when using services to assist them with decisions about children's matters arising from separation.

Table 28: Numbers and percentages of respondents in relation to their levels of satisfaction and dissatisfaction with the main service used to assist with decisions about children's matters arising from the separation where violence was an issue

| Answer options | Violence an issue | | Satisf'n rate Violence | Disatisf'n rate VIOLENCE |
|--------------------------|-------------------|--------|---------------------------|-----------------------------|
| | n | % | % | % |
| Not satisfied | 233 | 43.47% | | |
| Partly satisfied | 126 | 23.51% | | |
| Not relevant | 56 | 10.45% | | |
| Satisfied | 84 | 15.67% | 46.08% | 66.98% |
| Very satisfied | 37 | 6.90% | | |
| <i>answered question</i> | 536 | | | |

The satisfaction rate with services to assist them with decisions about children's matters arising from separation for those who identified that family violence was an issue in their relationship (without identifying gender or who was the perpetrator or victim) was almost the same as the satisfaction rate expressed for all respondents to the survey. Dissatisfaction rates for this cohort were marginally higher than for all respondents. These figures suggest that while the presence of relationship violence may not have affected service users' positive accounts of their experiences at children's services, the experience of violence did marginally lead parties to feel more dissatisfied and disillusioned with their use of services to assist them with decisions about children's matters arising from separation.

Of respondents to the question who said that family violence was an issue in their relationship (without identifying gender or who was the perpetrator or victim, n=536), 46% expressed satisfaction with services used to assist them with decisions about children's matters arising from separation. That rate was marginally higher than the satisfaction rate with the same services expressed by all respondents (just under 46%).

The dissatisfaction rate amongst respondents to the question who said that family violence was an issue in their relationship was 67%. That is a high rate. That rate is marginally higher than the dissatisfaction rate for all respondents to the survey (just under 64%).

Question 10: Please name the service that you used (to assist you with DECISIONS ABOUT CHILDREN'S MATTERS arising from your separation).

This question did not yield enough useful data to warrant any detailed analysis.

Appendix 6(d): Online survey with adults

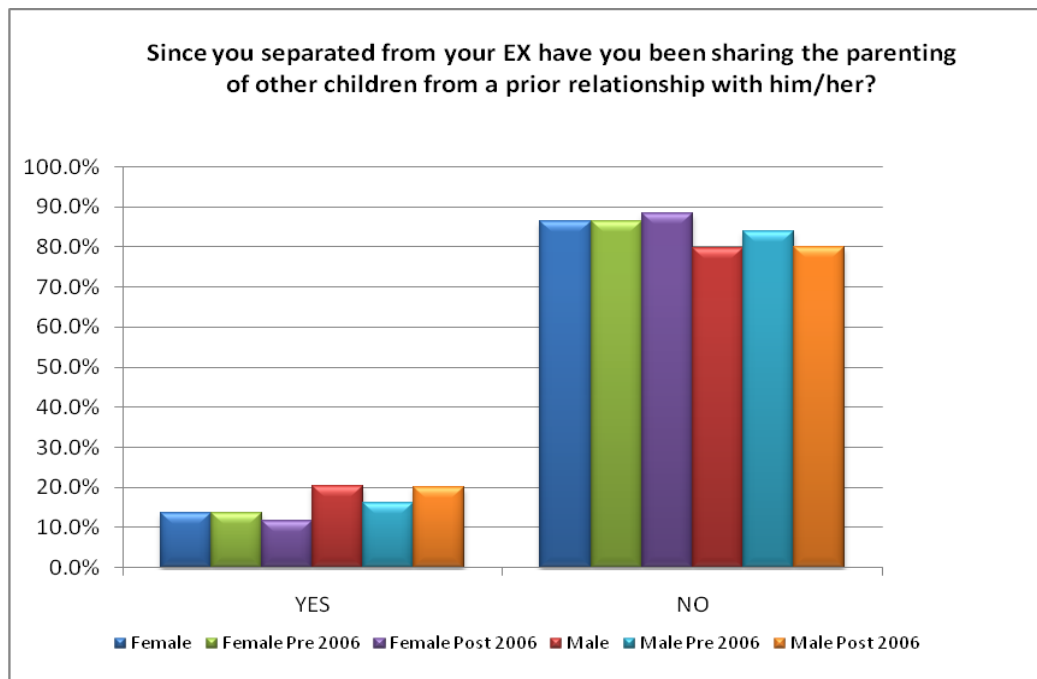
Section 5: Children and parenting post-separation

Question 1: What are the ages of your children?

The ages of the children of the adult respondents varied considerably; there were very young children (0 to 12 month old) with a high number of young children (1 to 5) and a high number of teenagers. There were also a considerable number of people who referred to their adult children (18+). This shows that parents are protective of their children regardless of their age and feel equally responsible for their well-being even if they are past the rearing years.

Question 2: Since you separated from your EX have you been sharing the parenting of other children from a prior relationship with him/her?

Graph 55: Percentage of male and female responses in relation to cohort and whether or not their children in the care of a non-biological parent



A relatively small number of parents (more men than women) reported that they shared the parenting of children from a prior relationship, both before and after the 2006 amendments to the *Family Law Act*.

Question 3: Who was the primary caregiver of the child/ren prior to your separation?

This question was asked was to determine whether pre-separation parenting patterns were replicated post-separation and whether there was a difference in pre- and post-separation arrangements and/or aspirations between our various cohorts.

Table 29: Percentages, numbers and roles of respondents who were regarded by respondents as being the primary caregivers of children prior to separation

| Answer options | Response percent | Response count |
|--------------------------|------------------|----------------|
| Mother | 72.50% | 530 |
| Father | 4.40% | 32 |
| Both parents | 22.00% | 161 |
| Grandparents | 0.30% | 2 |
| Someone else | 0.80% | 6 |
| <i>answered question</i> | | 731 |
| <i>skipped question</i> | | 200 |

Table 29 indicates that for the majority of respondents women were regarded as the primary caregivers prior to separation. This reflects earlier findings in this regard (Smyth, 2005).

The following table filters the data according to gender:

Table 30: Percentages and numbers of male and female responses in relation to who they thought were the primary caregivers of children prior to separation

| Answer options | Male | | Female | |
|--------------------------|------|--------|--------|--------|
| | n | % | n | % |
| Mother | 54 | 30.00% | 471 | 86.40% |
| Father | 26 | 14.40% | 5 | 0.90% |
| Both parents | 95 | 52.80% | 66 | 12.10% |
| Grandparents | 1 | 0.60% | 1 | 0.20% |
| Someone else | 4 | 2.20% | 2 | 0.40% |
| <i>answered question</i> | 180 | | 545 | |

The figures in Table 30 have relied on self reporting. They indicate that the vast majority of women reported that mothers were the primary caregiver 86.4% (n=471) compared with 30% (n=54) of fathers. On the other hand 14.4% (n=26) of men responded that they were the primary caregivers whereas only 0.9% (n=5) of women responded that men were the primary caregivers prior to separation. In addition, more than half of the male respondents 52.8% (n=95) answered that both parents were the primary caregivers compared with 12.1% (n=66) of women.

These responses indicate that men and women may have different perspectives on what is meant by a 'primary caregiver'. This trend continued when the data was further broken down:

Table 431: Percentages and numbers of male and female responses in relation to who they thought were primary caregivers of children prior to separation pre-2006 and post-2006

| Answer options | Male pre-2006 | % | Female pre-2006 | % | Male post-2006 | % | Female post-2006 | % |
|--------------------------|---------------|--------|-----------------|--------|----------------|--------|------------------|--------|
| | n | | n | | n | | n | |
| Mother | 17 | 27.90% | 139 | 87.40% | 15 | 32.60% | 156 | 89.70% |
| Father | 9 | 14.80% | 3 | 1.90% | 7 | 15.20% | 1 | 0.60% |
| Both parents | 35 | 57.40% | 17 | 10.70% | 23 | 50.00% | 15 | 8.60% |
| Grandparents | 0 | 0.00% | 0 | 0.00% | 1 | 2.20% | 0 | 0.00% |
| Someone else | 0 | 0.00% | 0 | 0.00% | 0 | 0.00% | 2 | 1.10% |
| answered question | 61 | | 159 | | 46 | | 174 | |

Table 31 indicates that the number of males who said that ‘both parents’ were the primary caregivers was higher in the pre-2006 cohort (n=35, 57.4%) compared with the post-2006 cohort (n=23, 50%). The number of females who said that ‘both parents’ were the primary caregivers was also greater in the pre-2006 than post-2006 cohort (n=17, 10.7% compared with n=15, 8.6%). The female ‘mother’ responses in the post-2006 cohort increased slightly from 87.4% (n=139) pre-2006 to 89.7% (n=156) post-2006. While the number of female ‘father’ responses decreased from 1.9% (n=3) pre-2006 to 0.6% (n=1) post-2006. Conversely male ‘father’ responses predictably increased from 14.8% (n=9, pre 2006) to 15.2% (n=7, post 2006).

Given that the 2006 legislative changes are grounded in notions of equal shared parental responsibility and equal or substantial and significant time it would be expected that post-separation parenting arrangements negotiated *after* the reforms would reflect pre-separation parenting arrangements. It would thus be expected that the majority of the post-2006 cohort both parents would regard themselves pre-separation as joint primary caregivers; alternatively there would be significant increase in the number of male and female respondents who regarded the ‘father’ as the primary caregiver. A close examination of the post-2006 cohort reveals that 65.2% of males (n=30) *but* only 9.2% (n= 16) of females regarded men as *sole or joint* primary caregivers (these figures and percentages represent a consolidated result for those respondents who answered ‘father’ or ‘both parents’). This data reveals a possible schism in men’s and women’s perceptions as to what constitutes a ‘primary caregiver’ and for many couples this issue may lie at the root of conflict between parties post-separation. It also confirms that the law’s gaze is primarily directed to the future rather than learning from past experiences (Rathus, 2007).

However when examining the data from the female and male cohorts *since 1995 and after 2006*, it can be seen that the percentage of males who regarded themselves as primary caregivers (n=23, 57.5%) was almost identical to the pre-2006 cohort (n=35, 57.4% pre 2006). These figures indicate that the longer men are in the family law system, the more likely it is that they will regard themselves a joint primary care giver prior to separation.

Table 442: Numbers and percentages of male and female responses in relation to who they thought was the primary caregiver of the children pre- and post-2006

| Answer options | Male >95> 2006 | % | Female>95> 2006 | % |
|--------------------------|----------------|--------|-----------------|--------|
| Mother | 11 | 27.50% | 127 | 89.40% |
| Father | 5 | 12.50% | 1 | 0.70% |
| Both parents | 23 | 57.50% | 14 | 9.90% |
| Grandparents | 0 | 0.00% | 0 | 0.00% |
| Someone else | 1 | 2.50% | 0 | 0.00% |
| <i>answered question</i> | 40 | | 142 | |

Question 4: If someone else [was the caregiver], please specify

The qualitative data for this question were not sufficient to be useful.

Question 5: Who decided the parenting arrangement for your children and how? (Please choose ONE response only.)

The aim of this question was to determine how separating parents arrived at their parenting arrangements. Whether the majority of parties made these decisions on their own, in consultation with their ex partner, used their own social networks, obtained professional assistance to arrive at these arrangements or alternatively whether someone in the court system imposed parenting arrangements on them.

Table 453: Percentage and number of responses in relation to who made decisions about parenting arrangements for children and how were these decisions made

| Answer options | Response percent | Response count |
|---|------------------|----------------|
| No decisions have been made about parenting arrangements | 9.50% | 68 |
| My EX and I made these decisions on our own | 23.40% | 168 |
| My EX and I made these decisions with assistance from family or friends | 0.70% | 5 |
| My EX and I made these decisions with assistance from a lawyer, including obtaining consent orders from a court | 21.70% | 156 |
| My EX and I made these decisions with assistance from a family dispute resolution practitioner (mediator) | 4.30% | 31 |
| My EX and I made these decisions with assistance from a counsellor | 0.60% | 4 |
| A judge from a Family Court made the decisions for us | 20.70% | 149 |
| A magistrate from the Federal Magistrate's Court made the decisions for us | 10.70% | 77 |
| A mediator made these decisions for us | 0.70% | 5 |
| Someone else | 7.80% | 56 |
| <i>answered question</i> | | 719 |
| <i>skipped question</i> | | 212 |

The three figures that stand out in Table 33 are firstly, that 23.4% (n=168) of respondents made decisions on their own indicating the parties had no outside professional input in their decision making. The recent AIFS Report also indicated that discussions that occurred between the parties without external interference or 'it just happened' were the main drivers to resolving parenting issues (Kaspiew et al., 2009). Secondly, 21.7% (n=156) of the respondents and their partners made decisions with the assistance of a lawyer, and thirdly, that 20.7% (n=149) of respondents said that a Judge from the Family Court had made the decision for them. In addition to a decision being made by a judge of the Family Court of Australia or Western Australia in a further 10.7% of cases (n=77) a Federal Magistrate made the decision.

Thus the data indicate that for 31.4% of respondents to this question (n=226) the parenting arrangements were judicially imposed. This finding contrasts to data provided by the Family Court of Australia that suggested that at least 94% of family law disputes in Australia were resolved without recourse to judicial determination (Australian Government House of Representatives Standing Committee on Family and Community Affairs Parliament of Australia, 2003).⁵ The higher number of disputes requiring judicial resolution in our survey suggests that respondents to our survey may have been motivated to participate in the court system as a result of their history of family violence or

⁵ House of Representatives Standing Committee on Family and Community Affairs, Parliament of Australia, *Every Picture Tells a Story: Report on the Inquiry into Child Custody Arrangements in the Event of Family Separation* (2003) [1.23]. 94% of applications initiated within the Family Court of Australia in 2000–01 were resolved without judicial determination. This does not take into account disputes where applications were not made to the court, and so the percentage of all family law disputes resolved without recourse to a judge would be even greater than 94%.

alternatively that respondents may have had difficulty in distinguishing between judicial determination for final orders and other court processes, such as consent orders.

Given the emphasis on family dispute resolution (or family and child mediation as it was before 2006) before the 2006 reforms and increasingly after 2006 with the introduction of compulsory mediation (except where there is family violence), it is significant that a small number of respondents to the survey (4.3%, n= 31) reported reaching a decision with the assistance of a family dispute resolution practitioner or mediator.

| | | |
|--|--------------|-----------|
| My EX and I made these decisions with assistance from a family dispute resolution practitioner (mediator) | 4.30% | 31 |
|--|--------------|-----------|

When the reports of the decision-making processes were analysed from a gender perspective the following figures represented in Table 34 emerged.

Table 464: Percentage and number of male and female responses in relation to who made decisions about parenting arrangements for children and how these decisions were made

| Answer options | Male | % | Female | % |
|--|-------------|----------|---------------|----------|
| My EX and I made these decisions on our own | 39 | 22.20% | 128 | 23.80% |
| My EX and I made these decisions with assistance from a lawyer, including obtaining consent orders from a court | 43 | 24.40% | 112 | 20.80% |
| My EX and I made these decisions with assistance from a family dispute resolution practitioner (mediator) | 8 | 4.50% | 23 | 4.30% |
| A judge from a Family Court made the decisions for us | 42 | 23.90% | 106 | 19.70% |
| A magistrate from the Federal Magistrate's Court made the decisions for us | 10 | 5.70% | 67 | 12.50% |

As Table 34 indicates, there were minimal differences between the answers given by men compared with women. The factual nature of the question makes it important to analyse it from a gender and pre- and post-2006 perspective.

Table 475: Percentages and number of male and female responses in relation to who made decisions about parenting arrangements for children and how these decisions were made pre-2006 and post-2006

| Answer options | Male | | | | Female | | | |
|---|----------|--------|-----------|--------|----------|--------|-----------|--------|
| | Pre-2006 | % | Post-2006 | % | Pre-2006 | % | Post-2006 | % |
| No decisions have been made about parenting arrangements | 0 | 0.00% | 2 | 4.30% | 12 | 7.60% | 24 | 13.90% |
| My EX and I made these decisions on our own | 11 | 18.60% | 6 | 13.00% | 38 | 24.20% | 26 | 15.00% |
| My EX and I made these decisions with assistance from family or friends | 2 | 3.40% | 1 | 2.20% | 1 | 0.60% | 0 | 0.00% |
| My EX and I made these decisions with assistance from a lawyer, including obtaining consent orders from a court | 16 | 27.10% | 12 | 26.10% | 47 | 29.90% | 34 | 19.70% |
| My EX and I made these decisions with assistance from a family dispute resolution practitioner (mediator) | 2 | 3.40% | 3 | 6.50% | 3 | 1.90% | 12 | 6.90% |
| My EX and I made these decisions with assistance from a counsellor | 1 | 1.70% | 1 | 2.20% | 0 | 0.00% | 1 | 0.60% |
| A judge from a Family Court made the decisions for us | 19 | 32.20% | 9 | 19.60% | 36 | 22.90% | 22 | 12.70% |
| A magistrate from the Federal Magistrate's Court made the decisions for us | 2 | 3.40% | 5 | 10.90% | 12 | 7.60% | 40 | 23.10% |
| A mediator made these decisions for us | 0 | 0.00% | 1 | 2.20% | 2 | 1.30% | 0 | 0.00% |
| Someone else | 6 | 10.20% | 6 | 13.00% | 6 | 3.80% | 14 | 8.10% |

For both male and females the number of people who answered that 'My ex and I made these decisions on our own' decreased after 2006. That is surprising considering the emphasis in the 2006

legislation upon parental agreement and cooperation in post-separation decision making. As indicated in Table 35 above a greater proportion of women in our sample reported litigating post-2006 than pre-2006.

| Answer options | Male Pre-2006 | Male Post-2006 | Female Pre-2006 | Female Post-2006 |
|--|---------------|----------------|-----------------|------------------|
| My EX and I made these decisions on our own | 18.60% | 13.00% | 24.20% | 15.00% |
| | n=11 | n=6 | n=38 | n=26 |

Responses to the comment that 'My EX and I made these decisions with assistance from a lawyer, including obtaining consent orders from a court' were divided on gender lines in the post-2006 cohort. In the pre 2006 cohort 27.1% (n=16) of males and 29.9% (n=47) of females said they made these decisions with the assistance of a lawyer, whereas after 2006, the number of males reporting using lawyers dropped minimally to 26.1% (n=12) and the figures for females dropped by 10.0%, from 29.9% (n=47) to 19.7% (n=34). A partial explanation for this decrease may lie with the responses to the comment 'No decisions have been made about parenting arrangements' i.e. a greater proportion of women (11.0%, n=59) when compared with men (4.0%, n=7) were of the opinion that arrangements regarding their children had not been resolved and litigation or general discussions were ongoing.

The AIFS report also found that pre reform parents reported using lawyers and courts to resolve matters or make decisions considerably more often than did post reform parents (Kaspiew et al., 2009).

| Answer options | Male | % | Female | % |
|---|------|-------|--------|--------|
| No decisions have been made about parenting arrangements | 7 | 4.00% | 59 | 11.00% |

Also, in our study a greater proportion of women were litigating. Court ordered decisions (Family Court, Family Court of Western Australia or the Federal Magistrate Court) accounted for the majority of the responses pre- and post-2006. Data indicate that for males in the post-2006 cohort the number of court-imposed decisions dropped by 5.1% whereas post-2006 for females they correspondingly increased by 5.3% (see Table 35 above). It would seem again that a greater proportion of women were litigating perhaps in an effort to prevent men from being awarded a greater proportion of time caring for their children. Alternatively women in our survey reported that they resented the shared care arrangements which were encouraged in the family dispute resolution framework, in particular where there was family violence and the safety of their children was at risk or compromised.

| Answer options | Male Pre-2006 | Male Post-2006 | Female Pre-2006 | Female Post-2006 |
|--|---------------|----------------|-----------------|------------------|
| A judge from a Family Court made the decisions for us | 32.20% | 19.60% | 22.90% | 12.70% |
| | n=19 | n=9 | n=36 | n=22 |
| A magistrate from the Federal Magistrate's Court made the decisions for us | 3.40% | 10.90% | 7.60% | 23.10% |
| | n=2 | n=5 | n=12 | n=40 |
| | 35.60% | 30.50% | 30.50% | 35.80% |
| | n=21 | n=14 | n=48 | n=62 |

Responses to the comment 'My EX and I made these decisions with assistance from a family dispute resolution practitioner (mediator)' showed an increase after 2006. One could anticipate that given the emphasis placed on family dispute resolution services, the active publicity campaign surrounding the launch of the Family Relationship Centres, coupled with the need for parties to produce a certificate (s 60I, *Family Law Act*) before proceedings can be issued, would result in a greater number of respondents utilising the assistance of a dispute resolution practitioner. However given that the role of the mediator is to assist parties to reach a decision rather than making the decision for them these results are not entirely unexpected.

| Answer options | Male Pre-2006 | Male Post-2006 | Female Pre-2006 | Female Post-2006 |
|---|---------------|----------------|-----------------|------------------|
| My EX and I made these decisions with assistance from a family dispute resolution practitioner (mediator) | 3.40% | 6.50% | 1.90% | 6.90% |
| | n=2 | n=3 | n=3 | n=12 |

The next two questions [7 and 8] were asked primarily to determine to what extent (if any) the 2006 reforms relating to parental responsibility and parenting time influenced the decisions of the respondents. The wording of question 7 (relating to the extent of parental responsibility) also teased out whether post-separation *the court* would impose a regime of joint or equal parental responsibility on the parents and thus the mode for making decisions relating to long-term arrangements for their children.

Question 7: Do/did you think that after your separation someone in the family law system would be likely to decide that you and your EX would be JOINTLY RESPONSIBLE for all long term parenting decisions, such as where your child would go to school?

Table 486: Percentages and number of responses in relation to whether or not they thought that after separation someone in the family law system would be likely to decide that they and their EX would be JOINTLY RESPONSIBLE for all long term parenting decisions

| Answer Options | Response Percent | Response Count |
|--------------------------|------------------|----------------|
| NO | 42.20% | 243 |
| NOT SURE | 18.80% | 108 |
| YES | 39.10% | 225 |
| <i>answered question</i> | | 576 |
| <i>skipped question</i> | | 355 |

For a significant number of the respondents to this question (42.2%, n=243) there was no expectation that someone in the family law system would make a decision awarding joint parental responsibility for long-term decision making. That is in stark contrast with the actual law relating to parental responsibility in the *Family Law Act* which states ‘that it is in the best interests of the child for the child’s parents to have equal shared parental responsibility for the child’ (section 61DA).

If this data are divided by gender the following emerges: Fourteen percent more males (49.6%, n=70) than females (35.6%, n=154) thought a decision regarding parental responsibility would be court imposed. The large number of ‘not sure’ respondents may be attributed to the fact that immediately after separation parties thought they might reach decisions without court involvement.

Table 497: Number and percentage of male and female responses in relation to whether or not they thought that after separation someone in the family law system would be likely to decide that they and their EX would be JOINTLY RESPONSIBLE for all long-term parenting decisions

| Answer Options | Male | % | Female | % |
|--------------------------|------|--------|--------|--------|
| NO | 51 | 36.20% | 191 | 44.20% |
| NOT SURE | 20 | 14.20% | 87 | 20.10% |
| YES | 70 | 49.60% | 154 | 35.60% |
| <i>answered question</i> | 141 | | 432 | |

Table 508: Number and percentage of male and female respondents in relation to whether or not they thought that after separation someone in the family law system would be likely to decide that they and their EX would be JOINTLY RESPONSIBLE for all long term parenting decisions pre-2006 and post-2006

| Answer Options | Male Pre 2006 | % | Female Pre 2006 | % | Male Post 2006 | % | Female Post 2006 | % |
|-------------------|---------------|--------|-----------------|--------|----------------|--------|------------------|--------|
| NO | 9 | 25.00% | 49 | 52.10% | 16 | 37.20% | 67 | 40.10% |
| NOT SURE | 5 | 13.90% | 15 | 16.00% | 6 | 14.00% | 33 | 19.80% |
| YES | 22 | 61.10% | 30 | 31.90% | 21 | 48.80% | 67 | 40.10% |
| Answered question | 36 | | 94 | | 43 | | 167 | |

A larger number of the pre-2006 male cohort (61.1% compared with 48.8% of the post 2006 cohort) expected someone in the court system to decide that they and their ex would be jointly responsible for all long term parenting decisions. Conversely the number female respondents answering this question in the affirmative increased from 31.9% in the pre-2006 cohort to 40.1% in the post-2006 cohort. This data may indicate a greater awareness among women of the impact of the 2006 reforms. Alternatively, given the opposition to these reforms from women's lobby groups, especially for women who have experienced family violence, it may also indicate a greater propensity among female respondents to litigate rather than to consent such arrangements (Field, 2006). In addition the number of male respondents to this question (36 pre-2006 and 43 post-2006) may not be a sufficiently representative sample.

Question 8: Do/did you think that someone in the family law system would be likely to require that your children spend EQUAL TIME with you and your EX?

Unfiltered responses to this question in Table 39 reveal that a significant number (46.8%, n=270) of respondents did NOT think that someone in the family law system was likely to require that their children spend equal time with them and their ex. The making of an order for equal shared parental responsibility creates an obligation on the court 'to consider' making an order for the child to spend equal time with both parents and if not equal time 'substantial and significant time' with both parents (section 65DAA *Family Law Act 1975* (Cth)).

Table 519: Number and percentage of responses in relation to whether or not they thought that someone in the family law system would be likely to require that children spend EQUAL TIME with each parent

| Answer Options | Response Percent | Response Count |
|--------------------------|------------------|----------------|
| NO | 46.80% | 270 |
| NOT SURE | 18.40% | 106 |
| YES | 34.80% | 201 |
| <i>answered question</i> | | 577 |
| <i>skipped question</i> | | 354 |

Table 40: Number and percentage of male and female responses in relation to whether or not they thought that someone in the family law system would be likely to require that children spend EQUAL TIME with each parent

| Answer Options | Male | % | Female | % |
|-----------------|------------|--------|------------|--------|
| NO | 52 | 36.40% | 217 | 50.30% |
| NOT SURE | 21 | 14.70% | 83 | 19.30% |
| YES | 70 | 49.00% | 131 | 30.40% |
| | <i>143</i> | | <i>431</i> | |

A gender breakdown of the data in Table 40 indicates a noticeable gender difference between those that thought it likely that someone in the family law system would require that their children spend EQUAL TIME with both parties, with nearly half (49%) of the males responding in the affirmative compared with roughly one third (30.4%) of the females. The 18.6% differentiation between males and females may be linked to the responses to the question regarding who was the primary caregiver pre-separation. As women considered themselves, in the majority cases, to be the primary care giver they may have assumed that their children would spend more time with them rather than equal time with both parents. This may account for more than half of the female respondents answering this question with an unequivocal 'No'. An alternative and likely explanation is that the 2006 reforms raised male expectations regarding the amount of time that they would spend caring for children post separation. A large proportion of males are under the misapprehension that there is a presumption in the legislation which favours children spending equal time with both parents following separation (Kaspiew et al., 2009).

When divided along gender lines as well the pre and post 2006 cohorts the following emerged:

Table 521: Number and percentage of male and female responses in relation to whether or not they thought that someone in the family law system would be likely to require that children spend EQUAL TIME with each parent

| Answer Options | Male Pre 2006 | % | Female Pre 2006 | % |
|--------------------------|---------------|--------|-----------------|--------|
| NO | 9 | 24.30% | 53 | 55.80% |
| NOT SURE | 6 | 16.20% | 17 | 17.90% |
| YES | 22 | 59.50% | 25 | 26.30% |
| <i>answered question</i> | <i>37</i> | | <i>95</i> | |

Table 532: Number and percentage of male and female responses in relation to whether or not they thought that someone in the family law system would be likely to require that children spend EQUAL TIME with each parent pre-2006 and post-2006

| Answer Options | Male Post 2006 | % | Female Post 2006 | % |
|--------------------------|----------------|--------|------------------|--------|
| NO | 19 | 44.20% | 73 | 44.00% |
| NOT SURE | 4 | 9.30% | 32 | 19.30% |
| YES | 20 | 46.50% | 61 | 36.70% |
| <i>answered question</i> | 43 | | 166 | |

When responding to the question whether it was thought that someone in the family law system would be likely to require that their children spend equal time with the respondent and their ex, Table 42 indicates that a greater number (13% more) of the pre-2006 male cohort responded in the affirmative (59.5%) compared with males in the post-2006 cohort (46.5%). Correspondingly, 24.3% of males in the pre-2006 cohort, compared with 44.2% of males in the post-2006 cohort, responded 'No'. However, a smaller proportion of females in the pre-2006 cohort 26.3% compared with 36.7% in the post-2006 female cohort answered this question in the affirmative an increase of 10.4%. The effects of the 2006 reforms are thus evident in the female responses but not in the male responses. Once again given the smaller number of responses from men, their answers may not be truly representative.

Question 9: If you answered YES to either of the above questions, did this belief influence your decisions regarding parenting arrangements?

This question deals only with those respondents who answered 'yes' to either question 7 or 8. The impact of the 2006 reforms on these respondents is obvious.

Table 543: Number and percentage of responses in relation to whether or not they thought that someone in the family law system would be likely to require that parents be jointly responsible for decisions about long term parenting and those children spend EQUAL TIME with each parent

| Answer Options | Response Percent | Response Count |
|--------------------------|------------------|----------------|
| NO | 38.10% | 134 |
| NOT SURE | 12.80% | 45 |
| YES | 49.10% | 173 |
| <i>answered question</i> | | 352 |
| <i>skipped question</i> | | 579 |

The unfiltered responses indicate that nearly 50% (49.1%, n=173) of respondents answered that their belief that someone in the family law system would be likely to require that parents be JOINTLY

RESPONSIBLE for decisions about long term parenting and that children spend EQUAL TIME each parent influenced their decisions regarding parenting arrangements.

When filtered according to gender a larger proportion of female respondents (54%) than male respondents (37.4%) indicated that this belief had influenced their decisions.

Table 554: Number and percentages of male and female responses in relation to whether or not they thought that someone in the family law system would be likely to require that parents be jointly responsible for decisions about long term parenting and that children spend EQUAL TIME with each parent

| Answer Options | Male | % | Female | % |
|--------------------------|------|--------|--------|--------|
| NO | 47 | 47.50% | 86 | 34.10% |
| NOT SURE | 15 | 15.20% | 30 | 11.90% |
| YES | 37 | 37.40% | 136 | 54.00% |
| <i>answered question</i> | 99 | | 252 | |

However, when adding another filter to the data in Table 45, it can be seen that these beliefs had a marked effect on the post 2006 cohort with male respondents who indicated that these beliefs influenced their decisions increasing from 29.6% in the pre 2006 cohort to 41.4% in the post 2006 cohort and female respondents indicating that these beliefs influenced their decisions increasing from 46% in the pre 2006 cohort to 61.9 % in the post 2006 cohort.

Table 565: Number and percentage of male and female responses in relation to whether or not they thought that someone in the family law system would be likely to require that parents be jointly responsible for decisions about long term parenting and those children spend EQUAL TIMES with each parent pre- and post-2006

| Answer Options | Male Pre 2006 | % | Male Post 2006 | % | Female Pre 2006 | % | Female Post 2006 | % |
|--------------------------|---------------|--------|----------------|--------|-----------------|--------|------------------|--------|
| NO | 15 | 55.60% | 13 | 44.80% | 23 | 46.00% | 32 | 28.30% |
| NOT SURE | 4 | 14.80% | 4 | 13.80% | 4 | 8.00% | 11 | 9.70% |
| YES | 8 | 29.60% | 12 | 41.40% | 23 | 46.00% | 70 | 61.90% |
| <i>answered question</i> | 27 | | 29 | | 50 | | 113 | |

Question 10: If you answered YES to the last question, please explain how these arrangements were influenced

This question requested qualitative, open-ended responses. There were 146 female adults who responded to this question and 46 male adults. A total of 20% of both the female and male responses were from the pre 2006 cohort, a further 40% of the female responses were from the post 2006 cohort compared with 33% of men from this same cohort, and 28% of the female

responses were from the since 1995 and after 2006 cohort compared with 28% of male adults from this same cohort.

Responses from women

Themes arising from the qualitative data from women on the factors that influenced their decision making when making parenting arrangements

The themes which we identified from the responses from women are:

Coercion – felt forced or pressured to consent to current parenting arrangements because they were told by a family law professional that a 50/50 arrangement would be applied anyway

Of the 70 women from the post-2006 cohort, this theme was identified among 12 of the responses. As the statements below illustrate, some women felt they were being pressured to agree to equal time parenting arrangements rather than risk being labelled as a 'troublemaker' or as an 'unreasonable' parent. These comments are in line with the findings made by Richard Chisholm who noted that a number of submissions made to his Review expressed the view that the 'friendly parent provision' in 60CC(3)(c) has had the unfortunate consequence of discouraging some parents from disclosing violence by the other parent (2009: 102). Women's responses to this question range from not feeling 'comfortable' about agreeing to their children spending more time with their father to feeling that it wasn't in their children's 'best interests' because the children were very young or because of a fear they would lose primary care of their children.

Examples of responses from post-2006 women

- *In early 2009, we were told by our lawyers, and by the Legal Aid ICL, that if we did not reach an agreement out of court, a judge would most likely impose a 50/50 arrangement upon our children, or would see me as a 'troublemaker', not believe the children, and possibly make my ex-husband the primary carer of the children. I therefore agreed to more time with their father than my children were comfortable with.*
- *I was advised that a Court would force me to give the father equal time and equal parental responsibility, which I disagreed with being in the best interests of the children but felt that I was trapped into being seen as overly reasonable so that my ex wasn't given custody of the children.*
- *a psychiatrist told us in a mediation session that we 'may as well start with 50/50 as that's what the courts will do anyway'.*
- *I was informed by my lawyer, if I said no, the court would go against me which means I would get even less than 50% parenting. So I have to do my best to share 50% time with my ex.*
- *I was told by my lawyer and a Federal Judge if I did not agree my child would be taken from me and would live with her father.*
- *I was told this would happen and the legal aid lawyers said unless I had really good proof of his violence there was no option about this. So when we drew up the parenting plan we tried to make sure he looked like he had won what he wanted and had the kids half time. I'm hoping he'll get sick of it and the kids will be with me longer and not so much with him.*
- *I thought if it went to a judge 50% would be the inevitable outcome. I was petrified and believed I had to agree to any higher percentage than 50% in my care.*

- *I was concerned about going to court over custody arrangements for my 9 month old daughter as I had heard stories about the courts automatically given 50% care arrangements. I was still on maternity leave and the primary carer of my daughter and did not believe this to be in the best interest of her. As a result I agreed to an arrangement (which was negotiated through the family relationships centre) which I was not happy with but felt that I had no other option at the time. I now realise that I was ill-informed and underprepared for the mediation session.*
- *I believed that if I did not look like I was wanting for him to have as much access to the kids as possible - every weekend for over a year, then I was not doing the best for the kids - and it was what the magistrates would give us anyway. The children's solicitor and barrister were very vocal about this.*
- *I was told that I would not be further legal aid if I did not agree to what my ex partner wanted, I was then threatened with a change of residence or shared care if I did not agree, even though there was evidence of family violence and the report writer recommended less time.*
- *They showed me the Australian government legislation at the mediation that children need to spend time with both parents. They do not care whether it is in the child's best interest.*
- *Lawyers Representing my EX have been verbally abusive of myself since 18th July & I am at a loss as to why he has given instructions allowing them to pursue me so aggressively with regards to custody but no other issues such as property.*
- *My ex-husband moved in with his parents and after I requested financial help eight months after separation he demanded 50/50 care. My solicitor said he would probably win this in Family Law Court so I agreed to it rather than put the children through this system. Though I do NOT believe this is in their best interests and certainly not what I want.*

These statements suggest that some women who responded to our survey felt pressured into agreeing to equal time parenting agreements by being told that 50/50 was what a court would order. This does not reflect the intent of the law (Chisholm 2009). Many of these women reported being told about the court's 50/50 preference by their professional assistants or advisors. Under section 63DA of the Family Law Act 'advisors' which include lawyers, family dispute resolution practitioners, family consultants and counsellors are obliged to advise parents that they should consider entering into parenting plans. Advisors must inform parents that when entering into parenting plans, if it is reasonable practicable and in the best interests of the child, they should consider the child spending equal time or substantial and significant time with each of them. Advisors are NOT required under this legislation to advise parents that a court would order 50/50 care arrangements. It may be that when parents receive advice regarding parenting plans they misunderstand what is explained to them or that the advisors are indeed suggesting that a court would order 50/50 care arrangements. Either way, this false perception of the law appears to have pressured a large proportion of the respondents into agreeing to equal time arrangements. Most worryingly, contrary to the express wording of the legislation, in many instances mothers have agreed to arrangements which they think are contrary to the best interests of their children.

Just over half of the women who responded to our survey from the 'since 1995 and after 2006' cohort mentioned that since the 2006 changes to the law came into effect they either felt pressured or forced to agree to equal time parenting arrangements or to a change in their current parenting arrangements, thereby giving the father more time with their children than they felt comfortable with, because they were told by someone within the family law system that this was what a court would order. Of the 41 women who responded to this question from the 'since 1995 and after 2006' cohort, there were 24 women who responded in this way. This data provides further evidence of the

impact that the 2006 changes to the *Family Law Act 1975* have had on decision-making regarding parenting arrangements

Examples of statements from the 'Since 1995 and after 2006' women

- *The Family consultant told me during her meeting that she believed that I was depressed (I had an assessment prior that proved otherwise). Every question that the family consultant asked was aimed at pinning me for alienation and subjected me to questions that were not relevant to the care of the children - one being my sex life. I knew that I was being set up to lose custody of the children but the birth of our child got in the way of that (from a new marriage). The judge had not even read my affidavit and made it clear that it was not important, but had read my ex partners with ability to quote passages. The lawyer, the family consultant and the judge made it very clear that I was certainly not on an equal footing. Even when I had changed lawyers, the new one pretended to care about protecting children and then confiscated an affidavit made by a child psychologist that demonstrated the risks that we faced. I still have a copy of that of which I have sent out to numerous people - just in case as I now know what it is to deal with a corrupt organization.*
- *I felt forced to do consent orders right at the end of the proceedings. The family report went against me .the report writer did not investigate anything, in fact the first thing she said to me was that the courts go 50/50 shared care..She did not even investigate his conviction for bashing me while holding baby. I had gone through about 5 lawyers none of them listened to me; they kept saying same thing 50/50, and then when we had to go to court final hearing for consent orders. The magistrate abused me straight up, about his lies with no evidence, there was no trial, she had not heard evidence yet she fully abused me in front of everyone. She didn't say anything about him bashing me while I was holding baby in my arms, she praised him for his efforts to get off drugs, even though he is straight back into them and I have dirty drug screen on him now. He just put on a big show with the support of his mother who became part of the proceedings, just while the court process was going ,so they believed there story over evidence and police records. I was shocked that she accused me straight up, when we did not even have a trial it was a consent order, she obviously did not read any of my affidavits with police reports and other evidence .she only referred to the family report.*
- *In 2006 I agreed to orders by consent that I was not happy with (5 nights/fortnight for eldest child, 3 nights/fortnight for younger child - then 4). I made them because my advice was that if I didn't, the children would be ordered to go week about.*
- *After Court orders in 2005 we had share responsibility for my son, who suffered with poor health and huge anxiety because I had an AVO to protect my self from my ex, we didn't communicated at all, my son has very strange sexual behaviour, which impossible to ex plane. My boy suffering until now as well.*
- *As the current law is 50/50 I felt I had no chose, powerless as a Mother and felt I could not say anything negative towards my ex as I would be looked upon as being difficult. Influenced by my solicitor.*
- *I assumed (from legal advice) that the court would want our child to spent equal time with both parents so I ended up conceding re time spent with the father because it would likely go that way in court.*
- *Legal advice was that there was no point resisting equal shared care because the children are the only witnesses to the violence and too young to speak for themselves.*
- *I felt I had no choice but to agree to 50/50 access time, even though I didn't think it was good for the children to live in a two bedroom unit with my husband when he moved out a long way from their schools. He threatened to go for more than 50% custody if I did not agree and I was advised that he could do this. My EX wanted the children to go to private schools - my son at the time was still in year 5 of a public school, however, I knew that I could not afford private schools as I only worked part time*

in an administration role. The child support agency upheld his request that they attend private schools and also that I pay towards the fees. I felt I had no input to either of these decisions.

- *Got the impression I didn't really have a choice, that I have no influence, that my perspective isn't real.*
- *I initially agreed to week about. I never believed it was in the children's best interests and their emotional and physical health deteriorated significantly once this regime was put in place. However, I knew until I had admissible expert evidence I was unable to get any other arrangement in place - without the consent of my EX, which he would never give. Once the wellbeing of the children significantly deteriorated, the experts and court were happy to support a change in the regime. Ultimately, the arrangement which was put in place is similar to that recommended to us in mediation with Family Transitions - immediately following our separation. I feel that the interests of the children have not been protected and that they needed to suffer before the Court would listen. By the end of our Court process, the Family Court Registrar and the ICL were both recommending that decision making power should be taken away from my EX because of his various bad behaviours throughout the process. However, it was very clear to me that even with the support of both individuals, it would be next to impossible to get this Court order, so I did not pursue it.*
- *I was told by my own barrister and the independent children's lawyer that the judge makes their own decision on care and that the assumption was shared care and shared parental responsibility. In particular shared parental responsibility has assured that I am continually harassed by my ex on a nearly daily basis.*
- *That's why in the end I agreed with my ex not to go through lawyers. I was scared I would not have the money to prove that he was abusive and so - I believed that if we went through lawyers I would be forced into sharing custody 50/50 where my daughter would not be safe or cared for.*
- *My ex inundated me with information about the chance of having my children only with me 50% of the time, and living in a completely different state for the other 50%. Lawyers also suggested that there are some judges who would do this, and that the worst case scenario would see my children taken from me completely.*
- *My lawyers told me that I had no chance of getting the children to live with me when I moved overseas because of changes in Family Law and fathers' rights. I have been constantly emotionally & psychologically bullied by my ex before & since separation, as have the children, but this does not 'show up' in any assessments or decisions.*
- *I was pressured to agree to a Consent order stating that the father could have joint responsibility of the child even though he has not been part of her life etc. These consent orders were influenced by the fact that my lawyer and barrister were telling me that if I didn't agree to these proposed orders, it would more than likely end up to be a worse outcome for me (i.e. my EX would get more time with my child).*
- *I offered more time than I thought he should have but he still refused as it was not 50-50 so we went back to court our child was only just 3 at the time.*
- *It is possible to use the current system to your advantage if you are vengeful. The current concern regarding the father's access to his children has a negative flip-side. For those of us who support our children's relationship with birth fathers the system can actually work against us. That is if we follow the law, if we support the relationship, and the other party does not follow the law, lies in court, lies to the children and plays to the concern of the court regarding father's rights and pushes the legal boundaries to attempt to force a decision in order to make a case non-appealable or pushes the legal boundaries to the point where the financial burden caused by the need to be constantly in court has an impact on decisions the outcome for the children can be a less than satisfactory one. While my experience has been that the courts do ultimately see through this attempted manipulation nonetheless the threat that lies will be believed BECAUSE of this current trend is wrong and the stress to the children and the parent taking responsibility for the children as well as the financial burden is overwhelming.*

- *I felt there was no option but to accede to his agenda. When I sought legal counsel in 2006, they warned me court would likely grant equal time, even though his Dad's parenting was not great.*
- *EX had very little to do with parenting or even contact with child prior to separation and thereafter. Therefore when he applied to Family Court for equal time, I was terrified about the impact this would have on child. I engaged lawyer to fight this.*
- *I was willing to compromise in front of the Magistrate. I followed the advice of my solicitor and did not hold up matters in court and was able to permit the Father some of his requests. However, outside of the court I remain protective of my child - I understand that when I do not follow the court orders I am in contempt of court. However, I also understand that the court does not protect me completely from the continuous harassment and abuse that is delivered by my child's Father. I am also aware that the court does not protect my child from the parenting style that upsets and saddens my child. My child has very little / if not no say in the time and frequency that she spends with her Father.*
- *I am a supporter of shared care unless the children were at risk, we had already tried shared care prior to the change in legislation and it put my children at risk, they didn't or wouldn't understand that it had been tried and didn't work because he wasn't concerned about their welfare, for whatever reason he used to justify it to himself.*
- *The arrangements were influenced by a family report that was biased and he even said that he had bias before even conducted interview and said he would be saying 50/50 he did not take into consideration the fact that the three kids from the relationship I had with ex have a sibling to my current partner whom is 4.5 yrs old nor did he ask them how they felt about being separated from him. He interviewed the children only in one house and not like I was informed by him in a letter that he would need to see kids with me, then tried to say in report that I allowed them to be within hearing range but made sure I delivered kids to ex's after he had conducted interview with them alone. Nor did he give a fair equal time with both parties. he did not read all relevant information prior to interview he did not put in report we had concerns of the way the Ex conducted his behaviour in respect of using the children to hurt me as he dressed the kids in their school uniforms on mothers day knowing we were going out for lunch and as my place is 40 mins away from his and lunch was just around the corner from ex's we had to buy new clothes to then find out that he fed them a huge roast just prior to us picking them up. He also ceased paying any form child support on starting the proceedings and some 5 months after that was when family report done he was in arrears of 1600+ two days prior to court in August he paid in full it was an attempt to financially hold me back we told the report writer that Child support had been ceased this was not in the report. He interviewed my children in a bedroom which is not appropriate he did not gain a good understanding of my boys health problems rather he gave what he thought could be the reasons. I have many more things that were wrong from the report writer with the criminal history of 5 counts of bringing illegal drugs (anabolic steroids into Australia even evidence at his place of business where he sees children, false declarations to customs and allegedly suffering severe depression) WHY IS THIS SO I WANT TO KNOW HOW IS IT THAT THIS MAN CAN STILL PRACTISE AND HAVE AN INFLUENCE ON FAMILY SITUATIONS WHEN IT IS CLEAR THAT HE SHOWS NO REGARD FOR THE LEGAL SYSTEM IN BY HAVING SUCH A CRIMINAL HISTORY. I want to know why that this information is not given to the persons in which he is involved with as for them to decided if he should be used, who is hiding this from the public.*
- *I was threatened by his solicitors to agree to such contact or they would have me sent to prison even though he has been abusive towards both of us.*
- *My lawyer became very intimidating and made decisions without my permission in the case. I had wanted to submit the notice of risk of violence form and he refused to.*

As these statements suggest, there were a significant number of mothers who agreed to parenting arrangements' despite their thinking that these arrangements are not the best interests of their children. They agreed to these arrangements because they said they felt 'powerless', 'threatened', 'intimidated' or 'pressured' to do so by someone within the family law system or by the system

itself. These findings echo those made by Richard Chisholm (2009) that many people continue to misunderstand the 2006 provisions. The examples of statements given above are worrying because they indicate that mothers incorrectly believe they 'must' agree to equal time parenting arrangements because the 2006 provisions create a 'right' to equal time.

Coercion and fear – some mothers reluctantly agreed to equal time parenting arrangements because they thought it likely that was what the court would order and because they feared that failure to do so would mean they would lose primary care of their children

Of the 70 women who responded to this question from the post 2006 cohort, 14 of their responses illustrate that coercion and fear were factors which are illustrative of this theme. In particular, the statements below suggest again the theme of coercion influenced mothers' decision-making about parenting arrangements. According to the examples from female respondents from the post 2006 cohort, one fifth of women felt 'forced' to agree or 'bullied' into agreeing to equal time parenting arrangements with the other parent for fear that they would lose the primary care of their children. This is important as it helps not only to understand the circumstances that influence parents' decision-making about parenting arrangements, but how a misunderstanding about the effects of the 2006 legislation can be used by fathers to their tactical advantage (Chisholm, 2009: 90-1).

Examples from post-2006 women

- *I felt forced into giving my ex access to my daughter for fear that the court would stop access with me for raising my concerns.*
- *I continue to be afraid that my ex will ask for equal time just to punish me. I have given in to most of his demands since separation as a result of his threats. I don't feel like I can stand up to him on any issue because I don't want to risk him using the children to get back at me and them being hurt in the process.*
- *I was concerned that if I was forced to go to the Family Court by my ex that they would grant joint custody which I don't feel would work for my daughter. I believe that as her main attachment figure at this stage in her life she would not cope with spending half of her time away from me. I therefore have accepted my ex's 'rules' about when and how weekend and holiday access will occur in order to placate him enough so that he wouldn't take me to the Family Court - he would threaten to do this and said he would go for full custody if I didn't do what he wanted.*
- *I felt forced to be more agreeable because I was scared I would lose primary care.*
- *I was led to believe that if I did not agree to the current parenting arrangements (which I am not happy with) that I would be deemed as being unreasonable.*
- *I was led to believe that I must sign agreement on what was in front of me otherwise I would highly lose the care of my son.*
- *Despite my ex having little to do with our son I was told should it go to court he would be awarded shared custody and I would lose my son, by the mediator. I am afraid for my son's welfare.*
- *My ex partner used the new laws to try and frighten me and make me stay in the relationship or he would take my son and he stated the courts would give him half time as it was his right. This was prior to my son's birth whilst I was pregnant and undergoing abuse from him and his mates. It has added a lot of stress and due to the new laws my infant son was placed in danger as the courts assumption is equal responsibility and time, as a result my son has been made intentionally ill by his father and has*

been put at risk by his fathers drug addiction and dangerous associates whom have assaulted police officers and have been involved in child abductions and domestic violence, I have also been attacked by these mates. I am now having to go to final trial in the hope that the judge can be persuaded to be cautious with my sons life and future however I've been warned that due to new laws chances are my ex will get half time and responsibility and there is nothing I can do to protect my son from that, I've also been told I will probably be denied relocation and will be unable to relocate with my new partner to Sydney and will have to end my relationship as a result. And will be forced to remain in Toowoomba within 500mtres of my ex partner and 300 metres of where the mate whom attacked me works.

- *Most people are poorly informed about the 2006 law amendments and unfortunately, the amendments are often used, as by my ex, to threaten the other party into agreeing to more access than is appropriate for the child. FRC mediators are unable to direct decisions, only make recommendations based on research and my ex chose to ignore recommendations based on primary care relationship and age appropriateness, going straight for 50%, which he believed was his 'right'. His parenting contribution prior to separation would have been less than 10%. I agreed to one overnight each week, which includes a weekend each fortnight, as an 'interim' agreement that was meant to be reviewed and has not been yet. His parenting plan proposal is for 6 nights a fortnight or he will take me to court. I feel bullied into considering more overnights (which he wants because he can reduce his child support payments further); because I am afraid if we go to court, I will end up with 50%.*
- *I consented to an arrangement as my ex said he would apply for equal time as it was his right under the new law. I wanted some level of ability to protect my child from a worse situation, so I agreed to a plan of shared responsibility and substantial time.*
- *I felt I had no choice but to give in to his demands based on knowing the law often sides this way even though our 12yr old didn't want to go to his fathers, we don't do 50-50.*
- *I opened my door to a violent man so he would not take me to family court.*
- *Agreed to more time with the father than I would have otherwise.*
- *I allowed my EX more access to our child than I would like.*

Coercion by failure to listen to mothers' concerns and children's voices – some mothers reluctantly agreed to equal time parenting arrangements but their concerns for their children's safety were not heard or listened to by someone within the family law system and/or they felt that their children's wishes or voices were not heard or listened to by the court

Of the 70 women from the post-2006 cohort who responded to this question, 19 of the responses fitted within the above theme. Just under one third of the women who gave qualitative responses to this question noted safety concerns for their children and/or that their children's voices were not heard or listened to by the court.

Examples from post-2006 women

- *I was told by my lawyer I had no choice that because I couldn't prove abuse the children would have to go to him 50% of the time and if I contested it I could be seen as a difficult mother and they could go to him full time.*

- *I came to an agreement with my ex that was not suitable to me or our daughter but only to my ex out of fear that he would get her 50% and he is violent and abusive.*
- *I was threatened by my ex, and his mother that if I left the relationship (due to DV) my boy would be taken off me half of his life, as is the law. They also said they could afford a good lawyer and would have him more than that 50% entitlement. This prolonged the relationship, when I finally did leave, after a serious incident involving the police due to DV, I was forced to hand the child over for weeks at a time, often not knowing if I was going to get him back, at the time I was of the understanding I was powerless.*
- *My ex partner used the new laws to try and frighten me and make me stay in the relationship or he would take my son and he stated the courts would give him half time as it was his right.*
- *Allowed my son time with a violent father he should have been protected from.*
- *The court automatically gives shared care if not challenged so I have had to spend time and money challenging this abusive guy to protect my children. He currently has joint parental responsibility even though he has supervised visitation only and the court apparently likes to keep it that way. I want sole parental responsibility.*
- *Restricted the time now to protect children as long as I could.*
- *I was primary carer prior to separation and just believed this would carry on. I was devastated to find out it wouldn't and was and still are concerned of the impact on my child.*
- *I was aware that as equal time predominated as a consideration my counter-proposal would have to offer at least substantial time - more than I really considered right for my children.*
- *The wishes of the children and me were not taken into consideration. The magistrate ruled on shared parenting even stating that in this case it was possibly not in the best interest of the children.*
- *After July 2006 the law is quite clear that the probability of equal time is the conclusion of any court case unless there are extreme violence/abuse issues. Keeping this in mind I put forward parenting arrangements to my ex more in line with the law than what is best for our child as I had no choice as my verbal, emotional and physical abuse was not seen as bad enough!*
- *Despite the fact that my husband became abusive and neglectful whilst drunk every night, it was my word against his and the courts wanted evidence but I had none except my word. The courts made me feel like I had no choice but to go back to a man who was abusive to me and my child. He was so nice in court and put on a good front so people would not believe me which left me with no other choice but to return to him as I could not guarantee the safety of my child when I wasn't there. I felt pressured to return to my husband as I felt the courts were not taking the child's best interests into consideration. The child seems to have no rights and as a parent trying to protect them you have no say. The interests of the child are not taken into consideration.*
- *The Federal Magistrate Court DID decide on 50/50 custody and I am really disappointed. The children are far too young to be with their father who barely knows them and works FT and is irresponsible. He only wanted 50/50 to get back at me for leaving him. Questions 7-9 on this page don't make sense. I knew there was a chance he would get 50/50 and I fought it but he won. Now the children are suffering and I am helpless because I cannot afford any more legal costs to fight it. Bad, bad system.*
- *I had to respond to the Court application made by my EX and fight for my child's safety and psychological welfare. At first I felt the Family Court could not fail to see what was in my child's best*

interest. As my case has progressed I have discovered the unconscionable decisions officers of the Family Court make in the best interests of the father.

- I was shocked that the court would even consider full custody to a father in his early 60s who worked shift work and left the home at 5am. I never dreamt that I would have to fight so very hard for my child considering I had no history of mental illness, did not take drugs and was a clearly stable, employable person who was 25 years younger. Oh, and I was my son's mother! I think I was deeply shocked that this didn't count anymore.*
- Although no formal decisions have been made there is an informal setup where I care for the child and he sees her with me 2 lots of 2 hours per week when he turns up. I feel under pressure to provide unsupervised access even though my baby is still breastfed and has not bonded with her father due to his ugly moods, because he will get equal time with her if it goes to court and she is now in the separation anxiety phase and he is clueless about how to care for her so I fear for her trauma should he be given more time from the courts.*
- My ex-husband moved in with his parents and after I requested financial help eight months after separation he demanded 50/50 care. My solicitor said he would probably win this in Family Law Court so I agreed to it rather than put the children through this system. Though I do NOT believe this is in their best interests and certainly not what I want.*
- I don't think that anyone will listen to me or the children.*
- I don't believe that the family courts focus is on the children.*

Themes arising from the qualitative data from men on the factors that influenced their decision making when making parenting arrangements

There were 46 male adults in our survey who responded to Question 10 'please explain how the arrangements were influenced by notions of shared parental responsibility or equal time': 10 from the pre 2006 cohort, 15 from the post 2006 cohort and 13 from the since 1995 and After 2006 cohort.

Disillusionment with the family law system

There were 14 men in total (n=46) who reported they had formed an expectation about equal time parenting arrangements from someone in the family law system or that they had heard anecdotally that this would be what a court would order. As the statements below illustrate, some men noted that they felt that with regard to their current parenting arrangements following separation, their need to spend equal time parenting their children following separation and/or their children's safety were compromised by what the court eventually ordered. As indicated in both the AIFS and Chisholm Reports, one unintended consequence of the 2006 provisions is a misunderstanding that the presumption of equal shared parental responsibility creates a right to equal time (Kaspiew et al., 2009). As noted in the AIFS report, '[t]his confusion has resulted in disillusionment among some fathers who find that the law does not provide for 50–50 'custody'. This sometimes can make it challenging to achieve child-focused arrangements in cases in which an equal or shared care-time arrangement is not practical or not appropriate (Kaspiew et al., 2009). Of the men who responded to our survey, there were 3 men from the pre 2006 male cohort (total=10), 7 men from the post 2006 cohort (total=15) and 4 men from the 'Since 1995 and After 2006' cohort (total=13) who noted that

they were disillusioned with the family law system. What these statements indicate is that some men feel that their expectations about equal time parenting arrangements were discounted by the court because of systemic bias on the part of family law professionals (e.g. due to a perception that men don't make good fathers). What the statements also suggests is that this perception was greater among men from the post 2006 cohort than for any other cohort.

Examples of statements from the pre-2006 men

- *We had shared care after separation and when she breached our arrangement I expected the court to reinstate it.*
- *I tried in vain to have equal time with my children. I should have known that it was no priority for the court to allow to kids to see their parents as equals.*
- *I thought I'd eventually be able to share equal time with my kids. Seven years after separation I still see them every second weekend and one weekday after school. My ex won't consider changing this arrangement.*

Examples of statements from the post-2006 men

- *I thought the system was fairer. Very angry about the lack of support to fathers and perception men are not good at caring for our children.*
- *I was instructed despite being the primary carer prior to separation to decide on 50/50 shared care a no judge would award me primary care being a male! I received LESS than 50% as a result!*
- *We had been equal parents for our children. I thought that would continue through our children's life.*
- *I felt pressure from the Children's Lawyer, Mediator and even my Lawyer to arrive at significant time if not equal time because it was what was 'preferred' by the court. Joint responsibility meant joint time. This is even though my son has been diagnosed with Autism which his father disputed in order to get more overnights. I was ill with flu during the mediation and felt coerced to agree to things I felt were detrimental for my son and deeply regret not standing my ground for him.*
- *When there is an AVO and barred communications, these issues become irrelevant. Nothing can happen without communication between parents. AVO rewards the barring party.*
- *Lawyers lie. Children suffer. Children need BOTH parents equally.*
- *no, there is a clear bias in court towards who ever has possession of the child before it gets into court, out of a false fear about the child suffering primary parent separation anxiety.*

Examples from 'Since 1995 and After 2006' men

- *The Family Law system is grossly flawed against men and fathers.*
- *I stupidly thought that as the children's father I would have some rights and be listened to. Instead I do not see 3 of my 4 children. I am not angry now, but very sad for them.*
- *Yes, I thought that that was to be the minimum. But how wrong was I, so to speak.*
- *The children should have gotten equal time - both parents work and both equally capable. I believed that the entrenched biases within the members of the system against fathers and their children would*

make that unlikely and not worth the effort, cost and impact on the children of the children having to go through that system so I settled for 5/9 with the belief that as the children aged they would probably determine the actual levels of care - which they did two years later.

Additionally, at least 4 men who answered this question (n=46) noted that they had used the family law system as a way to protect their need to parent their children but this need had not been heard and listened to by the court. These statements suggest the theme of disillusionment with the family law system among male respondents who answered our survey.

Examples from pre 2006 men

- *I wanted equal shared parenting with my kids. My kids wanted equal time with me. This was against family court standard contact policy of one weekend every second week for the non custodial parent.*

Examples of statements from post 2006 men

- *I sought the protection of the family court to maintain my access to our son against his mothers expressed intentions.*

Examples of statements from 'Since 1995 and After 2006' men

- *My ex tried to prevent me taking part in any decisions regarding my daughter. I had to go to a lawyer to get access to my daughter. My children wanted 50% care with both parents and I knew as a father if I waited till the law changed and the children were interviewed then the chances of this happening would be better and that is exactly what happened. My ex did not want to share them 50/50 but more 65 her 35 me.*
- *It's in the best interests of the kids to spend equal time, and that's also what my kids want. Unfortunately my EX does not want this so it needs to go through the process.*

The numbers of men who appear to have formed the view that equal time parenting arrangements would be what a court would order are small, thus making it difficult to draw any firm conclusions about the qualitative data.

A desire to avoid legal fees

A small number of men commented on what they perceived to be a poor or ineffective family legal system. As the statements from men below illustrate, 7 men (n=46) reported that they reluctantly agreed to their current parenting arrangements in order to avoid 'red tape' or high legal fees etc. While the numbers of men who made these statements are relatively small, this theme was also indicated in the AIFS report in a reference to the literature identifying 'a desire to avoid the transaction costs—financial and emotional—that accompany litigation' as among a wide range of factors influencing decision-making in parenting arrangements (Kaspiew et al., 2009). However, the results of our survey suggest this to be a factor for males rather than females.

Examples of statements from pre-2006 men

- *My ex is only interested in the money. Since the shared parenting arrangements came in I haven't seen my kids. She has poisoned them with lies about me and says they don't want to see me. I have been to the FRC and received a certificate, but it's too expensive for me to take her to court. This is thanks to*

the Australian Government and the CSA who support this type of corruption. The best interests of the children were not cared about so now they don't have a father.

- *Thought I would get equal access to children - but got screwed by system because my case was not considered urgent.*

Examples of statements from post-2006 men

- *I thought that I would be able to see my son but red tape and the legal aid system have made it so I haven't seen my son for over 4 years.*
- *Entering into consent orders I assumed that they would be adhered to and easily enforceable. Unfortunately doing so has involved significant cost.*

Examples of statements from 'Since 1995 and After 2006' men

- *As a father I felt powerless. The alternative was the risk of running up huge costs fighting for more meaningful access and then I would be able to afford any access.*
- *My ex is only interested in the money. Since the shared parenting arrangements came in I haven't seen my kids. She has poisoned them with lies about me and says they don't want to see me. I have been to the FRC and received a certificate, but it's too expensive for me to take her to court. This is thanks to the Australian Government and the CSA who support this type of corruption. The best interests of the children were not cared about so now they don't have a father.*
- *Even though my ex and I made a joint parenting decision obtaining consent orders. It was one sided as I had to give in to all her demands. She was being represented by legal aid and didn't have to pay the bills where as I was paying my lawyer for every hr and hence the negotiations were imbalanced it was not in her interest to settle the matter and come to an amiable solution. It was either her way or prolonged court appearances and hence in reality I had to give in to the way she wanted the parenting plan.*

Question 11: Please check the factors that influence/d the way the parenting decisions are/were made in your situation

Respondents were asked to check the factors appropriate to their particular situation and therefore could check more than one response. In addition to 'something else' twenty options were available to respondents. They were provided with the following optional responses to each question 'NO', 'NOT SURE' and 'YES'.

Responses which were most frequently checked 'YES' were: the best interests of my children (77.4% n=490), a concern for the welfare and safety of children (70.3% n=429), advice from my lawyer (66.3% n=434) and information and guidance from friends (46.5% n=282).

1. **Information and guidance from friends or family**
606 respondents checked this factor (153 men and 453 women). Men and women provided similar rates of responses with slightly more women (47.9%, n=213) compared with men (45.1%, n=69) checking 'YES'.
2. **Advice from my lawyer**
654 respondents checked this factor: 160 men and 494 women. Of those who responded to this factor 60.6% of men (n=97) and 68.2% of women (n=337) indicated 'advice from a lawyer' as a factor that influenced the way decisions were made.

Table 576: Number and percentage of men and women who said they were influenced by advice from lawyers

| Answer Options | Male Pre 2006 | Male Post 2006 | Male since 95 after 06 | Female Pre 2006 | Female Post 2006 | Female since 95 after 06 |
|----------------|---------------|----------------|------------------------|-----------------|------------------|--------------------------|
| YES | 77.20% | 62.50% | 60.50% | 68.00% | 77.40% | 76.00% |
| | n=44 | n=25 | n=38 | n=100 | n=123 | n=98 |

A detailed examination of the entire cohort of responses reveals that in a significant majority of instances ‘advice from my lawyer’ influenced decision making. Thus lawyers played a major role in the way parenting decisions were made with these respondents. Contrary to the pre 2006 cohort, the data for the post 2006 cohort and those respondents that have been in the system since 1995 and after 2006 indicate that lawyers had a greater influence on parenting decisions made by the women than the men.

3. Advice from my EX’s lawyer

While ‘my lawyer’ played an important role in influencing ‘parenting arrangements’ ‘my ex’s lawyer’ played a relatively minor role with 71.9% (n=411) of the 572 respondents checking the ‘NO’ answer and with only 22.7% (130) respondents checking the ‘YES’ answer.

4. Information and guidance from a mediator or family dispute resolution practitioner

Interestingly, of the 596 respondents who checked this answer only 36.9% (n=220) of respondents answered ‘YES’ i.e. that information and guidance from a mediator or family dispute resolution practitioner influenced the way parenting decisions were made. However data from the post 2006 cohort when compared with the pre 2006 cohort indicates a distinct increase in the number of people (male and female) who checked the ‘YES’ answer from the post-2006 cohort.

Table 587: Number and percentage of men and women who said they were influenced by mediators or family dispute resolution practitioners

| Answer Options | Male Pre 2006 | Male Post 2006 | Male since 95 after 06 | Female Pre 2006 | Female Post 2006 | Female since 95 after 06 |
|----------------|---------------|----------------|------------------------|-----------------|------------------|--------------------------|
| YES | 23.60% | 43.90% | 44.10% | 29.70% | 47.80% | 47% |
| | n=13 | n=18 | n=15 | n=38 | n=66 | n=55 |

These data indicate that although the mediators and dispute resolution practitioners are not playing a major part in deciding parenting arrangements (see question 5) they are significantly influencing the way parenting decisions are/ were made. Moreover, as can be seen from Table 47, for post-2006 this influence has increased substantially for both sexes.

Example of a statement from a post-2006 women

- *I was told by the mediator that without any police reports of violence towards me my ex would be able to take me to court, and if I didn't agree to his terms he would get more access than he was*

asking for now. I felt forced into allowing the access in order to not give up control of the situation completely should it go to court. The mediator and ex's legal aid lawyer paid no attention to my concerns of drug/alcohol abuse and domestic violence. My lawyer advised me to try and keep it out of court or I may not be able to properly voice my concerns for my son's safety in court.

5. Information and guidance from a counsellor

594 respondents checked this answer with 53.9% (n=320) of respondents checking 'NO'. For those who checked 'YES', responses indicate that counsellors have more influence in the decision making process for women than men.

Table 598: Number and percentage of men and women who said they were influenced by guidance from a counsellor

| Answer Options | Male Pre 2006 | Male Post 2006 | Male since 95 after 06 | Female Pre 2006 | Female Post 2006 | Female since 95 after 06 |
|----------------|---------------|----------------|------------------------|-----------------|------------------|--------------------------|
| YES | 23.20% | 38.20% | 27.30% | 52.30% | 49.60% | 47.40% |
| | n=13 | n=13 | n=9 | n=69 | n=70 | n=54 |

Example of a statement from a post-2006 woman

- The court counsellor spoke to me in a tone whereby he was guiding me to agree on equal shared access of my son. I have been primary care giver, now work part time and my ex is an executive that jet sets across the world and works long hours. The ex also expected that his parents would look after our son when he wasn't available. How is this fair parenting?! And how is this the best interest of the child. Is a male counsellor working for the court that has never been divorced himself an expert on how to best parent my own child?! I don't think so!*

6. Information and guidance from a health practitioner (e.g. GP or psychiatrist)

Of the 568 respondents who checked this answer a solid majority (61.6%, n=350) checked 'NO'. Once again women checked the 'YES' answer more often than men.

Table 609: Number and percentage of men and women who said they were influenced by guidance from a health practitioner

| Answer Options | Male Pre 2006 | Male Post 2006 | Male since 95 after 06 | Female Pre 2006 | Female Post 2006 | Female since 95 after 06 |
|----------------|---------------|----------------|------------------------|-----------------|------------------|--------------------------|
| YES | 18.50% | 27.30% | 30.30% | 41% | 42.90% | 36.70% |
| | n=10 | n=9 | n=10 | n=50 | n=57 | n=40 |

7. Information and guidance from a religious leader

This proved be the least influential factor with 86.9% (n=473) of respondents checking the 'NO' answer. When the answers were sorted on a gender basis the responses indicated that 10.4% (n=42) of women checked 'YES' compared with 6.5% (n=9) of men.

8. Fear that I would lose the primary care of my children if I did not agree

This is a very important response with a particularly interesting divide on gender and time lines. 594 respondents checked this question'.

Table 50: Numbers and percentages of men and women who were influenced by fear of losing primary care of their children

| Answer Options | Male | Female |
|----------------|--------|--------|
| NO | 71.70% | 46.10% |
| | n=104 | 207 |
| YES | 17.90% | 48.10% |
| | n=26 | n=216 |

As Table 51 illustrates, a much higher proportion of women, nearly 50%, compared with 17.9% of men, feared that they may lose the primary care of their children when making parenting decisions.

When divided according to cohort groups the following data emerges:

Table 611: Number and percentage of men and women who said they were influenced by fear of losing primary care of their children pre-2006 and post-2006

| Answer Options | Male Pre 2006 | Male Post 2006 | Male since 95 after 06 | Female Pre 2006 | Female Post 2006 | Female since 95 after 06 |
|----------------|---------------|----------------|------------------------|-----------------|------------------|--------------------------|
| NO | 71.70% | 70.30% | 75.80% | 58.90% | 30.60% | 39.80% |
| | n=38 | n=26 | n=25 | n=76 | n=44 | n=47 |
| YES | 11.30% | 21.60% | 21.20% | 38.80% | 63.20% | 53.40% |
| | n=6 | n=8 | n=7 | n=50 | n=91 | 63 |

Apart from the figure in Table 51 indicating that 11.3% of males of the pre 2006 cohort checked the 'YES' response, the percentages of males who checked 'YES' and 'NO' response is fairly constant. However, for women there has been a sharp increase in the proportion of women checking 'YES' in the post 2006 cohort (63.2%, n=91) compared with (38.8%, n=50) in the pre 2006 cohort. This indicates that women post 2006 have formed the belief that they may lose primary care of their children and it represents an increasingly important factor influencing the way the parenting decisions are/were made.

Example of a statement from a post-2006 woman

- *That horrible change of the law and people being too scared of my violent ex partner to say anything.*

9. Fear that I would lose contact with my children if I did not agree

The fear of losing contact with children elicited less polarised responses between men and women than those given to fear of losing primary care of children. 589 people responded to this factor with 41.8% (n=66) of males and 55.2% (n=238) of females checking 'NO' and 53.8% (n=85) of males and 39.7% (n=171) of females checking 'YES'.

Table 622: Number and percentage of men and women who said they were influenced by fear of losing contact with their children

| Answer Options | Male pre 2006 | Male Post 2006 | Male since 95 after 06 | Female pre 2006 | Female Post 2006 | Female since 95 after 06 |
|-----------------|---------------|----------------|------------------------|-----------------|------------------|--------------------------|
| NO | 49.10% | 30.80% | 42.90% | 63.70% | 46.30% | 46.00% |
| | n=28 | n=12 | n=15 | n=79 | n=66 | n=52 |
| NOT SURE | 3.50% | 10.30% | 2.90% | 0.80% | 9.60% | 4.40% |
| | n=2 | n=4 | n=1 | n=1 | n=13 | n=5 |
| YES | 47.40% | 59.00% | 54.30% | 35.50% | 44.10% | 49.60% |
| | n=27 | n=23 | 19 | n=44 | n=60 | n=56 |

Table 52 indicates that post-2006 compared with pre-2006 more women and men are regarding fear of losing contact with their children as a factor in the way parenting decisions are/were made in their situation. The responses to this factor and 'fear of losing primary care of my children if I did not agree' may be a direct result of respondents taking account of the so called 'friendly parenting' provision contained in 60CC(3)(c) of the *Family Law Act*.

10. The wishes of my children

597 people responded to this as a factor influencing their decision making with 52.3% (n=80) of men and 60.4% (n=268) of women checking 'YES'. It thus seems that for women this factor is more relevant than for men in their decision making process.

11. The 'best interests' of my children

633 people responded to this factor with 72.6% (114) males and 79.0% ((376) of females checking 'YES'. Thus for both males and females respondents the interests of children play an important part in the decision making process about parenting arrangements.

Example of statements from a post-2006 woman

- *The ONLY concern has been the best interests of Govt departments, best interests of child simply do not exist.*

12. Allegations of child abuse that could not be substantiated and were not believed

568 people responded to this question - 143 males and 425 females.

Table 633: Number and percentage of men and women who said they were influenced by allegations of child abuse that could not be substantiated and were not believed

| Answer Options | Male | Female |
|-----------------|--------|--------|
| NO | 69.20% | 58.80% |
| | n=99 | n=250 |
| NOT SURE | 5.60% | 8.50% |
| | n=8 | 36 |
| YES | 25.20% | 32.70% |
| | n=36 | n=139 |

The majority of males (69.2%, n=99) and females (58.8%, n=250) indicated that allegations of child abuse that could not be substantiated and were not believed was not a factor in the decision making process, but a substantial number (25.2%, n=36 of males and 32.7%, n=139 of females) indicated that it was.

Example of a statement from a post-2006 woman

- *Child sexual abuse allegations made by my oldest daughter have led me to be more protective of my two youngest daughters.*

13. Allegations of domestic violence that could not be substantiated and were not believed.

599 people responded to this question: 151 males and 448 females.

Table 644: Number and percentage of men and women who said they were influenced by allegations of domestic violence that could not be substantiated and were not believed

| Answer Options | Male | Female |
|-----------------|--------|--------|
| NO | 55.60% | 48.40% |
| | n=84 | n=217 |
| NOT SURE | 9.30% | 10.90% |
| | n=14 | n=49 |
| YES | 35.10% | 40.60% |
| | n=53 | n=182 |

In response to whether or not unsubstantiated allegations of domestic violence influenced decision making the percentage of women who responded 'NO' dipped under 50% (48.4%, n=217) and the number of women who responded 'YES' numbered 40.6% (n=182) as against men who numbered 35.1% (n=53). Thus for significant number of male and females such allegations were influencing the decision making process.

Examples from post-2006 men

- *Duluth Model which says that men are violent and women and children victims. The fact that I as the male was the victim along with my children could not be accepted in the family court.*
- *My ex got legal advice that its in the best interest of the child to know both of his parents in the eyes of the law, but under a section if Jen felt there is a risk to the child then the courts would not order shared care. Hence she called the police, pretended I had abused and been violent, but even worse talked the older children into believing this and gave them examples to tell a psychologist who tested the children and found evidence of fear and anxiety when discussing me. No one who has met me believes this but the damage has been done. As to my ex and her medical maltreatment this is proven but again primary parent (alleged) separation anxiety trumps all other needs unless the primary parent is starving or bashing the child.*

14. Child abuse that was substantiated and believed.

538 people checked this factor: 138 men and 400 women.

Table 655: Number and percentage of men and women who said they were influenced by child abuse that was substantiated and believed

| Answer Options | Male | Female |
|-----------------|--------|--------|
| NO | 85.50% | 73.30% |
| | n=118 | n=293 |
| NOT SURE | 5.80% | 8.80% |
| | n=8 | n=35 |
| YES | 8.70% | 18.00% |
| | n=12 | n=72 |

A vast majority of the respondents, irrespective of gender, indicated that this was not a factor in the decision making process but of those who responded 'YES' there were a higher proportion of women (18%, n=72) than men 8.7% (n=12).

15. Family violence that was substantiated and believed

568 people responded to this factor: 139 men and 429 women.

Table 666: Number and percentage of men and women who said they were influenced by family violence that was substantiated and believed

| Answer Responses | Male | Male pre 2006 | Male post 2006 | Male since 95 after 06 | Female | Female pre 2006 | Female Post 2006 | Female since 95 after 06 |
|------------------|--------|---------------|----------------|------------------------|--------|-----------------|------------------|--------------------------|
| NO | 83.50% | 88.70% | 75.80% | 77.40% | 50.80% | 44.50% | 50.00% | 53.10% |
| | n=116 | n=47 | n=25 | n=24 | n=218 | n=57 | n=65 | n=60 |
| NOT SURE | 6.50% | 3.80% | 12.10% | 9.70% | 10.70% | 8.60% | 14.60% | 11.50% |
| | n=9 | n=2 | n=4 | n=3 | n=46 | n=11 | n=19 | n=13 |
| YES | 10.10% | 7.50% | 12.10% | 12.90% | 38.50% | 46.90% | 35.40% | 35.40% |
| | n=14 | n=4 | n=4 | n=4 | n=165 | n=60 | n=46 | n=40 |

There is marked difference in the male and female responses to this question with the vast majority of males 83.5% (n =116) compared with 50.8% (n=218) of females saying 'NO' and a greater number of females 38.5% (n=165) compared with 10.1% (n=14) of males saying 'YES'. These proportions remained constant across all cohorts. This indicates that where allegations of family violence were substantiated and believed, this was a major factor influencing women's parenting decisions.

Example of a statement from a post-2006 woman

First court order decided before subpoenaed material from police and child protection was available. Pressure to give in to husbands wants, but I have stayed firm, and my abuse, violence has been substantiated, and I will hopefully be more confident at next court date.

16. The influence of experts on decisions made by a judge or magistrate in a court

586 people responded to this question: 150 men and 436 women. A slightly larger proportion of females (41.5%, n=181) than males (35.3%, n=53) checked 'YES' to this question.

Example of a statement from a post-2006 woman

- *I did not get a chance to put forward evidence in my possession about the Domestic Violence and fears for my child. It was all decided upon by a Family Report Writer. I am now living an absolute nightmare. Thanks to the Courts!!!*

17. The changes to the *Family Law Act* about shared parental responsibility

588 people listed this as a factor in their decision making process: 149 men and 439 women.

Table 677: Number and percentage of men and women who said they were influenced by the 2006 changes to the *Family Law Act* in relation to shared parental responsibility

| Answer options | Male | Male Pre 06 | Male post 06 | Male since 95 after 06 | Female | Female Pre 06 | Female Post 06 | Female since 95 after 06 |
|-----------------|--------|-------------|--------------|------------------------|--------|---------------|----------------|--------------------------|
| NO | 64.40% | 79.20% | 40.00% | 61.30% | 45.60% | 59.50% | 26.40% | 41.60% |
| | n=96 | n=42 | n=16 | n=19 | n=200 | n=72 | n=39 | n=47 |
| NOT SURE | 7.40% | 5.70% | 12.50% | 3.20% | 9.80% | 9.90% | 9.50% | 9.70% |
| | n=11 | n=3 | n=5 | n=1 | 43 | n=12 | n=14 | n=11 |
| YES | 28.20% | 15.10% | 47.50% | 35.50% | 44.60% | 30.60% | 64.20% | 48.70% |
| | n=42 | n=8 | n=19 | n=11 | n=196 | n=37 | n=95 | n=55 |

According to these responses the changes to the Family Law Act regarding parental responsibility influenced the decision making process increasingly for women (44.6%, n=196), more so than for men (28.2%, n=42). This is particularly noticeable in the post 2006 cohort, with 47.5% (n=19) of men checking 'YES' compared with 64.2% (n=95) of women.

Example of a statement from a post 2006 man

- *I held a belief that both parents had equal rights and responsibility for children and that belief was in the best interest of the children.*

18. A concern for the welfare and safety of my children

610 people responded to this comment: 147 men and 463 women. Women responded a lot more positively than men with 74.5% (n=345) of women compared with 57.1% (n=84) of men checking 'YES'.

19. The requirements of the Child Support Agency

This factor played a relatively minor role in the decision making process for both men and women: 68.0% (n=100) of men and 67.9% (n=279) ticked the 'NO' option.

Example of a statement from a post 2006 woman

- *Recent pressure from previously disinterested ex due to changes in CSA assessment of shared parenting. Marked inequality in how assessments are made.*

20. The requirements of Centrelink

Likewise the factor, the requirements of Centrelink - had relatively little influence on the decision making process with 79.6% (n=113) of males and 72.7% (n=296) of females checking the 'NO' option.

Example of a statement from a post 2006 woman

- *I had the biggest shock of all was to not be supported by Centrelink when I had to leave. I lived on my credit card for 3 months to support myself and my son. 6 months later I made an appeal against Centrelink and WON! I got back payment, but I don't trust the system. I was unsupported when I needed support.*

Question 12: If something else, please specify how this influences the way decisions are/were made

Examples from the responses to this question have been incorporated into the earlier material above.

Additional influential factors

Financial considerations

There were a very small number of women (10) and men (2) men who noted financial considerations as an additional influential factor in their decision making.

Examples of statements from women

- *Ex refusing to agree to appropriate property settlement if I did not agreed to equal time.*
- *The lies and the money and the lawyers and the inability to get the help we needed in a timely manner. All the bullshit and injustice and the long waiting periods of the family court without assistance, legal aid or income just disabled us.*
- *Interim Court Order by Federal Magistrate [name removed] in December 2007 that I had to take our daughter to a Contact Centre twice weekly to see her father, and I be forced to pay for his pleasure, as I work and he is on unemployment benefits. Our daughter 'screamed the house down' at every visit, in fear of her father. On the third visit, she screamed and cried hysterically, clung to my leg and would not let go of me for 20 minutes. The Contact Centre manager did not allow the visit to continue. My daughter's psychologist wrote a letter to the Contact Centre advising further visits would be to the psychological detriment of our daughter. We have not had to return yet. My ex-husband mentioned filing a Contravention Application against me at the last court mention, so I wait again in fear of the next return date of {date removed} i.e the pre-Christmas 'cattle crush' at the Federal Magistrates in [name of place removed]. I have felt completely powerless through this whole decision, I have watched three beautiful children be used by a father that has never attended a birthday party, nor hugged or even read them a book, stand up in Court and demand his rights as a father (which has been supported by the Court) all in the name of getting a bigger piece of the property pie.*
- *Being bullied by my ex through the legal system. I was denied legal aid and spent over \$30,000 on legal representation to try to protect the best interests of my children. My being reasonable only gave him more power to disregard the children's best interests over his own. I ran out of money and am now stuck with orders that I feel are detrimental for both the children and myself with the outcome being very much in favour of the father over anyone else.*
- *Recent pressure from previously disinterested ex due to changes in CSA assessment of shared parenting. Marked inequality in how assessments are made.*

- *I had the biggest shock of all was to not be supported by Centrelink when I had to leave. I lived on my credit card for 3 months to support myself and my son. 6 months later I made an appeal against Centrelink and WON! I got back payment, but I don't trust the system. I was unsupported when I needed support.*
- *Legal Aid was not granted until the end of the proceedings and even that I live in a refuge, English is my second language, and I was studying full time. But on the other hand my ex husband was legal aided.*
- *The cost of litigation also influenced my decision.*
- *The fact that we were living in my ex's home town, the most expensive city in Australia, where I had no family/friends and he had a profitable business I'd helped him build, and I had let professional registrations lapse while helping him in his business and was basically unemployable in any job that could come close to paying basic living expenses in that city. He had all the money, power and social support and filed an application that I was mentally unstable so that he could drag me through court - hoping that I would give in and leave our son with him. I still cannot work in any decent employment despite possessing post-graduate level qualifications, as my freedom of movement is gone.*

Examples from men

- *Pressure from my ex lawyer and threats regarding assets and childcare.*
- *I am the father and I was not given any input into my daughter's life, both the mother and CSA assumed that she had full custody uncontested.*

Distance between parents and children

A very small number of women and men noted distance as an additional influential factor in their decision-making.

Examples of statements from women

- *Distance - parents living 130 km apart.*
- *My ex worked in an oil and gas plant in central Australia 3 weeks on 1 week off and lived 3 hours from my home. He was then only able to have his teenage children when he was home and then only weekends as they would miss school otherwise.*
- *My ex works in mining and is away for 3 weeks at a time and doesn't live in the same town anymore.*
- *Ex moving 550 km away heavily influenced child arrangements.*

Media coverage

A couple of women from the post 2006 cohort noted 'media coverage' of family law as a further influential factor on their decision-making.

Examples of statements from post 2006 women

- *Media coverage of the family law cases.*
- *Threats from my ex. And information about shared care and fathers rights in the media.*

Question 13: If your child/ren spend time with both you and your EX (post-separation), please indicate your response to EACH of the following statements

All responses to this question were analysed by consolidating 'Strongly disagree' and 'Disagree' together and 'Strongly Agree' and 'Agree' together.

1. I AM SATISFIED with decisions made about the current parenting arrangements

615 people responded to this statement: 164 men and 451 women.

A division on simple gender lines indicates that male dissatisfaction with the current parenting arrangements is slightly greater than female dissatisfaction. 62.8% (n=103) of men either disagree or strongly disagree with current parenting arrangements whereas 58.4% (n=263) of females indicate such responses. Conversely 27.4% (n=45) of men and 29.9% (n=135) of women agree or strongly agree with this statement. Thus among men and women levels of dissatisfaction with current parenting arrangements are high.

Table 688: Numbers and percentages of men and women in relation to whether or they were satisfied with decisions made about parenting arrangements

| Answer Options | Male | Female |
|-------------------|--------|--------|
| Strongly disagree | 43.90% | 41.50% |
| | n=72 | n=187 |
| Disagree | 18.90% | 16.90% |
| | n=31 | n=76 |
| Neutral | 9.80% | 11.80% |
| | n=16 | n=53 |
| Agree | 15.20% | 18.80% |
| | n=25 | n=85 |
| Strongly agree | 12.20% | 11.10% |
| | n=20 | n=50 |

Table 699: Numbers and percentages of men and women in relation to whether they were satisfied with decisions made about parenting arrangements pre-2006 and post-2006

| Answer Options | Male pre-2006 | Male Post 2006 | Male since 1995 after 2006 | Female Pre 2006 | Female Post 2006 | Female since 1995 and after 2006 |
|--------------------------|---------------|----------------|----------------------------|-----------------|------------------|----------------------------------|
| Strongly disagree | 44.60% | 47.50% | 44.70% | 31.30% | 53.00% | 48.80% |
| | n=25 | n=19 | n=17 | n=40 | n=80 | n=61 |
| Disagree | 14.30% | 17.50% | 31.60% | 19.50% | 20.50% | 14.40% |
| | n=8 | n=7 | n=12 | n=25 | n=31 | n=18 |
| Neutral | 10.70% | 12.50% | 5.30% | 12.50% | 9.90% | 11.20% |
| | n=6 | n=5 | n=2 | n=16 | n=15 | n=14 |
| Agree | 23.20% | 10.00% | 7.90% | 22.70% | 10.60% | 19.20% |
| | n=13 | n=4 | n=3 | n=29 | n=16 | n=24 |
| Strongly agree | 7.10% | 12.50% | 10.50% | 14.10% | 6.00% | 6.40% |
| | n=4 | n=5 | n=4 | n=18 | n=9 | n=8 |

As Table 59 indicates, there was an increase in dissatisfaction rates from the pre-2006 males (58.9%, n=33) compared with post-2006 males (65%, n=26). However the strongest dissatisfaction rates among males emanated from those who had been in the system the longest i.e. since 1995 and after 2006 (76.3%, n=29). This dissatisfaction may have arisen in part from their lengthy involvement in the family law system and the reverse could also have applied. Female dissatisfaction with decisions made about parenting arrangements also increased over time with 50.8% (n=65) of the pre-2006 cohort expressing dissatisfaction compared with 73.5% (n=111) of the post-2006 cohort. Dissatisfaction rates were also high in the 'since 1995 and after 2006' female cohort (63.2%, n=79).

2. I think MY CHILDREN ARE SATISFIED with the decisions made about parenting

620 people answered this question: 163 males and 457 females.

Table 60: Numbers and percentages of men and women in relation to whether they thought that their children were satisfied with the decisions made about parenting

| Answer Options | Male | Female |
|--------------------------|--------|--------|
| Strongly disagree | 31.90% | 29.30% |
| | n=52 | n=134 |
| Disagree | 18.40% | 21.40% |
| | n=30 | n=98 |
| Neutral | 19.00% | 14.90% |
| | n=31 | n=68 |
| Agree | 17.80% | 22.50% |
| | n=29 | n=103 |
| Strongly agree | 12.90% | 11.80% |
| | n=21 | n=54 |

The perceptions of men and women regarding their children's satisfaction with decisions made about parenting were almost the same with 50.3% (n=82) males and 50.7% (n=232) females disagreeing or strongly disagreeing with the statement. While 30.7% (n=50) of males and 34.3% (n=157) females agreed or strongly agreed with the statement, mothers indicated that their children were slightly more satisfied with decisions made about parenting than fathers.

3. I think my children are WELL CARED FOR when they are with their other parent

617 respondents answered this question: 164 men and 453 women.

Table 701: Numbers and percentages of men and women in relation to whether or not they thought their children were well cared for when they were with their other parent

| Answer Options | Male | Female |
|--------------------------|--------|--------|
| Strongly disagree | 28.70% | 37.50% |
| | n=47 | n=170 |
| Disagree | 17.10% | 28.30% |
| | n=28 | n=128 |
| Neutral | 12.80% | 14.30% |
| | n=21 | n=65 |
| Agree | 28.00% | 13.90% |
| | n=46 | n=63 |
| Strongly agree | 13.40% | 6.00% |
| | n=22 | n=27 |

Women expressed a larger degree of concern for the welfare of their children when they were with the other parent than men. 65.8% (n=298) of women compared with 45.8% (n=75) of men either disagreed or strongly disagreed with statement. Conversely 41.4% (n=68) of men agreed or strongly agreed with this statement compared with 19.9% (n=90) of women. These data indicate that a large proportion of women did not believe their children were well cared for when with the other parent.

4. My concerns about MY OWN SAFETY were heard and considered in the decisions made about parenting.

596 people responded to this question: 155 men and 441 women.

Table 712: Number and percentage of men and women in relation to whether they thought their own safety concerns were heard in parenting decisions

| Answer Options | Male Pre 2006 | Male Post 2006 | Male since 95 and after 06 | Female Pre 2006 | Female Post 2006 | Female since 1995 and after 2006 |
|--------------------------|---------------|----------------|----------------------------|-----------------|------------------|----------------------------------|
| Strongly disagree | 30.90% | 35.00% | 40.00% | 33.60% | 42.20% | 44.40% |
| | n=17 | n=14 | n=14 | n=42 | n=62 | n=56 |
| Disagree | 18.20% | 15.00% | 17.10% | 20.80% | 15.60% | 22.20% |
| | n=10 | n=6 | n=6 | n=26 | n=23 | n=28 |
| Neutral | 45.50% | 37.50% | 42.90% | 22.40% | 25.90% | 20.60% |
| | n=25 | n=15 | n=15 | n=28 | n=38 | n=26 |
| Agree | 3.60% | 7.50% | 0.00% | 13.60% | 12.20% | 11.10% |
| | n=2 | n=3 | n=0 | n=17 | n=18 | n=14 |
| Strongly agree | 1.80% | 5.00% | 0.00% | 9.60% | 4.10% | 1.60% |
| | n=1 | n=2 | n=0 | n=12 | n=6 | n=2 |

Women expressed greater concerns than men about their own safety and about whether their concerns were heard and considered. 54.4% (n=68) of the pre 2006 female cohort expressed these concerns and disagreed or strongly disagreed with the statement (male 49.1%, n=27). After 2006, these figures increased slightly with 57.8% (n=85) of the post 2006 female cohort expressing these concerns compared with 50% (n=20) males. Concerns for personal safety represent an important issue for men and women. A large percentage of both sexes were of the opinion that their concerns were not heard and considered in decision making about parenting. Women appeared to express a greater concern for their own safety than men.

5. My concerns about THE CHILDREN'S SAFETY were heard and considered in the decisions made about parenting.

603 people responded to this question: 156 males and 447 females

Table 723: Number and percentage of men and women in relation to whether they thought that their children's safety concerns were considered in parenting decisions

| Answer Options | Male pre 2006 | Male post 2006 | Male since 1995 and after 2006 | Female pre 2006 | Female post 2006 | Female pre 95 and after 06 |
|--------------------------|---------------|----------------|--------------------------------|-----------------|------------------|----------------------------|
| Strongly disagree | 33.90% | 30.80% | 34.30% | 33.10% | 40.70% | 44.40% |
| | n=19 | n=12 | n=12 | n=42 | n=61 | n=56 |
| Disagree | 16.10% | 17.90% | 17.10% | 22.00% | 18.70% | 22.20% |
| | n=9 | n=7 | n=6 | n=28 | n=28 | n=28 |
| Neutral | 39.30% | 33.30% | 40.00% | 18.90% | 23.30% | 16.70% |
| | n=22 | n=13 | n=14 | n=24 | n=35 | n=21 |
| Agree | 8.90% | 15.40% | 8.60% | 18.90% | 12.00% | 13.50% |
| | n=5 | n=6 | n=3 | n=24 | n=18 | n=17 |
| Strongly agree | 1.80% | 2.60% | 0.00% | 7.10% | 5.30% | 3.20% |
| | n=1 | n=1 | n=0 | n=9 | n=8 | n=4 |

When compared with the pre 2006 cohort, a higher percentage of females in the post 2006 group - 59.4% (n=89)- compared with 55.1% (n=70) - disagreed or strongly disagreed that their concerns about their children's safety were heard and considered in decisions made about parenting. For males, those that disagreed or strongly disagreed slightly decreased from pre 2006 (50%) to post 2006 (48.7%). Satisfaction rates increased among males post 2006 with 18% (n=7) either agreeing or strongly agreeing with this statement compared with 10.7% (n=6) of the pre 2006 cohort. Conversely among the pre 2006 female cohort 26% (n=33) were satisfied that their concerns about the children's safety were heard and considered in decisions about parenting, with figures declining to 17.3% (n=26) in the post 2006 cohort. This indicates that the 2006 reforms had influenced women's perceptions of whether decision-makers and family professionals had heard and considered their concerns about their children's safety when making decisions about parenting. Many women felt that their concerns about their children's safety were less visible after 2006 than those who experienced the system before the 2006 reforms.

6. MY NEED to continue parenting my children was heard and considered

608 people responded to this question: 162 men and 446 women

Table 734: Number and percentage of men and women in relation to whether they thought their need to continue parenting was considered

| Answer Options | Males Pre 2006 | Males Post 2006 | Males since 95 and after 06 | Females Pre 2006 | Females Post 2006 | Females since 95 after 06 |
|--------------------------|----------------|-----------------|-----------------------------|------------------|-------------------|---------------------------|
| Strongly disagree | 46.40% | 23.10% | 44.70% | 21.90% | 27.70% | 31.70% |
| | n=26 | n=9 | n=17 | n=28 | n=41 | n=40 |
| Disagree | 14.30% | 15.40% | 18.40% | 16.40% | 16.90% | 11.90% |
| | n=8 | n=6 | n=7 | n=21 | n=25 | n=15 |
| Neutral | 8.90% | 15.40% | 10.50% | 18.80% | 23.60% | 19.00% |
| | n=5 | n=6 | n=4 | n=24 | n=35 | n=24 |
| Agree | 25.00% | 33.30% | 18.40% | 28.10% | 23.60% | 31.70% |
| | n=14 | n=13 | n=7 | n=36 | n=35 | n=40 |
| Strongly agree | 5.40% | 12.80% | 7.90% | 14.80% | 8.10% | 5.60% |
| | n=3 | n=5 | n=3 | n=19 | n=12 | n=7 |

As Table 64 indicates, male responses to this question demonstrated that men were influenced by the 2006 changes in the law. Men who had been in the system from 1995 onwards contributed to the highest proportion of responses that disagreed or strongly disagreed with the proposition (63.1%, n=24). This figure fell slightly to 60.7% (n=34) when the responses of the pre -2006 cohort were analysed but decreased considerably to 38.5% (n=15) for the post 2006 male cohort. The data indicated that a large proportion of the men supported the proposition that they were heard in their need to maintain their parental relationship with their children post-2006 - 46.1% (n=18) of this cohort agreed or strongly agreed with this proposition.

For women the figures indicated that there had been little change, with percentages of women who disagreed or strongly disagreed with this statement ranging from 38.3% (n=49) of respondents in the pre 2006 cohort to 44.6% (n= 66) in the post 2006 cohort and 43.6% (n=55) for those who had been in the system since 1995.

Since the 2006 changes to the law, a significant number of men (compared with women) were of the opinion that their need to continue parenting their children had been heard and considered.

7. MY CHILDREN'S CONCERNS AND WISHES were heard and considered in the decisions made about parenting.

605 people responded to this statement: 160 women and 445 men.

Table 745: Number and percentage of men and women in relation to whether they thought their children's concerns and wishes were considered in parenting decisions

| Answer Options | Male | Female |
|-------------------|--------|--------|
| Strongly disagree | 40.00% | 33.60% |
| | n=64 | n=150 |
| Disagree | 13.80% | 15.50% |
| | n=22 | n=69 |
| Neutral | 20.00% | 22.20% |
| | n=32 | n=99 |
| Agree | 17.50% | 19.70% |
| | n=28 | n=88 |
| Strongly agree | 8.80% | 9.00% |
| | n=14 | n=40 |

More than half (53.8%, n=86) of the men, and nearly half (49.1%, n= 219) of the women responded that they disagreed or strongly disagreed that their children's concerns and wishes were considered. Conversely over a quarter of the men (26.3%, n=42) and 28.7% (n= 128) of the women indicated that they agreed or strongly agreed with this statement.

These figures indicate that a very significant number of the respondents, irrespective of gender, were of the opinion that their children's concerns and wishes were not heard and considered when decisions were made about parenting.

The next three questions dealt with parents concerns relating to the safety of their children when they were with the other parent and evidence ongoing concerns for the safety of their children.

8. MY CHILDREN ARE SAFE when they are with their other parent

615 people responded to this statement: 163 men and 452 women.

Table 756: Numbers and percentages of men and women in relation to whether they thought that their children were safe when with their other parent

| Answer Options | Male pre 2006 | Male post 2006 | Male since 1995 and after 2006 | Female Pre 2006 | Female Post 2006 | Female since 95 after 06 |
|--------------------------|---------------|----------------|--------------------------------|-----------------|------------------|--------------------------|
| Strongly disagree | 27.30% | 27.50% | 15.80% | 28.90% | 37.70% | 39.40% |
| | n=15 | n=11 | n=6 | n=37 | n=57 | n=50 |
| Disagree | 14.50% | 17.50% | 26.30% | 25.00% | 18.50% | 22.80% |
| | n=8 | n=7 | n=10 | n=32 | n=28 | n=29 |
| Neutral | 20.00% | 17.50% | 15.80% | 25.00% | 24.50% | 16.50% |
| | n=11 | n=7 | n=6 | n=32 | n=37 | n=21 |
| Agree | 30.90% | 22.50% | 28.90% | 11.70% | 13.20% | 14.20% |
| | n=17 | n=9 | n=11 | n=15 | n=20 | n=18 |
| Strongly agree | 7.30% | 15.00% | 13.20% | 9.40% | 6.00% | 7.10% |
| | n=4 | n=6 | n=5 | n=12 | n=9 | n=9 |

Across all cohorts roughly 20% of women (see table above) agreed or strongly agreed that their children were safe when they were with the other parent. This was also evident, although to a lesser extent, in the men's responses which ranged from 37.5% post 2006 cohort to 38.2% pre 2006 cohort and increased to 42.1% for men in the system since 1995 and after 2006.

9. I WORRY that my children are not safe when with the other parent

605 people responded to this statement: 158 men and 447 women.

When examined according gender, the data revealed that 41.2% of men (n=65) and 62.7% (n=280) agreed or strongly agreed with this statement-indicating that there was considerable concern among separating parents for the safety of their children. However the safety of children when with their other parent was of greater concern to more women than men.

10. MY CHILDREN ARE NOT SAFE when they are with the other parent

600 people responded to this statement: 157 men and 443 women.

A gender analysis indicated that a greater proportion of women 45.4% (n=201) than men 31.8% (n=50) expressed this concern i.e. agreed or strongly agreed with this statement.

When dividing the female data into the three cohorts the following became apparent:

Table 767: Number and percentage of women in the three different cohorts in relation to whether they thought their children were not safe when they were with the other parent

| Answer Options | Female Pre 2006 | Female Post 2006 | Female Since 95 and after 2006 |
|--------------------------|-----------------|------------------|--------------------------------|
| Strongly disagree | 20.00% | 14.20% | 14.60% |
| | n=25 | n=21 | n=18 |
| Disagree | 12.00% | 13.50% | 12.20% |
| | n=15 | n=20 | n=15 |
| Neutral | 27.20% | 24.30% | 21.10% |
| | n=34 | n=36 | n=26 |
| Agree | 17.60% | 18.90% | 18.70% |
| | n=22 | n=28 | n=23 |
| Strongly agree | 23.20% | 29.10% | 33.30% |
| | n=29 | n=43 | n=41 |

As Table 67 indicates, the number of female respondents who indicated that their children were not safe when they were with the other parent (i.e. agreed or agreed strongly with the statement) increased from 40.8% (n=51) for the pre 2006 cohort to 48% (n=71) for the post 2006 cohort. However, 52% (n=64) of the cohort who had been in the system the longest (i.e. females since 95 and after 2006) responded in the affirmative to this question, perhaps indicating that they were people who were embroiled in intractable conflicts arising out of safety concerns for their children.

Question 14: If you indicated that your child/ren are not safe or you are worried in the last question, please explain why

The aim of this question was to provide deeper insight into why those women and men who answered our survey reported feeling that their children were not safe or that they were worried about the safety of their children. There were 351 women who responded to this question: 100 in the pre 2006 cohort, 116 in the post 2006 cohort and 106 in the since 1995 and after 2006 cohort. In contrast, there were 86 men who responded to this question: 33 men in the pre 2006 cohort, 23 in the post 2006 cohort and 17 in the since 1995 and after 2006 cohort.

Themes arising from the responses from women

Safety of children and family violence

Just over one third of women who answered this question (n=351, 126/351) noted that they were concerned about their children's safety because of previous violence towards them by their ex or by their ex towards their children. Women noted that their ex had 'assaulted', 'hit', 'thrown' the children across a room, had accessed 'guns' in front of the children, 'exposed' them to domestic violence, 'threatened' to 'throw' their child down three flights of stairs, with a small number noting that their children had made allegations that they had been sexually abused by their father.

Examples from pre-2006 women

- *Because of the continuing attitude of their father that physical violence is okay and that he mentally and emotionally continues to hurt them. Not to mention things like his car bursting into flames, unsafety of his dwelling and other issues, e.g. lack of safety in the presence of others.*
- *Psychological abuse is continually experienced.*
- *My son has told me that he is afraid of his father particularly that he gets angry easily and hits him.*
- *My ex is violent and vindictive.*

Examples of statements from post-2006 women

- *My ex partner has assaulted the children, made death threats towards them, is obsessive and violent.*
- *My ex signed custodial orders that my son would not help him make bullets and would not have access to firearms. He is now doing both. To fight this I will have to go back to court, and that's \$10,000 I simply don't have. He'll just get a slap on the wrist and promise not to do it again. My child has told me my ex has physically thrown him across a room, forced him to sleep on the floor and verbally abuses him. Verbal abuse by my ex is not like verbal abuse by other people. It is extremely vicious and I couldn't cope with it as an adult, let alone as a child. I decided to leave the home when he punished our child, and grabbed him by the arm so hard it left bruises. I'm also concerned because my ex is probably very depressed (at the very least) and has been unemployed for several months. I have been with him when he's unemployed and he is very hard to live with. He is also 64 now and has no prospect of work.*
- *My ex is very possessive and domineering, with me already having had a DVO, he openly states how he hates me and does not want my son to see his mother, even though my son has told counsellors recently that he does not feel loved at my ex's house and wants to come home. My ex has a very violent temper and is known to smash things and even killed my little dog with a hammer through its head. The courts don't care!*
- *My ex partner has had three AVOs in the past ten years with three different women all of these AVOs relate to domestic violence and stalking and breaches of AVOs, there is access to guns and has intimidated two women with guns including myself, he has been charged with these offences and our child is now at increased exposure to domestic violence, she is too young and is at risk of serious psychological harm and neglect.*
- *The guy has a history of violence & has been using illicit drugs on a daily basis since he was 14 or 15. He suffers from the same mental disorder as most serial killers (Narcissistic Personality Disorder) with schizoid tendencies. He has threatened to throw my daughter down 3 flights of stairs in her car capsule when she was 2 weeks old & I went to see him to see if he was ever going to be a 'father' to her. My witnesses have never been allowed to testify to the court since 2006. I know my daughter will be harmed if she ever is forced to have unsupervised contact - the court constantly tries to push for this & I am terrified for my daughter's life.*

Examples of statements from 'Since 1995 and After 2006' women

- *My daughter alleged sexual abuse perpetrated by her father and I as her mother witnessed the impact this had on my daughter during the time she alleged the abuse and the long term presenting impact of the abuse i.e.: panic and anxiety attacks, confusion, fearful of making decisions not in line with fathers control or manipulative tactics towards her. She is now suffering Obsessive behaviour in relation to*

germs. Her father passes messages through her to me that he is going to kill me for reporting domestic violence to the police. My daughter states that her father tells her she is just like her mother. My daughter states that dad hates me (mother). This is indirectly impacting on my daughter's self-worth and self esteem.

- *My child has from the age of 3 indicated by words and actions that he is being sexually abused by his father. He comes home very red around the anal area and at times complaining that he hurts and telling me lately it is the fun place and trying to put things into his anus.*
- *My children do not have contact with my ex. My ex decided he no longer wanted to see them however I felt forced to make an order and for the children to have contact with him by the courts even though he was violent and had drug addictions. My ex had a car accident while on drugs with the children in the car. He also transported the children around with no seat in the back of the car. My complaints feel on deaf ears. I was constantly in fear that my children would not return on his access visits. I cried the whole time he had them.*

A small number of women (n=351, 18/351) respondents also noted that despite bringing their concerns about their children's safety to the attention of someone in the family law system (e.g. the police, the courts, the Department of Children's Services etc.) they felt their concerns were not heard or listened to by the court when making parenting arrangements.

Examples from pre-2006 women

- *My ex takes the children to the local pub every Friday night where he drinks alcohol then drives them home. I have contacted Police regarding this however as he resides in a small town people call the pub to tell them not to leave yet as the Police are around so they wait until the Police have gone before driving home or they walk to a friends place up the road.*
- *Their emotional safety was never a consideration and was never listened to by the courts.*
- *the father takes drugs drives bad has no money most of the time is homeless on occasions careless about my sons welfare has sex with his girlfriends in the same room as my son is sleeping in and my son is obviously not asleep as he comes home very upset lots and lots of things that have been reported to families S.A.*
- *he is on drugs and is under the influence when he picks them up and I have rang police and talked to other s over last 5 years and I cant get anyone to help me.*
- *Please check Police reports - because the court does not - please check medical and hospital reports because the courts do not- please check homeless shelters because the courts do not - please wake up to the system and the judges and how the make their decisions beware -*
- *Ex husband is an alcoholic, aggressive and violent, both children have special needs which he doesn't know how to manage and ignores, he continues to threaten and use psychological abuse against them, including locking them in a house and going to a party and being so drunk the next day they couldn't wake him in order to be fed breakfast and had to find food in the fridge themselves. They were very frightened, despite advising court, Independent Children's Lawyer and Child protection nothing was done, children still frightened and we are still expected to go ahead with contact arrangements, and I am expected to actively encourage them to go. Judge has also been ignorant of these facts, multiple incidences have occurred in this regard, all ignored.*

Examples from post-2006 women

- *My ex choked my son the police didn't press charges and he will not visit since he stopped going my ex is now being violent towards my youngest son name calling.*
- *This has been a hostile separation, where my ex psychologically harms the children, he does things in spite of me... he does not talk about the children's welfare or his concerned about their general health and well-being. He however has shown the psychiatrist a very different side. The courts get involved and it's he said she said... I now have to decide what is best for the children and I know that I have an ex who verbally abuses me and who bullies me and who only makes things worse for me. He does not care about his children. He has used them as part of his plot to get back at me and why are the courts not listening. I know what I have lived with him and what I went through. He emotionally abused me with suicide threats in every argument and he has said I have made this up... He is lying to child support about his work capacity and I am extremely annoyed that they will not look at this further.*
- *My concerns re DV were not considered - the consultant decided after speaking with me for 20 minutes that my son was not at risk of violence from his violent father.*
- *Ex partners drug misuse, mental health issues and violence never addressed, I was made to look like I was just being nasty. My daughter's wellbeing was never considered, nor was my role as her mother and primary caregiver.*
- *I have photo's, medical reports and hospitalisations which have noted 'unexplained damages to the children whilst on contact' the courts don't care, do not listen and by the time you get to hearing its not recent enough, relevant etc, etc.*
- *I believe that there are many indicators that he is not a safe parent both in the evidence of his behaviour before and after separation. The family reporter did a personality test and his results indicated that he had 'delusional' traits and 'paranoid features' but the Court has never focussed on these; instead it seems to me that I am the focus for making the allegations of DV and child abuse in our marriage; allegations that were shown to be true.*
- *In the time that the current orders have been in place (approx 3 months) my children aged 8 and 10 have been supplied alcohol and been brought home drunk (I reported this to DoCS), exposed to pornography (this has also been reported to DoCS), exposed to the new partners' nudity, been left in car parks in the car, underfed, not encouraged to shower for entire weekends.*
- *EX is extremely violent physically, verbally and psychological. He has threatened to kill child and mother and to first unlawfully take child away from mother's care. He also has a personality problem that has been picked up by the independent psychologist at family court. However, the court refuses to consider his violence and threats and still offered him unsupervised visits.*
- *There's no scope during mediation to prove my allegations of violence but I don't want to go to trial. So I've made agreements that I hope are good enough but I still worry.*
- *My daughter has received frequent injuries while in my ex's care. She is withdrawn after returning and has started to display a significant reluctance to interact with adult males. A GP and social worker have expressed concerns of sexual abuse. My ex has narcissistic personality disorder and is a very abusive personality who has committed sexual violence including rape on me. He is a heavy and frequent user of many illegal drugs. His condition essentially means he has no sense of empathy or responsibility and will exploit especially those closest to him and especially females. He has been*

growing drugs. He makes porn suggesting underage and incestuous involvement. He is subject to frequent rages.

- *Last Monday my middle child came home with bruises from being repeatedly kicked by his father's new girlfriend. I rang Families SA hotline, took pictures and went to the Doctor. Yet he still has to go there next time. It is DISGUSTING. Women are powerless to protect their children; the rights of the father overrule the right for children to be in a safe environment free of violence, alcoholism and drug use.*

The analysis of the data from women who answered our survey and gave qualitative responses to this question clearly indicated that the 2006 reforms had influenced women's perceptions regarding whether decision-makers and family professionals had heard their concerns about children's safety when making decisions about parenting. This was particularly the case for the 'since 1995 and after 2006' cohort who were largely women with intractable conflicts arising out of safety concerns for their children.

Examples of statements from 'Since 1995 and After 2006' women

- *Substantiated sexual abuse. He has a history of DV, Mental Health issues i.e.: put a gun in his mouth to kill himself, Alcohol Issues, Was found to be an unacceptable risk by court and full court and he ended up with children... all prior evidence ignored.*
- *Over the years of family law (which was prior to new rulings of shared care my main orders are from 2003 and 2005) I was not believed of abuse, both physical and psychological and this was never considered nor my children's fears for their safety afterwards which resulted in my going back to court again in 2006, 2007, and 2008 and now my 13 year old has been to police and no longer going to his fathers, I'm being dragged again into family law for not complying with court orders and making my 13 yr old go to the other parents.*
- *The bruises the stories they tell, what they have told in family reports and police reports and victims of crime interviews- worries me. No to mention what I have been witness to. But the court and the judges do not care. The police are impotent and the lawyers are deceitful and only out to cash in on the hardship. There is no service to redress systemic abuse and the ineptitude of the family court. The family Court is designed to place enormous pressure on people to settle. Irrespective of the situation. DO NOT GO TO THE FAMILY COURT IF YOU NEED PROTECTION FOR YOURSELF OR THE CHILDREN. Legislation and the design and policy of the court dictate the way it works or infancy does not work. There is no remedy for the failures of the family court and those who represent themselves as officers of the court. The 'officers of the court' are just as corrupt or corruptible as the court it self. The Court is so out of date and so impotent by its construct and nature- if only people knew how dysfunctional and weak and pathetic the court and all its rules and policies were - there should be full accountability by judges and there needs to be full and accurate reporting. The family court id corrupt beyond redemption and it has gag orders so there is no reporting on all its deficits and deficiencies. It would have to be the most deficient Court of all. Then there are all the legislations that do not work or even get considered. How damaged is the family Court? I think completely inept. They are a joke from clerk to judge and the federal Magistrates as well. The Legislation and Child Protection are useless.*
- *Docs would not act because it was a family law matter. Family Courts and judges chose to ignore family violence and risk to the child.*

- *I am concerned because of his violent and abusive behaviour to me and children prior to separation and this has continued with me so I do not believe it has ceased. Child protection were involved but did not have enough evidence to action anything.*
- *There is a strong history of DV with EX and I and Ex and his current wife. I feel I was well supported to get out and not go back into a DV relationship but now my kids are forced to continue to cope with it as my concerns are not taken seriously. Even the psych report mistook the children's fear as confusion not fear.*
- *So far the 'father' only has supervised contact. But the court constantly try to force my daughter to have unsupervised contact & I am terrified because this guy is a daily drug user who has been diagnosed by the court to suffer the same mental disorder that most serial killers have (Narcissistic Personality Disorder). My life has just become one long drawn out battle to protect my children. The court continues to drag cases out so that they create more money & work for themselves. Everyone knows this.*
- *I believe that there are many indicators that he is not a safe parent both in the evidence of his behaviour before and after separation. The family reporter did a personality test and his results indicated that he had 'delusional' traits and 'paranoid features' but the Court has never focussed on these; instead it seems to me that I am the focus for making the allegations of DV and child abuse in our marriage; allegations that were shown to be true.*

Safety of children and substance misuse issues and/or criminal activity

There were 72 women (n=351) across all the cohorts who were concerned about their children's safety because of substance misuse and/or criminal activity on the part of the other parent. Both the AIFS and Chisholm reports indicate the importance of better understanding the characteristics of perpetrators of family violence and how mental health problems and addiction issues and criminal activity prior to separation are an influencing factor in parents' concerns for safety of their children after separation (Chisholm, 2009; Kaspiw et al., 2009). The statements below echo the findings of the AIFS report that many separated families (about one third of the female respondents in our survey) 'are affected by family violence, safety concerns, mental health problems and issues linked to the misuse of addictive substances' (2009).

Examples of statements from pre-2006 women

- *The father takes drugs drives bad has no money most of the time is homeless on occasions.*
- *They are still subject to verbal abuse even as adults now & he still has anger & alcohol abuse issues.*
- *Past drug and alcohol abuse by other parent. Other parents lack of parenting skills & insight into child's needs.*
- *diet is poor and it has since been uncovered that there is a maternal inheritance genetic metabolic disorder, sun screen and skin cancer guidelines rarely followed, neglect when in Ex's second family grouping, alcohol use continued and children at times terrified of Ex's anger and stand over tactics.*
- *The drug abuse, and verbal abuse was why we left, and I worry about what he is doing or saying to the child when in his care.*

- *My ex is a drug user - marijuana and I am not sure to what extent he smokes this whilst he has care of the children.*
- *He takes drugs in order to do his job as a truck driver and his moods can be very unpredictable and dangerous.*
- *He gets drunk every night.*
- *reports from the school at being dropped off to early with no supervision, reports of drinking alcohol at the other house, medication being provided with no medical appointment.*
- *My ex is an illegal drug user and my youngest child now uses illegal drugs.*
- *The father induces a high volume of marihuana. Also I caught my husband looking through the bathroom wall at his 17 year old daughter in law prior to separation. This raises concern for other children visiting the house (my daughter is now 16). I have suggested to other parents that they don't take their children there, but am unable to disclose the reason as it was a long time ago and the father will deny it and create reprisal. My children are all but grown up so my concern is less regarding issues of neglect. However, I am worried for their future due to potential for drug use. When the house was valued for sale the real estate agent said it was the 'second worst house' he had seen in his 20 years and the other house was owned by a blind 80 year old woman. To this day, you cannot walk through the house and for years, the children had to wash their hands in the kitchen sink. Also, from time to time, there was physical violence between relatives or associates of my ex at his house.*
- *My daughter can tell you that for three lines of cocaine she gets \$450.00 from the guys and \$350 from mum's friends. She witnesses drug use of pot and can describe where her mother keeps it, what she uses, where she stashes it to sell. My daughter can tell you of at least 4 times she has witnessed some guy or [name withheld], her mother's repeat boyfriend hit her mother, yell swear scream and even smash a bottle of her mother's face.*
- *Now that they are older they have developed protective behaviours. Prior to this I was very concerned about their wellbeing as some of the new members of the church had a criminal background and were seeking redemption. These people at times stayed with my ex.*
- *My ex takes and deals drugs, he is violent and an angry man. Dealing drugs brings all sorts of people in my son's presence and my son has also seen a gun and knows where it is hidden at daddy's house.*
- *Because of his mental state & his use of prescription & illegal drugs.*
- *Alcohol and frequent drug use at other parents home.*
- *He in the army and drinks a lot still. My child has come home injured before due to apparent accidents that wouldn't have happened if he was supervised.*

Examples of statements from post-2006 women

- *The children are at risk of both physical and emotional abuse from the ex's violence and controlling nature, anger management issues, and substance abuse inc. alcohol. He has a criminal history of child abuse and other forms of assault.*
- *Their father drinks heavily and the children are constantly left to put themselves to bed, he leaves them unsupervised during the day (including school holidays). He has punch up fights with mates when drinking & the girls are left to ring 000. He has started to show the aggression he used to show*

me towards the 12 yr old. He has mistresses and the girls are told to keep secrets and are placed in the middle of the disputes.

- *He is an alcoholic who can not even look after himself, let alone a baby.*
- *Ex partner has a violent temper and history of drug/alcohol abuse. He is reckless and has no understanding or concern for child safety. Part of our agreement was that he fences his pool and until so was not to take our son to the property. I had to follow him out of concern for my son where I saw him taking my son to his house, with no fence in place and no safety measures around the house, and the house is filthy. But unless I follow him every weekend there is nothing anybody will do. He is just trusted at face value that he is doing the things he said he will, and it puts my son at risk. I feel I am in a very powerless position to protect my son. I am told he will not be ordered to provide a clean home in a court room because everybody's idea of clean is different. My son is therefore denied the right to a clean, safe, protected environment.*
- *My ex is an alcoholic, he has abandoned the children in the past whilst drunk and drugged. It is currently ordered that he not consume alcohol whilst the children are in his care, but the children have indicated that he continues to drink. It is also ordered that his partner be present at times when the children are sleeping but I have no way of knowing if she is present. My ex is extremely manipulative and prone to outbursts of anger. I have no confidence in his partner's ability to advocate for the children's safety or adherence to court orders.*
- *My ex is a violent criminal with a long history or jail time, being locked up in psychiatric hospitals, rehabs, drug addict for over 25 years. He has threatened and been violent with me and my daughter.*
- *Due to my Ex's drug use and his family's mental illness and drug abuse.*
- *'Ex' still has drug, alcohol, and violence issues.*
- *He is unpredictably violent and always puts us down. He binge drinks and there is no way to monitor how much he is drinking when they are with him. I worry about what he thinks is acceptable punishment, sometimes he will smack them with his belt for little things like not finishing dinner. My son has described some scary situations where his dad has left the house and not come back for a long time and when he comes back he's drunk. The kids remember what used to happen to me when we all lived together, that was when he would hit me or force me to have sex with him. So they are very, very frightened. Both wet their beds now even though they were toilet trained before the age of three. The eldest one is very quiet and jumps at any noise in the house. To me these are extremely worrying signs.*
- *My ex partner is a drug addict whom forgets the mere basic necessities, he has sent my son back sick by feeding him foods his body is intolerant too, he has also left him sitting in the same nappy all day and returned him with severe nappy rash. My son has suffered injuries in his care even when he has been supervised. He does not follow medical practitioner's advice or listen to what I have told him about his son's health. My ex partner cannot go 24hours without drugs and is under the influence whilst my son is in his care and I cannot stop him driving my son around or taking him to his mates places so he can get stoned. He exposes my son to very dangerous people including , men who have committed sexual abuse, physical abuse, including sexual interactions with minors, drug dealers, men who are emotionally and mentally unstable and who have attacked and abused me, men who are under the influence of excessive alcohol and drugs and are incredibly violent. My ex does not have any parental capabilities and is mentally unwell due to his addiction and depression. I fear he will hurt our son to get back at me, and also he will intentionally endanger him in order for him to get his 'fix'.*

- *No decisions made yet. But I feel my children would not be safe with the other parent. He drinks excessively, has driven with them in the car after drinking on numerous occasions and drives with children unrestrained. They would not be safe.*
- *He drinks too much. In the 1st court orders it stated he could only have 2x 375ml beers when she was in his care, but he would always drink a lot more and try to hide the bottles. Phone calls to me when B (10 yrs) was in his care, he talked about suicide and I feared he would hurt her so I picked her up and have not let her stay over again. He has left suicide notes to the 17 yr old girl on 2 occasions that I know of, she lived with him for 2 years and is now with me. He is self employed and pays no child support although he is on high income but hides it.*
- *My ex is a substance abuser and alcoholic with no boundaries around other people. I believe him to be an unsafe parent.*
- *Because my ex has threatened to harm the children and has also driven with them drunk.*
- *Not safe with him when he drinks excessively. He has no self control and starts to have 'a couple' and then it continues. Even though the court ordered him to not drink whilst having the child in his care who is to stop this?*
- *He is a drug addict.*
- *My daughter has received frequent injuries while in my ex's care. She is withdrawn after returning and has started to display a significant reluctance to interact with adult males. A GP and social worker have expressed concerns of sexual abuse. My ex has narcissistic personality disorder and is a very abusive personality who has committed sexual violence including rape on me. He is a heavy and frequent user of many illegal drugs. His condition essentially means he has no sense of empathy or responsibility and will exploit especially those closest to him and especially females. He has been growing drugs. He makes porn suggesting underage and incestuous involvement. He is subject to frequent rages.*

Examples of statements from 'Since 1995 and after 2006' women

- *My ex selling drugs for living, gambling and changing women. His ex- wife, the one before me, suffered the same way, her children as well. We both don't know how to help our selves and our children.*
- *History of sexual abuse toward children, drug use, alcohol use, criminal activity, bad judgement.*
- *Child has returned distressed from visits. Father has not been honest in response to my raising those issues directly with him. Child has returned having seen pornography and drug use.*
- *Extensive domestic violence, alcohol and drug usage.*
- *History of alcohol and drug abuse and mental and emotional instability*
- *My ex husband is an alcoholic & worried he'll drink when he's got the kids.*
- *Marijuana use in presence of children, lack of supervision, exposure to movies with inappropriate themes from (violence causing nightmares), returning sunburnt and covered in insect bites, driving unlicensed with child in car and under the influence of marijuana.*
- *Alcoholism is an unpredictable disease so of course I continue to worry- even now they are older because my ex is unreliable and sometimes self destructive and this is damaging for them- I am just so*

grateful and lucky that I was able to decide before this stupid new shared parenting guff that doesn't understand the danger and unpredictability.

- *Psychological abuse, incidents of violent road rage while children in the car, reports of drug use by children.*
- *The father has a history of drug and alcohol abuse (he still admits to using marijuana). He was violent towards the mother and child, including threatening to kill the mother. He displayed a flagrant disregard of Australian laws by staying illegally in Australia for 21 months. He is an Indonesian citizen with an Indonesian passport, although he resides in Australia with PR. He has placed significant religious pressure (to become a Muslim) on the mother and child. He has demonstrated very inappropriate sexual behaviour towards the child (including exposing his erect penis and pulling her pants down).*
- *Children as young as two consistently left unattended in isolated home for hours at a time. Children in a environment of intravenous drug use, firearms and ammunition left with children who point the guns at each other and practice loading firearms, adults severely intoxicated vomiting and defecating in house on floor, adults having sex in front of children, adults hitting children and each other. Plates etc smashed in front of children.*
- *He is an alcoholic and I don't know if he is getting drunk while she is there. He once used bleach to treat a scratch on her foot.*
- *My ex drinks a lot and I worry that he will drive dangerously with my son in the car as he has done in the past. His emotional safety is also at risk due to my ex's drinking and other behaviour.*
- *Father abuses alcohol, becomes aggressive towards them, am concerned about psychological harm to children arising from his ongoing denigration of me and my family.*

Safety of children and mental health problems

A further 46 women (n=351) from the post-2006 and the 'Since 1995 and After 2006' cohorts noted that they were concerned about their children's safety because of their ex's mental health issues.

Examples of statements from post-2006 women

- *My partner returned from Afghanistan with clinically proven PTSD. He hardly knew the kids because he was away for most of their life. He is not well, has been admitted to hospital on two occasions with suicidal thoughts. He knows nothing about caring for children let alone what his own children needs. For instance he didn't know Briony our 4 year old is lactose intolerant and smacked her when she vomited after being force fed cheesy pasta. He is a scary man and it breaks my heart to think these little girls are left alone with him.*
- *My ex is abusive and he has threatened to kill himself and the children and he hits into the children and is mentally abusing them.*
- *He drinks too much. In the 1st court orders it stated he could only have 2x 375ml beers when she was in his care, but he would always drink a lot more and try to hide the bottles. Phone calls to me when X (10 yrs) was in his care, he talked about suicide and I feared he would hurt her so I picked her up and have not let her stay over again. He has left suicide notes to the 17 yr old girl on 2 occasions that I know of, she lived with him for 2 years and is now with me. He is self employed and pays no child support although he is on high income but hides it.*

- *My ex suffers from severe depression and threatened suicide many times when we first separated. I had and still have major concerns about my daughter being exposed to this on a regular basis but at the mediation session my ex kept saying that he was totally recovered from his depression and I really felt that the mediator was not listening to my concerns. Although I know that my ex loves my daughter and would not purposely do any harm to her, he gets very withdrawn and self absorbed when he is in a depressed mood and I worry about would could unintentionally happen to her. This is why our current arrangement has my daughter with her father for short, frequent visits. He is now wanting to make those visits longer and we are about to go into another round of mediation to re-negotiate care arrangements.*
- *My ex has mental problems and drug and alcohol issues which he has demonstrated around the child. The courts don't seem to care that an adult is mentally unstable and uses drugs and drinks around their child.*
- *Ex partners drug misuse, mental health issues and violence never addressed, I was made to look like I was just being nasty. My daughter's wellbeing was never considered, nor was my role as her mother and primary caregiver.*
- *Does not understand that our son is a separate entity. Expects him to attend to her emotional needs. Has said in front of him that she did not want to be alive without him and threatened suicide if she loses him. She denigrates me to him and makes him feel that he has to choose between us. Also engages in high risk behaviour such as drug taking and then driving with him in the car and takes him to her drug dealer's house to pick up drugs. He has related to me how afraid he is in when he is in this environment and has told her how he feels but she continues to disregard his needs in this regard. Also has allowed a young, unlicensed driver to drive her car with our son in the back.*

Examples of statements from 'Since 1995 and After 2006' women

- *So far the 'father' only has supervised contact. But the court constantly try to force my daughter to have unsupervised contact & I am terrified because this guy is a daily drug user who has been diagnosed by the court to suffer the same mental disorder that most serial killers have (Narcissistic Personality Disorder). My life has just become one long drawn out battle to protect my children. The courts continue to drag cases out so that they create more money & work for themselves. Everyone knows this.*
- *My ex is very violent, and has no emotions towards the children - he has assaulted me, and harmed them in the past. He has threatened to kill us all for leaving him. He says that the law will give him the children and then I can't protect them. At the moment, he is right.*
- *Ex has depression and high functioning autism and has on many occasions put the children (and my life) in danger because he is depressed and would like to commit suicide but due to religious beliefs can't commit suicide as it will bring shame on the family. Has made all sorts of threats over the years and has carried out most of them. HE has told me he will never leave me alone. 15 years and 24 silent numbers (4 years with no phone connected to home) I still cannot get away from his stalking me via the phone. I know I will have to disappear to eventually get some peace and be able to live without having to look over my shoulder, triple lock doors etc to make sure I can live in peace.*
- *My children have had to live where there is an intervention order against their step sister who lives in the same house. My girls now 20 and 18 have been given alcohol and been introduced to marijuana and LSD by their stepmother my 15 year old son has sniffed glue with his step brother. My ex-husband admitted to me in a letter that he has stuffed up the girls lives. I put this in to evidence at my trial and*

it went in his favour! My girls have both been suicidal, had several STDs drug issues and quit school as they turned 15.

- His drug use and his unstable temper because of his drug use. He could just snap again. He doesn't even work. His friends are all criminals and drug abusers. He drives under the influence of drugs all the time. He does not encourage her to eat healthy; he and his mother buy her love. He can't support himself his mother gives him most stuff and looks after baby also. His mother also takes drugs, I think the lifestyle they live will affect my daughter in the long run.*
- My ex has a lot of medical and mental problems that include sleep apnoea, is diabetic, epilepsy, and is an alcoholic.*

Themes from the male responses

Safety of children and family violence

There were 86 men who gave qualitative, open-ended responses to question 14: 33 from the pre 2006 cohort, 23 from the post 2006 cohort and 17 from the 'since 1995 and after 2006' cohort. Of the 20 men (n=86) who had safety concerns for their children, 9 men were from the pre 2006 cohort; 5 men were from the post 2006 cohort and 6 men were from the since 1995 and after 2006 cohort. The statements below appear to suggest that men who had safety concerns also report physical, sexual and/or emotional abuse by the other parent typically directed towards their children. However, very few men reported having been hurt by the other parent or that they have been fearful of the other parent. This finding is replicated in the AIFS report where it was noted that mothers who held safety concerns were more likely than fathers to report that their relationship was a fearful one (Kaspiew et al., 2009).

Examples of statements from pre 2006 men

- The mother is a violent woman and her boyfriend a very violent man.*
- A mother with a violent temper when not getting her way. This applies to the time our daughter was only 5 and up when she was unable to defend herself. Now our daughter is 17 years old, she refuses to even live with her mother for one night and has not done so in at least a full year now. She remains in my home.*
- EX hits them, including with objects, and psychologically abuses them (e.g. tells them she doesn't love them anymore when they are naughty).*
- She sexually abused our daughter.*
- Even after 6.5 yrs, I cannot come to terms with the fact that I cannot protect my kids on a daily basis. This includes my ability to protect them from psychological abuse.*
- Our child was never safe with his mum, he disclosed to court reps and others and I saw violence towards him at handovers. He has now chosen aged 10 never to see mum again after continual beatings, neglect, and emotional and psychological abuse from mum and his half sisters over a period of 7 years.*
- I believe my ex wife is a chilling cold hearted child abuser. This abuse takes the form of mental and emotional abuse. It cannot be proven and I will not try and take the matter back to court.*
- I cannot find the correct answers for my situation! The first question uses the word 'current' none of the other questions have this. This survey assumes that the kids have not changed home. It also has no*

provision for when an abused person is falsely accused of abuse and that is substantiated and then later retracted. It does not cover a situation where the kids are ordered to live with mum and then later it is ordered that she have no contact with the kids because of her sexual abuse of them for which I was charged and only later for it to found that the mother was the abuser. It also assumes that the parents follow orders.

- *My children have suffered a decade of incredible violence and anguish. As the ex is a woman, she was able to hide behind govt institutions until finally the police intervened, arresting her.*

Examples of statements from post 2006 men

- *They have informed the court appointed councillor they have been smacked by their mother.*
- *Their mother on an ongoing basis uses the children as pawns and abuses them mentally in an effort to discourage a relationship with me.*
- *New partner of ex has taken to touching the eldest daughter around the upper groin and chest (rubbing cream) which apparently is fine within the law.*
- *My wife has untreated Asperger's Syndrome, Borderline Personality Disorder and Bipolar Disorder. She is unpredictable, violent and unable to be reasoned with. She believes she is above the law and because she is a skilled manipulator, it looks like she may be.*
- *For the ongoing psychological and emotional trauma that he has to experience.*

Examples of statements from 'Since 1995 and After 2006' men

- *Past history of domestic violence, as recorded by SAPOL.*
- *Ex is violent and prone to mood swings. Major motivation is to prevent contact between children and self. The family of ex is also violent between each other and towards the children.*
- *Continued emotional abuse.*
- *My ex's history of physical and emotional abuse.*
- *Ex cuts me out of most of my child's life and I do not have any input into key decisions. I am concerned about emotional manipulation.*
- *Constant negative messages about my role as a parent given to the children to damage my relationship with them. Emotional abuse of the children.*

Safety of children and parental neglect and mental health problems

Just over one quarter of the men (n=86) who answered this question indicated a concern for their children's safety because of substance misuse (10 males), parental neglect and/or inappropriate carer (e.g. leaving their children alone or in the care of a third party whom they mistrust) (11 males) or mental health problems (3 males). These findings accord with the AIFS report although they reported a higher proportion of parents who held safety concerns for their children and who indicated mental health problems and/or misuse of alcohol or other drugs were issues in their family before separation (Kaspiew et al., 2009).

Examples of statements from pre-2006 men

- *My ex wife and her 'new' partner are violent, irresponsible alcoholics.*

- *My ex is a violent druggie.*
- *My ex wife is an alcoholic and is anorexic. Her partner verbally abuses her and my children. She can not properly care for the kids. The kids care for her.*
- *My ex has a drug addiction and drinks heavily. Associates with drug dealers and there is continual verbal abuse towards the children and physical abuse towards her partners.*
- *Ex often takes drugs and abuses alcohol. One occasion my daughter was locked in house while ex at work. Other occasion ex broke wooden spoon on daughter's elbow - left bruise for a few days.*
- *She drinks and drives, she drinks and hangs with all sorts of creeps she picks up, she goes out and leaves the young children by themselves.*
- *The other parent often leaves/left the children at home unsupervised.*
- *Mother has left younger child on his own when he was sick. Mother does not support children for their education. She owns on business and spends considerable hours in the shop.*
- *She has left my child with men she hardly knows and in their care before.*
- *She is on her own and leaves the children with her family members and couples who I do not approve of nor have ever approved of.*
- *My ex is irresponsible and I don't believe she has taken good care of them in spite of all the money she receives from me.*
- *Ex wife's new partner is a moron - he has purchased them motor cycles without adequate training or safety equipment and knows that my brother died on a motor bike - done activity to upset me.*
- *The child still residing with the mother is currently being investigated by child protective services due to health concerns. Allegations before court of abuse of other child in my care when she was with other parent by other parent's then boyfriend (inappropriate conduct).*
- *I do not trust my ex's new partner with the care of my children.*
- *Their step father is not reasonable.*
- *The PND is still around and information has indicated verbal abuse, poor diet and over use of Panadol and Dimetapp.*

Examples of statements from post 2006 men

- *my wife has threatened to kill her self and take our 5 year old if we sort help for the violence we were been subjected to especially our children, following seeking help my wife tried to kill her self and on one occasion following a suicide attempt with tablets went to our home and took the children, she continued threaten us about taking our 5 year old and continued to subject us to violence, control and abuse all following separation she continues deny this and is destroying our lives including our 18 year olds final year of school and her own parents life she refuses to accept any help and can convince many by her self induced behaviour that she is the victim although her entire family including her mother father and brothers no the truth.*
- *My ex is a long-term drug user, has experienced police verifiable violence with a few live in partners that my daughter has witnessed, daughter not getting to school regularly, mother possibly has narcissist personality disorder (court decided), neglecting daughter, evicted from many houses, around a lot of different men, left unsupervised. Much of this verified by police report, witnessed by friends and family.*
- *Due to previous neglect and criminal activity and chronic drug abuse.*

- *EX abuses alcohol and marijuana. EX has mal-parented 13 year old son who now abuses her.*
- *My ex drinks to excess, if often intoxicated when children are with her.*
- *Ex spouse has history of leaving children alone and leaving children on care of new partners.*
- *When at his mother's our child (7) also lives with his brother (12) uncle (20) and maternal grandparents. He has complained on a number occasion about verbal abuse from his grandmother particularly, physical discipline bordering on excessive from both grandparents, and bullying from his brother. My worry is about an event that may occur before his mother can intervene. I am comfortable that if was obviously getting out of hand she would take some sort of action. In the past she has asked me to care for him for a couple of extra days for just that reason.*
- *Mother married a 'Deadbeat' Lowlife.*
- *My children are being looked after by my ex's boyfriend who does not work while my ex goes to work. The eldest child had reported abuse, however when DOCS interviewed her she would not talk with them because she had been told that she would get her mother into trouble and would not be allowed to liver with her and her sister.*
- *Ex meets a lot of internet people.*
- *daughter has been abused but it was covered up be my ex*
- *Violent nature of the new relationship my ex has formed and once again he is the recipient of her abuse and violent attributes.*
- *New partner of ex has taken to touching the eldest daughter around the upper groin and chest (rubbing cream) which apparently is fine within the law.*
- *My two young children (11 and 13 year old) are constantly left alone by themselves while my ex goes out to venues and gets drunk. She has been caught DUI and she is letting a 17 year old boy stay with my 13 year old daughter.*
- *She does not follow medical advice, the child has frequent days off school, and the mother tried to deny contact for the last school holidays and disappeared for a week with the child, and the police were unable to do a welfare check.*
- *EX has a pool and my child can not swim, older step kids could leave pool gate open.*

Examples of statements from 'Since 1995 and After 2006' men

- *Due to their mother mental illness.*
- *Ex has mental issues. Orders prevent her from smoking in front of child but these are disregarded or ignored. Ex does not cook at all.*
- *My child suffers constant emotional abuse, belittling and bullying. His needs are neglected - he is dragged to the other parent's work before and after school, every evening, and every weekend. Nearly every hour outside of school hours is spend at his mother's workplace or at her boyfriend's work, or left in a car in the side street AT NIGHT. He doesn't get enough sleep, is constantly sick with no medical treatment or medicine, yelled and screamed at, locked in his room as a punishment for going away to his father's house for the week or forced to pick up dog droppings because he is happy to speak to his dad over the phone. His mother is incapable of keeping him clean, keeping in clothing of a reasonable standard or looking after him in general.*

Disillusionment with the family law system

There were 4 men who responded to this question (total=86) who noted that their concerns for their children's safety because of family violence were discounted by the family law system because of systemic bias against men and fathers.

Examples of statements from post-2006 men

- *I have interim orders for shared decision making but most of the time I don't even find out until a diagnosis is incorrectly made and inappropriate medical prescriptions and managements are in place. Even when I can be involved the doctors still have to give Jen the benefit of the doubt that she is telling the truth or has not deliberately created the symptoms, and this is with out seeing all the psychological reports of Harry screaming and having anxiety melt downs and wetting himself at my Ex's place.*
- *Systematic deception, manipulation and grooming, extreme parental exclusion supported by all Govt departments and agencies.*
- *Mother has long standing issues. The system just does not believe that a mother can behave in such a way. A father has no chance of demonstrating to the system that the Mother is deficient in her parenting skills and regard to children. Fathers are 'at fault' right from the start.*

Example of a statement from a 'Since 1995 and After 2006' man

- *My ex has a foul temper and though I cannot substantiate any evidence of any physical abuse against my daughter, I have witnessed verbal abuse from my ex levelled at my daughter and my daughter has witnessed physical and verbal violence perpetrated against myself. If I didn't get a lawyer, I would never have been able to have ANY say or influence on behalf of my daughters needs!*

Question 15: How WILLING were you to agree to the current parenting arrangement (please choose ONE only)?

679 people responded to this question: 174 men and 505 women.

Table 778: Number and percentage of responses overall in relation to their degree of willingness to agree to the current parenting arrangement

| Answer Options | Response Percent | Response Count |
|---|------------------|----------------|
| I WILLINGLY agreed to and accepted this arrangement and was involved in the decision | 26.10% | 179 |
| I WILLINGLY agreed to and accepted this arrangement but was not involved in the decision | 1.90% | 13 |
| The decision was made by a judge or a magistrate and I was happy to abide by it | 5.30% | 36 |
| I RELUCTANTLY agreed to this arrangement as I was afraid of my EX | 9.20% | 63 |
| I RELUCTANTLY agreed to this arrangement as I was fearful of losing contact with my children | 8.20% | 56 |
| I RELUCTANTLY agreed to accept this arrangement on advice from my lawyer or family dispute resolution provider. | 12.60% | 86 |
| The decision was made by a judge or a magistrate and, although I do not like it, I have to abide by it | 11.50% | 79 |
| I am unhappy with the parenting arrangement, am RELUCTANT to abide by it and am taking action to change the situation | 7.20% | 49 |
| Something else | 18.10% | 124 |

Unfiltered responses indicated that over a quarter of respondents (26.1%, n=179) willingly agreed to and accepted their parenting arrangements and were involved in the decision making. On the other hand a further 12.6% (n=86) of respondents reluctantly agreed to accept this arrangement on advice from a lawyer or a family dispute resolution provider. A similar number (11.5%, n=79) of respondents answered that the decision was made by a judge or a magistrate and although they did not like it they would abide by it. Another 5.3% (n=36) were happy to abide by the decision of a judge or magistrate.

When filtered along gender lines the following emerged:

Table 789: Number and percentage of men and women in relation to the degree of willingness to agree to the current parenting arrangement

| Answer Options | Male | Female |
|---|--------|--------|
| I WILLINGLY agreed to and accepted this arrangement and was involved in the decision | 29.30% | 24.90% |
| | n=51 | n=126 |
| I WILLINGLY agreed to and accepted this arrangement but was not involved in the decision | 1.70% | 2.00% |
| | n=3 | n=10 |
| The decision was made by a judge or a magistrate and I was happy to abide by it | 5.20% | 5.30% |
| | n=9 | n=27 |
| I RELUCTANTLY agreed to this arrangement as I was afraid of my EX | 4.00% | 10.90% |
| | n=7 | n=55 |
| I RELUCTANTLY agreed to this arrangement as I was fearful of losing contact with my children | 12.10% | 6.90% |
| | n=21 | n=35 |
| I RELUCTANTLY agreed to accept this arrangement on advice from my lawyer or family dispute resolution provider. | 14.40% | 12.10% |
| | n=25 | n=61 |
| The decision was made by a judge or a magistrate and, although I do not like it, I have to abide by it | 12.10% | 11.50% |
| | n=21 | n=58 |
| I am unhappy with the parenting arrangement, am RELUCTANT to abide by it and am taking action to change the situation | 7.50% | 7.10% |
| | n=13 | n=36 |
| Something else | 13.80% | 19.40% |
| | n=24 | n=98 |

Two of these responses deserve closer attention:

| Answer Options | Male | Female |
|---|-------|--------|
| I RELUCTANTLY agreed to this arrangement as I was afraid of my EX | 4.00% | 10.90% |
| | n=7 | n=55 |

Of the respondents who chose this answer, 10.9% (n=55) of the women compared with 4% (n=7) of the men indicated that fear of their former partner played a part in their agreeing to particular parenting arrangements. This suggests that a greater proportion of women may now be entering into parenting arrangements out of fear of their former partner.

An analysis of the various cohorts revealed that post 2006 the percentage of men who checked this answer was greater than the percentage of women. Moreover, when compared with the pre 2006 cohort, less women than men indicated that fear of their ex partner was a factor in them entering

into parenting arrangements. However, given the low number respondents these figures may not be representative.

| Answer Options | Male Pre 2006 | Male Post 2006 | Male since 95 and after 06 |
|---|---------------|----------------|----------------------------|
| I RELUCTANTLY agreed to this arrangement as I was afraid of my EX | 1.70% | 8.90% | 5.10% |
| | n=1 | n=4 | n=2 |

| Answer Options | Female Pre 2006 | Female Post 2006 | Female since 95 after 06 |
|---|-----------------|------------------|--------------------------|
| I RELUCTANTLY agreed to this arrangement as I was afraid of my EX | 12.30% | 8.10% | 15.00% |
| | n=19 | n=13 | n=20 |

| Answer Options | Male | Female |
|--|--------|--------|
| I RELUCTANTLY agreed to this arrangement as I was fearful of losing contact with my children | 12.10% | 6.90% |
| | n=21 | n=35 |

A gender filter revealed that more males than females said the fear of losing contact with children was a factor in them reluctantly agreeing to parenting arrangements.

When filtered into the various cohorts the following emerged:

Table 70: Number and percentage of men and women who reluctantly agreed to current parenting arrangements because of fear of losing contact with children

| Answer Options | Male Pre 2006 | Male Post 2006 | Male since 95 after 06 |
|--|-----------------|------------------|--------------------------|
| I RELUCTANTLY agreed to this arrangement as I was fearful of losing contact with my children | 8.30% | 13.30% | 12.80% |
| | n=5 | n=6 | n=5 |
| Answer Options | Female Pre 2006 | Female Post 2006 | Female since 95 after 06 |
| I RELUCTANTLY agreed to this arrangement as I was fearful of losing contact with my children | 6.50% | 8.10% | 7.50% |
| | n=10 | n=13 | n=10 |

These figures may not be representative but they indicate an increase, especially for men, of the importance of this factor in their decision making process.

Question 16: If something else, please specify

There were 43 qualitative, open ended responses from women and 12 responses from men from the post 2006 cohort to this question.

As the statements below illustrate, the responses from the women indicated the importance of the key theme already highlighted above; that is, fear of their former partner and/or fear of losing contact with their children.

Themes from the responses from women

Coercion and fear

Examples from post-2006 women

- *Most was made by a judge; some I reluctantly agreed too due to fear of my ex and the judge taking the children away from me even more.*
- *I willingly agreed to this arrangement when I thought that we would be able to communicate and that I would still be able to keep the children safe. I am now unhappy with this arrangement as my ex's abuse escalated after separation as did his mental health issues. But I am afraid of trying to change it in case he goes for shared care or equal time as a result.*
- *I RELUCTANTLY agreed to this arrangement as I was afraid of the court imposing a shared care arrangement.*
- *I willingly agreed, accepted and was involved in decision but not convinced arrangements were in child's best interests due to amount of shared care, child's young age, father's lack of parenting experience and conflict between father and self.*
- *I reluctantly agreed as I am unable to obtain legal aid although I am on the pension (because of property that is still entwined together) I had no other funds for payment towards legal costs.*
- *I have not separated yet because I am too afraid of my ex and that he will be able to get shared custody despite being alcoholic and abusive to me.*
- *There was so much extended family violence and it really wasn't taken into account also there was so much violence against the kids and that wasn't even taken into account he was also a drug taker and very violent.*
- *I am currently fighting this, I have subpoenas and am using every cent I can to fight for my children, despite knowing it is a HOPELESS cause.*

Themes from the responses from men

Coercion and systemic bias

There were only 12 men from the post-2006 cohort who answered this question. Their statements below are illustrative of a perception that the family law system is biased against men and fathers.

Examples from post-2006 men

- *as said already, I have to agree to what little Jen tells the Judge she wants to allow, if I disagree Jen tells me and the Judge and others in court tell us that if we cant agree this will damage our child and according to the McIntosh report I cant even hope to have shared care, so would not even be able to protect him half the time.*
- *What arrangement??? Mother's terms and conditions apply, my rights do not exist and what rights I can have are at the discretion of a judge.*
- *We will have equal time shared care from next year. The ex and her asshole family lawyers used my children as a weapon to get more money and better financial settlement. Now she does not want them and has now asked me to have more time.*
- *I have no choice the present decision was made by A Judge Family Law and recommended by the children's Rep both children are opposed to this decision.*

Given the low number of responses to this question for the post 2006 cohort, these responses are not representative but they do appear to indicate that where fathers report feelings of coercion in their decision-making about parenting arrangements, these decisions are influenced by a perception that the family law system discriminates against men and fathers. Whereas women who report feelings of coercion in their decision-making about parenting arrangements also report being fearful of the other parent and/or fear of losing the primary care of their children.

Question 17: Please describe the parenting arrangements with your child/ren OVER THE PAST 6 MONTHS

671 people responded to this question: 169 male and 502 female.

The response to this question suggest some of the effects of the post 2006 reforms on post separation parenting arrangements amongst survey respondents. Unfiltered responses indicate that the majority of children (63.6%, n=358) spent most of their time with one parent and rarely saw the other parent. When divided into pre and post 2006 cohorts, the effects of the 2006 reforms are obvious with 67.2% (n=123) of the pre 2006 cohort compared with 57.1% (n=89) of the post 2006 cohort falling within the one-parent care category. Accordingly, following the 2006 legislation the proportion of children spending most of their time with one parent decreased significantly over a relatively short period of time.

In addition, post 2006, the propensity of children to have overnight stays during week with each of their parents increased from 13.2% (n=20) of the pre 2006 cohort to 34.2% (n=52) of the post 2006 cohort. Likewise there was an increase in children in the post 2006 cohort who spent the weekend and during the week with both of their parents (16.6%, n=26 pre 2006 compared with 21.3% (n=32) post 2006).

A detailed analysis which included a filter for gender revealed the following data in response to the statement: 'Child/ren spend some days on the weekend and some days during the week with each of their parents (roughly 50:50)'. 495 people responded to this question: 137 men and 358 women.

| Answer Options | Male | Female |
|----------------|--------|--------|
| YES | 28.50% | 18.10% |
| | n=39 | n=65 |

A detailed analysis including a filter for gender and cohort revealed the following data:

| Answer Options | Male Pre 2006 | Male Post 2006 | Female pre 2006 | Female post 2006 |
|----------------|---------------|----------------|-----------------|------------------|
| YES | 24.50% | 25.70% | 13.00% | 20.00% |
| | n=12 | n=9 | n=14 | n=23 |

This data indicate that there was very little difference in male responses pre and post 2006. Unsurprisingly the number of female respondents who answered this question in the affirmative increased for the post 2006 cohort from 13% (n=14) to 20% (n=23). However, it should be noted that the response rate to this question was very low.

When applying a gender filter to the responses to the statement: 'The child/ren have overnight stays during the week with each of their parents', 130 men and 358 women (488 in total) responded and a fairly similar percentage of men and women answered this question in the affirmative.

| Answer options | Male | Female |
|----------------|--------|--------|
| YES | 26.20% | 23.70% |
| | n=34 | n=85 |

| Answer Options | Male Pre 2006 | Male Post 2006 | Female pre 2006 | Female post 2006 |
|----------------|---------------|----------------|-----------------|------------------|
| YES | 21.30% | 30.30% | 9.60% | 35.30% |
| | n=10 | n=10 | n=10 | n=42 |

These figures indicate that a larger proportion of the children from the post 2006 were having overnight stays with their parents.

In response to the statement: '**The child/ren spend most of their time with one parent and rarely see the other parent**' - 135 men and 424 women responded (559 in total).

| Answer Options | Male | Female |
|----------------|--------|--------|
| YES | 58.50% | 65.30% |
| | n=79 | n=277 |

| Answer Options | Male Pre 2006 | Male post 2006 | Female Pre 2006 | Female post 2006 |
|----------------|---------------|----------------|-----------------|------------------|
| YES | 54.90% | 66.70% | 72.00% | 54.80% |

| | | | | |
|--|------|------|------|------|
| | n=28 | n=20 | n=95 | n=69 |
|--|------|------|------|------|

When applying the filters for gender and cohort, it is surprising that, given the principles behind the 2006 reforms, the majority of men in the post 2006 cohort (66.7%, n=20) responded in the affirmative to the statement that children spend most of their time with one parent and rarely see the other parent. The number of affirmative responses from women decreased significantly from the pre 2006 responses to the post 2006 responses (72.0% to 54.8%).

Question 18: If you indicated that the child/ren spend a significant amount of time in the care of someone other than a parent (YES or SOMETIMES), please specify WHO cares for them and WHY

- *My Ex works and will leave my daughter in the care of an older daughter from a previous marriage*
- *my ex's extended family care for the children a lot when they are in his care*
- *My wife runs a busy company and used a nanny to avoid letting our daughter spend time with me*
- *My Ex works and will leave my daughter in the care of an older daughter from a previous marriage*
- *Foster carers. It's all about money from the government funds. They run it like a business with all the support programs just getting them lots of grant money and funding. a scam*
- *Left to care for themselves, left alone.*

Question 19: If you would like, please comment on the existing arrangements

There were 107 women and 27 men from the post 2006 cohort who responded to this question in our survey.

Themes from the women

Safety of children and coercion

Of the 107 women who responded to this question in our survey from the post 2006 cohort, 17 commented that they were not happy about the existing parenting arrangements because of a concern for their children's safety but felt that it would impact negatively of them or their children if they were to raise these concerns with a family law professional.

Examples from post-2006 women

- *Current arrangement that my daughter to see her father under supervision is just a temporary arrangement; I am worry that the court in the end will order me to share 50% parenting with the father. And I am afraid to say no because I might loose more parenting if I didn't agree with the court.*
- *My child sees her father at [name removed] contact centre. The lady who supervises my child's contact for 2 hours weekly recently asked me if my daughter had started speaking yet. Alarm bells went off as my daughter has an extensive vocabulary like most 2 year olds. I politely questioned how well she was*

being supervised. I was made to feel like a trouble maker. There have been many other incidents at this centre and I am afraid to bring them up with staff in case a bad report is written about me for court.

- *I am unhappy with the arrangements because I see my child suffer, and feel powerless to stop it. If I raise the issue of the stress the child is under due to the custody arrangements with my ex, he will become enraged, and we will be back in court; last time in court it was very traumatic for me and the child, I felt it was very unjust. I am not willing to take the risk that the child may be put through that again, only to have to spend more time away from home.*
- *I took my little boy away to protect him from sexual abuse from my violent ex husband, only after I had battled with the courts to listen, I had doctors, paediatrician etc to support my case but the court didn't even want to listen and dismissed it, so I felt I had no other choice but to run, through the court, he went back countless times, advertised lies about me, eventually, even though my son had been with me for six and a half years, never lived in his father's home, was removed and given to this man he was petrified at. No foster care, no reintroduction, no counselling. I have fought, been demoralised by my ex saying I was mad, made to have psychiatric assessments, had lies put into DOCS that I had a criminal history, (which I had never had), told them that I had been found by the FLC and FMC to be a NON CREDIBLE WITNESS (even though this was not the case and no evidence to back this up), then he cleverly had this subpoenaed to the court knowing I would not be privy of such and this was distributed to report writers, psych , etc. All untrue but still viewed at the court case.*
- *They are not in the best interest of a little girl who was physically assaulted and still is being assaulted by her Father. The Thursday night arrangements is the night that the little girl does not cope with at all because the father collects at 6.00pm by 7.30pm she is in bed (forced) and then at 6.00am she has to wake and be dropped at day care by 7.00am the next day. There are only Orders for the Father's 'special days' and nothing for the Mother or the little girl's brother's 'special days'. The Father ensures that if he is spending time with her and these dates collided he makes no leniency for this.*
- *Even though the Judicial Registrar for the Interim Hearing seemed to accept that there was abuse and my daughter did not want to go overnight to my EX (we tried to offer more day time until the family report could be done) the JR ordered 'significant and substantial time' - 5 nights per fortnight. The lawyers thought I should be ecstatic because it was not 50/50. They thought the JR had been very favourable to me. But 5 nights a fortnight is only 2 nights a fortnight away from 50/50. I was devastated, my daughter is traumatized.*
- *I have had two years of supervised contact, with not one incident but still my ex is doing everything to cut us off. My little boy was left in a car at a shopping centre in Toowoomba for over twenty minutes alone in a parked car. Police wouldn't do anything about it as my ex told the police I was mad and non credible! This has all come through my bringing sexual abuse to the court, backed by our little boy, doctor's etc report and taken away to the abuser for me trying to protect the child. I have found that I am not alone but cannot believe we live in a society that unknowingly the court allows this to happen and then gags us from bringing it to light. How many more children are going to have to suffer before something is done. How many more women and children are going to die before the law changes. Talk about human rights well where are the rights for mother and child to feel safe and secure.*
- *As each day passes and now my ex has started mediation I fear losing primary care of my child. He knows if he goes to court he will eventually get half time. He is very damaged and sees her as a possession. He doesn't care what she is used to or make an effort to be pleasant with her so she will relax with him. He just wants his rights. He denies the DV as he sees it as normal. He says I need a psychiatrist. I have read of very frightening decisions by magistrates who clearly do not understand even the basics of breastfeeding or attachment. I feel the new laws are heavily biased against women even when there is not violence. Research shows that human babies need their mum mainly for the first couple of years. Cutting a child's life in half destroys the whole of it.*
- *Extremely dissatisfied with the level of unsafety the courts are subjecting my children to.*

Children's best interests

There were 18 women from the post 2006 cohort (n=107) who commented that they were **not happy about the existing parenting arrangements because they weren't in the best interests of their children.**

Examples of statements from post-2006 women

- *My 2 younger children would like to spend less time with their father but did not have a choice as the judge made this decision. My 13 year old was given the choice and said she wanted to live with her father after incentives were offered. Within one month she changed her mind and has been on a downward spiral showing self destructive behaviour. She was abused in the way of a torture punishment for her behaviour and is living with me fulltime and refusing to go back to fathers which has put me in a situation where we have to go back to court in 3 weeks.*
- *They are grossly unfair on the children and on me. My ex moved interstate post separation and I have to travel half-way for all changeovers. My ex is on over \$100,000 a year and I am raising 2 children on \$23,000 a year (including child support) and the court finds it 'fair' for me to be responsible for half of the financial responsibility, half of the travel, and for my ex to have equal rights when it comes to schooling and extra activities for which I pay 100%. The father has been given priority regarding birthdays, the timing and location of his time spent with the children, the paternal grandparents have been given rights to spend the father's time with the children and to travel interstate with them. The children frequently spend more than 14 hours in a car for a 4 day visit and have spent up to 30 hours travelling in a car for a 5 day visit. It is terrible to think that a court can find this acceptable for two 4 year olds to endure because their father decided to relocate away from the family home. After each visit my children either regress to bed-wetting, pants-wetting, tantrums and violent behaviour none of which are characteristic of them prior to the time they spend with their father and his parents.*
- *It is so disruptive. How does a two or three year old understand not seeing mummy and not being at home for a whole week at a time? My youngest child literally screams when it is time to go to daddy and to be fair she also screams when it is time to go home because it is too much changing week about at her age. My older child (now 4) is even worse, I think. She is so quiet and withdrawn and chooses to stay in 'her corner' of the lounge room as much as possible, not even going outside because it makes her feel safe. They are little kids and they are forced to shuttle between parents each week. What kind of judge makes that kind of ruling? I haven't touched on my fears about his behaviour and whether he will hurt them or not. I wish he was supervised and I wish I could do something about it all.*
- *I have had to change jobs to accommodate the existing arrangements. It is a time of high conflict as I constantly have to see the father who refers to me as the 'stupid ugly bitch' to his children. I have to deal with children who wet the bed and get physically sick at the thought of going to his home.*
- *The existing arrangements I have not abided by and therefore I am fighting for my child's rights in court... its cost me 22thousand dollars and there's nothing I can do accept respond to my ex ridiculous requests that are being heard by the court.*

Themes from the men

Disillusionment

Of the 27 men who responded to our survey, 6 men commented on the existing parenting arrangements that they were 'very angry', 'had to fight' or felt that their decision-making about parenting were 'one big legal battle' with at least 2 of these men noting that their current parenting arrangements 'suck'. Not surprisingly, these perceptions from the post 2006 male cohort reflect the findings from the AIFS and Chisholm reports that the philosophy of shared parenting arrangements as it is expressed in the 2006 legislation has largely been misinterpreted leading to confusion and

disillusionment on the part of fathers who find that the law does not provide for 50/50 “custody” (Kaspiew et al., 2009).

Examples of statements from post-2006 men

- *The courts have to do what they are doing because there really are fathers who abuse their children like my Ex, pretended I did. But the court system has to find some way not to reward child abduction by leaving the now primary parent with majority custody at final orders by pretending primary parent separation anxiety and by having the primary parent create conflict to use the McIntosh report. The courts may start their deliberation at shared care but that lasts about 20 seconds, then the child abductor wins.*
- *I want my EX to be a good parent, and encouraged a 50/50 arrangement. My EX is so hostile to me that I do not make any contact with her.*
- *Very angry with this countries attitude towards men, Women can take much of what we earn by taking the children making us pay high amounts of support, leaving us destitute, while they move in with someone else.*
- *They suck NOONE is willing to help me.*

Distance between parents and children

There were 4 men who commented on distance as a possibly inconvenient or negative factor influencing their feelings about the existing parenting arrangements.

Examples of statements from post-2006 men

- *I live interstate from the kids. But the kids spend every 3rd weekend with me, and 1/2 of every school holidays.*
- *The mother took the child 900km away so therefore spending time with the child is limited to school holidays only.*
- *Long-term difficulties with seeing my daughter. Ex moved away from living in my area and now long drive to see my daughter which is ex has only occasionally assisted with. I have done majority of travel to see my daughter to the detriment of my new family with 2 young sons. I have had the costs also of travel to see my daughter. Court has ordered help from the ex with travel however not always abiding by orders, to address this it means more money at court. My daughter wants to spend time with me and my new family. Mother doesn't help with this, concerned only with own life and as unemployed and no money never can afford to help. We wait for trial decision in the hope my daughter will soon reside with me. Mother refuses to move back to my area to help with me seeing my daughter.*
- *there shit, I never agreed to me son living in NSW cause of his mother but the lawyer was adamant that he would be here often, that blew up in my face now I never se him when I want to see him and spend time with him.*

A further 2 men commented that ‘costs’ were a factor negatively influencing the existing parenting arrangements and 2 men noted a concern for their children’s well-being because of ‘mental health’ issues on the part of their ex.

Question 20: Have the parenting arrangements changed since your separation?

702 respondents answered this question: 174 men and 528 women

Table 791: Number and percentage of men and women who had changed parenting arrangements since separation

| Answer Options | Male | Female |
|----------------|--------|--------|
| YES | 58.60% | 63.10% |
| | n=102 | n=333 |
| NO | 41.40% | 36.90% |
| | n=72 | n=195 |

A majority of men and women indicated that their parenting arrangements had changed since separation.

Table 72 provides an analysis of men's and women's responses from the pre and post 2006 cohorts.

Table 802: Number and percentage of men and women who had changed their parenting arrangements since separation pre-2006 and post-2006

| Answer Options | Male Pre 2006 | Male Post 2006 | Female Pre 2006 | Female Post 2006 |
|----------------|---------------|----------------|-----------------|------------------|
| YES | 59.70% | 62.80% | 63.90% | 60.70% |
| | n=37 | n=27 | n=101 | n=102 |
| NO | 40.30% | 37.20% | 36.10% | 39.30% |
| | n=25 | n=16 | n=57 | n=66 |

These figures indicate that the parenting arrangements were not static. The small difference in percentages between the pre and post 2006 cohort indicated that changes in arrangements did not necessarily occur after a significant period of time.

Question 21: If YES, how have the parenting arrangements changed and why? Please describe the most recent changes

There were 105 women and 28 men from the post 2006 who gave qualitative, open ended responses to this question. The responses from both men and women suggested that more mothers were litigating because fathers were making more applications in the court for shared care time with their children. The responses from both men and women also indicated that parenting arrangements after separation were not static and for at least half of the respondents, their parenting arrangements had changed over time (e.g. from supervised to unsupervised parenting arrangements; unsupervised to supervised parenting arrangements; or children wanting to spend more time with their father as they get older). However, the responses from men indicated that post 2006 fathers were more likely to report feelings of disillusionment with the family law system

because of systemic bias against men and fathers and/or manipulation of the family law system by the other parent. There were 3 men from the post 2006 cohort whose feelings of disillusionment with the family law system were due to a concern that the other parent had made false allegations of domestic violence and/or child sexual abuse and who were also concerned that the family law system had been unable to see through them. A similar thread ran through the findings relating to men's comments analysed in the AIFS Report (Kaspiew et al., 2009). Despite the existence of the 2006 provision obliging courts to make a costs order against a party found 'to have knowingly made a false allegation or statement in the proceedings' (s117AB), a concern with costs arising from false allegations of family violence and/or child sexual abuse does not appear to have been a theme in the responses to this question in our survey.

Themes from the women and examples of their statements

Shared care time is increasing

- *We separated in 1998, but divorced in 2005. We went through Family Court in 1998 but my ex took me back to Family Court in late 1998 in order to get 50/50 parenting. I also believe he did this to remove future obligations of Child Support as he has a debt to me through the Child Support Agency of over \$120,000.00 in unpaid child support.*
- *The parenting changed after the magistrates ruling. Until then the children were with me for 5 days and nights and saw their day for two days (but no nights) but the magistrate said this was unfair to the father and deprived the children of their relationship with their father so he strongly recommended I agree willingly to 50/50 shared parenting or else he would be forced to make a ruling. My lawyer said he could be even more ruthless if I didn't agree so I thought I had no choice.*
- *Initially ex had the boy every weekend and on Wednesday nights (despite an intervention order against the ex for violence). Then it was changed to the ex having him every second weekend. After consent orders finalised it is 50:50 7/7.*
- *He began with every second weekend. Then tried for 50% and spent a time with only supervised access whilst being investigated by child protection. These arrangements have been in place since February 2008.*
- *As the court process progressed so too did our parenting arrangements as my ex continued to take me to court. We did manage one consented change but again this was strongly influenced by the current laws and assumption that 50:50 will be guaranteed outcome at final hearing.*
- *Father now has right to after school access Fridays but since this must be supervised it isn't occurring in practice; father now receives phone call one night during week (which I suggested), this works well.*
- *Father wanted 50/50 so had to agree to minor increase in time. Now have a court order.*
- *My ex continued to go back to court until he got what he wanted.*
- *My mother took my child to see her father for 1.5 hours per week. The father continually demanded more time. Father became abusive towards my mother so my mother stopped attending. The father has since launched court proceedings requesting 'Equal Shared Parental Responsibility'. Case has been going on since June 1 2009. Magistrate has ordered 2 hours per fortnight in a contact centre.*
- *9th November I signed consent orders under duress at the insistence of family members who were afraid I would lose my child if I didn't agree. This happened because my Legal Aid appointed Lawyer withdrew via phone while I was in front of the magistrate.*
- *My ex has got more and more time as I have given in because my lawyer keeps telling me he will get what he wants in court.*

- *Father continues to have more access due to shared parenting laws!*
- *My ex partner is taking the matter back to court as he wants more and more time with children.*
- *Court orders, ongoing applications by the children's father, - he wanted full residency and continues to try to get it. Apparently it is his right to continue to make on-going applications to the court whilst he continues to breach the existing orders and behave any way he wants to. He is above the law and the orders do not apply to him. This is what he says and does.*

Changes over time

- *The parent's arrangements have recently changed as we have finally received our court orders from the federal magistrates court 3 years after separation and 2 years after my ex-husband made an application to the court.*
- *Originally we had a verbal agreement without any court involvement. Courts only became involved following the ex forcibly removing the children from my home at 4am, and refusing to return them to my care or to school, until a recovery order was granted which took 3 weeks. An absolutely outrageous system for allowing my ex to subject myself and my children to this type of abuse.*
- *The separation was March 2007. In Jan 2008 my ex abandoned the children whilst under the influence of drugs and alcohol. He drove to my property where he prowled around my house, then left and crashed his car at the end of my street where the police found him. From that point contact, which had been alternate weekends and weds nights, ceased. Supervised contact at a contact centre was arranged each Sunday. Contact increased after a period of months to alternate weekends with no overnight contact, so 9am - 5pm sat & sun. The court then ordered that alternate weekends with supervision be put in place. The issues surrounding alcohol and drug abuse are still unresolved.*
- *Supervised contact centre visits only because of criminal aggravated assault charges on my ex until July 09 my ex applied for interim orders until trial of 3 nights a fortnight and weeknight per week and was granted them.*
- *Before Feb2009, it's nearly 50% share parenting, while my daughter told a child psychologist that 'daddy hurts me'. The court finally decided to investigate the case, and the interim order then change to help my daughter to see her father under supervision.*
- *Before Aug 2009 the father accessed the children on Tuesday (overnight) and alternate sat till 6pm on Sundays and now is still every Tuesday and alternate Friday, sat sun till Monday morning including half of school holidays.*
- *Children lived with one parent then changed to 50/50.*
- *The children spent no time with the father for the first three months as he was too busy. Then three nights a fortnight, then to 5/fortnight. As of 12/10/09 it will be 50:50.*
- *At first they were informal, unsigned draft parenting plans. After an interim VRO sought be me against my ex, consent orders were made in the Family Court.*
- *Initially the children didn't want to spend overnights with the father. He forced court orders on the children and made them start overnights and meet the new partner. The current orders we have are Interim Orders put in place in June, pending Court decision.*
- *We have drawn up orders, outlining when I will be taking our baby to visit his father and when he will come down to visit. Before these orders no formal visitation agreement had been set.*
- *At first we had a family restraining order which prohibited contact between the father and our children. This was lifted by the Federal Magistrate's Court and the father was given one supervised access visit each Sunday for 8 hours.*

- *I used to have my son 70% of the time. I then had a nervous breakdown and was hospitalised. My ex then looked after my son the majority of the time until recently when after we tried mediation I finally had to file an application with the FMC to bring on the matter before a Federal Magistrate, on lawyers' advice. I was completely well and recovered but my ex would use my breakdown as an excuse for me not to see my son on weekends. It is now a 50%/50% arrangement that works well, but I would've loved to have my son more.*
- *At first they were with me and their father saw them when contact visits were made under supervision. By the way, he only turned up to one of the four times we agreed on in the first month, and never made any other attempt to see them. He only wanted to see me. Then he decided to fight me once he realised that I wasn't coming home so he said I was deliberately keeping the children from me. We couldn't agree in the FRC to a plan as I wanted no overnight stays and supervised contact. They told me there this was unrealistic unless I could find evidence of the abuse. Then we went to Court and my lawyer advised me that week about was what this particular judge always ordered and warned me if I didn't at least start with this then I would look difficult and he might get them even more. The lawyer said in his experience men like my husband drop off once they get the court outcome they want because they really don't want to care for the kids that long. We have to just wait out the next couple of months and hope that works for us.*
- *I was allowing my ex supervised access but the courts have changed this to allow him unsupervised access.*
- *My ex was having time twice a week but it changed and the hours were extended on that one day instead. He receives more time now.*
- *Reduced ex's parenting from 6/8 per fortnight to 5/9 per fortnight and broke the nights up over the two weeks, rather than one solid block of 6 nights. Change was achieved by my solicitor.*
- *Initial arrangement was 2 weekends with dad, weekdays and every third weekend with me. Currently weekdays with me and ever second weekend with her father.*
- *Since separation in 2005, my children spent every 2nd weekend with the father by his choice. I offered him more time and he refused. Since the changes with child support in 2008, my ex went to court for full custody which he did not get but was granted significant time. Now my youngest 2 are with me 9 days p/f and with the father 5. The oldest was with the father 9 days p/f and with me 5. The oldest is back with me fulltime until court in 3 weeks.*
- *Initially, my ex didn't see the kids at all. Then he decided to see them every now and then. About two years after separation he started to see them every second weekend if it suited him. This lasted a couple of years. He then decided to see them when he wanted (about once a month) and now doesn't see them at all.*
- *Initially access sat - sun, then interim court order that increased it to Fri. - sun in 2007. In 2009 court order for mid week access for 6 months. The child wants to go for access Sat - Sun but her wishes have been ignored - the explanation given is that the father has the right to more time with her, and this over rides her wishes/best interest/rights.*
- *He used to see our daughter sporadically. I urged him to see her more regularly, he became violent I stopped it and advised he seek supervised access and he hasn't.*
- *He has taken me back to court - where he was granted majority of the holidays - at short notice - as in he applied to a Melbourne court, then a Brisbane court, then a decision was given in Sydney - same magistrate, just chased him around in the time frame of a week and a bit.. I was not granted legal aid to have representation as there is too much already spent on the case.*
- *The magistrate keeps awarding him more days, despite allegations and proof of his disregard of Court orders and history of alcoholism, violence and Police intervention. I must thank Mr Howard for his laws.....*

- *Increasing as she ages - i.e. time with other parent.*
- *Well my ex decided I couldn't have my child, so the significant change is that after police intervention and several court orders we have shared custody.*
- *We agreed privately to 3 times a week. He didn't turn up so I we agreed to decrease to once a week. He then became abusive about it and implemented proceedings. He asked for twice a week but was awarded 3 times a week and now again barely turns up. But I still have to comply and be available and he enjoys that because he doesn't have to turn up so I am left waiting. When he does turn up he is bored with his daughter in 10mins and stares into space watching the clock - very bizarre.*
- *He was having them every 2nd weekend only from Friday 5pm to Sunday morning he wanted more care hours so he would have to pay less child support even though he docked his books and was paying none for nearly a year, he now pays around \$30 for 2 children a week.*
- *Initially he was able to come and go as he pleased to see the children, now he only has supervised contact at a children's contact centre.*
- *Gone from supervised to unsupervised as the report writer said unacceptable risk of domestic violence even though my ex had 3 AVO and current suspended jail sentence for domestic violence.*
- *Sexual allegations were made 8 months ago, by the younger daughter with me so no contact without supervision with father. Despite this, the 9 1/2 yr old has NOT BEEN INTERVIEWED about allegations for her safety despite her complete cocooned life away from me her mother and the school/Dr's she once had. There is so much to say... and it continues... I wish to help others suffering from the child abuse that is 'parental alienation'. IT'S NOT A GENDER ISSUE... it's an abnormal 'person' with revenge.*
- *First interim agreement had my daughter spending 9.5 hours 3-4 times a week with her father, in spite of her being a breastfed 6 month old baby (the federal court attitude towards breastfeeding is nothing short of outrageous). Family court has altered this to 4 hours 2 or 3 times a week.*
- *The children have increased the number of nights in my Ex's care as they have gotten older.*
- *He is not present anymore at all!!!*
- *Children with me 100%, ex-partner makes little attempt to see the children.*
- *My former husband refused to complete a parenting plan using FDR. I took him to court and we settled parenting arrangements by consent on the court day with the help of a court counsellor.*
- *Amount of time spend with other parent has increased.*
- *Initially the children were with me 70/30. When after 8 months I asked for some financial support my ex demanded a 50/50 split.*
- *I am primary carer now.*
- *My ex spends more time with the kids now.*

Refusal by ex-partner to communicate and/or participate in proceedings

- *I am having difficulty obtaining legal information on how to change parenting orders when dealing with an ex who refuses to communicate or is hostile.*

Themes from the men and examples of their statements

Increase in shared time and/or changes over time

- *Our eldest decided that she no longer wanted to move house each week when she turned 15. She stated that she wished to live with her mother full time. We all agree to this new arrangement.*
- *Eldest child has elected to live with me full-time. Some of the complicated elements of the shared care arrangements, originally put in place by my ex, have given away to a simpler more workable arrangement for me and the children*
- *Children spend more time with other parent.*
- *From me having the children 14% to 35% to current 50%. Change of house arrangements and my and children's wishes.*
- *I went from 2 hour visit every 2nd or 3rd day for the 1st 4 months after separation (child was 10 weeks at separation), then it was arbitrarily cut to 2 hour on the 2nd Saturday. I asked for some sort of agreed arrangements and my ex moved, refusing to give the address, contact stopped completely. After 8 weeks of no contact my ex's ex husband intervened and some contact was re-established. Very unusual circumstances lead to my ex and our son moving back in with me. We recommenced living together. In early 2004 she left while I was at work, moving to Queensland and refusing all communication. I applied to the FMC for orders including a recovery order and a commonwealth information order. My ex moved back to the home state for the first hearing and we agreed to interim orders allowing 8 hour periods of contact with myself 3 times per week. These were amended to include 1 overnight and then some complete weekends at further interim hearing. We agreed to final orders which allowed 1 weekend with my ex, the rest with me as well as 1 or 2 mid week day visits each week. After about 12 months my ex said she wanted (insisted) to cut the mid week visits and offered every weekend instead. That was the arrangement that stayed in place till our son stated school when my ex sort to revert to EOW with a 3 hour visit after school on wed. Our son was extremely distressed at the change. The dispute was resolved through a FRC. Initially we agreed to 5 nights with myself in week 1 and 1 night in the second week. Our son was not happy only staying one night with me, consistently asking to stay another night. I proposed and we agreed to move to the 4 + 2 pattern we currently use. Our son is still a little distressed at the 5 night break away from myself but it remains the most acceptable and workable compromise which meets his need for both parents.*
- *As the case progressed through the court care went from shared with mother having majority of time to 50/50 to father having custody and sole responsibility with mother having limited contact.*
- *She moved at the beginning of the year. Previously I had care of my son three nights one weekend and one night the following weekend (Sunday night). Pick ups were both Mondays.*
- *More time with my daughter since I took court action nearly 3 years ago.*
- *I voluntarily gave up every 2nd Sunday overnight care in order to get agreed consent orders.*
- *We have gone from me having 4 nights a fortnight to 7 nights a fortnight a 50/50 arrangement.*
- *The kids got tired of the mother and her alienation towards me. My son wanted to live with me for approx 2 years before he had the courage to tell his mother, and then she began to treat him poorly to the point where she would hit him and be mean towards him so he left. my daughter was too scared to stand up to her mother but as soon as she reached high school age she said to me, 'mum makes out that you are the bad parent and I know it really is her that caused all the trouble' My ex contravened court orders multiple times and always tried to make handover difficult or non existent. The children left her care because she was making everyone's life miserable and always wanted to argue or try to upset me and the kids.*
- *Increased time in court orders.*

- *The time has been increased and just recently on the 19 October 09 to some unsupervised day and 3 lots of over nights stays each one longer.*

Disillusionment

- *My EX tried to take my children from my care in order to hurt me. My EX is incredibly manipulative and twisted.*
- *We had shared care until I formed another relationship and that is when it all went pear shaped.*
- *My son was everything to me spent all my time with him, now I have not seen him for 2 years; she says he has a new dad.*
- *Mother found a new man and at the same time refused children's access to me. Made false accusations and AVO.*
- *Originally I had no contact at all because of false allegations of domestic violence (which was nothing more than normal arguments about lies and money and then being unfaithful on my ex's part). In order for me to have access to my children I was forced to accept a DVO against me.*
- *After I made application to Court my Ex made allegations of child sexual abuse against me. I could not see child for 6 months because court hearing was delayed. Now I see my child 5 days out of 12, and my child loves staying with his daddy.*
- *We have had 10 new interim court orders with more and more restrictions on my ex's conduct but nothing stops her. As to the increases in contact it's seriously bad and again the courts have to find a better solution. my son went 3 months before I was able to get 2hrs a fortnight locked in at a contact centre, then several months at still only 2hrs a fortnight with 1 hour outside the centre, sever months at 1 hr each Wednesday night and 4hrs on a Saturday, months later this increased to Wednesday overnights 4pm to 7:30 am Thursday, several months to get Saturday overnights, and now 2yrs later we are finally allowed to have a full weekend, and our first holiday contact. This is still only 4 nights a fortnight with 10 nights everyone suffers. Did you know my ex doing this has successfully destroyed my sons and daughters relationship, such that my son had forgotten who his sister is.*
- *I had to proceed to the FM court due to the mother of my daughter refusing to participate in any form of mediation, then moving interstate unilaterally and telling me I cannot see my daughter ever again, but don't forget to pay Child Support!*
- *I got more time. They were used as pawns.*

Appendix 6(e): Online survey with adults

Section 6: Family violence

In this section we have provided many direct quotes from participants in order to illustrate the gendered and complex nature of family violence.

Question 1: Have you ever been frightened by your ex's behaviour?

708 people answered this question (179 male, 529 female).

25.3% were male and 74.7% were female.

25.7% (46) of males and 7.8% (41) of females said NO.

8.4% (15) of males and 4.5% (24) of females said YES BEFORE the separation, but not now.

2.8% (5) of males and 1.5% (8) of females said YES DURING separation, but no before or after.

10.12% (18) of male's and 10.4% (55) of females said YES BEFORE and DURING the separation.

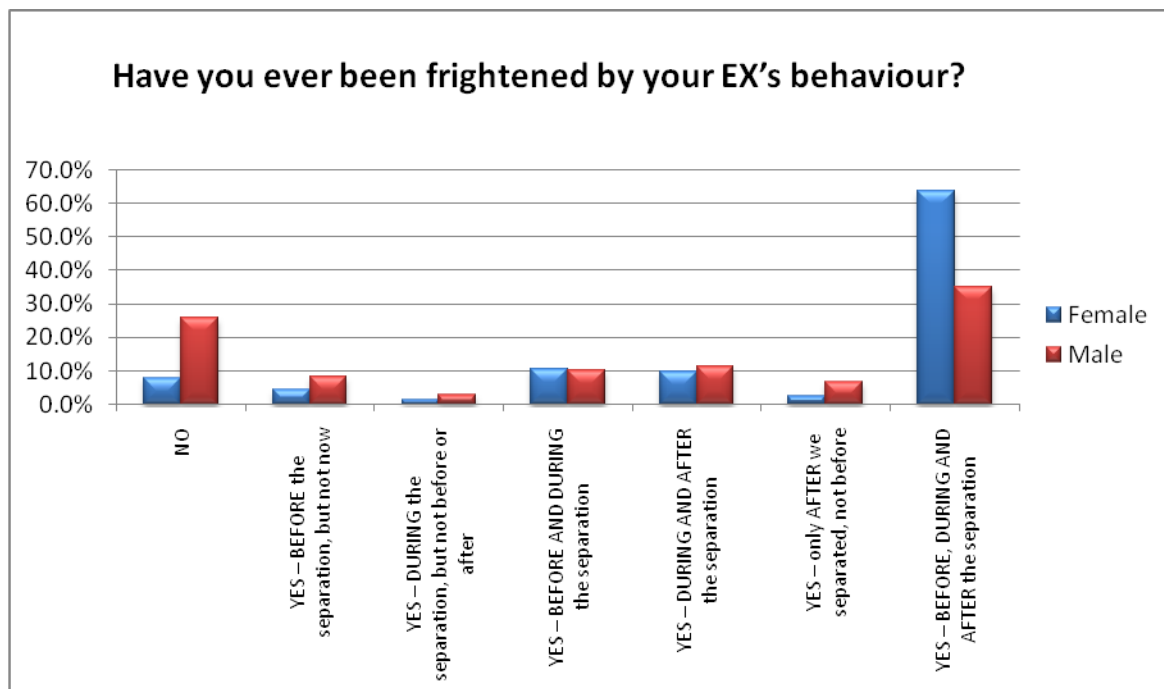
11.2% (20) of males and 9.6% (51) of females said YES DURING and AFTER the separation.

6.7 % (12) of males and 2.5% (13) of females said YES only AFTER we separated, not before.

35.2% (63) of males and 63.7% (337) of females said YES BEFORE, DURING, and AFTER the separation.

This shows that the majority of both males and females are frightened of their partner before, during and after separation.

Graph 56: Percentage of male and female responses in relation to whether they had been frightened by their ex-partner's behaviour



Question 2: Please explain why you were afraid

552 people wrote qualitative responses to why they were afraid.

There was a distinct difference in the reasons why males and females said they were afraid of their partners' behaviour. Male and females reported different contextual reasons for why they were afraid. The detailed majority of the qualitative responses were from females.

Females predominantly spoke about being afraid because they experienced physical/sexual violence, emotional/psychological abuse, and approximately half of the women spoke about being afraid because their partners would threaten their life, threaten them with and/or use weapons, and/or threatened they would commit suicide if she left.

Females spoke about all forms of family violence in great detail and the physical and sexual violence they described was severe. Females also identified their partner would threaten to harm or take their children and this was a major reason for them being afraid. For some females an assault of their child or children was the catalyst for leaving the relationship. A small percentage of females spoke about their partner's drug and alcohol use as being a catalyst for the violence and this created fear for them. To show evidence of the severity of women's experiences:

- *He tormented me psychologically and physically intimidated me. One night he picked me up and tried to throw me into a wall head first and that terrified and silenced me.*
- *he would drive fast and open my car door, he put me in choke holds and would bend my arms for sex, he is into drugs and porn and I found he was strange around my daughter like he was jealous, he would threaten and no matter how small or large would follow through.*

- *He sexually abused our son and other children and was violent but skilled at being credible in the family court. I was afraid he would continue sexually assaulting our son...I was afraid when my son and I were not believed and felt powerless to protect my son.*
- *He makes me feel like I am mad and makes me question my thoughts and actions, even when I know what I have done.*
- *He pushed me into a wall and threw me on the ground and kicked me in the stomach when I was pregnant. He has not actually punched me or given me a black eye but since then when he gets angry I am terrified he will loose it. He has broken furniture, smashed pictures and glasses and when really angry held me on the ground and threatened to kill me.*

On the other hand when males talked about being fearful they predominantly described emotional/psychological abuse, describing their partners as angry, vindictive, and unreasonable. For example:

- *my wife has temper tantrums and is violent and unreasonable*
- *She has made a number of threats, the one that worried me the most was that she would prevent my access to the kids.*
- *she fabricates lies*
- *She is vicious and vindictive.*
- *She was angry about having to face the court to get the children, I know she had stopped taking her medication.*

A small percentage of men spoke about their partners threatening them with a weapon and/or their life or physical assault as a reason for being afraid but didn't go into the detail that women provided about these experiences.

The significant difference between women's and men's reasons for being fearful was that women experienced extreme physical/sexual violence and threats on their life and/or wellbeing of their children, whereas only a small percentage of men reflected this.

Question 3: If yes, how often have you been frightened by your ex's behaviour?

618 people answered this question (143 males, 485 females). 23.1 % were male and 78.5% were female

40.6% (54) males and 26.2% (127) females said sometimes frightened

8.3% (11) males and 1.9% (9) females said unsure

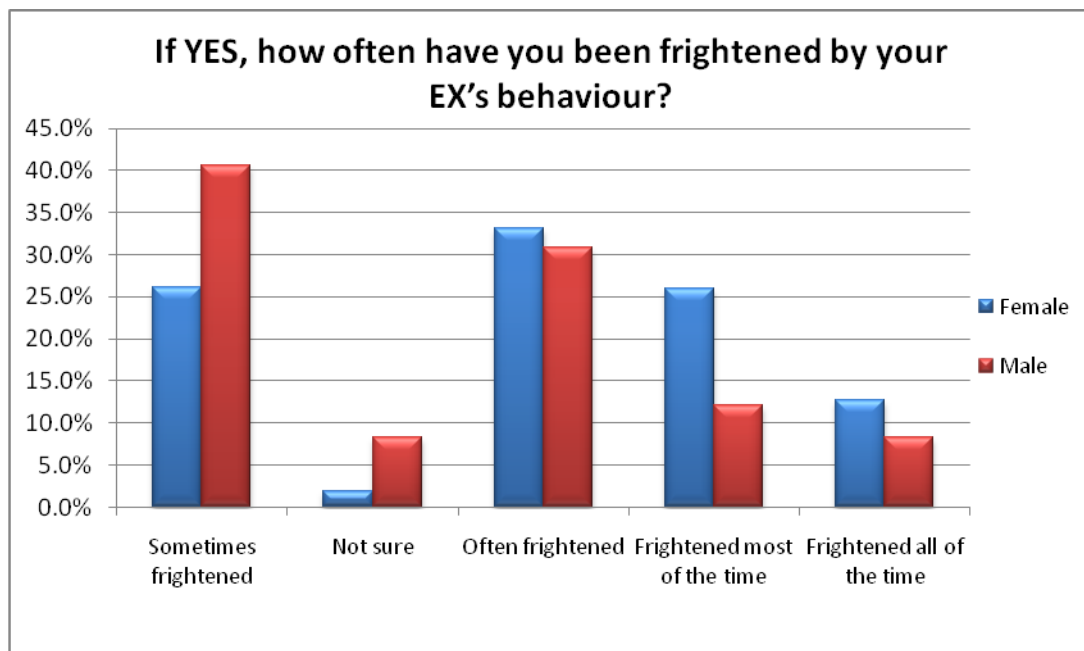
30.8% (41) males and 33.2% (161) females said often frightened

12% (16) males and 26% (126) females said frightened most of the time

8.3% (11) males and 12.8% (62) females said frightened all of the time.

Again females made up the majority of people who are frightened and this is 'often' or 'for most of the time'.

Graph 57: Percentage of male and female responses relation to how often they had been frightened by their ex-partner's behaviour



Question 4: Please tell us more about how often you have been frightened by your ex's behaviour

514 participants responded to this qualitative question.

Again, there were distinct gender differences in the responses when men and women were asked the question about how often a person was frightened by their partners' behaviour. Male and female responses showed different contextual responses and the majority of the qualitative responses were from females.

The majority of females described feeling fear by using words such as '*often*', '*all the time*', '*more days than not*', '*always*', '*constantly*' and would describe their partner as '*obsessed with hurting*', '*dominating*', '*a bomb waiting to go off*', '*nightmare*', and '*stop at nothing*'. Females talked about how the fear impact on them. For example, the themes found in the qualitative responses included developing anxiety, post-traumatic stress disorder, depression, having breakdowns, not being able to sleep, being constantly stressed, hyper vigilant', feeling in '*fight/flight mode*' all the time, '*feeling like a hunted animal*' and being '*stalked and harassed*'. Many females spoke about '*constant fear*' while being with their partner and after leaving. Many females gave examples of their partners continued harassment after separation. The majority of females reported they never felt 100% safe. Another theme that was evident in the qualitative responses of females was concern for children experiencing levels of fear. Females questioned the impact constant fear has on their children. For example,

- *I don't really sleep until my children are back with me after weekends and school holidays. I am mess when this occurs and so is my daughter.*

- *During the separation period he would bang on my door nearly night and demand sex. He would make a point of not allowing me to sleep for weeks and threatened to go to my daughter if I did not obligate his needs, although I gave in for my daughter I felt raped and violated on these occasions and whenever he stalked me on a daily basis for over a year.*

What the female responses show is that more often than not females live in constant fear during and after a violent relationship and it is not uncommon for females to experience a mental health issue as a result of living in abusive relationships.

The majority of males also spoke about feeling fearful on a regular or constant basis while being in the relationship but only a very small percentage related this fear to threats and/or experiences of physical violence. Males predominantly spoke about fear generating from feeling stressed because of verbal abuse, lies, going to court and what impact this behaviour would have on their children.

For example:

- *I am often frightened by her behaviour concerning her desire to have me spend as little time as possible with our children. I am frightened for their sake and the pressure they are under while she has the majority of care*

Question 5: Do you think that your ex has ever been frightened by your behaviour?

707 people answered this question (178 males, 529 females). 25.2% were male and 75% were female.

56.2% (100) males and 72.8% (**385**) females answered NO

21.3 % (38) males and 5.8% (91) females answered I don't know.

5.6% (10) males and 1.3% (7) females said YES BEFORE the separation, but not now.

3.4% (6) males and 1.3% (7) females said YES DURING the separation, but not before or after.

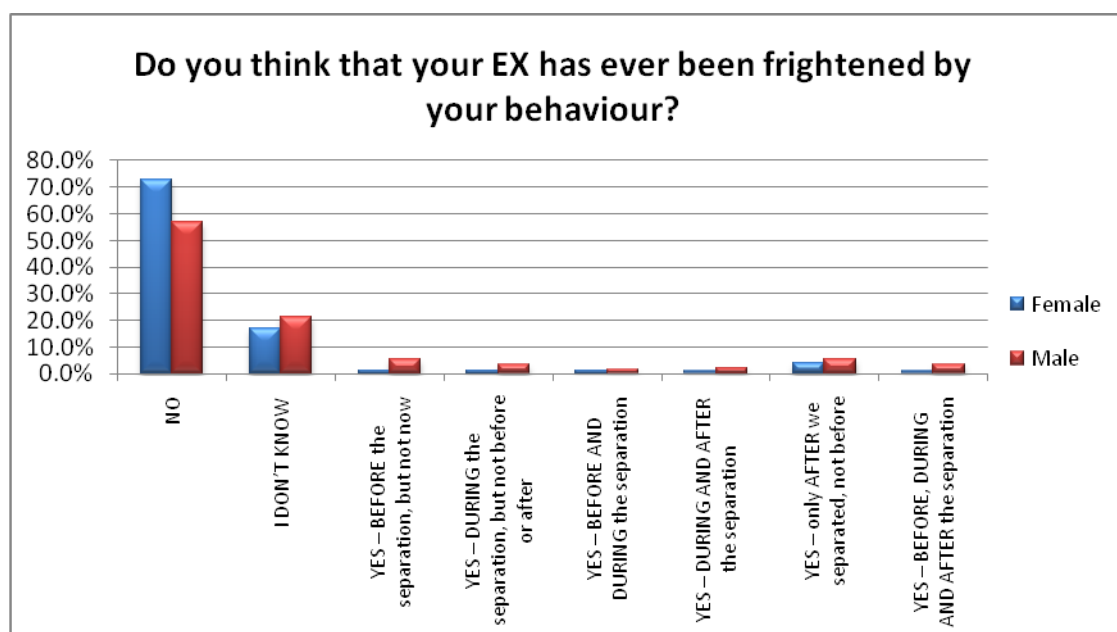
1.7% (3) males and 1.3% (7) females said YES BEFORE and DURING the separation.

2.2% (4) males and 0.9% (5) females said YES DURING and AFTER the separation.

5.6% (10) males and 4.1% (22) females said YES only AFTER we separated, not before.

3.3% (6) males and 0.9% (5) females said YES BEFORE, DURING and AFTER the separation.

Graph 58: Percentage of male and female respondents who thought their ex-partner had been frightened by their behaviour



Graph 8 shows that people did not want to say or did not think they frightened their partner. However, it does show that despite females predominantly being those who were frightened of their partner in question 1 and 3 – males did not see themselves as being frightening.

Question 6: Please tell us more about your ex being frightened of your behaviour

There are three dominant themes stemming from the qualitative responses of females answering the question of whether their ex was frightened by their behaviour. Firstly, women stated that their male partners feared exposure of their abusive behaviour, that is, males feared females telling others about the abuse. Secondly, women said that their male partners feared that they would lose control in the relationship when they called the police and/or sought legal advice and support. Thirdly, women said that they frightened their male partners when they would try and stand up for themselves after being abused, or while protecting their children from his abuse. For example, after being physically assaulted, some women would threaten their partners' life to try and stop him from doing it again, or in frustration they would scream and yell in retaliation. In summary, women did not see themselves as frightening men because they were the perpetrator of violence, rather they frightened men because they could expose their abusive or violent behaviour and/or because they retaliated to their violence in self defence.

Men's responses to the question of whether their ex was frightened by their behaviour showed mixed themes in the qualitative responses. Firstly, some men stated that their partners had no reason to be fearful of them and when their female partners claimed they were fearful, they did not understand why. Secondly, a small number of men spoke about their abusive behaviour and acknowledged that this frightened their partners. Thirdly, some men recognised that their partners

claimed to be fearful of them but also pointed out that the allegations that they were violent were unsubstantiated and not proven in court or believed by the police. Fourthly, some men said that their partners were fearful of them because they would/could take the children. Finally, some men said their female partners were fearful of them because they could expose their mental instability.

Question 7: Please indicate your response to each of the following statements

Subjected to verbal abuse or put-downs

685 (167 males, 518 females) people answered this question. 24% were male and 75.6% were female.

5.4% (9) males and 3.7% (19) females stated never.

19.2% (32) males and 11.4% (59) females stated occasionally.

1.8% (3) males and 0.2% (1) female stated not sure.

42.5% (71) males and 37.8% (196) females stated frequently.

31.1% (52) males and 46.9% (243) females stated most of the time.

This shows that the majority of both men and women experienced verbal abuse. Verbal abuse was the highest form of abuse reported by males and females.

Threats that made me fearful

674 (164 males, 510 females) people answered this question. 24.3% were male and 75.6% were female.

31.1% (51) males and 18% (92) females stated never.

26.8% (44) males and 25.1% (128) females stated occasionally.

7.3% (12) males and 2.9% (15) females stated not sure.

23.2% (38) males and 28.4% (145) females stated frequently.

11.6% (19) males and 25.5% (130) females stated most of the time.

This data shows that females were more likely to experience threats that made them fearful than males.

Sexual abuse or denigration

667 (161 males, 506 females) people answered this question. 24.1% were male and 76% were female.

80.1% (129) males and 46.6% (236) females stated never.

9.9% (16) males and 20.4% (103) females stated occasionally.

1.9% (3) males and 6.5 % (33) females stated they were not sure.

3.7% (6) males and 13% (66) females stated frequently.

4.3% (7) males and 13.4% (68) females stated most of the time.

This shows that the men hardly ever experienced sexual abuse whereas it was much more common for women.

Physical assault

675 (164 males, 511 females) people answered this question. 24.3% were male and 75.7% were female.

39% (64) males and 26.4% (135) females stated never.

36% (59) males and 33.1% (169) females stated occasionally.

1.8% (3) males and 1.2% (6) female stated not sure.

14.6% (24) males and 22.5% (115) females stated frequently.

8.5% (14) males and 16.8% (86) females stated most of the time.

This shows that the women were more likely to experience physical assault than the men.

Social isolation

675 (165 males, 510 females) people answered this question. 24.4% were male and 75.5% were female.

24.2% (40) males and 12.7% (65) females stated never.

22.4% (37) males and 20.2% (103) females stated occasionally.

1.8% (3) males and 2.7% (14) females stated not sure.

24.2% (40) males and 24.9% (127) females stated frequently.

27.3% (45) males and 39.4% (201) females stated most of the time.

This shows that both men and women experienced social isolation but women were more likely to. Social abuse was one of the highest reported forms of abuse by females.

Financial abuse

672 (163 males, 509 females) people answered this question. 24.2% were males and 75.7% were females.

42.9% (70) males and 22.8% (116) females stated never.

20.9% (34) males and 15.3% (78) females stated occasionally.

5.5% (9) males and 3.1% (16) females stated not sure.

12.3% (20) males and 22.2% (113) females stated frequently.

18.4% (30) males and 36.5% (186) females stated most of the time.

This shows that both the men and women experienced financial abuse but the women were much more likely to experience it.

Other forms of abuse and control

640 (159 males, 481 females) people answered this question. 24.8% were males and 75.2% were female.

31.4% (50) males and 21.8% (105) females stated never.

15.1% (24) males and 10% (48) females stated occasionally.

14.5% (23) males and 18.3% (88) females stated not sure.

20.1% (32) males and 19.5% (94) females stated frequently.

18.9% (30) males and 30.4% (146) females stated most of the time.

This shows that many more women than men experienced other forms of abuse and control.

Question 8: If your ex has subjected you to other forms of abuse and control, please specify what these are/were

342 people responded to this question and despite the volume, the majority of answers reflected different forms of abuse named above. Other forms of abuse that were discussed included using systems to hurt or control partners, using children to hurt or control partners, and spiritual abuse.

For example, both women and men spoke about their ex-partners using the Family Court, Child Support Agency, and Centrelink to hurt them or control them as a form of abuse.

Both women and men spoke about their partners not letting them see their children or threatening this as a form of abuse.

Other forms of abuse identified by men included:

- Their partners having affairs.
- Their partners' mental health issues and described this as a form of abuse as a consequence of her behaviour.

Other forms of abuse identified by women included:

- Male partners threatening or actually abusing children as a way of hurting them (the parent).
- Being physically assaulted and verbally abused when they were pregnant.
- Male partners using threats of suicide as a form of abuse.
- Male partners refusing to help during times of medical procedures, hospital stays, withholding medical results, or being verbally abusive during the birthing of children.

- Spiritual abuse whereby religious beliefs were used by their partners to make them feel guilty if they left the marriage.
- Their partners attempts to sabotage their life or use blackmail techniques to get what they wanted, such as making it difficult for them to seek employment, throwing out children's medicines and telling them to go and buy more, making women 'second guess' themselves, bargaining etc.
- Using 'silent treatment' if males were unhappy with something such as the keeping of the house, not getting sex, women wanting to socialise with others.

Question 9: Please indicate your response to each of the following statements

Different kinds of abuse perpetrated (I have subjected my ex to ...)

Verbal abuse or put downs

675 (165 males, 510 females) people answered this question. 24.4% were male and 75.5% were female.

40.6% (67) males and 34.9% (178) females stated never.

52.1% (86) males and 55.7% (284) females stated occasionally.

4.8% (8) males and 3.5% (18) females stated not sure.

2.4% (4) males and 5.3% (27) females stated frequently.

0 males and 0.6% (3) females stated most of the time.

This shows that both men and women admitted to perpetrating verbal abuse, but only occasionally.

Threats made them fearful

672 (165 males and 507 females) people answered this question. 24.5% were males and 75.4% were female.

95.2% (157) males and 96.4% (489) females stated never.

3.6% (6) males and 2.6% (13) females stated occasionally.

1.2% (2) males and 0.4% (2) females stated not sure.

No males and 0.2% (1) females stated frequently.

No males and 0.4% (2) females stated most of the time.

This shows that both men and women did not identify themselves as making threats.

Sexual abuse

670 (165 males, 505 females) people answered this question. 24.6% were male and 75.3% were female.

97.6% (161) males and 99.8% (504) females stated never.

0 males and 0 females stated occasionally.

1.2% (2) males and 0 female stated not sure.

1.2% (2) males and 0 females stated frequently.

No males and 0.2% (1) female stated most of the time.

Significant numbers of women reported they had experienced sexual abuse. However, the majority of men stated they had never perpetrated sexual abuse.

Physical abuse

669 (164 males, 505 females) people answered this question. 24.5% were males and 75.5% were females.

90.2% (148) males and 86.1% (435) females stated never.

9.8% (16) males and 12.7% (64) females stated occasionally.

No males and 0.8% (4) female stated not sure.

No males and no females stated frequently.

No males and 0.4% (2) females stated most of the time.

Significant numbers of females indicated they had experienced physical abuse. However, the majority of males stated that they had never perpetrated physical abuse.

Social isolation

669 (164 males, 505 females) people answered this question. 24.5% were male and 75.5% were female.

95.7% (157) males and 97% (490) females stated never.

2.4% (4) males and 2.6% (13) females stated occasionally.

1.8% (3) males and 0 female stated not sure.

No males and 0 females stated frequently.

No males and 0.4% (2) females stated most of the time.

Both men and women did not see themselves as having socially isolated their ex-partner.

Financial abuse

667 (163 males, 504 females) people answered this question. 24.4% were male and 75.5% were female.

86.5% (141) males and 94.4% (476) females stated never.

7.4% (12) males and 4.8% (24) females stated occasionally.

3.1% (5) males and 0.6% (3) females stated not sure.

3.1% (5) males and 0 females stated frequently.

No males and one female stated most of the time.

This shows that both men and women did not see themselves as having perpetrated financial abuse, with some stating 'occasionally'.

In summary, the women who responded to this survey described severe, frequent abuse from men, however, the men who responded to this survey (who were not the partners of the female respondents) did not see themselves as perpetrating abuse. However, a small number of women and men did describe the abuse they perpetrated against their ex-partners but the majority of responses were 'never' when asked about perpetrating different forms of abuse.

Other forms of abuse

652 (157 males, 495 females) people answered this question. 24% were males and 76% were females.

92.4% (145) males and 92.4% (458) females stated never.

3.8% (6) males and 2.4% (12) females stated occasionally.

3.8% (6) males and 3.8% (19) females stated not sure.

No males and 1% (5) females stated frequently.

No males and 1 female stated most of the time.

Question 10: If you subjected your ex to other forms of abuse and control, please specify

The majority of answers given to this question were by women who spoke about themselves yelling in frustration and defending themselves against physical or sexual violence and/or defending their children from harm.

Both women and men spoke about the need to control money because their partner was a gambler or drug addict.

A small number of women spoke about feeling 'rebellious' after so many years of being controlled and so felt brave enough to yell and say spiteful things back to their ex-partners.

Question 11: Please indicate your response to each of the following statements

Violence towards children

My ex has been violent toward me and the children.

673 answered (165 males, 508 females). 24.5% were males and 75.4% were females.

40.6% (67) males and 25.6% (130) females stated never.

23.6% (39) males and 25.2% (128) females stated occasionally.

4.8% (8) males and 5.1% (26) females stated not sure.

23% (38) males and 28.5% (145) females stated frequently.

7.9% (13) males and 15.6% (79) females stated most of the time.

A large percentage of both men and women reported abuse of their children by their ex-partner.

I have been violent toward my ex and the children.

665 (164 males, 501 females) answered. 24.6% were males and 75.3% were females.

90.9% (149) males and 90.8% (455) females stated never.

6.7% (11) males and 5.2% (26) females stated occasionally.

1.2% (2) males and 2.6% (13) females stated not sure.

No males and 1% (5) females stated frequently.

1.2% (2) males and 0.4% (2) females stated most of the time.

Again this shows that men and women did see themselves as perpetrating abuse.

My ex has been violent toward me not my children.

636 (161 males, 475 females) answered. 25% were males and 74.7% were females.

29.2% (47) males and 17.7% (84) females stated never.

34.2% (55) males and 26.7% (127) females stated occasionally.

5% (8) males and 6.3% (30) females stated not sure.

21.7% (35) males and 31.6% (150) females stated frequently.

9.9% (16) males and 17.7% (84) females stated most of the time.

This shows a mixed response from women and men with approximately half of men and women indicating the abuse happened only towards them, not their children, and half indicating abuse happened to both them and their children.

I have been violent toward my ex, not my children.

654 (164 males, 490 females) answered. 25% were males and 75% were females.

81.1% (133) males and 79.4% (389) females stated never.

15.9% (26) males and 17.8% (87) females stated occasionally.

1.8% (3) males and 1.6% (8) females stated not sure.

0.6 % (1) male and 1.2% (6) females stated frequently.

0.6% (1) male and 0 females stated most of the time.

Again respondents did not see themselves as perpetrators of violence, though a fair percentage of both men and women indicated they had perpetrated abuse occasionally, but not against their children.

My ex has been violent toward the children, not me.

632 (161 males, 471 females) answered. 25.4% were males and 74.5% were females.

52.8% (85) males and 45.4% (214) females stated never.

23.6% (38) males and 27.8% (131) females stated occasionally.

9.3% (15) males and 11.3% (53) females stated not sure.

10.6% (17) males and 11.5% (54) females stated frequently.

3.7% (6) males and 4% (19) females stated most of the time.

Half of the men and women indicated that their children were being abused.

I have been violent toward the children, not my ex.

651 (164 males, 487 females) answered. 25% were males and 75% were females.

94.5% (155) males and 94.7% (461) females stated never.

3% (5) males and 3.3% (16) females stated occasionally.

1.2% (2) males and 1.6% (8) females stated not sure.

0.6% (1) males and 0.2% (1) females stated frequently.

0.6% (1) males and 0.2% (1) females stated most of the time.

Again, neither males or females identified as being perpetrators of abuse.

My ex has been violent towards our pets.

644 (161 males, 483 females) answered.

25% were males and 75% were females.

83.2% (134) males and 53.4% (258) females stated never.

6.2% (10) males and 24.6% (119) females stated occasionally.

5% (8) males and 5.4% (26) female stated not sure.

3.7% (6) males and 13.3% (64) females stated frequently.

1.9% (3) males and 3.3% (16) females stated most of the time.

This shows that men were more likely to abuse pets in family violence situations than women.

I have been violent towards our pets.

644 (160 males, 484 females) answered.

25% were male and 75% were female.

96.3% (154) males and 97.1% (470) females stated never.

1.9% (3) males and 1.7% (8) females stated occasionally.

1.3% (2) males and 0.8% (4) females stated not sure.

No males and 0.4% (2) females stated frequently.

0.6% (1) males and 0 females stated most of the time.

This shows that neither the male or female respondents to this survey admitted to perpetrating abuse on pets. However in the previous question approximately half of the women reported that their ex-partners had been abusive towards pets.

My ex has been violent toward me and there are no children involved.

544 (145 males, 399 females) answered. 26.6 % were males and 73.3% were females.

66.2% (96) males and 72.4% (289) females stated never.

9% (13) males and 6.3% (25) females stated occasionally.

11% (16) males and 8.8% (35) females stated not sure.

7.6% (11) males and 9.3% (37) females stated frequently.

6.2% (9) males and 3.3% (13) females stated most of the time.

This shows that the majority of male and female respondents who experienced family violence had children in their lives.

I have been violent toward my ex and there are no children involved.

547 (144 males, 403 females) answered. 26% were males and 74% were females.

85.4% (123) males and 93.5% (377) females stated never.

3.5% (5) males and 2% (8) females stated occasionally.

10.4% (15) males and 4.5% (18) females stated not sure.

No males and no females stated frequently.

0.7% (1) male and no females stated most of the time.

Again this data showed that respondents did not see themselves as the perpetrator of violence and abuse. However, it is clear that females and children were predominantly the victims of abuse.

Question 12: Have any family violence orders been issued?

People who have been separated since 1995

684 people answered this question (169 males, 515 females). 24.7% were males and 75.2% were females.

61.5% (104) males and 49.7% (256) females stated NO

38.5% (65) males and 50.3% (259) females stated YES

Graph 59: Percentage of males and females in relation to whether any family violence orders had been issued



Question 13: Was that order...

Interim – 72.2% males said YES, 82.7% females said YES

Final – 57.1% males said YES, 79.7 % females said YES

Ex parte – 37.2% males said YES, 43.5% females said YES

Contested – 58.6% males said YES, 59.3% females said YES

A total of 267 respondents (28 men and 239 women) said they had sought an order against their violent ex-partner.

Question 15: My ex took out an order against me on the grounds that I have been violent toward him/her

69 respondents (45 men and 24) said they had an order taken out against them.

Question 16: Has the order ever been breached?

215 respondents said their DV order had been breached. 22 were men and 193 were women.

Question 17: If yes, did the police ever attend?

Police attended breaches of DV orders in 156 cases. 24 were men and 132 were women.

Question 18: If yes, did the police ever prosecute?

Police prosecuted breaches of DV orders in 78 cases. 15 were men and 63 were women.

An analysis of this data showed that Police prosecuted a higher proportion of breaches of orders for male victims (15 of 24 = 62%) compared to women victims (63 of 132 = 48%).

Question 19: If yes, was there a guilty verdict?

There was a guilty verdict in 67 cases of police prosecutions for breaches of DV orders.

Nine (60% of 15) of these were men and 58 (92% of 63) were women.

The data shows that when police did prosecute women's breaches of DV orders there was a high rate of success. The threshold for prosecution of breaches of women's DV orders was higher and the likelihood of success was therefore also higher.

Question 20: Please indicate your response to each of the following statements

(A) My children and/or I have been the victim of violence from my EX but have been too afraid to tell anyone.

There were 662 responses. 162 (24%) from men and 500 (76%) from women. Most respondents disagreed with the statement.

70 men (43% of male responses) and 216 women (43% of female responses) disagreed with this statement. 37 men (23% of male responses) and 74 women (15% of female responses) said the statement was not relevant to them and 55 men (34% of male responses) and 210 women (42% of female responses) agreed with the statement.

The data indicate that being a victim of violence and being too afraid to tell anyone was a problem for around two in five women and one in three men.

(B) I have been violent toward my EX and/or my children but have never admitted it to anyone.

There were 657 responses to the statement from 162 men and 495 women. Most respondents disagreed with the statement.

127 men (78%) and 396 women (80%) disagreed with the statement.

30 men (18.5%) and 92 women (18.6%) said it was not relevant

5 men (3%) agreed and 7 women (1.5%) agreed.

The data indicate that a minority of men and women had been violent but never admitted to it. Men were slightly more likely than women to agree they had been violent.

(C) I have NOT made any allegations of violence to judges, magistrates or mediators, even though my EX has used violence, as I have been advised by my lawyer and/or others not to.

There were 653 responses to the statement. 163 (25%) responses were from men and 490 (75%) from women. Most respondents disagreed with the statement.

73 (45%) men and 309 (63%) women disagreed with the statement.

41 (25%) men and 105 (21%) women said it was not relevant.

49 (30%) men and 76 (16%) women agreed with the statement.

The data indicate that a minority of respondents whose ex-partner had used violence were advised by their lawyer not to raise it. Men were twice as likely to say that they had been advised not to disclose their ex-partners' violence than were women.

(D) I have NOT made any allegations of violence to judges, magistrates, lawyers or mediators, even though my EX has used violence, as I am too afraid of the consequences

There were 660 responses to the statement. 161 responses were from men and 499 from women. Most respondents disagreed with the statement. 77 (48%) men and 275 (55%) women disagreed. 38 (24%) men and 104 (21%) women said it was not relevant to them and 46 (28%) men and 120 (24%) women agreed.

The data indicated that men were slightly more likely than women to conceal violence against them because they were afraid of the consequences.

(E) I have DENIED allegations made by my EX that I have engaged in family violence.

There were 651 responses with 160 from men and 491 from women.

A majority of 208 (42%) women disagreed with the statement. 51 (32%) men also disagreed.

A majority of 66 (41%) men agreed with the statement. 78 (16%) women also agreed.

43 (27%) men and 205 (42%) women said it was not relevant.

The data indicated that the men were more likely to have allegations of violence made against them and to deny the allegations, compared to the women.

(F) I have CONCEDED OR NOT DISPUTED allegations made by my EX that I have engaged in family violence.

There were 644 responses. 157 were from men and 487 from women.

A majority of respondents disagreed with the statement.

88 men (56%) and 254 women (52%) disagreed with the statement.

44 men (28%) and 207 women (42%) said it was not relevant.

25 men (16%) and 26 women (5%) agreed with the statement.

The data indicated that the men were more likely to have conceded allegations that they had engaged in domestic violence. Women were significantly less likely than men to see this as relevant to them.

(G) My ALLEGATION that my EX has used violence has been believed and taken seriously by family law professionals (counsellors, mediators, judges, magistrates, lawyers).

There were 653 responses. 160 were from men and 493 from women.

A majority of respondents disagreed with the statement.

83 men (52%) and 238 women (48%) disagreed with the statement.

46 men (29%) and 90 women (18%) said it was not relevant.

31 men (19%) and 165 women (34%) agreed with the statement.

The data indicated that women were more likely than men to see this as relevant to them. Women were more likely than men to feel believed and taken seriously, but around half of both men and women respondents felt their allegations of violence against them by their ex-partner were not taken seriously.

(H) My DENIAL that I have used violence has been believed and taken seriously by family law professionals (counsellors, mediators, judges, magistrates, lawyers).

There were 638 valid responses. 161 were from men and 477 from women.

A majority of respondents said the statement was not relevant to them.

56 (35%) men and 262 (55%) women said it was not relevant.

66 (41%) men and 144 (30%) women disagreed with the statement.

39 (24%) men and 71 (15%) women agreed with the statement.

The data indicated that the men were more likely to feel their denials of family violence were believed than were the women. Men were also more likely than women to feel their denials of violence were not taken seriously. A majority of women did not see the issue as relevant to them.

Question 21: If something else please explain

Themes from the women's qualitative responses

Statements from women have been organised under the following themes:

Family law experiences

- *Though in my first final hearing I had evidence of abuse and I was believed but my ex did 2 (1hr) counselling sessions then he was supposedly OK to have the children and had learned from his abusive behaviour. He continued his abuse against the children and when it went to a final hearing I was not believed. I received a \$30,000.00 fine to pay the father. The 2nd final hearing my children complained about abuse repeatedly I reported it and again I was not believed even though the police had intervened (they had also received a copy of the Family Report but that did not deter them in helping us). The court did not believe me again and they took my kids off me 50/50 and gave me another fine to pay the father. Coming to my 3rd Final Hearing now my children are older. My children have been beaten with implements, called names and abusive behaviour and language at them by their father and other members of his family that lived with them. I am very concerned for my youngest child who is only 10 now, as I have to go to another final hearing. I am also scared of the past Judgments and past family reports, and the way the court handle these cases. My children have NEVER known peace, they have been put through this since 2002. When will the court put a stop to this abuse? The court was never going to believe me with 2 final hearings, 2 judgments and 2 Family Reports against me. I knew my children were being abused and I could NOT PROTECT them for fear I would lose my children and the court would take them from me.*

- *Family court covered up violence and downplayed it towards me or the child, also the protective services failed to act because it was in family law courts. Between a rock and a hard place and I still feel subjected to psychological abuse through him using systems.*
- *I have told the family court about his violence but they don't take it seriously. He says I was the violent person. He has even submitted false affidavits against me from each one of his friends.*
- *They did believe some of it, but I got 'Even prisoners get to see their children' response! My lawyer argued that he was still in the phase of prosecution in 1996 and that they could check with the [name withheld] Magistrates Courts. So I was believed slightly but they didn't believe that my son was in any danger. Unreal!*
- *I had been advised that if I say my ex was violent then his lawyers would say I was trying to deny him access of children even though he was put in the watch house by police and he admitted to the police officers that he was going to burn my house down. The Judge agreed with my ex and disallowed the evidence about the police involvement and his 1 month psych ward stay.*
- *The federal court magistrate was openly scathing and in fact quite abusive. After my DV order went to hearing and was granted, we had moved to the family court which seems to take it slightly more seriously. I have not told the court of my rape - this is because my ex is self represented and would be free to question me about it in the witness box, something that would be unbearable.*
- *The violence was identified and believed by my church pastor and counsellors, however because it wasn't physical and my ex is a charming paediatrician the initial counselling sessions at the family law court did not acknowledge the violence and I felt my ex was going to get his way anyway and I couldn't emotionally cope with a long drawn out court process.*
- *My allegations of violence were trivialized and disregarded, said to be in the past. His explanation that I exaggerated, that they were old (2005) and he no longer had anger management problems, and it was my fault for provoking him were accepted - and seen as irrelevant anyway as it was about access not about me, yet I am forced into what I feel is a dangerous situation when I collect my daughter after every access visit - behind an 8 ft security fence, late at night, away from passers by - the judge said these arrangements would 'normalize' things for our daughter, as opposed to a safe handover location in a public area - I try to stay in the locked car and not get out if possible. What was ruled as irrelevant included rape and strangulation not long before the final separation (which he admitted when we went for domestic violence counselling).*
- *My ex-lawyers did not want to list documents that show domestic violence. I represented myself in court the last three hearing days I alleged family violence and no one including the chief Federal Mag. did not want to listen or investigate further.*
- *I found several Federal Magistrates unsympathetic and unwilling to try to understand my situation.*
- *It needs to be understood that while violence was believed by Judge/lawyers etc., it did not mean anything. They were just words on paper. Orders were still made for contact and there was no protection for safe handover. I had to keep going back to the court to get the latter addressed.*
- *In 2005 my allegations were taken seriously by the Police and by the legal services commission lawyer and mediator/counsellor. My allegations were not taken seriously by the family court mediator and orders by consent were made. The federal magistrates court is now taking my (or my children's) allegations seriously, in 2009.*

- *Local DVO court was great - police placed the DVO on my behalf as I was too scared. However the Brisbane Family Court the presiding judge during our court proceeding made a joke of the allegations of abuse even though there was medical evidence.*
- *A judge called the intervention order 'convenient' which was very belittling to me and to the violence and seemed to suggest I was making it up. However, it did get approved and I believe it did influence my application to relocate being approved (pre 2006)*
- *Any allegations I made were always countered by my ex so in the end the Judges did not know what to believe so they just dismissed it all or said it wasn't domestic violence - one of my ex's barristers said there was no such thing as 'financial abuse'*
- *They blame 'both parents' - it is the spiel they do not even bother to look into anything- They sit there like everyone is the same and no one is to blame and the kids are assets.*
- *When the physical violence first occurred I tried to talk to a doctor about it - he wanted to know nothing about it and dismissed me. This made me fearful to report any of the abuse and I think for years I had trouble admitting that this was abuse. After I had known my EX for 20 years, and was helped by a wonderful friend I finally had the nerve to file a restraining order - which was upheld. But again, in order to allow my husband to continue to see the children I was asked if I would dismiss it without prejudice and I did - for my children - and again he told the children I was being dramatic and that he hadn't really done anything that bad and again he feels empowered to use the system for vengeance.*

Support for men and bias against women in the family law system

- *Only the social worker engaged by the ICL has believed my ex's mother's accusations of violence towards her by me despite no evidence of this occurring*
- *I feel as though I have had to provide twice the evidence to be believed half as much. The idea that I was NOT I quote 'a bitter ex wife'.*
- *I had a family report done where the guy spent hours with my ex and none with myself who said my ex was a great guy he was some guy from a fathers group I saw this as bias.*
- *I have been believed by counsellors, family and friends, but felt very let down by the mediation process - my ex-husband's wishes were the only ones listened to.*

Domestic Violence Orders

- *Despite my ex having long violent history of crime, drug addiction and mental health issues and after he had been locked up in jail and psychiatric wards. He turned up at the hospital and threatened to kill my mother and I in the maternity lounge a nurse witnessed it and made a statement. He threatened the baby and threatened to stick his thumb through her fontanelles and threw an object at her.
We were granted an AVO after a 3 hour hearing and he got a barrister and had it overturned as he had a suspended sentence. We were encouraged by the police to take out another AVO which we did and did not get as the law said that all the history should have been covered in the last hearing. I was pushed into getting an AVO by the hospital and the police and the system failed me, as I now have angered and antagonized this man and am left with no protection.*
- *I was told it was abuse but not sufficient. I was also told not to get an AVO even though I was afraid as it would be red flag to a bull and violence would result. Given that my ex lived far away I was told I didn't need one. I wanted one so I would feel safe enough to argue for shorter visits because my child was distressed.*
- *the judge let my ex complain about me for 10 minutes ranting raving at a trial for breaching a restraining order, he talked of me as a dirty slutty woman and then the judge let him off*

- *My ex contested the DVO and said that I provoked him. It went to court 4 times and the legal aid did not want to fund anymore so I just agreed to stop the proceedings as he clearly was not going to accept responsibility for his actions.*
- *Although I was believed by police, lawyer etc, the matter did not proceed to court as I was told there wasn't enough evidence for a conviction. I also believe it would have been too traumatic for me to have to relive the abuse I experienced when having to give evidence in court*
- *I have tried to get a restraining order, but because he hasn't hit me since leaving the home I haven't had any luck, (although he does stalk me, has taken pictures of my bedroom, sends me messages 'where are you'...'you're lying... the lights are not on at the farm etc'. It is terrifying and I am completely powerless in a HOPELESS situation*

Lack of proof of violence

- *The violence by my ex has been primarily verbal, psychological, social, emotional and financial in nature and is therefore the hardest to prove. I am afraid that if I make an allegation, I will be seen as 'unfriendly' and may in fact lose primary care of my children, as has happened to many other women since 2006.*
- *My ex actually admitted punching me in the face twice and then tried to paint me as the one that was out of control and he had no other option but to punch me in the face*
- *I was informed by lawyers that even though violence occurs there is nothing you can do about it.*
- *Psychological, verbal threats are too hard to prove in the court system the physical ones were never reported as he would talk his way out of them and you try to not let it go that far you would shut up and agree with what he said!*
- *Because my ex has not beaten me black and blue with 3 independent doctors reports I have been advised not to raise family violence issues. It is very hard to prove domestic violence as it happens behind closed doors and if I was to raise it and lose then I face being seen as an alienating parent. I do not want to take that risk and lose custody of our daughter.*
- *So far I have been believed by DV and LSC, however I do not know what the courts will say if we go that far. My ex is very socially charming. I was very grumpy for a few months of my pregnancy and he says that's no different from what he did to me. One night I had to shout to get him to wake up for help with our distressed cat when I was attending to the baby and he blew up slamming doors and shouting. I was so scared I urinated in the bedroom rather than go out again. My baby's heart was racing. The next morning he came in and said he would break both my legs if I ever spoke to him like that again. Now he says I said I would break his legs!!! I have no faith the system will believe me.*

Themes from the men's qualitative responses

Statements from men have been organised under the following themes:

Not really violence

- *My ex was not the least bit concerned for her own safety at any time during our relationship. She was extremely concerned the truth would come out about her parenting.*
- *I don't like the term violent, as the abuse the children and I experience is often not scary to the children,*
- *There has been no violence at all. I approached her to ask her to talk to me about her infidelities and she had me charged for approaching her and therefore breaching the non approach section of the A.V.O.*

Lack of support for male victims of violence

- *As a man I couldn't get anyone to support me about the ex's family violence, so I had to put up with it until I secured consent orders.*
- *I got a restraining order against the ex as she was constantly coming round my house after I got custody, threatening to kill me and abusing me in front of our daughter and also abusing and threatening witnesses who spoke up for me. I had to beg and plead for a restraining order from the police whereas I'll bet a woman would have been given one immediately.*
- *woman alleges DV believed man is not believed*
- *I could get no help from courts, police, because she would lie about abusing me. no one believed me*

Advised not to complain of violence

- *I was advised not to make complaint by Police by my fear of losing all contact with my children which were used as weapons by my ex*

Differences between state and federal agency responses to violence/abuse

- *Family law professionals have taken me seriously, Police prosecutors and police officers did not even attempt to hear my version of events before imposing an interim AVO*
- *The criminal courts do not appear to sentence women as harshly as men and they certainly do not believe abuse by women easily too - nor do Police. It has always taken a huge amount of evidence - something they don't appear to need a lot of when it comes to men. There is a clear bias in both family and criminal court towards women as victims but not accepting that men are too. I now have a permanent VRO on her protecting my child and myself.*
- *On the one occasion I became physically abusive, I was charged by Police*

Family law professionals discounting violence towards children

- *although there is strong evidence of family violence by all family members including my wife's parents the children rep has diminished this to an extent that we are the ones who are doing the wrong thing by requiring supervision to continue so that our son can have some contact with his mum*
- *My lawyer, her lawyer, support groups, DV shelters, doctors, psychiatrists, police etc all had evidence of her violence toward me. The courts refused to view the evidence.*

Domestic Violence Orders

- *Intervention orders initiated by me however drew a response of counter orders and false allegations. With the intervention orders it was more expedient to accept mutual undertakings without admission.*
- *violence orders are/were a joke, all they were achieving were point scoring for the presentation to the FMC*
- *She took an AVO against me and made false allegations. I contested it and also took out an AVO against her for her abuse and behaviour. The police said she was a liar and then she decided to withdraw her AVO as long as I withdrew mine. A big waste of money.*
- *The police took out the order on my ex partners say so and I feel I was treated badly*
- *The magistrate refused to hear any statement from me, simply made the interim order on the basis of allegations with no corroborating or medical evidence. It was unable to be contested*

for two months; during which time I was unable to see my children and my wife continued to harass me with phone calls and coming to my work and assaulting me.

Beliefs about women

- *in this country any bitch can do intervention for just she doesn't like the man, the law is made available for bitches and sluts to use it as much as they want, if you want to know more about bitches and sluts go to criminal court and all the bad women protected by the law.*

Question 22: For how long has the violence/ abuse been occurring (whether you were a victim or perpetrator)?

There were 608 responses with 136 from men and 472 from women to this question.

The majority group of men (n=39 29%) said violence had occurred for 5-9 years, while the largest group for women was 10 years or more (n=186 39.5%).

Table 813: Percentages and numbers of men and women in relation to the length of time the violence/abuse had occurred

| Duration | Men | | Women | | Total |
|-------------------------|-----|-----|-------|-------|-------|
| Less than 1 year | 22 | 16% | 24 | 8% | 46 |
| 1-2 years | 19 | 14% | 40 | 8.5% | 59 |
| 3-4 years | 27 | 20% | 76 | 16% | 103 |
| 5-9 years | 39 | 29% | 146 | 31% | 185 |
| 10+ years | 29 | 21% | 186 | 39.5% | 215 |
| Total | 136 | | 472 | | 608 |

Around 66% of respondents said the violence had occurred over more than 5 years. This data suggest that people who have partnered with people who use violence may be exposed to violence for many years.

Women were more likely to experience violence over more than five years, with 70% of women respondents in this category compared to 50% of men.

Question 23: On average, how frequently has the violence/abuse occurred (whether you were a victim or perpetrator)?

There were 598 responses, with 131 from men and 467 from women.

The largest group of men's responses (37 or 28%) reported violence once or twice a month. The largest group of women's responses (165 or 35%) reported violence once or twice a week.

Table 824: Numbers and percentages of men and women reporting on the frequency of the violence/abuse

| Frequency | Men | | Women | | Total |
|-------------|-----|-------|-------|-----|-------|
| Daily | 34 | 26% | 113 | 24% | 147 |
| 1-2 a week | 26 | 20% | 165 | 35% | 191 |
| 1-2 a month | 37 | 28% | 106 | 23% | 143 |
| 3-4 a year | 15 | 11.5% | 57 | 12% | 72 |
| Once a year | 2 | 1.5% | 6 | 1% | 8 |
| A few times | 17 | 13% | 20 | 4% | 37 |
| Total | 131 | | 467 | | 598 |

As Table 74 indicates, for most respondents, violence frequently occurred one or two times a month or more, with 80% of all respondents accounted for in this category. However there was a disparity between men's and women's reports indicating that women were more frequently exposed to violence than men. 74% of men said violence occurred once or twice a month or more frequently, compared with 82% of women.

Question 24: Please comment on the frequency of the violence/abuse

Men and women described different sorts of abuse

Men named the following types of violence:

- Mothers keeping children from fathers as abuse – e.g. *'I am still socially isolated from my children after three years of trying'*.
- Mothers telling lies to children about them e.g. *'via my son when he stays with me'*.
- Mothers abusing the children - e.g. *'I can't be sure how often she and her boyfriends abuse my daughter'*.
- Mother involving agencies (e.g. police courts child support) and making false allegations - e.g. *'she would pretend she was scared of me'*.
- mothers gambling
- mothers drinking
- mothers' mood swings
- Mothers' sexual abuse of son (1)
- Mothers' phone harassment - e.g. *'she tracked down my second wife at work and frequently contacts and abuses her'*.
- verbal and emotional abuse – e.g. *'she could manipulate a sentence of comment and twist it into something in her favour'; 'Put downs were frequent'*.

- Physical abuse – e.g. *'she would violently attack me in front of our children'; 'frequently pushing shoving or scratching. More serious threatening with knives, kicking, biting, throwing things once every 2 weeks or so'; 'she would abuse me verbally and hit me, .hold a knife towards me and push my head into cupboards'.*
- Controlling behaviour – e.g. *'I wasn't allowed to have a TV or use the car'.*
- Property damage and theft - e.g. *'every time I left the house and returned, property was either missing or damaged'.*

Men also sought to reframe abuse as something else:

- *No violence or abuse occurred. There were mutual disagreements in which voices were raised on both sides.*

Women named the following types of violence:

- Verbal and emotional abuse of mother – e.g. *'severe daily denigration'; 'he would chase me around the house so that he could threaten me and verbally abuse me'. 'He had negative comments for me every day'.*
- Verbal and emotional abuse of children - e.g. *'he writes/phones abusively and also includes this in his communication with my daughter'; 'the violence has been about controlling the children'.*
- Social abuse – e.g. *'I was prevented from contacting my family and friends, especially my mother'. 'I was driven to work and collected from work. I was not allowed to go out with friends on my own'.*
- Physical abuse – e.g. *'elbows and kicks were sometimes daily, shoving pushing throwing me was monthly. Sometimes he would slam my body against a wall or door'; 'I was punched to the ground whilst holding my child'; 'it hits a certain level like threatening to kill you when he is mad or have you up by the throat!'; 'when my son was three months old he punched me in the face when I caught him using drugs and he denied it. After I left he tried to punch the drivers window in my car as I was driving away and then came to my house and grabbed me by the neck while I held my son and I was too scared to call the police'.*
- Sexual abuse – e.g. *'Sexual abuse when he wanted sex, there was no intimacy or togetherness or the need to feel wanted. Sex was just sex an act, no foreplay, sex was his form of togetherness, knew if I didn't give it to him, he would make me sleep on the couch etc, would hold hands around neck'.*
- Financial abuse – e.g. *'the financial abuse actually started from before we were married. He was my accountant before we became romantic. After we married he systematically started stripping my assets which were family inheritances from my side of the family'.*
- Threats and intimidation – e.g. *'he only threatened to hang me twice except he brought the rope to the house to show me which rope he would be using about three times'; 'throwing objects all over the place, slamming doors in my face, verbal abuse screamed into my face, repeatedly punching his fist hard into his hand centimetres away from my face, threatening to harm himself and call the police and tell them that I attacked him'; 'the violence was intimidation was always there and I became to scared to do anything about it'.*
- Using agencies and false allegations – e.g. *'being vexatious in the family court'. 'Being dragged through the family law courts after separation, interference and obstruction of the child having contact, making false allegations about me. 'I took out 2 orders one after the other against him. He told me that he would get me back by taking out one against me. I did not have the \$10,000 that I was advised it would cost to fight it so he 'got' his DV order. 'He claimed before pleading guilty that the child porn was put there by me; he now says that the sex abuse charges by his*

niece were orchestrated by me'. 'He accuses me of avoiding him deliberately and manipulating our son'.

- Hurting children to hurt mum – e.g. *'since separation he has used my daughter as the means of indirectly threatening me and hurting her to hurt me'; 'my son was 3 weeks old straight from ICU after he had shook him and kicked the wall in the house '.* *'Actual physical abuse toward the children 3-4 times a year, but an ongoing undercurrent - like walking on eggshells'.*
- Controlling behaviour – e.g. *'I was not allowed to shop or cook. I had to buy takeaway. I was not allowed to drive the car to work or see friends on my own'.*

Words used to describe or name the perpetrator or the experience of violence/abuse

Women's words included the following:

- *My ex*
- *He*
- *My ex-husband*
- *My husband*
- *Perpetrator*
- *Predator*
- *My son's father*
- *The other parent*
- *A violent drunk*
- *A nightmare*
- *It was hell*

Men's words included the following

- *The mother*
- *Mum*
- *My wife*
- *It*
- *She is an imbecile*
- *It was an idiot*

Gender differences in the nature of the trigger events for violence/abuse

Trigger events for men's abuse of women when in the relationship included:

- her going to work
- her *'spending too much'*
- her pregnancy
- after a child was born
- him feeling not in control
- anything
- his use of alcohol and or drugs, as well as him not having access to alcohol/drugs
- him being requested to assume a responsibility or task he did not want
- his stress at work
- her deciding to separate
- His gambling losses *'he had lost money on the pokies'*
- His mental health *'behaviour similar to that of someone diagnosed with Bipolar disorder'*

Trigger events for men's abuse of women after the relationship ended included:

- speaking on the phone,
- contact handover,
- court appearances – e.g. *'around the upcoming court battles it tended to get more, when the police would not do anything about my concussion I sustained at the school, he saw that as a green light to continue, when his father got off for running me over with his car, it was seen as acceptable'*.

Trigger events for women's abuse of men during relationship included:

- *'not getting her way all the time'*
- *'Menstrual cycle'; 'her violence levels seemed to follow her monthly cycle ...- accusing me of being unfaithful'. 'Coincides with menstruation and other mood swings'*.
- Mental health issues – e.g. Borderline Personality Disorder
- Alcohol use
- Pregnancy – e.g. *'During the pregnancy she was more hormonal'*
- *'As long as bitches, prostitutes and sluts exist, violence exists'*
- *'There's been violence in the world for hundreds of years'*.

Trigger events for women's abuse of men after the relationship ended included:

- Child contact e.g. *'her engagement with agencies and making false allegations'*
- Court appearances e.g. *'she would pretend she was scared of me'*

There were 610 respondents to the question, from 136 men and 474 women. Men and women had different patterns of response.

The largest response group from men (n=59; 43%) said the violence had NOT become more frequent or severe. 125 women (26%) said the violence had not become more frequent or severe.

The largest response group from women (n=285; 60%) said the violence HAD become more frequent or severe over time. 56 men (41%) also said the violence had increased in frequency or severity over time.

21 men (15%) and 64 women (14%) said they did not know if the violence had increased or decreased in frequency or severity.

Question 26: Please comment on the frequency and severity of the violence/abuse

Men's comments about women's violent behaviours are included under the following themes:

- Drug and alcohol use
- Mental health problems - e.g. *'Mother has deteriorated since separation - money, drug, homelessness issues, possible mental health issues and associates with similar type people mainly men'*.
- Making false allegations against fathers – e.g. *'people like my ex who make up stories just to win in court should be punished for their actions'; 'it started as a few false accusations in 1998, that I thought were weak attempts to scare me off. By 2004 they were being supported by a psychiatrist'*.
- Withholding child contact – e.g. *'she still tries to threaten me with not seeing my son'. 'Constant refusal to contact or provide phone number for children'*.

- Children's behaviour to father during contact – e.g. *'Children run up & hug me when access occurs'. 'Children reticent to discuss time with EX'. 'Children frequently (son mainly) reticent to return to EX & school'. 'Behaviour of both causes concern immediately following/prior to access'.*
- Expecting financial support – e.g. *'became a working robot during relationship and during the Family Court Order for Child Support'.*
- Physical assault – e.g. *'physical assaults became more frequent as time went on. I was kicked punched had things thrown at me'. 'Attempted choking, scratching, hitting with objects, kicking (one visit to a doctor)'; 'on three occasions the ex was suffocating me with a pillow'.*
- Sexual Abuse - e.g. *Sex was very much forced upon myself and itself physically abusive due to the very act suffocating (she had to get on top and weighed a lot).*
- Engaging with Government departments - e.g. *Use of the govt depts. against me*
- Child Neglect – e.g. *'my children were verbally abused and locked in their room while my ex partied. They were not fed properly and the youngest did not have his nappy changed regularly enough'.*
- Verbal Abuse – e.g. *'Most of the time it was insults or controlling behaviour'. 'Predominantly the abuse was emotional/verbal. A few occasions physical'.*

Men's comments about when women's violence increased are included under the following themes:

- Drug Use – e.g. *'it became worse as her use of drugs increased'.*
Alcohol Use – e.g. *'she hooked up with a bloke in MacKay who used to give her a bit of a touch up when they got pissed'. 'As my ex-wife became more of an alcoholic she became more violent, more abusive and more unpredictable'. 'Got worse when she mixed anti-depressant and other medications with significant amounts of alcohol'.*
- When woman did not receive money - e.g. *'It got worse when I would no longer provide her any more assets'.*
- When women were moody - e.g. *'Varies with ex's moods.' 'It appeared linked to stress, such as health, parental, hormonal, employment and/or self esteem issues'.*
- Mother's mental state – e.g. *'escalates as mother loses mental ability to control'*
- Mothers pregnancy and childbirth – e.g. *'It was very rare until she became pregnant with our child because until then she didn't feel she had any hold over me'. 'Always increases at times of stress, particularly around time of pregnancy, family gatherings'; 'the first six months after my son was born were sheer hell', 'She became better at it over time and more unpredictable with each child moving from violent to loving and gentle just before she fell pregnant each time'.*
- Prior to separation – e.g. *'in the last 6-12 months it became more severe, but I feel it was an intentional aim of my ex trying to get me to react so she would have cause for divorce as she is very calculating'. 'I was physically assaulted 3 times in the last month of the relationship'.*

Men's comments about when women's violence decreased are included under the following themes:

- No contact or moving away – e.g. *'no contact with the ex for several years now'. 'Has reduced somewhat since we moved'. 'I have cut off as much communication with my ex as possible'. 'Has reduced as I avoid being in proximity'.*
- Consent orders – e.g. – *'reduced somewhat since consent orders & also me moving to another community'; 'after the settlement and custody orders it has diminished'.*
- Release from gaol – e.g. *'after she was released from gaol things seemed better'.*

Women's comments about men's violent behaviours are included under the following themes:

Physical abuse – e.g. *'He would hit push and shove or twist my arm sometimes drag me through the house'; 'started just yelling. Then pushing, then punching, then strangling. I almost died the last time'. '...got more severe over time and he apologized less and less. I had him arrested for beating me than trying to stab me'.*

Sexual Abuse – e.g. *'It started out as yelling then progressed to pushing and throwing and the silent treatment then moved on to rape and physical destruction of property'.*

Pet Abuse – e.g. *'he would murder our pets in horrific ways - strangling, hanging, drowning, slit throat. I would always wonder when I or my daughter would be next'.*

Abuse of children during contact – e.g. *'the abuse has changed, it's not direct it is through the children and the constant court appearance'.*

Extended Family Law litigation e.g. *'After I got away from him he used the Legal System to destroy us some more and he loves it, he is so happy and he doesn't care how much he has to pay as long as my life is spent in Court. So far 7 years in Court. Meantime he remarried again for the 3rd time. I can't even date a man after all this I don't ever want to see another man again.*

Financial Abuse – e.g. *'it was verbally to begin then my ex damaged property then physically violent towards me in front of my son. Controlling finances from early on'.*

Women's comments about when men's violence increased are included under the following themes:

At and after separation – e.g. *'increased post separation', 'mainly after the death our son when he wanted the house for him and his lady friends and I wouldn't leave'.*

Her pregnancy/illness/children – e.g. *'Frequency increased when I was pregnant, sick and/or we had moved away from where my family lived'. '... it got worse after we married and worse again when I finally became pregnant, 7 years after we met. It has continued despite being separated 13 years and divorced 12 years' '.... It escalated when he moved to Australia and I first miscarried then became pregnant - during pregnancy he was most abusive. and post-natal'. 'At first things were good, but after the children came things changed'.*

When his control was threatened – e.g. *'He was very controlling and got angry if things didn't go his way'. 'It just escalated when he wasn't able to control me like he had done in the beginning and I started to stand up for me and the kids'.*

His drug/Alcohol use – e.g. *'More frequent over the course of our 19 years together, as he got older and more mentally affected by marihuana use (paranoid) 'I think it depends and reflects his life. When he is using... he can be particularly abusive.... if he has been drinking'.*

His mental illness- e.g. *'My ex had some mental breakdown and he seems to have gotten worse as his abusive unstable behaviour has become worse and worse'. 'It became worse as my ex got older. I've realized in retrospect that's he's very depressed'.*

Women's comments about when men's violence decreased are included under the following themes:

After separation/reduced contact – e.g. *'Since separation, he will still be abusive over the phone but the frequency has lessened over the last twelve months'. '... gradually becoming less time and distance has seen the breakdown of communication but now I barely have any contact with him'. 'Until such time as I refused to*

have communication in any other form than written'; '...refused to allow him to access my dwelling; refused to respond to anything other than strictly child related matters, it has lessened in an overt form. Is now constant, over a 5 year period, by refusal to assist in any way to support/raise the children, including financially'. '...the abuse has diminished over time as I have reduced his opportunities to control me or interact with me'.

After anger management course – e.g. 'Ex did an Anger Management course with Relationships Australia - it worked on the level that he no longer hit or kicked me...but it gave him words that seemed to hurt more'.

Question 27: Do you avoid disagreeing with your EX for fear of making him/her angry?

There were 651 responses to this question with 154 from men and 497 from women. The majority of men (n=81 or 53%) and women (n=308 or 62%) said they mostly or frequently avoided disagreeing with their ex for fear of making them angry. 26 men (17%) and 48 women (10%) said they would never avoid disagreements for this reason and 40 men (26%) and 126 women (25%) said they occasionally would do so. The remainder was not sure.

The data indicated that overall men were less likely than women to avoid disagreement with their ex for fear of making them angry.

Question 28: If you have been the VICTIM of family violence to what extent do you think this has harmed you physically, sexually, emotionally, financially and socially?

There were 617 responses to the section on physical harm. 142 were from men and 475 from women. 82% of men said they had been physically unharmed or only a little harmed by the abuse, compared to 65% of women. Women (29%) were twice as likely as men (15%) to report considerable or extreme physical harm.

Table 75: Percentage and number of male and female responses in relation to the degree of physical, sexual, emotional, financial and social harm they experienced as a result of family violence

| | Physical harm | Sexual harm | Emotional harm | Financial harm | Social harm |
|----------------|---------------|-------------|----------------|----------------|-------------|
| | N=617 | N=612 | N=624 | N=620 | N=619 |
| Degree of Harm | 142 475 | 141 471 | 142 482 | 142 478 | 141 478 |
| | M % F | M % F | M % F | M % F | M % F |
| None | 51 ..28 | 60 32 | 9 1 | 22.5 17 | 12 5 |
| A little | 31 ..37 | 13.5 27 | 16 10 | 14 18 | 15 18 |
| Don't Know | 3 ..6 | 5 9 | 1 1 | 3.5 7 | 1 3 |
| Considerable | 10 ..21 | 13.5 22 | 43 41 | 26 31 | 37 42 |
| Extreme | 5 ..9 | 8 10 | 31 47 | 34 27 | 35 32 |
| Total | 100..100 | 100 100 | 100..100 | 100 100 | 100 100 |

There were 612 responses to the question about sexual harm with 141 from men and 471 from women. 73.5% of men said they had suffered no or little sexual harm from the abuse, compared to 59% of women. Around one in five men (21.5%) said they had experienced considerable or extreme sexual harm compared to nearly one in three women (32%).

There were 624 responses to the section on emotional harm, with 142 from men and 482 from women. One in four men (25%) and 11% of women said they had suffered little or no emotional harm with three quarters of men and nine out of ten women claiming considerable or extreme emotional harm.

There were 620 responses to the question on financial harm with 142 from men and 478 from women. Roughly equal proportions of men (36.5%) and women (35%) thought they had suffered no or little financial harm. Roughly equal proportions of men (60%) and women (58%) felt they had suffered considerable or extreme financial harm.

There were 619 responses to the question on social harm with 141 from men and 478 from women. 27% of men and 23% of women said they suffered little or no social harm. The majority category for men and women was considerable harm. 72% of men and 73% of women said they had suffered considerable or extreme social harm.

In summary, a majority of men and women respondents said they suffered considerable or extreme emotional, financial and social harm. Emotional harm generated the highest proportion of men (74%) and women (87%) reporting considerable or extreme harm. Around one in three women reported considerable or extreme physical and sexual harm. Around one in seven men reported

considerable or extreme physical harm and one in five men reported considerable or extreme sexual harm.

Men and women were invited to provide further comments on the nature of the harm they had experienced. Some of their responses are presented under different categories of violence.

Question 29: Please describe the nature of the harm

Physical harm

Men's responses

- *Incidents have affected my ability to work, have cause stress related illness, caused me to behave differently and psychological problems.*

Women's responses

- *Shoulder injury still gives problems after he pinned me face down in the garden at 8 months pregnant.*
- *Physical harm - I had a black eye the first time he punched me in the face. Needed an ambulance when he cracked my head open on the door and thought he broke my jaw the second time he punched me in the face.*
- *I have scars on my back. I almost died.*
- *Once he insisted I hold one end of a machine he'd hired, a whole borer, when I was pregnant and I had a miscarriage.*
- *punches, slaps, anal and vaginal rape, threatened with loaded weapon, isolated from family and friends, most of all the loss of my children*
- *stabbed, shot, hit, items used sexually, name called to the extent of loss of self*
- *arm twisting, Chinese burns, spitting, clenched fists, throwing objects, recording conversations with his police recorder, ripping my clothes/underwear, smashing household objects*

Sexual harm

Men's responses

- *Since then I have been scared of women in general, there for unable to work in any workplace, I have turned gay, and I can not deal with women anymore*
- *Sexually my willingness to have sex has greatly subsided.*
- *Trouble forming relationships with women.*
- *avoid sexual relations due to painful experience and sore penis*

Women's responses

- *Sexual harm? - I haven't had sex with another man in 10 years since my husband left.*

- *I have no interest in a sexual relationship and do not miss having sex or think about it. I have not had a pap smear or check up at the doctors since the rape began.*
- *It will still be some time before I consider sex again after he drugged and raped me.*

Emotional harm

Men's responses

- *Undermined my confidence*
- *I have tried suicide several times and am too scared to talk to her family*
- *I was told that I raped my ex and moving on was hard and then she said that she would like me back but it was too late as I had moved on to a new partner.*
- *I am reclusive, and no longer trust anyone.*
- *Socially/Emotionally I am very introverted. Financially I have overcome the situation.*
- *I was close to suicide. I missed going to work for 2 weeks then had to explain why (it was humiliating). I have since lost my job. I now live with anxiety attacks and am too frightened to get involved with another woman. I have repeated nightmares and wake up with cold sweats.*
- *continuous verbal abuse and put downs over many, many years until I decided enough was enough nothing was going to change so I got divorced and then all the abuse stopped*
- *She told people I was flogging her, not paying c/support, did not want my children, killed pets, Used my mother as a weapon in court against me then treated her like a piece of dirt. She chews up friendships like lollies. Every one who knows her is afraid of her.*

Women's responses

- *I lost a lot of confidence in myself socially through daily put-downs, I fear for our safety because of the threats, I have to meet my rapist 5 times a week which doesn't allow healing.*
- *It's taken me years to think I could manage to get a decent job again. I felt an emotional wreck and completely worthless, very depressed.*
- *I now fear men and I find it hard to interact with them in social situations*
- *I lost all self confidence. I was afraid. I lost the confidence to have needs or to express needs. This flowed on and affected my parenting so I found it difficult to set and enforce boundaries for fear of consequences if I did. I basically lost all self worth.*
- *Due to sustained emotional and psychological harm I have suffered from 2 bouts of depression and ongoing anxiety attacks which have been directly attributable to the behaviour I was subjected to.*
- *Changed my personality, not very trusting, always in defend mode, have to fight for everything, including child support, no rest, interfered with my relationship with daughter.*
- *Continuous fear for the children's safety.*
- *I suffer from flashbacks, fear that he will abduct our daughter(as threatened), I am scared to make new relationships with men, I avoid them, worry constantly that he will take me back through the*

courts again, that he is watching us(he stalked us for a long time, sometimes I think he still is) I become paranoid.

- *Emotional harm extreme; will never trust another man in my life!!!!!!! .*
- *Emotional/Psychological Harm - many ways, I have moved out of my house due to threats (this is a house I had after I had left him), I am scared he will 'pay me back for leaving' one day, I do not trust men, I am frightened for my son's safety and scared he won't come back every time he is there.*
- *I lost 10 years of seeing my sister and my four nephews because of him preventing me seeing them. I lost all my friends when he left and convinced them I was a psychotic nutcase. I am frightened of getting close to people; I suffer from PTSD, Major Depression and Reactive Depression. I still have sleepless nights and worry that he will try and snatch my son from school or damage our home or car. He once put an 18 inch screwdriver through my radiator and it boiled on my way to pick my son up from childcare 12 years ago. Then he let my tyres down and I couldn't get to childcare.*

Financial harm

Men's responses

- *It affects me financially because I have sometimes rolled over to her demands to make her go away, and it affects my current relationship because my partner gets dragged in to the mess.*
- *feel socially isolated due to shift work and maintaining payments and access, retire not bloody likely work till I drop*
- *financial deprivation, split family group anger with pro feminist Tasmanian family violence act reverse engineering by malicious partner changing for own purpose and for financial gain*
- *Lost 60% of my life savings in bastard property settlement.*
- *I have lost my job and my income has been reduced about 35%*
- *Loss of family home and I am on medication for emotional issues*
- *I suffer from depression and have just gone out of bankruptcy due to the separation. I was left with just my clothes, no car or household belongings with no money and unable to work due to my deep depression.*

Women's responses

- *My life savings are gone, he has recently fraudulently used my visa card. He does not contribute to our daughter's upkeep and hides his income and savings offshore.*
- *Abusing me, putting me down to others including my children and family members, and creating a situation whereby I felt I had to forgo money I would otherwise have been due.*
- *I was a highly paid executive before marrying him, with my own joint venture company set up with a multi-national's backing. I became very close to bankrupt after he pushed and bullied me to co-sign on a near new car then went predictably bankrupt by failing to pay any company taxes to the government. Had to sell my house at a loss in a hurry on a bad market. Had to cash in my super to keep the family and keep moving between rented houses that got sold. Can no longer get into buying a house. Way out of my range.*
- *Extremely fearful of losing contact with our child. Have gone from being a professional, fully employed, with three degrees to being on a supporting parents benefit and desperately trying to*

keep a roof over my and our son's head. I never know from one week to the next whether I will be able to make the mortgage.

- *Physically at the time I lost 20kgs in about three months dealing with the shock of going from happy family to single mum with two primary school kids with husband's bank threatening to sell my home to settle my husband's business debts. It was HARROWING and now it still makes me So, So, SO, So ANGRY!!!! All Up to get him out of my life it cost about \$300,000 or maybe even more. It destroyed my own and my children's financial security. It was a fire sale. Thank God for Centrelink*

Social harm

Men's responses

- *Unable to continue friendships and family visits*
- *The party with the AVO can claim to all friends that as they have the AVO, they are the victims. AVOs are too easy to get, can't be contested and based on perceptions.*
- *I have trouble committing to steady work and have trouble communicating with women*
- *I cannot enter into a relationship with a woman for fear that I will be again have my children and assets taken away. Not seeing my children or being allowed to communicate with them (although no restraining orders or interim order)s affects my sleep and also my day-to-day wellbeing and ability to work effectively*
- *It affects the way in which I parent my son, I am limited in how much I can do for him or protect him from his mother's behaviour.*
- *I have become fairly withdrawn and nervous about new relationships. I have a constant fear of losing the children for ever.*

Women's responses

- *My ex defamed me to many friends and told most people about an abortion HE MADE me have. It was not only humiliating but very upsetting. He also hacked into my email account and emailed work and friends telling them all nasty things about me.*
- *Kept me socially isolated, I worked long hours, he worked interstate, very controlling person would check up on me all the time and tell me off or praise me as though I was a child*
- *It has taken me years to overcome the psychological harm but the worst is that I no longer have any contact with my eldest son. He has become like my ex. He left my arm bruised, he has stalked me, denigrated me, I had to take out a DVO out against my son and he threatened to kill me. In my heart, I have lost my son.*
- *I can't work anymore. I have a speech impediment which I got from extreme emotional distress from being kept in Australia away from family support during 7 years of Court proceedings. I'm too emotionally sick to tell any more about it here. I just can't speak anymore and I don't even feel like the same person. I doubt I will ever be the same again and I doubt I will recover. I expect I will become reclusive after I get my kids out of Australia and back home to NZ.*
- *I am increasingly becoming aware of the impact that the abuse is now having on me. I avoid social situations and have lessened friendships, I am afraid of meeting and establishing any type of relationship with the opposite sex.*

- *I was not allowed to visit my mother. I was not allowed to go to the shops myself in the end. He thought I was meeting someone. He would rip the leads out of the car so I couldn't drive it. He would call me up every half hour or so to see where I was. I had no self confidence or belief in myself*

Men and women both reported severe emotional responses to the process of relationship breakdown, separation and its aftermath. Depression, anxiety, post traumatic stress disorder and suicidality were reported by both men and women. Both men and women commented on difficulties forming relationships, sustaining employment and on financial adversity arising from separation. Both men and women said they had lost interest in sex after the separation and had difficulty trusting people.

Women were however much more likely than men to report actual physical harm and sexual harm from physical and sexual abuse. Women were also much more likely to report being afraid for their children in the care of the other parent.

Question 30: If you and your EX have children, and if family violence has occurred AFTER separation, how often has the violence been related to the following?

There were 545 responses to whether post-separation violence was related to making decisions about the children. 129 were from men and 416 were from women. Two in five men (42%) and one in three women (32.5%) said violence was never or occasionally related to making decisions about children. 47% of men and 55% of women said it was frequently or mostly related to making decisions about children.

Table 76: Percentage of male and female responses in relation to the factors that violence was related to after separation

| Frequency of violence | Making Decisions re Children N=545 129 416 M % F | Implementing parenting arrangements N=544 130 414 M % F | Changing existing parenting arrangements N=543 129 414 M % F | Care Changeover N=544 128 416 M % F |
|------------------------|---|--|---|--|
| Never | 28 12 | 26 14 | 30 15.5 | 30 17 |
| Occasionally | 14 20.5 | 12 19 | 17 17 | 19 22 |
| Not sure/ Not relevant | 11 12.5 | 15 13 | 13 17 | 15 13 |
| Frequently | 23 26 | 21 25 | 15 22.5 | 13 21 |
| Mostly | 24 29 | 25 29 | 24 28 | 23 27 |
| Total | 100 100 | 100 100 | 100 100 | 100 100 |

There were 544 responses to the question whether post-separation violence related to implementing parenting arrangements. 38% of men and 33% of women said this was never or occasionally the case. 46% of men and 54% of women said it was frequently or mostly the case.

There were 543 responses to the question whether post-separation violence related to changing existing parenting arrangements, with 129 from men and 414 from women. 47% of men and 33% of women said this was never or occasionally the case. 39% of men and 50% of women said this was frequently or mostly the context of post-separation violence.

There were 544 responses to the question whether post-separation violence related to handover of care of children between parents. 128 responses were from men and 416 were from women. 49% of men said violence was never or occasionally linked to child handover, compared to 39% of women. 36% of men said this was the context for violence frequently or mostly, whilst 47% of women said child handover was frequently or mostly the context of violence.

Question 31: Please explain how the violence was related to these situations

Men's responses to this question are organised under the following themes:

Making decisions about children

- *She can force the courts to give her the court orders she wants.*
- *My ex is very bitter at the court's decision to take custody from her when there was no alcohol, drugs or violence issues in place.*
- *My ex uses threats in order to obtain what she wants regarding child care arrangements*
- *The isolation and devaluing me as a parent is intense. Even though I have a second happy and healthy family. Oddly my wife is never the subject of attacks.*
- *Contact arrangements were agreed to very much out of fear of the consequences as were decisions, although I did handle the ex wanting to travel abroad with our child quite well (agreed to travel with signed document covering areas of concern).*

Implementing parenting arrangements

- *I do not see my boys any more, they live in fear of upsetting her by asking about me or trying to make contact with me.*
- *Ex believes that I am a baby sitter that can be told what to do with the children and when. She believes that I should not make any decisions about the children*
- *A series of lies about my behaviour which were, and still are, used to maintain the children's support of their mother.*
- *Our children are not allowed to phone me (in contradiction of Access Orders - to which I have allowed them to phone my EX when requested), and display behaviours consistent with abuse. (Self harm/aggression.) (Documented by CAMHS/independent psychologist.) & witnessed by*

Changing existing arrangements

- *She often makes email request for changes to handover times/dates/location and is abusive if her requests are not agreed to*
- *She is a bulldozer, and makes unilateral decisions about contact. If I object she gets her husband to be physical.*

Child handover

- *She has tried to stop me audio recording handovers (as this is what caused the police to drop her ADVO application against me) and having a witness present*
- *During changeover, Ex would frequently attack me on some matter related to my parenting or her belief/perception that I had acted against her wishes.*
- *My ex-wife would arrive at my home drunk and when I refused to let her take my daughter in her car she began to be extremely violent, smashing anything she could.*
- *physical violence by ex's partner I was bashed in the face and complained to police who did nothing, I then changed access changeover to local police station using police as witness and taking note of their ID numbers*
- *I am very worry about myself because I am the one pick up and drop the children.*

- *my ex has been abusive at handover in front of my son, or confrontational and she has had people hiding in cars/bushes/behind bins or bursting out for her yard to video me at handover, she has manipulated my son to try to discourage him from coming to me at handover*
- *forced me to pick up kids at police station systemic vexatious litigation allegations of child abuse unilateral suspension of all contact with children attempt to extend a Police Family violence order all of which were successfully defended*
- *Whenever I disagreed with my former partner she would respond with abuse and occasionally violence. Every handover she sees as an opportunity to abuse me further in front of my son.*

Women's responses to this question are organised under the following themes:

Making decisions about children

- *Threats over child support mainly, killed birds that we were breeding*
- *Emotional abuse. Telling me that he will go to court if I don't agree and I will lose my children. He called family services and took the kids to the police and told the kids to lie about how the youngest son got a bump on his head in his care but said it was from me. The kids told me these years later.*
- *Threatening to take the children away from me when I had depression. Threatening to force the sale of the house when I was studying to become a teacher. Not paying Child Support when I was on the pension. Frequent fights.*
- *Ex is unhappy with the arrangements as (he) believes (he) should have 50-50 care and breaches orders continually then tells child support and Centrelink that the parenting arrangements have changed. Child support then continually harass me to prove that this is not happening otherwise they will ask me to pay him child support and I will lose greater percentage of family tax benefit. Does not work and claims he can't get a job and then claims child support. Writes in children's communication diary I should work full time and it is my time to support him.*

Implementing parenting arrangements

- *My youngest child had a problem with anxiety and pooing in her underpants. He would not take her to the doctor and so I asked my solicitor to assist me in getting her help with her problem. The father reluctantly agreed to go to the doctor with me and the doctor said our daughter need to see a psychologist and the father completely said 'NO, and you can't take her because I have an order that she can only go to a health care professional with his permission'. I was not able to help her and I could not take it to court as he would just lie and say it didn't happen with him and he would get his mother to lie also and the court would just say that I was the problem because it only happens with me.*
- *When at a changeover contact centre, my ex breached the rules and chased my son through the centre. My son said words to effect 'If dad comes near me I'll jump the fence even if I kill myself'. The service provided called police for intervention. After this my ex and I were told that we could no longer use the service and it was recommended we return to court for an alternative resolution (this was already the third approach to changeover)*
- *When I attempted to address my concerns that the children were not safe with him due to his drinking, that was when he became abusive and manipulative and made me believe that if I denied him access then he would do something to harm us.*

- *Ex had access to me, also threatened then attempted to kidnap child, resulting in my contravening contact orders to protect my child and courts increasing contact as punishment until child kidnapped and injured.*
- *We have a child who lives with autism which was rejected by him entirely. Thus, special considerations given to the child were regarded as stupid.*
- *The mediators made the shared arrangements he would agree to them & when x walked out the room he would just do what he wanted & would go against court orders.*
- *Extreme controlling behaviours. Asking the children to choose between parents, constant phone calls etc*
- *Every communication is responded to in a total paranoid fashion, it's like he's communicating to someone I don't even know, accusing me of things that are never the case. Nothing I say gets heard, respected, messages/emails/texts don't get responded to or acknowledged*
- *Usually about him ordering me to provide clothing now that he was 'paying child support' and threats of him reporting me to the Child Protection people if I did not give him all the clothes for the children for the whole time they were with him.*
- *My ex will not take any notice of the information I provide him about our baby. He wants to be free to not show when that suits him and free to have her when that suits him. I usually give in for fear of going to court and getting a bad decision.*
- *My ex would use the time our son spent with him to try to turn our son against me.*
- *Agreeing to assist with children's dental, medical and school expenses but then not paying his share when the time came. Regularly putting the house up for sale, when he didn't live here*

Changing existing arrangements

- *He always wants to change and refuses to abide by the court orders. He comes to my home, he won't use the communication book and he waits for me at the day care centre just so he can scream at me. The violence is intimidation, stalking, leaving notes on my door, turning on my taps outside, turning off my electricity meter, you name it, he does it. He hasn't hurt my kids in front of me and he has only physically hurt me once at handover (twisted my arm behind my back) but I'm always scared it will get worse.*
- *My ex frequently changed existing arrangements to engage me in conversation with him, then he would start harassing me, he would often harass me at changeover points as well*
- *demanding that I discuss with him my solicitor's advice and getting aggressive when I refused, shouting at me over our child's pram, refusing to hand over our daughter in an attempt to force me to comply, demanding that I change parenting arrangements made by the court, threatening me over my choice of pram, her haircut etc.*
- *I am unable to make any new parenting plan or agreement directly with him without the assistance of a solicitor (which I can't afford) because of my fear of his irrational and abusive behaviour.*
- *Ex refused to negotiate about parenting arrangements until I dropped the restraining order against him.*

- *He raped me one afternoon when he was supposed to be home with the children (they were at his home) because he was furious that I had asked to change the days so the children could see their grandmother who could only visit for a short time.*
- *Unless I gave in I would get hurt regardless of whether he was legally meant to have them. I learnt to give in.*
- *He WILL have me killed before he will agree with me of communicate in our son's best interests.*

Child handover

- *ex loved turning up at my place to pick up child to cause problems but when I went to his house to pick up child, because his neighbours were close ex behaved like an angel*
- *I initially used a contact centre, but he was abusive to the staff and so they discontinued the service. I would occasionally take family members with me as protection or ask a family member to do the changeover for me to avoid seeing him, but then he would be abusive to them. The serious incident that occurred in 2007 was after a changeover; he stalked us after the changeover and then rammed the car and attacked my partner.*
- *His aggression is physical at each changeover – he gives me the finger. Sometimes verbal – ‘piss off’ or ‘fuck off.’ All (this is) done and said in the presence of our two beautiful kids. His written communications are always abusive, rude, condescending and upsetting. He oozes venom and is awful to be around and extremely hard to communicate with.*
- *Angry exchanges at changeover time, some aggressive behaviour*
- *I had a lot of hostility in the early days - had to have handovers at the police station and bring someone with me - this was exhausting and inconvenient*
- *Refusing to bring them home and dropping them off at an isolated country railway station was always a hit.*

when the court made me hand them for a trial visit the very first day in the car on the way to his father's house he pulled over and started abusing them dragging one out of the car and was going to hit her . the children don't want to have to go through with having to see him alone or at all really !they are scared when on their own as long as I'm nearby they will put up with the 2 hrs once a month just so I don't get contravened. I'm out but they are not!

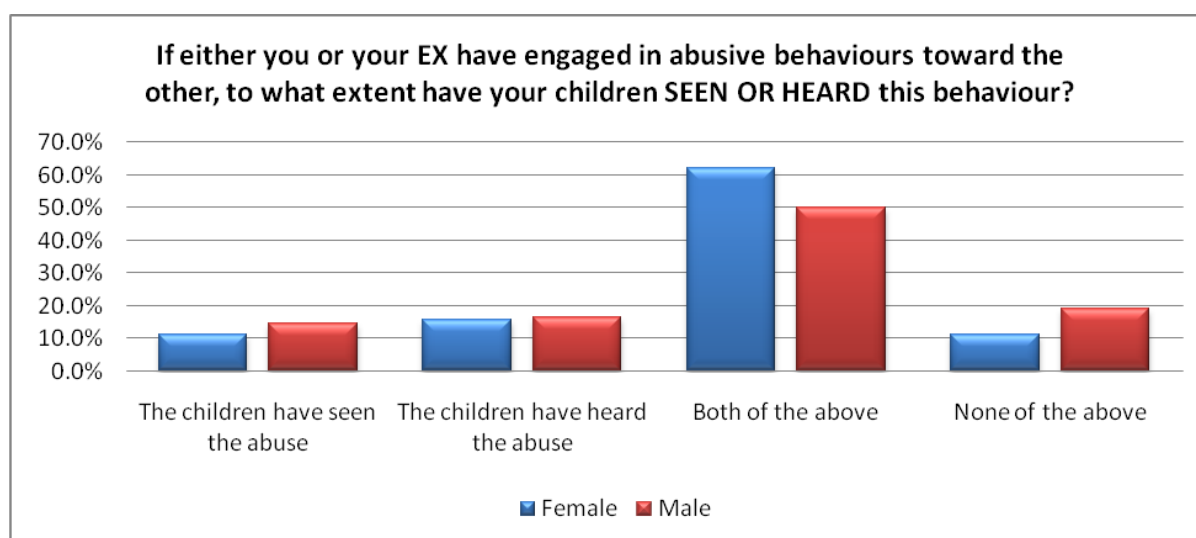
Appendix 6(f): Online survey with adults

Section 7: Children and family violence

Question 1: If either you or your ex-partner have engaged in abusive behaviours toward the other, to what extent have your children seen or heard this behaviour? (Please choose one answer only)

The majority of the 628 respondents who said they had engaged in abusive behaviours toward each other (58.9% in total - 76 males and 295 females) said that their children had seen and heard abusive behaviours. In addition, 11.9% said their children had seen the abuse and 15.9% said their children had heard the abuse. Only 13.1% of these parents said their children had not seen or heard the violence and abuse.

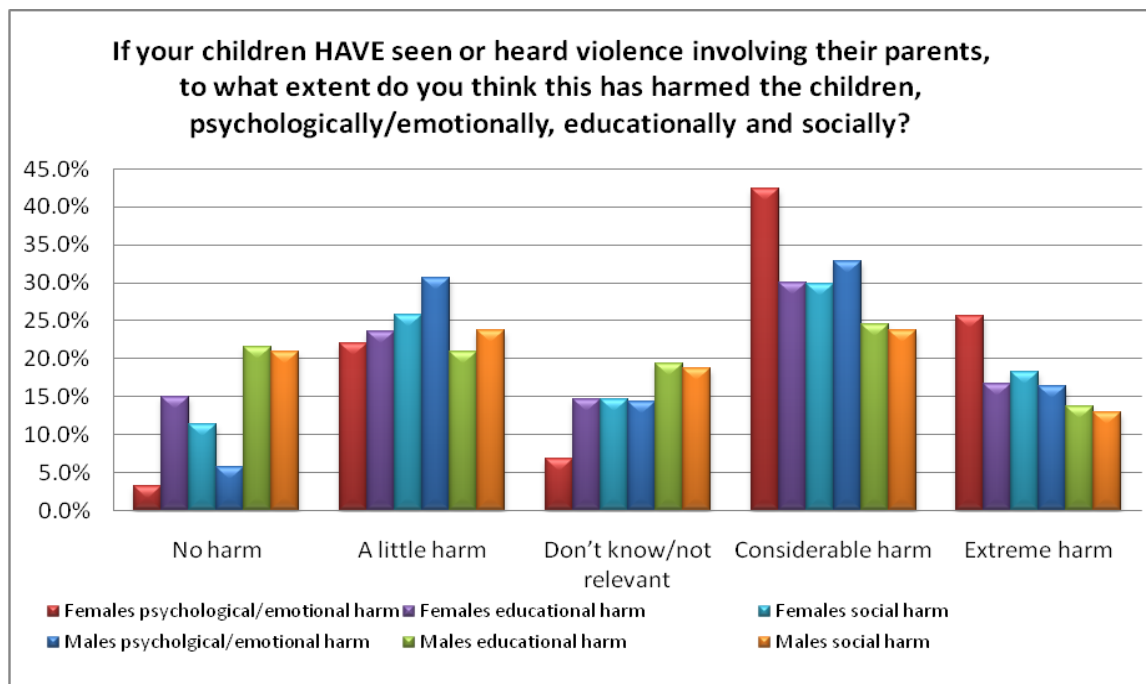
Graph 60: Percentages of male and female responses in relation to whether their children saw or heard the parental violence



Question 2: If your children have seen or heard violence involving their parents, to what extent do you think this has harmed the children, psychologically/emotionally, educationally and socially?

588 parents responded to questions about the extent to which seeing and hearing violence had harmed their children. The majority of parents (on average more women than men) thought it had harmed their children psychologically and emotionally (41% considerably and 23.4% extremely), educationally (28.7% considerably and 16% extremely) and socially (28.4% considerably and 17% extremely).

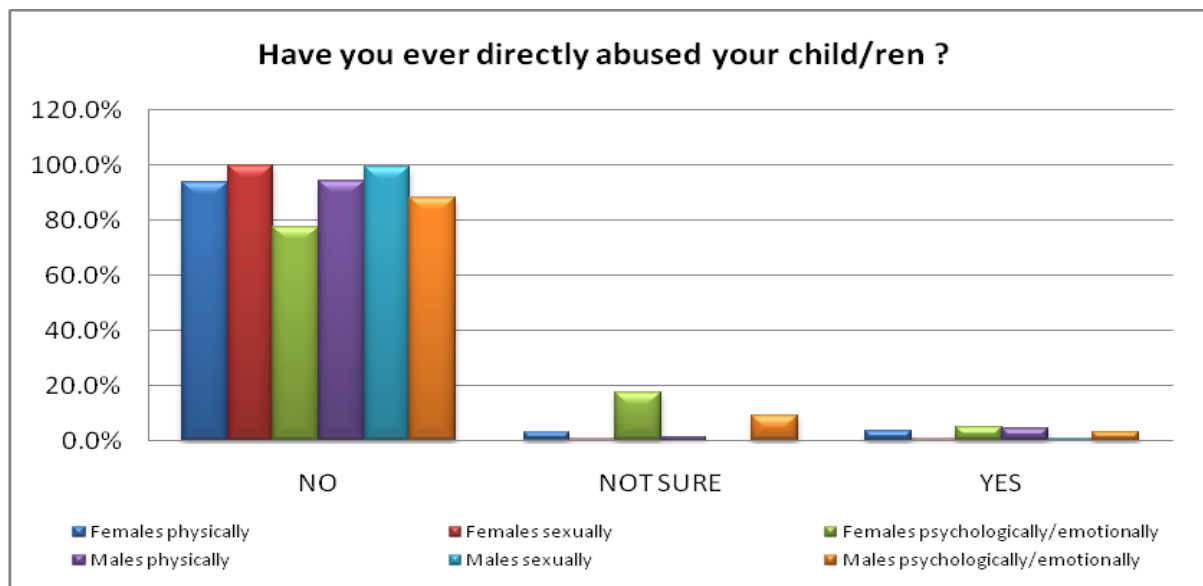
Graph 61: Percentage of responses from male and female parents in relation to their perception of harm to children who saw or heard parental violence



Question 3: Have you ever directly abused your child/ren?

Of the 639 parents (158 males and 479 females) who commented on whether they had directly abused their children the vast majority said they had not abused their children physically (93.6%) or sexually (99.5%). 7 males and 17 females admitted that they had abused their children physically and one male and one female admitted that they had abused their children sexually. However a larger number of parents were either 'not sure' whether or not they had abused their children psychologically or emotionally (15.2% - 14 males and 83 females), or admitted to abusing them this way (4.5% - 5 males and 24 females).

Graph 62: Percentage of responses from male and female parents in relation to whether or not they had directly abused their child/ren



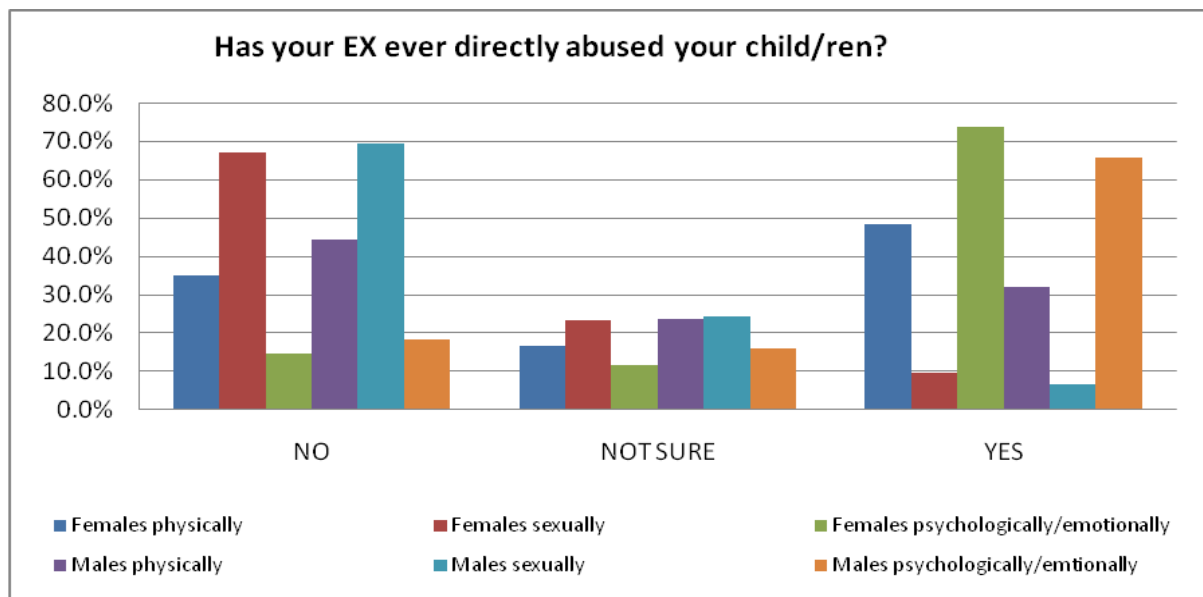
Question 4: Has your EX ever directly abused your child/ren?

Respondents (638 in total - 157 males and 477 females) were more likely to report that the *other parent* abused their children. More male respondents, however, said that their EX had not directly abused their children physically (44% of the males and 35.4% of the females), and more females said that their EX had directly abused their children physically (48.3% of the females and 32% of the males).

The majority of the respondents also did not believe that their EX had directly abused their children sexually (69.3% of the males and 67.2% of the females) but a significant number from each sex were either 'not sure' (24.2% of the males and 23.3% of the females) or believed that sexual abuse had occurred (6.5% of the males and 9.5% of the females).

The vast majority of male and female parents stated that their EX directly abused their children psychologically and emotionally (65.6% of the males and 73.8% of the females, 455 in total).

Graph 63: Percentage of responses from males and females in relation to direct abuse of children by the respondents' ex-partner



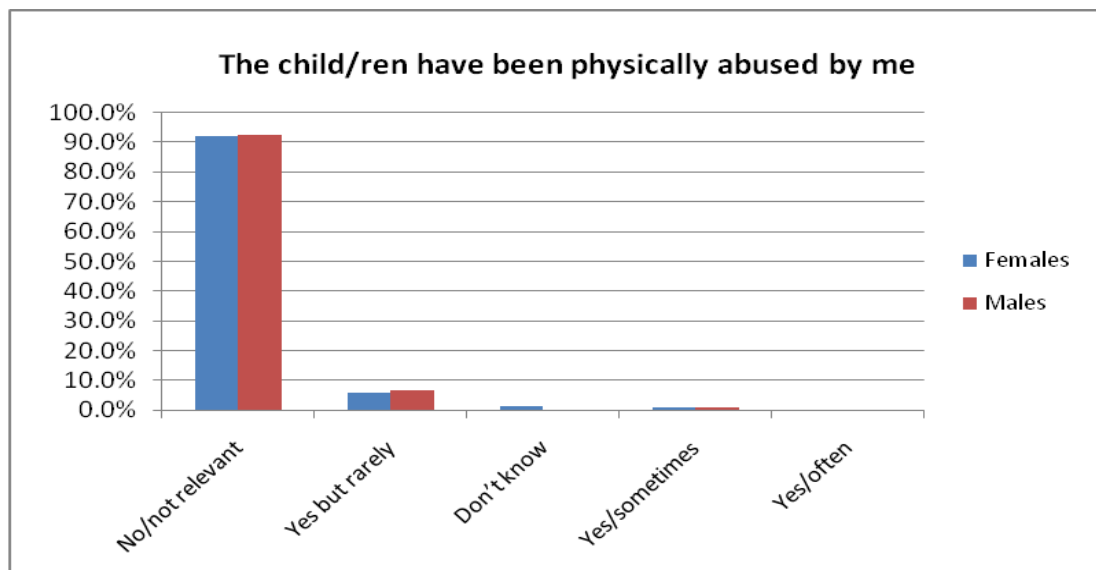
Question 5: If yes to 3 or 4, please indicate the accuracy and frequency of each of the following statements. Evidence here refers to evidence from police, correctional service, child protection, a domestic violence service or health records

Using a 5 point scale, parents were requested to respond to the perceived accuracy and frequency of statements about violence and abuse towards their children and links were made to the sex of the parent.

Physical abuse of children

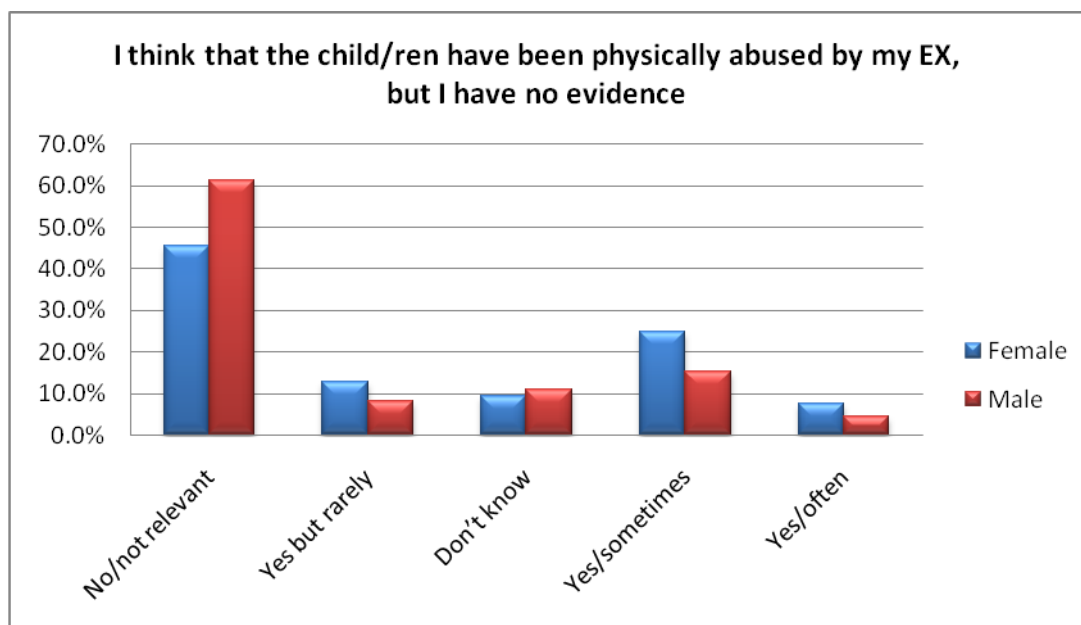
- Of 501 parents the vast majority (92%) did not agree that they had physically abused their child/ren, however 8 males and 27 females admitted that they did physically abuse their children 'sometimes' or 'rarely'.

Graph 64: Percentage of responses from men and women in relation to whether they had physically abused their children



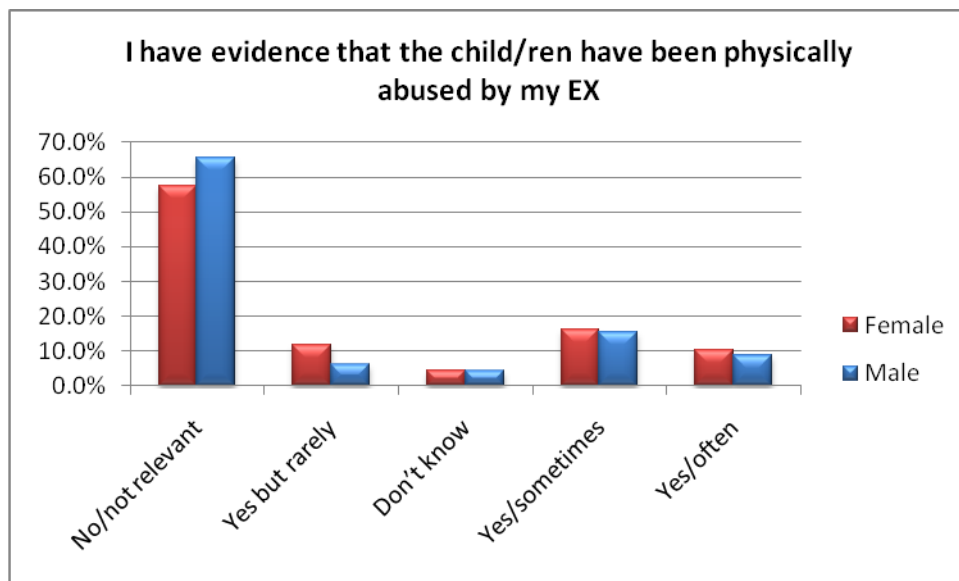
- Of 489 parents, 49% (20.8% of the males and 32.6% of females) thought that their child/ren had been physically abused by their EX 'sometimes' or 'often', but had *no evidence*.

Graph 65: Percentage of responses from men and women in relation to whether they thought their ex-partner had physically abused their children, but had no evidence



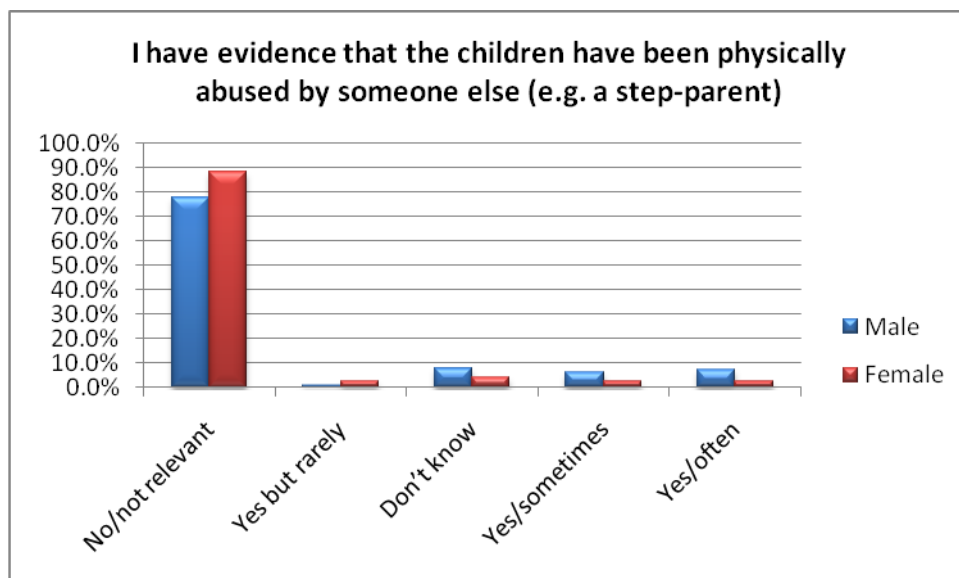
- Of 495 parents, 25.8% (24.1% of the males and 26.5% of the females) said that they had *evidence* that their child/ren have been physically abused by their EX, 'sometimes' or 'often'.

Graph 66: Percentage of responses from men and women in relation to whether they thought their ex-partner had physically abused their children, and had evidence



- Of 492 respondents 11.8% thought that the children have been physically abused by someone else (e.g. a step-parent) 'sometimes' or 'often', but had *no evidence*. However 6.7 % said they had *evidence* that their children have been physically abused by someone else (e.g. a step-parent).

Graph 67: Percentage of responses from men and women in relation to whether they had evidence that someone else had physically abused their children



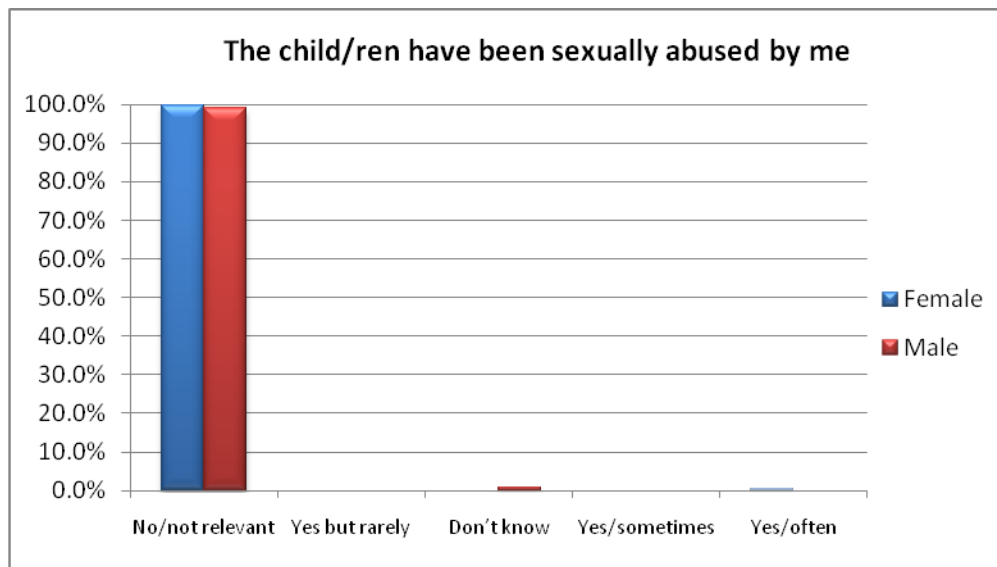
Given these responses it appears that a significant number of the respondents, both male and female, had reason to be concerned about their children's physical safety when in the care of the other parent.

Sexual abuse of children

Out of the 492 respondents to questions about sexual abuse:

- Only one parent (a female) admitted that she had sexually abused her child/ren 'often'⁶.

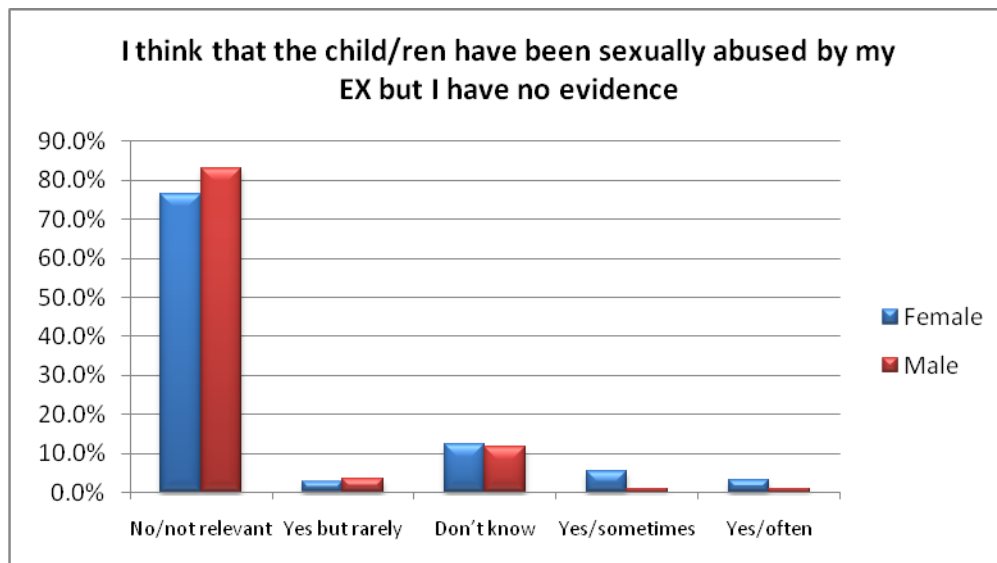
Graph 68: Percentage of responses from men and women in relation to whether they had sexually abused their child/ren



- 6 males and 42 females said that their child/ren had been sexually abused by their EX but had *no evidence*.

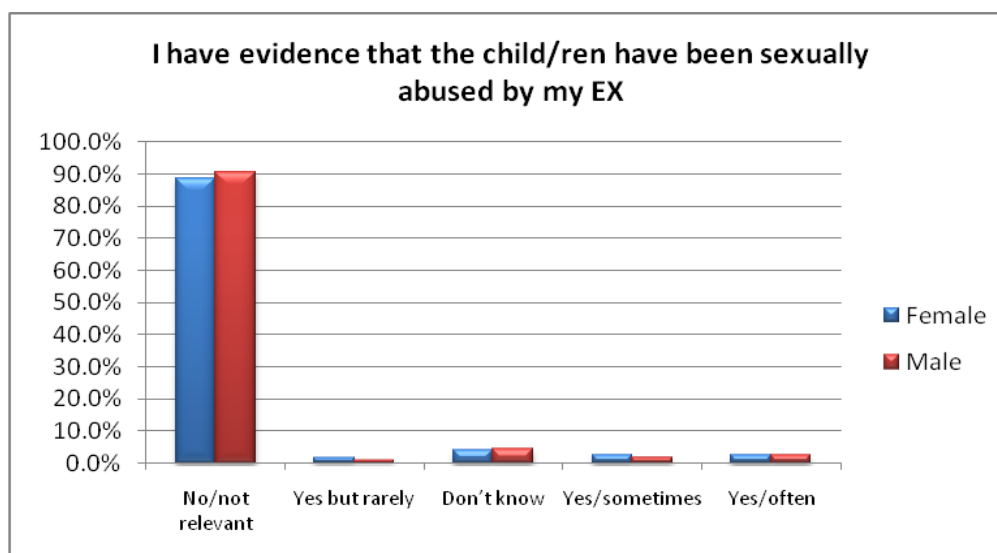
⁶ We had a letter from one man who said that he had completed the survey but had deliberately contaminated the findings by giving false responses – this response came from a survey with extreme answers that fitted his claim (see Ethical Considerations in Volume 1).

Graph 69: Percentage of responses from men and women in relation to whether they thought their ex-partner had sexually abused their child/ren, but had no evidence



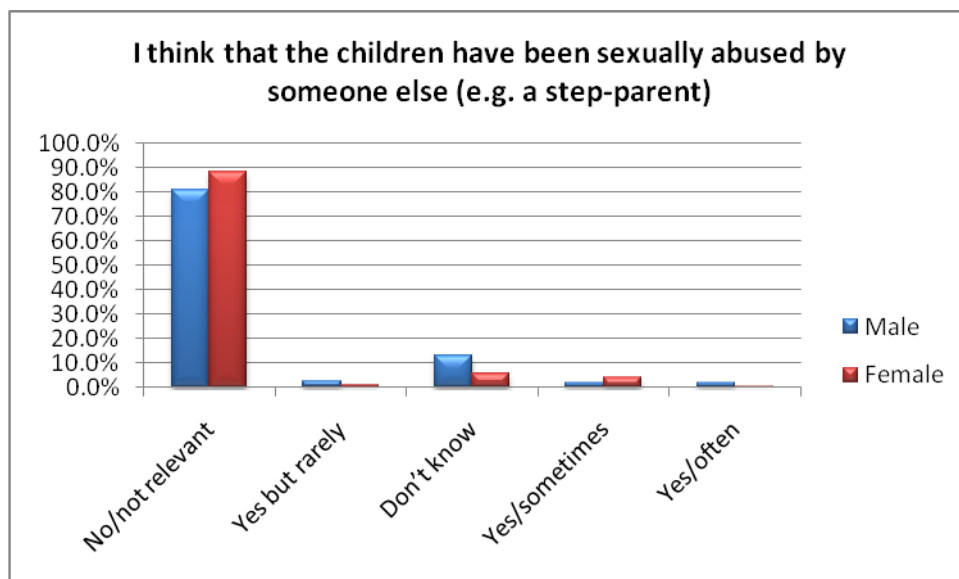
- 6 males and 26 females said they *had evidence* that their child/ren had been sexually abused by their EX.

Graph 70: Percentage of responses from men and women in relation to whether their ex-partner had sexually abused their child/ren, and they had evidence

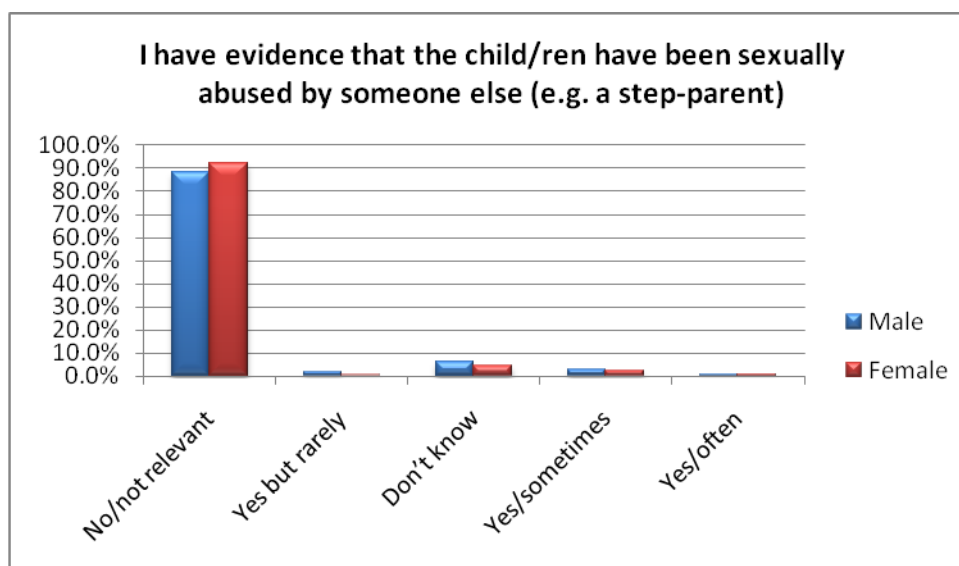


- 7 males and 22 females thought that their children had been sexually abused by someone else (e.g. a step-parent) but had *no evidence*, and a further 6 males and 13 females said they had *evidence* that this was occurring.

Graph 71: Percentage of responses from men and women in relation to whether they thought someone else had sexually abused their child/ren, but had no evidence



Graph 72: Percentage of responses from men and women in relation to whether someone else had sexually abused their child/ren, and they had evidence



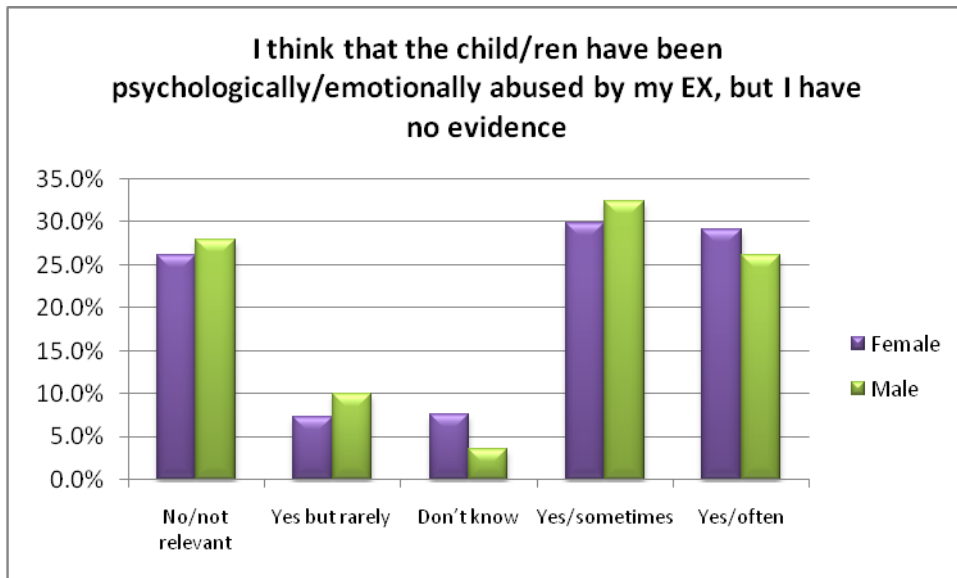
Even though these numbers are relatively small they are concerning, given the effects of sexual abuse on children and evidence provided elsewhere in our report that children are more vulnerable to sexual abuse when living with an abusive parent in an unsupervised situation.

Psychological and emotional abuse

- The vast majority of 493 respondents (82.5%) did not think that they emotionally or psychologically abused their children, however 7 males and 8 females said they did, 'sometimes' or 'often'.

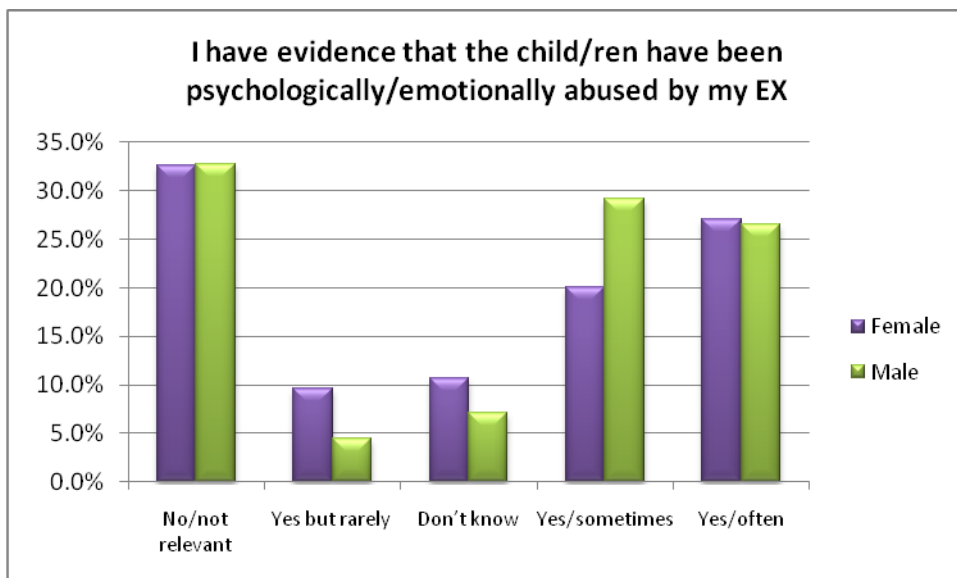
- Of 479 respondents, 8.5% of the males and 59% of the females believed that their child/ren had been psychologically/emotionally abused by their EX 'sometimes' or 'often', but had *no evidence*.

Graph 73: Percentage of responses from men and women in relation to whether they thought their ex-partner had psychologically/emotionally abused their child/ren, but had no evidence



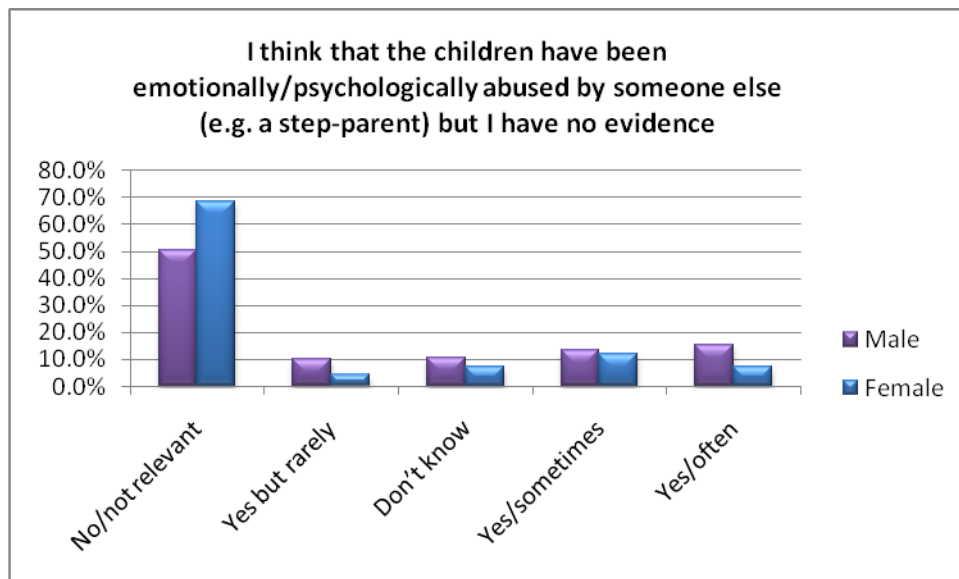
- However of 487 respondents, 63% of the males and 47.1% of the females said they had *evidence* that their child/ren have been psychologically/emotionally abused by their EX 'sometimes' or 'often'.

Graph 74: Percentage of responses from men and women in relation to whether they had evidence that their ex-partner had psychologically/emotionally abused their child/ren



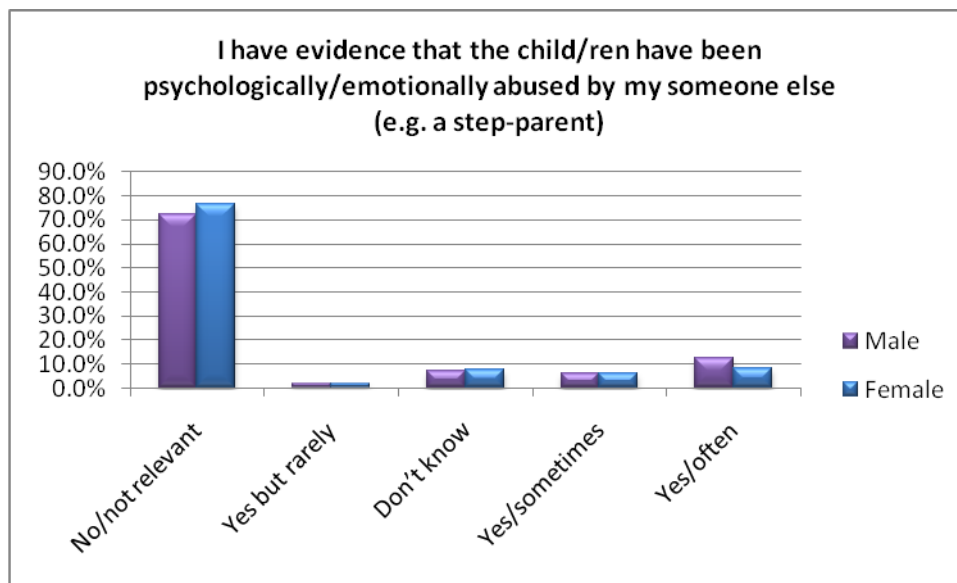
- Of 483 respondents, 29% of the males and 19.6% of the females thought that their children had been emotionally/psychologically abused by someone else (e.g. a step-parent) 'sometimes' or 'often', but had *no evidence*.

Graph 75: Percentage of responses from men and women in relation to whether they thought someone else had psychologically/emotionally abused their child/ren, but had no evidence



- However 18.8% of the males and 14.2% of the females said they had *evidence* that this someone else was abusing their children emotionally and psychologically.

Graph 76: Percentage of responses from men and women in relation to whether they had evidence that someone else had psychologically/emotionally abused their child/ren



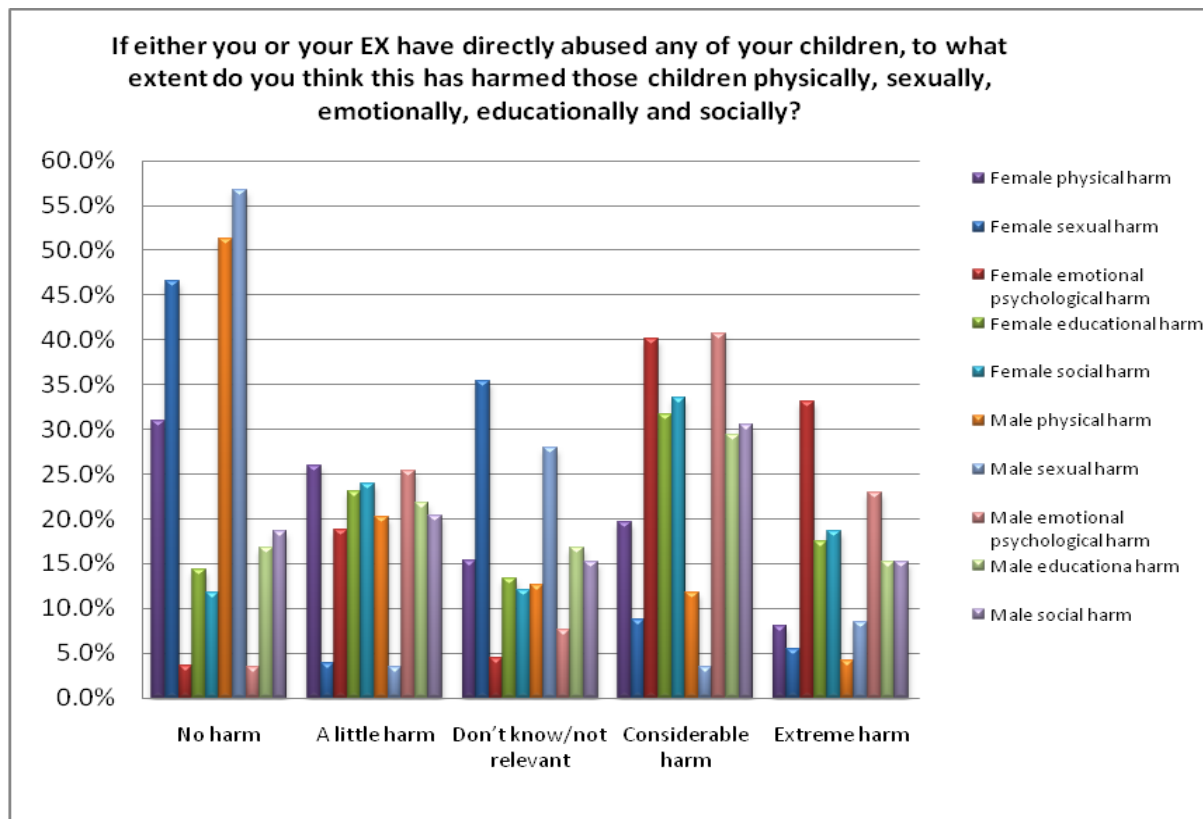
Question 6: Please provide further details

For the analysis of the qualitative responses: see overview at the beginning of this section.

Respondents were asked to mark on a five point scale the extent to which direct abuse of the children by one or both of the parents had harmed the children:

- Of 502 respondents, 70.9% (75 males and 281 females) thought their children were 'considerably' or 'extremely' harmed emotionally/psychologically.
- Of 490 respondents, 60.4% of the stated that there was 'no harm' or 'little harm', however 24.3% (19 males and 103 females) stated that it had caused 'considerable' or 'extreme' physical harm.
- Of 499 respondents, 50.7% (54 males and 199 females) thought their children were 'considerably' or 'extremely' harmed socially (e.g. through disrupted peer relationships).
- Of 501 respondents, 46.1% (53 males and 188 females) thought their children were 'considerably' or 'extremely' harmed educationally.
- Of 485 respondents 19.8% (15 males and 52 females) thought that their children were 'considerably' or 'extremely' harmed sexually.

Graph 77: Percentage of responses from men and women in relation to the nature and severity of harm to children who were directly abused



Appendix 6(g): Online survey with adults

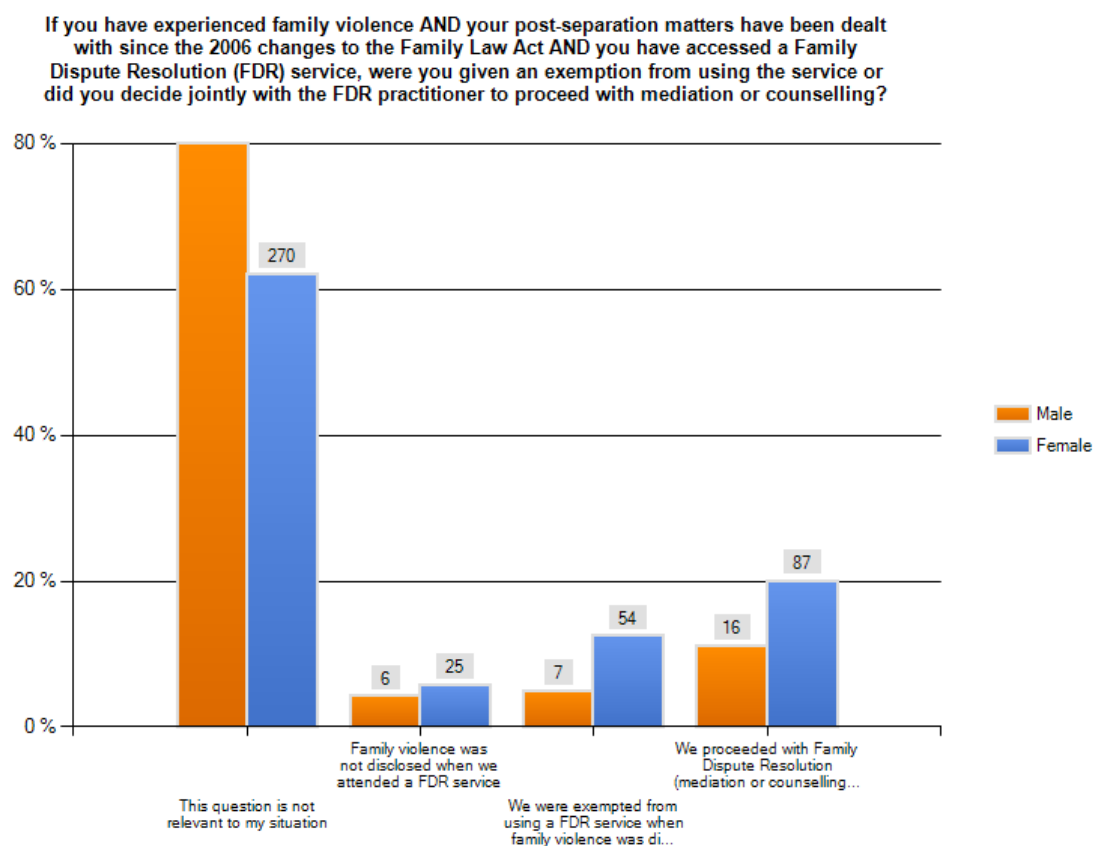
Section 8: Accessing family services post-separation

Question 1: If you have experienced family violence AND your post-separation matters have been dealt with since the 2006 changes to the Family Law Act AND you have accessed a Family Dispute Resolution (FDR) service, were you given an exemption from using the service or did you decide jointly with the FDR practitioner to proceed with mediation or counselling?

More women (435) than men (144) responded to this question.

- Of the respondents that have accessed services, separated since 2006 and have a history of family violence, 17.8% (n=103) proceeded with FDR despite violence being disclosed. Women were twice as likely as men (20% of the female sample compared to 11.1% of the male sample) to answer that FDR proceeded despite a disclosure of violence.
- 10.5% (n=61) of respondents were exempted from using an FDR, with women more than twice as likely as men (12.4% of the female sample compared to 4.9% of the male sample) to report an exemption.
- Only 5.4% (n=31) did not disclose any violence. 25% of women selected this response compared to 6% of men.
- However, the vast majority of respondents (66.5%, n=385; 79.9% of men compared to 62.1% of women) felt that this question did not apply to them. This may point to the number of people who accessed services before the 2006 amendments but also, considering the question was long and wordy, to the possibility that some respondents did not understand the question.

Graph 78: Numbers and percentages of male and female respondents who were given exemptions from, or decided to use, a family dispute resolution service

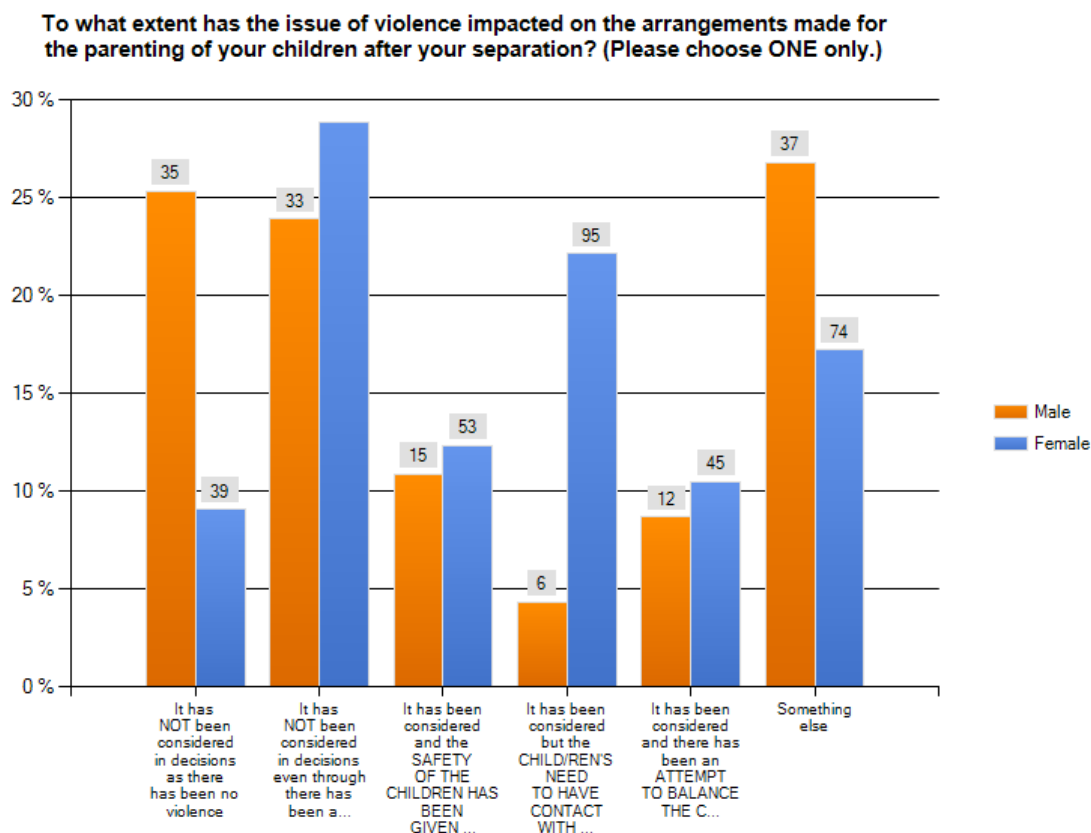


Question 2: To what extent has the issue of violence impacted on the arrangements made for the parenting of your children after your separation?

More women (429) than men (138) responded to this question.

- When considering the impact of violence on the parenting arrangements made, 27.7 (n=157) of all respondents (and more women than men) to this question said that the violence was not considered. 22.1% (n=95) of women and (4%, n=6) of men) said that it was considered but the child's need to have contact with both parents was given priority.
- Only 12% of all respondents claimed that violence was considered and the child's safety was given priority.** 10.1% said that that violence was considered and an attempt has been made to balance the child's need for safety and to spend time with both parents.
- Women were more likely to report that violence was considered if they accessed services pre-2006 (9.6% compared to 6.5% post-2006 and 7.4% since 1995 *and* after 2006). In contrast, men were more likely to report that violence was considered if they accessed services post-2006 (27.8%) or since 1995 *and* after 2006 (27.6%) compared to 18.4% pre-2006.

Graph 79: Numbers and percentages of male and female responses in relation to the extent to which family violence had impacted on parenting arrangements



Question 3: If something else, please specify

- Over a quarter of male respondents (26.8%, n=37) answered 'something else' to the question about the extent to which violence impacted on parenting arrangements made. In general, the nature of this 'something else' predominantly included comments about false allegations against them, allegations of abusive mothers and generalised complaints against a perceived 'female bias' in the family law system, as evidenced in this representative quote:
 - *Not considered – because she is female and so were the legal aid mediators??? Collusion to hide female to male violence.*
- A lower percentage of women (17.2%, n=74) identified 'something else' to the question about the extent to which violence impacted on parenting arrangements made. For female respondents, comments about 'something else' were most commonly about how violence was initially not considered (but later responded to following the provision of evidence), inadequately considered or ignored when parenting orders were being made. Again, there were consistent comments from women about the receipt of legal advice to not disclose violence or concerns about children's safety:
 - *My lawyer thought it best that the sexual abuse was not placed before the court at our trial as I would be seen as a vindictive mother and lose my child.*

Question 4: If you and your children have experienced family violence, has it affected your choice to access professional assistance to help you through your separation?

Survey respondents were asked how their experiences of family violence had affected access to, or choices of, services for them and/or their children. Two prime questions were asked, followed by questions that required qualitative responses.

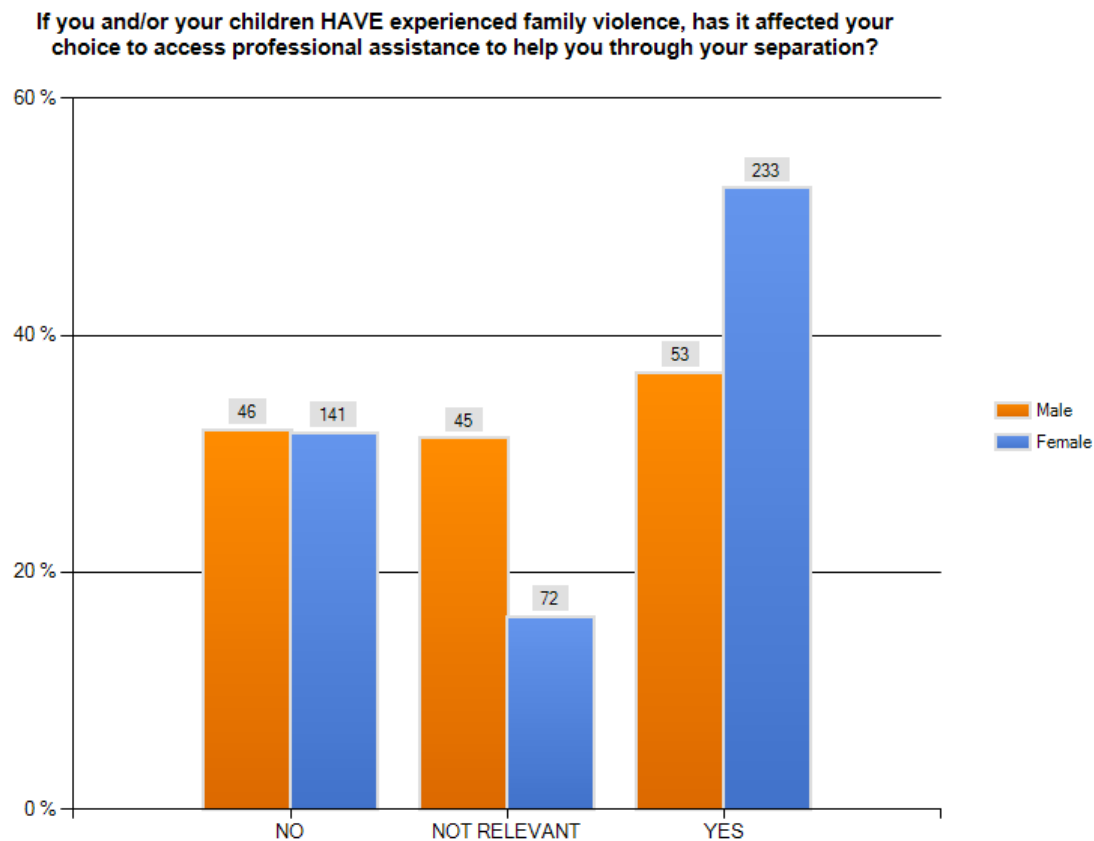
The findings indicate that the presence of family violence had a significant effect on both choice of and access to services. First, there was evidence to suggest that feelings of fear and powerlessness continued for a long period of time following separation, with victims expressing concern about possible renewed or continuing violence if they sought help. When they did seek assistance, the results indicated that those who had experienced family violence sought specific services, such as those that work with children or those with a significant focus on working with domestic violence. While cost was a factor for many victims of violence, there was a tendency to seek services that would enhance their power, and in most cases this appeared to be legal assistance. However, this approach could be accompanied by other concerns, such as receiving advice that was perceived to be inappropriate or ineffective. These factors also affected the actual choice of services sought by those affected by family violence.

Men reported a fear of not being believed or a perception that services favoured women over men. The men in this study also reported a perception that there were few or no services specifically available for them. This suggests that more generic services should be developed for men beyond those that offer anger management and group programs.

Question 5: If yes please describe how this has affected your choices

Question 5 asked respondents whether experiences of family violence had affected participants' choices to access professional support. The results are shown in the Graph 30.

Graph 80: Numbers and percentages of male and female respondents who had experience family violence and whether it had affected their choice to access professional assistance



The analysis of responses to this question indicated that both men and women perceived their choices to have been affected by the violence they had experienced, although significantly more women than men reported this. Overall, a significant number of respondents of both sexes (287 of a total of 592 respondents, 48.5% of the sample) reported that the presence of violence had affected their choice to access professional assistance, compared to 187 respondents (31.6% of the sample) who reported that the presence of violence had not affected this choice.

Respondents were invited to clarify how the presence of violence had affected their choices. A total of 263 respondents (50 men and 213 women) provided information in answer to this question. The results indicate that a number of factors influenced their choice to access services. The major factors were:

Feelings of fear and powerlessness

Sixty-eight (11 male, 57 female) of 262 respondents (26%) stated that they were either too fearful or perceived that they had too little power to access appropriate services. Reasons for these feelings were varied. First, the strength required to confront a respondent's former partner was limited (e.g., *'I have not wanted to have any battles with my ex as I have not had the mental ability to endure it'; 'feeling powerless'*). Twenty-five of the 68 respondents who reported feeling powerless (35.6%) stated that they were *'fearful'* or *'wary'* about accessing services, mainly due to the extent of violence they experienced during their marriage.

A second theme for those who reported feeling powerless related to their perceptions of how their former partners might react (or had reacted) as a result of their trying to access services. Twenty-five respondents (35.8%) expressed fear about the possible responses from their partners should they seek services. Responses included: *'my ex and his solicitor are using the fact that I have been seeing a social worker against me, they keep saying I am unstable'*; from a father: *'Psychological abuse by the child's mother, effecting my initial decisions in the best interest of the child'*; *'I didn't want him to carry out his threats. So up until recently I just did what he told me to. I was afraid of what he'd do if I sought legal advice...'*; *'Haven't accessed them at all because he would not have it'*; *'Fear of being put in the same room as him and being made to agree to what he wants when already there is an unequal balance of power'*; *'he told mediation he would type [the agreements] up and get it started but hasn't and that was nearly 4mths ago'*. These findings indicate that for many who had experienced violence in their marriage, the partner responsible for the violence had continued to control the victim, through a continuing fear of his/her potential to act inappropriately, for a significant period of time after the separation.

A further theme that emerged for those who felt powerless was related to their previous experiences with having accessed services, mentioned by eighteen respondents (26.5% of the 68 who reported feelings of powerlessness). These respondents suggested that previous unsatisfactory experiences with these services had led to their feeling that they could not continue to access other services. Examples of statements included: *'Wary in relation to what is revealed in Court...'*; *'I can not get legal aid'*; *'When a Clinical Psychologist told me I was dealing with a narcissistic psychopath and I could never win, I have had to accept the situation'*; *'I will not access psychologists again. Two have provided reports on me to lawyers taken from marital counselling sessions undertaken prior to legal action and single experts utilized during the process are gender biased and not child focused...Very dangerous situation..., few select male single experts influencing majority of decisions in the family court'*; *'felt powerless as I have used some services and he had them persuaded he was perfect'*; *'the police would NOT come to my assistance as he had already left, nor file a report as it was not a repeat occurrence...'*. It is apparent that the system itself can contribute to feelings of powerlessness and fear through the actions of psychologists, the court and services that provide advice and assistance that is perceived as inappropriate. This will be discussed further in a separate section below.

Presence of violence motivates people to seek specific services

This theme was reported by 79 of the 262 respondents (30.1% of the total number) who provided more detail about the way in which the presence of violence had affected their choice of service. These respondents targeted services that had expertise in working with violence and *'an understanding of DV issues'*. Counselling was accessed by 38 of the 61 respondents in this category (62.3%), either with a psychologist or psychiatrist or with a community-based organisation such as Relationships Australia, and this included counselling for their children. The large number of respondents and their children who required counselling again indicates the ongoing difficulties experienced by those who have lived with violence in their homes and suggests that appropriate counselling options for this sector of the community is essential.

Eighteen respondents in this group sought services that they perceived would provide some protection for themselves and their children. These services included specific DV-focused, the police and shelters/refuges.

Presence of violence leads people to seek services aimed at gaining power

Those who leave a violent situation can sometimes gain power through choosing specific services, especially those provided by the legal profession. Sixty of the 262 respondents (22.9%) reported this approach to accessing services. Forty-one of these sixty respondents (68.3%) reported that they accessed the services of a lawyer or barrister, and that they sought a 'good' or 'respected' family lawyer. Of significance was that respondents perceived that this was the only option for managing the abusive partner's potential for continuing violence: *'I chose to see a legal expert to deal with the allegations and custody issues'* (a male respondent); *'I had hoped to settle things without going to a lawyer, but his bullying and competitive nature...made me realize this would not be possible'*; *'It has been essential to use a private lawyer to reduce the direct abuse as much as possible'*; *'I hired queens counsel when initially separating because of threats of ex'*; *'I feel the need to have significant legal representation/protection'*.

Some services are perceived as inappropriate or ineffective

Forty-two of the 262 respondents reported that the services they accessed either seemed ineffective in helping them or gave inappropriate advice and information. For example, one respondent advised, *'I would not contact DCP [Department for Child Protection] as they are as good as useless as all they appear to do is make a report and then file it'*. Others complained about lawyers who seemed not to have enough information about the issues (*'Children's lawyers who have never even met my child or communicated with me as primary carer making decisions that jeopardize the safety of my child'*). The data indicate that the role of the police in managing domestic violence situations was perceived as unsatisfactory in some situations: *'...police are not helpful and tend to label you as vindictive if there is domestic violence post separation'*; *'The...Police Service officers who attended to my complaint were very poorly informed about the nature of domestic violence and sought only to cover their minimal compliance with the legislation without taking a single minute to investigate my complaint'*.

Twenty-seven of the 42 respondents who expressed a perception that the services they received were inappropriate (64.3%) reported having received inappropriate information that affected their further choices: *'I asked [a manager of a DV service] who recommended that I do not fight over the children through court. So I took that advice – and in hindsight it was not good advice'*; *'I tried to see Legal Aid, but they just said I had to give him 50-50, because if he made good on his threat to take me to court for more time, he would get more'*; *'at onset of separation I was advised by legal aid that the courts will grant contact in all occasions even those that contain allegations of sexual abuse and violence'*; *'Counsellor I visited once told me she was overwhelmed by my situation, this did not help me at the time...'*; *'I constantly rang the Child Abuse Hotline and was told...that, the parent has the right to parent the child in whatever fashion they deem fit whilst the child is in their care! On that basis I lost my case'*; *'I have been told that if I don't comply I can be seen as not "encouraging a relationship between the father and children" and can be penalised'*.

A further theme relating to the perception of ineffective or inappropriate services focused on the Family Court itself. First, there was a perception that if a matter was active in the court then other services would not respond to requests for help: *'...DOCS would not support me to protect my children because it was in the family court and they would leave them to deal with it'*; *'Due to the separation of responsibility between state and federal authorities in family law, I stopped bothering*

to report violence issues...as neither side would take action'. Second was the perception that the court's processes are not appropriate in every case: '...I kept being dragged before the court to explain why my child wouldn't attend contact...The process was abusive of my child as his wishes went unheard and to myself, as their mother. I was treated like a criminal'; 'the courts forbidden me to seek help for the children'; 'No one in the Family Court or CSA gave a damn'; 'I feel extremely let down by the court system. Although a couple of issues have been dealt with there are some concerning issues still remaining. The whole process has been a heavy emotional, financial toll'.

Another theme relating to the perception of services as inappropriate or ineffective was the perception of mediation as not assisting in issues of domestic violence. One respondent reported, *'I went to seek assistance from the family mediators set up by the government and I was told they could not help me because I have been the victim of domestic violence. I was very distressed...' The mediation process itself was perceived as damaging for those who had experienced violence: 'legal aid and mediation were unsafe and very ineffective'; 'Fear of being put in the same room as him and being made to agree to what he wants when already there is an unequal balance of power. How can I effectively mediate with an abuser and protect my children'; 'I simply couldn't deal with my ex on my own. My experience of the Family Relationship Centre was so awful I still feel like making an official complaint. It was intimidating and terrifying and I would never want to go through it again'.*

These responses demonstrate the complexities of working in the area of family law, especially when domestic violence has been present. While there were some positive responses to the service received, these responses were balanced by responses expressing significant dissatisfaction. During times of significant upheaval, those who seek service may selectively hear information and misconstrue what they hear instead of putting the information in any meaningful context. Additionally, the kind of information that is provided to them can be perhaps less detailed than people require, leading to misperceptions and lack of understanding between service providers and those who seek their help.

Services may be perceived as biased

Nineteen of the 50 male respondents (38%) and 10 of the 213 female respondents (4.7%) reported a perception of family law-related services as biased.

Ten of the 19 male respondents (52.6%) reported a perception that the system is inherently gender-biased in favour of women: *'will seek out only male counsellors as I find women to be biased in the case of alleged sexual violence...'; '...systematic bias'; 'Issue of Male over Female in court and assumption has left me to reserve action for more evidence...'; 'Agencies hide violence against children as mothers and new partners perpetrate ,70% of violence against children?'; 'being the male, I thought not a lot of people would believe me', 'the gender bias of the system towards women'; 'Have sought professional help, however, does not appear to help as the system is simply stacked in favour of females...'*

Four male respondents reported having been victims of their female partners' violent behaviours. They reported not having accessed services due to their perceptions of bias against them leading to their not being believed: *'I have attempted to gain professional assistance but been refused along with my children as all providers assume I was the perpetrator of the violence and offered me only Anger Management Training to "learn to control my violent behaviours"!!'; 'Want to communicate it*

but a male being the victim of abuse is not given any credibility'; 'I do not believe that as I am a man that I will be heard. Domestic Violence is ALWAYS described as violence against women. Violence against men is not seen as serious'. This finding indicates the importance of services understanding that some men are victims of violence and that all those who seek service must be respected rather than treated with disbelief.

Five of the 10 women who expressed a perception of bias in the system asserted that the courts and family relationship centres had supported the violent partner against them, not believing the women's accounts of violence: *'I tried desperately to get an order of the court to have a 'family assessment' to help explain my child's issues around not wanting to go on contact with his father. This was fiercely defended by my ex and in the end we could never get it'; 'It cost \$5 k to have the ex breached and nobody believes you or the children anyway'; '...intellectually disabled daughter's communications negated by a callous FLC counsellor who was playing the "oh you don't take any notice of that...they all say it" AND SHE IS PAID TO WRITE A REPORT THAT DECISIONS ARE BASED ON'; 'I am frightened to use a FRC as I have heard they press you to make arrangements with high access for the father'.*

These findings support other results in this study that indicate the importance of ensuring that decisions and statements that are made by professionals in the family law sector are clearly and carefully explained in context to those to whom they apply.

Related to issues of bias were those of trust in the services. The issue of trust was reported by 17 respondents (6.5% of the total number of respondents): *'Neither myself or my resident child have any trust or faith in family practitioners as they ignored the evidence of systemic abuse by my ex...'; 'don't trust police DCP or lawyers'; 'I have lost faith in the system'.*

Cost of service perceived as prohibitive

Twenty-two of the 262 respondents (8.4%) stated that the cost of accessing service had affected their choices. For 20 of these, the cost of accessing legal advice and representation was prohibitive. It was apparent that for those who have experienced domestic violence, the need to engaging legal counsel is significant. This suggests a need for legal advice and assistance to be provided on a sliding scale of fees similar to that used in community-based organisations.

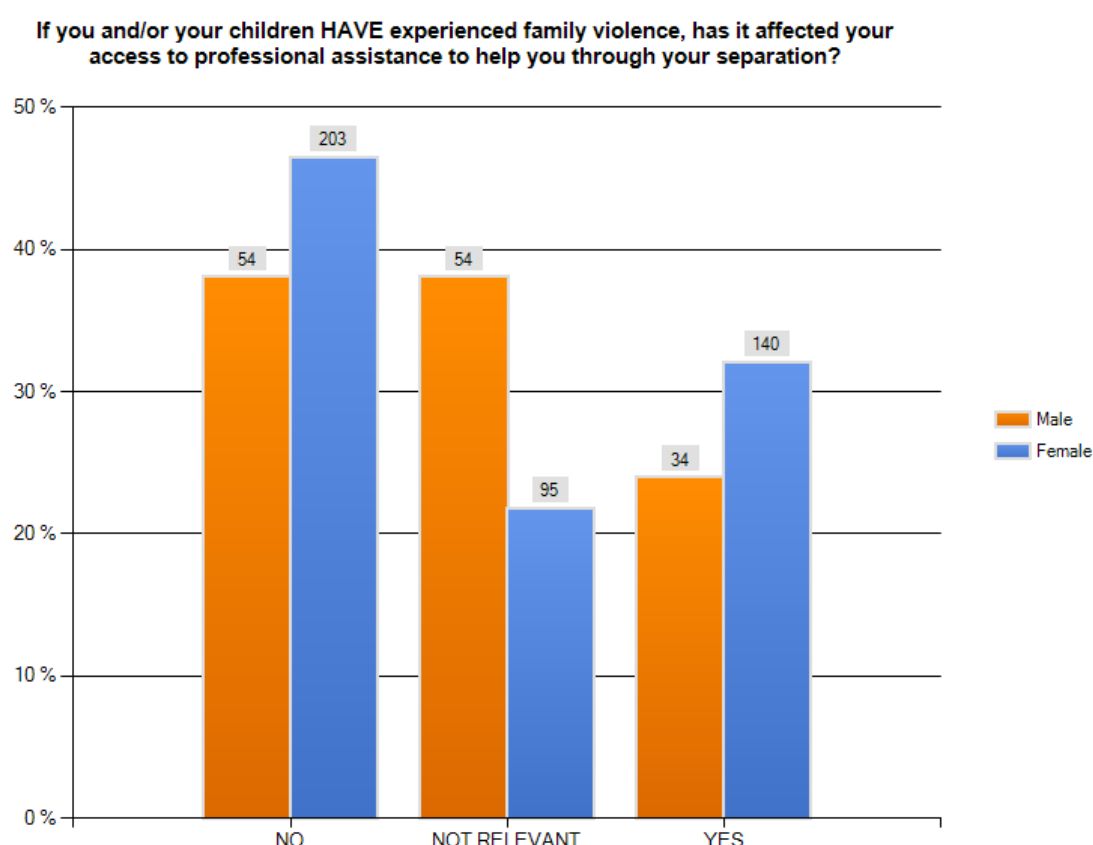
Question 6: If you and/or your children have experienced family violence, has it affected your access to professional assistance to help you through your separation?

This question asked whether the presence of domestic violence had affected respondents' access to professional services.

Five hundred and seventy-nine respondents provided an answer to this question, of whom 142 were male and 437 were female. As Graph 31 demonstrates, a total of 44.4% of the respondents reported that the presence of violence had not affected their access to assistance, compared to a total of 30.1% who stated that it had affected their access. In terms of the proportion of each sex who responded to the question, 38% of men and 46.5% of women stated that the violence did not affect their access to services, while 23.9% of men and 32% of women stated that it had.

Of interest is the proportion of men who stated that this question was not relevant to their situation: 54 men or 38% of the males who responded. This was significantly higher than the numbers of women who stated that the question was not relevant: 95 women or 21.7% of the female respondents. These findings suggest that men may perceive the violent behaviours as not as damaging as might women, and that further education about the effects of family violence, particularly on women and children, may be required.

Graph 81: Numbers and percentages of male and female respondents who had experienced family violence in relation to whether or not that affected their access to professional assistance



Question 7: If yes, please describe how it has affected your access

One hundred and fifty-two respondents provided qualitative information about how the presence of domestic violence had affected their access to service. Their responses clustered around six major themes which are discussed below.

The presence of domestic violence motivates parents to access services for their children

Twenty-eight of the 152 respondents (18.4%) reported that they sought specific help for their children. Responses indicated that children required counselling and other psychological help to deal with their experiences of the violence. Comments included: *'Doctor referred both my daughter and I for help with anxiety re the violence...'*; *'My son sees a psychologist'*; *'I have tried to get my children access to independent counselling for them or to a psychologist so they could talk things through...'*;

'The contact has been made through private means, (i.e., My children's psychologist)'; 'Not for me, however due to current orders I am not able to get my son professional help that was recommended by the family assessment psychologist'. These findings suggest that more ease of access for children to professional counselling and therapy following exposure to family violence is required.

The emotional outcomes of experiences of family violence affect access to services

For 21 of the 152 respondents (13.8%), the emotional trauma of their experiences had affected their subsequent access to services. Comments such as *'very confused emotional'; 'Access to court while someone you fear is lurking around was a barrier at court'; 'Fear of trusting some services'; 'I was too busy dealing with everything'; 'nothing changes just adds trauma...'; 'trauma reactivated'; 'Feeling powerless'* indicate the extent to which the presence of violence debilitates the victim and isolates them from access to appropriate services. These findings suggest that a stronger approach to referring families to appropriate services is warranted in situations of domestic violence, including the process of 'warm' referrals.

Access to services can be actively blocked or facilitated

Seventeen of 152 respondents (11.1%) reported that the actions of others, including their former partners and some services, either blocked or facilitated their access to service. Seven of those 17 reported that the actions of their former partners effectively blocked their access to further service: *'Unable to access counselling only who ex husband chose'; 'my wife keeps wanting to attend counsellors with me (paid for by me) where she proceeds to make the same unsubstantiated or disproved allegations dating back 2 or 3 years...Counselling on her own may [help] but I do not think she has attended this'; 'my ex won't do mediation'; 'I did not do a property settlement as he bullied me out of court and said I would lose my house. I lost it anyway because he kept being late with child support and wouldn't pay the rates'; 'I have tried to get my children access to independent counselling...My ex completely refused to let them both go to see anyone! He said he would harm me if I insisted'; 'Doctor referred both my daughter and I for help with anxiety...and it was cancelled by the father's lawyer'; 'My ex consulted multiple lawyers and community legal, therefore they were unable to work with me because of "conflict of interest"; 'accessing help caused the violence to escalate'.* These responses indicate the continuing control that former partners can have over the other and the need for greater protection for victims of abuse.

Eleven respondents (64.7% of the seventeen who reported having their access to service blocked) stated that it was difficult to access services due to the presence of violence. Some reported being refused mediation due to the presence of a family violence order, while others argued that the court itself blocked their access to further service. Comments included: *'Being perceived as a potential abuser by community legal centre – and my experience of threat being ignored – resulted in my not accessing the service' (a male respondent); 'Not allowed to attend counselling by the FCA'; 'they will not have anything to do with you when they know you are going through FCA'; '[the Family Relationship Centre] didn't really see our case as domestic violence'; '...because if you don't have proper evidence to go for an AVO or go to the police. This may used against you in court if your claims are unsubstantiated. So I was less likely to call the police or go to court as I felt I could lose my child and be labelled with PAS'; 'most lawyers don't want to take your case if they hear the family violence'.*

On the other hand, some participants argued that the court and community-based organizations facilitated their access to service. For some, this was related to their own belief that services could assist them: *'[the violence] made me more willing to access help'*. Others accessed the services recommended by the court: *'I accessed the services recommended by the Court Consultant and the domestic violence support services'*. *'I was able to access a counselling service specific to assisting families through separation'*.

A fear of being disbelieved affects families' access to services

Seventeen respondents (11.1% of the total sample of respondents in this part of the survey) reported that a fear of being disbelieved in relation to the presence of violence affected their access to service. This perception was reported by both male and female respondents: *'I have not been believed or been told that I am silly or imagining it all by professionals'*; *'Great difficulty in getting my concerns taken seriously, eventually I just stopped wasting my time'* (a male respondent); *'The abuse and violence was minimized by the Family Separation mediator as well as by my solicitor, so I felt it was not worth while to try to access any other support'*; *'Needed to have a solicitor I felt understood and believed me – regarding the violence'*; *'Police and courts rarely believe men. There seems little point in making a complaint when it won't be dealt with'* (a male respondent); *'no one was willing to believe that a man of my size could be a victim'*; *'the accuser is unquestionably believed'* (a male respondent).

Cost and service quality are factors in accessing service

A further 17 respondents reported that the cost of service prohibited their access. The comments made by these respondents were similar to those made for the previous question.

Seventeen other respondents stated that a perception of the quality of service influenced their access. Quality was related to previous experience with some services and a perception of who they might service and what they might achieve. For example, comments such as *'private lawyers were engaged first and they were useless and I had to access services but they were full and had to keep shopping around'* indicate dissatisfaction with some service and an inability to access others. Other comments indicated a perception that domestic violence issues are too difficult to gain help for: *'Asking for help is a waste of time, nobody will help you'*; *'Services not available or not understood or recognized family violence especially impacts on children and the complexities of blended families – not fitting in the box!'*; *'Some professionals felt uncomfortable, i.e., GPs'*; *'[two community-based services] ignored intervention orders felt like I was being cross examined, wanted to put me in the same room as my ex..., psychologist...told me I should be ashamed as my children needed male role models...'* These responses indicate first, that there is a need for clear and understandable information about what exactly services will provide and second, that those working in the family law field may need to be more aware of the impact of their statements and interventions on this very vulnerable population.

Eight of the 33 males who responded to this question by providing qualitative responses (24.2% of this sample) expressed a perception that services for men were either non-existent or restricted in family violence situations: *'no services available to men, I have tried and tried called everyone'*; *'Apparently, when it comes to police it is first in first served'*; *'there is no access for men'*; *'As a male I found resources were limited for me and some not available that were to my former spouse'*; *'Help for fathers is simply not there, money is all that matters'*. These responses indicate a need for more

general services targeted for men, beyond the specific anger management group programs that are widely available.

Question 8: If you and/or your children HAVE experienced family violence, has it affected your ability to negotiate fair and/or safe outcomes for you and/or your children?

585 people answered this question. (142 were male and 443 were female)

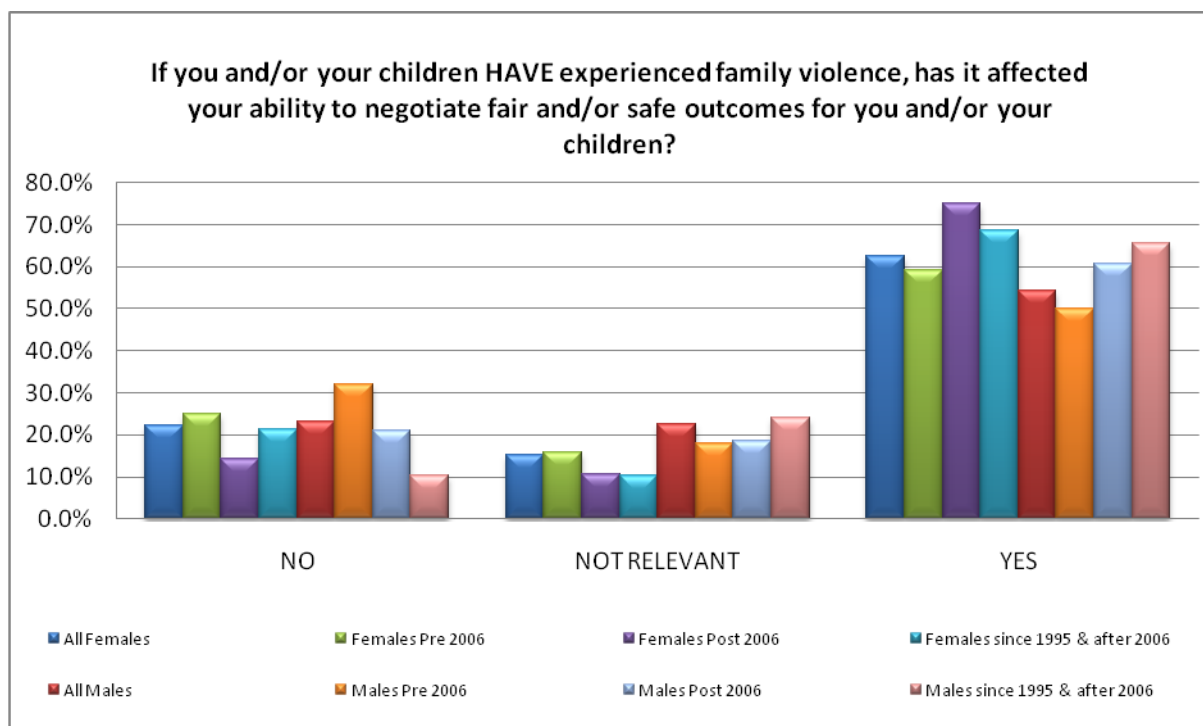
23.2% (n=33) males and 22.3% (n=99) females said NO

22.5% (n=32) males and 15.1% (n=67) females said NOT RELEVANT

54.2% (n=77) males and 62.5% (n=277) said YES

This shows that more than half of both males and females believed that family violence had impacted on their ability to negotiate fair and/or safe outcomes for themselves and their children.

Graph 82: Percentages of men and women who had experienced family violence in relation to whether or not that affected their ability to negotiate fair and safe outcomes



If one looks specifically at males and females that accessed any services or made any arrangements or decisions about property, relationship, and/or parenting before the 2006 family law amendments it shows that 32% (n=16) males and 25 % (n=33) females said NO. 18% (n=9) males and 15.9% (n=21) females said NOT RELEVANT. 50% (n=25) males and 59.1% (n=78) females said YES.

However, when one compares with this males and females that accessed any services or made any arrangements or decisions about property, relationship, and/or parenting post the 2006 family law amendments it shows that 21.1% (n=8) males and 14.3% (n=20) females said NO, 18.4% (n=7) males

and 10.7% (n=15) females said NOT RELEVANT, and 60.5% (n=23) males and 75% (n=105) females said YES. This shows that female responses increased in stating YES compared to pre 2006.

The data also shows that there is a slight increase in stating YES for those male and females who accessed services since 1995 and after 2006. 10.3% (n=3) males and 21.2% (n=25) females said NO, 24.1% (n=7) of males and 10.2% (n=12) females said NOT RELEVANT, and 65.5% (n=19) males and 68.6% (n=81) females said YES.

Question 9: If yes, please describe how it has affected your ability to negotiate.

331 people answered this question (73 males and 258 females).

Responses from women

Five dominant themes emerged from the qualitative responses from women in their descriptions of how family violence affected their ability to negotiate fair and/or safe outcomes for themselves and their children. The themes included:

- fear contributing to outcomes they were not happy with;
- feeling powerless as a result of psychological/emotional abuse to negotiate for periods of time;
- ex-partners continued abuse strategies hindering safe outcomes;
- being painted as 'difficult' or 'antagonistic' by courts, lawyers and their ex-partners;
- Feeling 'bullied' into making decisions they were not happy with.

Firstly, **fear** was named as the most dominant theme that led to parenting arrangements that females were not happy with. Females spoke about their continued fear of their ex-partner's violence against themselves and their children as being a contributing factor to 'giving in' to decisions about parenting arrangements they were not comfortable with. In short, fear was seen as influencing the females' decision making and negotiating ability regarding parenting arrangements. For example women stated the following:

- *Because of the level of violence involved I feel I am unable to come to a compromise with my ex, because I feel their safety is at risk in any form of forced time spent with him unsupervised.*
- *I can't. I am afraid to be in the same room as him. I feel that he manipulates my mind and I don't yet feel strong enough to deal with him - so I have taken a very tough line on supervision of access and fortunately this has been supported, I have asked professionals to guide me so I am not being too unreasonable, I need to balance my fear with what is fair to him and good for the child.*
- *I was fearful that I would lose my children if I did comply with his demands. Usually they were along the lines of, 'if you don't give me an extra night with the kids I'm going to take you to court.' Other times it was, 'I hate you and I'm going to make the girls hate you too'. This occurred in front of the children.*

- *The kid's fear, and my fear is as conditioned as it was pre-separation . . . placating the ex is the only we know how to continue to have some of our own freedom. We pretend to trust him, so that he won't try to impose himself on us.*
- *Fear of retribution mainly, plus my ex has openly expressed that his aim is for me to be punished, so negotiating is not really possible. Attempts have simply been met with further abuse.*

Closely related to fear was the second dominant theme, **psychological abuse**. Women spoke about their experiences of psychological or emotional abuse as part of family violence and how this continued to impact on their lives after separation. Specifically, women described psychological or emotional abuse as hindering their abilities to continue fighting for fair parenting arrangements, to endure long battles with their ex-partners, and contributing to guilt in not being able to continue protecting their children from abuse as a result. Women named continued psychological and emotional abuse as a result of trying to negotiate parenting arrangements with their ex-partners. For example, women said the following:

- *It was hard to negotiate fair outcomes because my brain was so confused after years of psychological abuse - consistently being told or inferences that it was my fault. It was hard to think clearly and because I was so filled with feelings of anger that was coming from feeling fearful for so long it affected my ability to be able to communicate clearly the events and what I needed and my confidence to believe I would get my needs met without having to sacrifice a lot more, which was the nature of the abuse.*
- *Yes, I was not in an emotionally stable state to negotiate properly at all. Sitting and listening to his lies in mediation was very distressing.*
- *I was constantly exhausted and often depressed due to continual emotional abuse. Because the abuse is quite subtle and it involved the children, it affected the sympathy of legal advisers. I also could not see any old friends due to gossip etc. My ex told me that someone had another job for me - I had started off working as a cleaner to make ends meet - I went to see that person and that person told me that he had heard I was getting drunk all the time and all he could see is a person who wasn't coping. I could not believe anything my ex said and had to stay right away from everyone so more emotional abuse would not be perpetuated on me. These things did impact on my self-esteem.*
- *Attempts at negotiation generally end in ritual repetition of mental abuse; are taken as opportunities to exert control; ex unable to view children's needs ahead or even in conjunction with his own.*

Thirdly, women named their ex-partners continued abuse strategies as **hindering safe outcomes** with many describing their ex-partners as being constantly 'difficult', 'negative', and 'unreasonable'. In short, females identified that outcomes regarding decisions around parenting arrangements were hindered or impacted on because of their ex-partners ability to deliberately avoid or make negotiation difficult. For example, women stated the following:

- *Have to aim for an outcome where my ex is neither really unhappy nor really happy, that is the safest for the kids. Have to choose my battles, he bombards me. This guy does not respond to love or reason and is not in touch with reality, he lies and he trusts no one. Without love, truth, trust or reason there is no foundation to negotiate.*
- *He doesn't listen at all.*

- *My ex will not speak to me without yelling and swearing so it is impossible to negotiate anything with him.*
- *I worry about putting too much emphasis on the violence in case my EX were to use that to accuse me of trying to, as he says, sabotage him as a father.*
- *I communicate with my ex through a communication book or text message. It is ok this way but he just gets difficult when he gets angry i.e. child support or when my daughter didn't want to stay any more – he blamed me when it was my daughter's decision because of him losing his temper with her and the dog.*

Fourth, women frequently told stories about being **painted as 'difficult' or 'antagonistic'** and as feeling like they were always defending themselves as result of trying to negotiate safe parenting arrangements. They gave examples of courts, lawyers, and other support services as constructing them as purposely hindering the process of decision making and this impacting on them personally as they felt they were not only trying to protect their children but also had to defend their own reputations. For example, women said:

- *There is not much to be able to negotiate when everybody wants me to hand the children over to the abuser on a platter and treated me as 'difficult' for wanting anything else.*
- *The mediator said I was being difficult by bringing up domestic violence as it was making it hard for their father to have contact. She also informed me it wasn't their problem to ensure children were in a safe environment.*
- *The children were too terrified to tell their father what they wanted. And when the Independent Children's Lawyer and the Family Court Counsellor told their father what the children wanted, he was furious with the children and accused me of Parental Alienation Syndrome.*
- *I have been perceived by court appointed experts as vindictive or alienating rather than protective of my daughter because I have serious concerns about my daughter's safety, which they dismiss. Protective behaviour is penalised despite the evidence of risk. Whatever the Independent Children's Lawyer does and believes is what matters. They do not see risks to my daughter and even takes no position on whether there should be supervised access. I can do nothing because judges listen to the ICL.*
- *Have been constantly accused of alienating the children from their father from lawyers.*
- *I continually have to prove everything to everyone. It is hard to keep going but I feel if I stay true and strong for the children a good outcome may be possible through the courts, although the issue of shared/equal parenting plays heavily on my mind.*

Finally, another dominant theme that emerged through the responses from women was being **'bullied' or 'coerced' into decisions about parenting arrangements** that they were not comfortable or happy with. Consequently, women spoke about feeling powerless at many times throughout negotiations due to threats if they did not agree to certain conditions made by lawyers and other court related services. For example:

- *You don't negotiate. I have been threatened, had my children removed from my care because I would not allow them to have unsupervised contact. I have been threatened by Judges, Child Reps, DoCS etc.*

even when there is overwhelming independent evidence of the abuse. The father's right over rides all... so there is no negotiation.

- *On one occasion, I had a legal aid lawyer almost yelling at me in an interview room and telling me to sign a consent order that would have extended the contact period. There was no grounds for this. I stood crying with my head in my hands and told I should sign it. I stood firm and took my chances with the judge - and it was the right call. These lawyers were ready to sell my children down the river just so they could make me look 'reasonable' and willing to facilitate contact. The problem was, my child was not attending any contact and until we addressed the issues there was no point in seeking an extension to the orders.*
- *I was bullied at all mediation sessions. I was bullied into accepting what the ex wanted or I was told I would lose access to my children. The family court did not care. The only concern was to give access to the children from the father. No one listened to them that they were terrified of their father. It was only the psychologist who did the family report who recognised that the children were at risk and did what he could to help protect them. But I have been told that my ex could take me back to court at any time up until the children are 18.*
- *I was totally ignored, told to forget about it, that kids have to go on contact regardless of there fear, as they are picking up fear from me, they are treated like they don't have feelings, or a brain.*
- *Unequal balance of power. Child rep not acknowledging the children's wishes. Lack of proper advice and I felt like I was being coerced and bullied into agreeing to contact as no one wanted the allegations to be tested in a court except me.*
- *I have been told by my solicitor I must comply or be punished as I don't have enough evidence of family violence.*

Furthermore, women also spoke about being **advised not to disclose family violence and/or their disclosure was often ignored**. For example women said:

- *I felt unable to negotiate fair and safe outcomes as the system would not believe me or my children. Authorities refused to believe the violence other than the police, school counsellor and child protection unit. I was informed by the Independent children's lawyer and psychologist that children are safe with father.*
- *I feel powerless, it doesn't count (the family violence) and I don't want to do anything to inflame the situation for my children when they are with him alone.*
- *No-one in positions to make decisions about the outcome for my son is listening because the DV is so covert now. The evidence I have collected is always justified. The FC mediator completely ignored the material in my affidavit.*
- *I was told that telling the court about family violence and not being able to prove it puts me in a position where I am labelled with PAS and risk losing custody of my child and that she would end up living with an abuser so I have tried to negotiate outcomes that don't risk this.*
- *Domestic Violence is now overlooked in the Federal Magistrates Court and Family Court in the quest for shared parenting responsibility. The children are 'chattels of the father' and their desires, needs and interests are no longer taken into account.*

Responses from men

During thematic analysis of the male responses no dominant repetitive themes emerged. Instead, the men gave a variety of descriptions of how family violence affected their ability to negotiate fair and/or safe outcomes for themselves and their children. To outline the array of responses quotations are provided to demonstrate the variety.

Some men stated that they made decisions based on 'keeping the peace', that is, they did not want to argue.

- *You are driven by the system to have an agreed position and I have agreed to a hell of a lot in trying to keep the peace.*

Some men said they were victims of the 'status quo' and this impacted on parenting arrangements.

- *The court supported my wife 100% because she had full care of the children. This led to an entrenched conflict situation wherein the status quo was for me to not see the children.*

Some men spoke about feeling worn down as a result of negotiating parenting arrangements and that their financial state and their mental and physical health were affected.

- *By the time I was able to have my ex's allegations dismissed, I was financially ruined and my health seriously damaged.*

Some men raised concerns about how long and drawn-out negotiations would impact on their children and so ceased negotiation as a result.

- *Part of the reasoning in my decision to cease contact was made out of fear that the children were being psychologically abused for seeing me.*

Some men said accusations made against them regarding the perpetration of abuse impacted on the parenting arrangements.

- *False allegations meant a series of court cases funded by the state that I had to fight while EX had to do little. Was expensive and gruelling. Assumed guilty till proven innocent and took valuable time away from preparing for magistrates court for children's matters. I personally feel good afterwards because I fought for my children and their relationship with both parents to the best of my ability and continue to do so.*

Some men said they were not believed if they claimed to be victims of family violence perpetrated by their female partners.

- *Family Law Courts are not interested in the truth but rather expedient politically correct decisions. It appears that as a male you are not expected to make claims of violence but should a claim be made against you, you are obviously guilty and the onus is on you to prove your innocence.*

Some men acknowledged that an existing domestic violence order prevented them from seeing their children.

- *The existence of the ADVO prevented me from meeting with my ex to discuss important issues relating to our son's parenting. It also prevented me initiating mediation.*

Question 10: If you and/or your children have experienced family violence, has it affected the outcomes of your use of professional assistance to help you through your separation?

575 people answered this question. (144 were male and 431 were female)

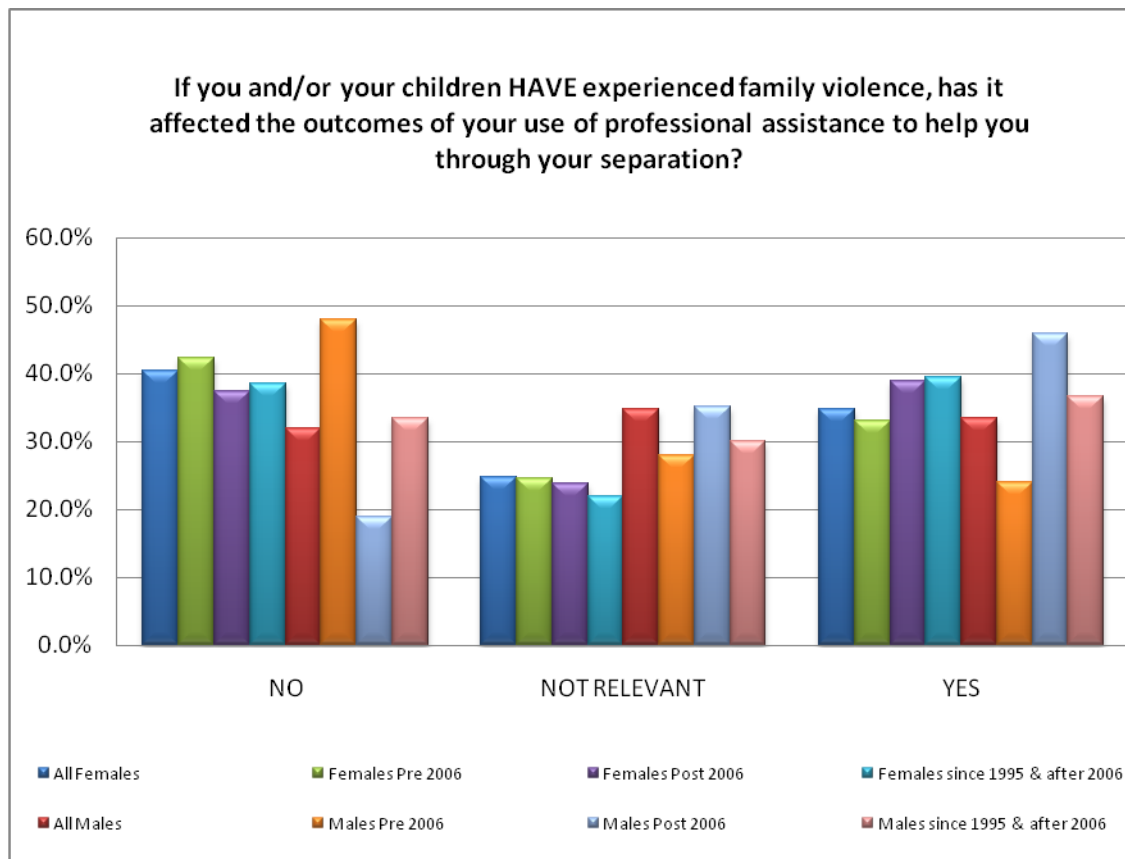
31.9% (n=46) males and 40.4% (n=174) females said NO

34.7% (n=50) males and 24.8% (n=107) females said NOT RELEVANT

33.3% (n=48) males and 34.8% (n=150) said YES

The data showed a fairly even spread in responses from men and women about the affect of family violence and the outcomes of their use of professional assistance to help during separation.

Graph 83: Percentage of male and female respondents who had experienced family violence in relation to whether or not that affected the outcomes of their use of professional assistance



If one looks specifically at men and women who thought family violence affected outcomes of their use of professional assistance before the 2006 family law amendments the data shows a fairly even spread in responses, however, males were slightly more likely to say NO, whereas females were slightly more likely to say YES. Pre 2006 48% (n=24) males and 42.3% (n=5) females said NO. 28% (n=14) males and 24.6% (n=32) females said NOT RELEVANT. 24% (n=12) males and 33.1% (n=43) females said YES.

When one compares this to the responses of males and females post 2006 18.9% (n=7) males and 37.4% (n=52) females said NO, 35.1% (n=13) males and 23.7% (n=33) females said NOT RELEVANT, and 45.9% (n=17) males and 38.8% (n=54) females said YES. Again the spread in response is fairly even, however, this post 2006 shows that *males were more likely to say YES compared to pre 2006*.

Since 1995 and after 2006 33.3% (n=10) males and 38.6% (n=44) females said NO, 30% (n=9) of males and 21.9% (n=25) females said NOT RELEVANT, and 36.7% (n=11) males and 39.5% (n=45) females said YES.

Question 11: If yes, please describe how this has affected the outcomes

173 people responded to this question (43 males and 130 females).

Responses from women

Four dominant themes emerged from the qualitative responses from women in their descriptions of how family violence had affected the outcomes of using professional assistance to help through their separation including:

- family violence not being acknowledged or believed by services, or similarly, services not fully understanding the complexities and tactics abuse;
- being advised by lawyers not to contest 50/50 shared parenting arrangements;
- monitoring their own presentation of mental health issues as a result of the abuse they experienced so they were not constructed as unfit mothers;
- A lack of trust in services as a result of not receiving appropriate support for family violence.

Firstly, many women told stories about their disclosures of **family violence not being believed or acknowledged** by services. Similarly, women expressed concern about the lack of understanding that workers had of the complexities of abuse, especially about how tactics of psychological and emotional abuse impact on victims. For example:

- *Yes well they were all the same as I was very much dealing with people who had no understanding of what I had and the children had been through...they just assumed that we were all liars. The evidence I produced was considered not worthy of putting forward to the court or simply rejected altogether.*
- *I don't feel very positive particularly around most agencies understanding of emotional/psychological abuse.*
- *In earlier days, when I sought a restraining order in the ACT local court, I was encouraged to not proceed to final action and instead have the matter taken up by the Family Court - but as mentioned, whilst violence was believed, it meant nothing. Further, this woman at the local court also told me to think about the kids and that my ex should have contact. When I sought advice from child welfare organisations, they all held the same view - it is a family court matter – no-one wanted to go near it and children should see their father.*

- *Majority of services either don't believe any violence has occurred or they don't feel it was severe or really that bad.*
- *Solicitor and all 8 barristers made it clear that it would be of great concern for the outcome of my case if I believed there was sexual abuse. One was bemused when I asked him to read the research paper on Maternal Alienation and he commented 'So there is a sub species now is there?' (As opposed to Parental Alienation).*

Secondly, women told stories about being **advised to accept 50/50 parenting arrangements and being forced or bullied into such decisions.**

- *My ex did not get 50/50 parenting. Although he did receive extra nights on the current interim parenting orders that were issued. The professional lawyers involved told me that if I did not agree to that, a family court magistrate could well give him 50/50 as he would be forced to ignore the accusations of violence, possibly accuse me of making them up, and possibly issue me with a costs order.*
- *I was too frightened to tell people what has really happened in case he really gets mad and takes it out on the children, what can you do? I was told they would be with him 50/50 regardless because I have no real proof of his violence to us and the kids.*
- *It all had to be done in compliance with legislation and mediation to be priority and preference over court trial for similar reasons. I agreed for fear of not getting primary carer of the children and compromised on a 9/5 when I wanted a 10/4. Now I only want him to have contact with the kids on alternate weekends. I am considering going back to court. My situation is so hopeless.*

Thirdly, an alarming finding from the female responses was their awareness of **developing mental health issues as a result of experiencing domestic violence.** Furthermore, they expressed **fear that mental health issues would be used against them** and so monitored themselves to protect their parenting image. Women were aware of the negative stereotypes surrounding mental health that could be used against them. They were also aware that services or the court would not consider mental health as being the result of long-endured abuse. This isn't surprising considering male perpetrators can construct female victims as 'unstable' 'unbelievable' or even 'abusive' because of mental health issues (See Section 7 for elaboration) For example:

- *I edit whatever I say so I do not come across as anxious, mentally ill, or obstructive to my EX's contact with the children. I would much prefer to feel safe which would mean I could relax more and be more honest without feeling there will be repercussions for my children and for me. This would mean that I may also be able to receive help to reduce my anxiety that is not a mental illness, but real anxiety for the health, safety and wellbeing of my children as a 'normal' mother.*
- *I feel if I was clearer in my mind I would have been able to think about employing a lawyer who was experienced in handling domestic violence settlements relating to financial abuse and this would have changed the settlement outcome and the implications to my health for having a fair outcome.*
- *I don't think I was viewed as being emotionally stable. People preferred to deal with my smiling, articulate Ex partner.*

Consequently, many women spoke about their dissatisfaction with accessing services from psychologists or being dissatisfied with psychologist reports whilst proceeding with the Family Court.

They suggested that psychologists and psychiatrists did not understand the long term impacts of abuse on women and children experiencing violence. For example:

- *The psychologist that the 12 year old first saw rang the department of human services to make complaints about the care of the girls in their fathers care. Their Dad then ensured through the courts that the girls could never go back to that psychologist. He ensured that they saw a very young relatively inexperienced female psychologist with no background in family court.*
- *The children's lawyer and court appointed psychiatrist did not take the violence seriously enough, and believed his story as he is manipulative and cunning. I feel let down by the system. I ditched my lawyer as he was ineffectual.*
- *I asked for a psychiatrist to assess the family situation at the time of the first Family Court trial, and he was all but useless - I read his report, he seemed to ignore my concerns, and really didn't ask me much about what my kids and I had been enduring. Even in his report, he got a lot of facts wrong! He was a waste of time and money!*

Finally, women expressed a general **lack of trust** in services as a result of bad experiences, or of not having family violence recognised or acknowledged.

- *Lack of trust in the services that were supposed to help!! Child Support - Child Protection etc...They did nothing at times...felt ignored by them or that what I was saying meant nothing. They didn't care.*
- *I am actually more cautious in whom I trust to talk too openly in case fear of loss of children. I thought because I exposed the children to violence and didn't do enough to protect them I would have them taken away. My ex re-enforced this belief to me over years.*
- *Do not trust a lot of services do not think they understand family violence.*
- *I have lost faith in lawyers/court orders to make him adhere to contact times.*

Responses from men

Two dominant themes emerged from the men's responses. Firstly, the responses reflected their perceptions that **services were biased against men and more supportive of women**.

- *I realised that at least some services were not there to support fathers, only mothers.*
- *I am a man, it needs no further explanation.*
- *I am a man and the law sides with the female.*

Secondly, men felt they were **fighting false allegations of abuse** against them and so had to continually convince services of their innocence.

- *False allegations have meant I have had to spend significant time on these issues that could have been spent elsewhere.*
- *The ongoing abuse of the system via false allegations by my ex throughout the negotiation phase was expensive and decisions were made base upon cost effectiveness and expediency rather than a sense of justice or fairness.*

Question 12: If you and your children HAVE experienced family violence, HOW SATISFIED are you with the LEVEL OF UNDERSTANDING AND SUPPORT you have received from the following sources to assist you with the safety of those involved and other issues relating to this violence during your separation and divorce?

423 women and 127 men answered this question.

In general, respondents were most likely to report that they were 'partially satisfied' or 'extremely dissatisfied' with the level of understanding and support from the services they accessed. Furthermore, they were more likely to report that they were 'extremely dissatisfied' than 'partially satisfied'. Overall, men's levels of dissatisfaction were higher than women's.

The services associated with the strongest levels of dissatisfaction for male respondents were the Child Support Agency (45.1% of male respondents reported extreme dissatisfaction), the Police (39.3% of male respondents reported extreme dissatisfaction) and the Family Court of Australia (38% of male respondents reported extreme dissatisfaction). These were closely followed by high levels of dissatisfaction with Child Protection services (37.6%) and Family Dispute Resolution services (37.2%).

The services association with the strongest levels of dissatisfaction for female respondents were the Family Court of Australia (31.4% of female respondents reported extreme dissatisfaction), the Child Support Agency (30.6% of female respondents reported extreme dissatisfaction) and the Police (27.5% of female respondents reported extreme dissatisfaction). These were closely followed by high levels of dissatisfaction with the Legal Services Commission or Legal Aid (27.2%), Child Protection services (24.8%) and the Federal Magistrates Court (24.5%). Both men and women therefore report high levels of dissatisfaction with the Family Court and the Federal Magistrates Court as well as for the Police and the Child Support Agency. Women report less dissatisfaction than men with Family Relationships Centres (20.9%, n = 83, of women compared to 32.2%, n = 39, of men) and other Family Dispute Resolution services (22.8%, n= 87, of women compared to 37.2%, n = 45, of men).

Informal help from family and friends resulted in the highest levels of reported satisfaction for both women and men (52.2% of men reported that they were satisfied or extremely satisfied. 67.9% of women reported that they were satisfied or extremely satisfied). This finding (which is repeated in data from the phone-ins) points to the important role played by family and friends in supporting adults experiencing separating and divorce, particularly those who are separating from a violent partner. The significance of and satisfaction with informal help underlines the importance of community education and awareness-raising about the nature and impact of family violence and the importance of informal support from family and friends.

The services which elicited higher levels of satisfaction from all respondents were counsellors in private practice (29.3% of men reported that they were satisfied or extremely satisfied. 41.5% of women reported that they were satisfied or extremely satisfied). Although they also elicited high levels of dissatisfaction, lawyers in private practice were also associated with higher levels of

satisfaction for some (22.6% of men reported that they were satisfied or extremely satisfied. 29.6% of women reported that they were satisfied or extremely satisfied).

Domestic violence services provided an interesting example of gender differences in levels of satisfaction. 15.6% of female respondents reported that they were 'satisfied' and 20.5% that they were 'extremely satisfied' (the highest level of extreme satisfaction reported for any formal service). 23.5% of women also reported extreme dissatisfaction or partial satisfaction for domestic violence services. Male respondents reported very low levels of satisfaction and high levels of extreme dissatisfaction (29.9%). Interestingly, women's dissatisfaction with domestic violence services increased post-2006 and men's satisfaction increased slightly and dissatisfaction dropped significantly where they had service contact since 1995 *and* post 2006. It is of concern that there were high numbers of respondents who had experienced family violence who had not accessed a domestic violence service and answered 'not relevant' (59.8%, n=70, of men and 40.4%, n = 158, of women).

The data suggest that women and men who had experienced family violence had consistently been more dissatisfied with services since the 2006 amendments. Extreme dissatisfaction with FRCs, FDR, the Family Court and legal services (from private lawyers, LSC/Legal Aid and community legal centres) increased for both women and men post 2006.

Table 77: Percentage and number of male and female responses in relation to satisfaction levels with services to assist with safety and other issues relating to violence during separation/divorce

| Q12 If you and/or your children HAVE experienced family violence, HOW SATISFIED are you with the LEVEL OF UNDERSTANDING AND SUPPORT you have received from the following sources to assist you with the safety of those involved and other issues relating to this violence during your separation and divorce? | | | | | | | | |
|---|--------|---------------|----------------|------------------------------|--------|-----------------|------------------|--------------------------------|
| | Male | Male Pre 2006 | Male Post 2006 | Male since 1995 & after 2006 | Female | Female Pre 2006 | Female Post 2006 | Female since 1995 & after 2006 |
| Family Relationship Centre | | | | | | | | |
| Extremely dissatisfied | 39 | 12 | 13 | 9 | 83 | 17 | 32 | 31 |
| | 32.20% | 26.10% | 43.30% | 40.90% | 20.90% | 14.90% | 25.00% | 27.00% |
| Partially satisfied | 15 | 8 | 3 | 4 | 72 | 15 | 29 | 23 |
| | 12.40% | 17.40% | 10.00% | 18.20% | 18.10% | 13.20% | 22.70% | 20.00% |
| Not relevant | 55 | 21 | 11 | 8 | 197 | 72 | 49 | 47 |
| | 45.50% | 45.70% | 36.70% | 36.40% | 49.60% | 63.20% | 38.30% | 40.90% |
| Satisfied | 10 | 4 | 2 | 1 | 38 | 10 | 13 | 12 |
| | 8.30% | 8.70% | 6.70% | 4.50% | 9.60% | 8.80% | 10.20% | 10.40% |
| Extremely satisfied | 2 | 1 | 1 | 0 | 7 | 0 | 5 | 2 |
| | 1.70% | 2.20% | 3.30% | 0.00% | 1.80% | 0.00% | 3.90% | 1.70% |
| | 121 | 46 | 30 | 22 | 397 | 114 | 128 | 115 |
| Another Family Dispute Resolution Service | | | | | | | | |
| Extremely dissatisfied | 45 | 18 | 14 | 10 | 87 | 27 | 25 | 32 |
| | 37.20% | 39.10% | 45.20% | 45.50% | 22.80% | 23.90% | 20.80% | 28.80% |
| Partially satisfied | 15 | 6 | 4 | 4 | 53 | 13 | 20 | 15 |
| | 12.40% | 13.00% | 12.90% | 18.20% | 13.90% | 11.50% | 16.70% | 13.50% |

| | | | | | | | | |
|--|--------|--------|--------|--------|--------|--------|--------|--------|
| Not relevant | 54 | 19 | 11 | 7 | 202 | 63 | 61 | 50 |
| | 44.60% | 41.30% | 35.50% | 31.80% | 53.00% | 55.80% | 50.80% | 45.00% |
| Satisfied | 4 | 1 | 1 | 1 | 29 | 7 | 10 | 11 |
| | 3.30% | 2.20% | 3.20% | 4.50% | 7.60% | 6.20% | 8.30% | 9.90% |
| Extremely satisfied | 3 | 2 | 1 | 0 | 10 | 3 | 4 | 3 |
| | 2.50% | 4.30% | 3.20% | 0.00% | 2.60% | 2.70% | 3.30% | 2.70% |
| | 121 | 46 | 31 | 22 | 381 | 113 | 120 | 111 |
| Family Court of Australia | | | | | | | | |
| Extremely dissatisfied | 46 | 18 | 13 | 12 | 124 | 38 | 40 | 43 |
| | 38.00% | 40.00% | 41.90% | 57.10% | 31.40% | 32.20% | 32.50% | 36.80% |
| Partially satisfied | 10 | 2 | 3 | 3 | 63 | 32 | 12 | 16 |
| | 8.30% | 4.40% | 9.70% | 14.30% | 15.90% | 27.10% | 9.80% | 13.70% |
| Not relevant | 52 | 17 | 11 | 6 | 167 | 33 | 63 | 46 |
| | 43.00% | 37.80% | 35.50% | 28.60% | 42.30% | 28.00% | 51.20% | 39.30% |
| Satisfied | 10 | 7 | 2 | 0 | 32 | 10 | 7 | 9 |
| | 8.30% | 15.60% | 6.50% | 0.00% | 8.10% | 8.50% | 5.70% | 7.70% |
| Extremely satisfied | 3 | 1 | 2 | 0 | 9 | 5 | 1 | 3 |
| | 2.50% | 2.20% | 6.50% | 0.00% | 2.30% | 4.20% | 0.80% | 2.60% |
| | 121 | 45 | 31 | 21 | 395 | 118 | 123 | 117 |
| Family Court of Western Australia | | | | | | | | |
| Extremely dissatisfied | 10 | 6 | 3 | 1 | 14 | 2 | 9 | 3 |
| | 9.00% | 13.60% | 11.10% | 5.60% | 4.20% | 2.00% | 8.30% | 3.30% |
| Partially satisfied | 0 | 0 | 0 | 0 | 6 | 2 | 1 | 2 |
| | 0.00% | 0.00% | 0.00% | 0.00% | 1.80% | 2.00% | 0.90% | 2.20% |
| Not relevant | 100 | 37 | 24 | 17 | 309 | 91 | 99 | 85 |
| | 90.10% | 84.10% | 88.90% | 94.40% | 92.80% | 92.90% | 90.80% | 93.40% |
| Satisfied | 1 | 1 | 0 | 0 | 3 | 2 | 0 | 1 |
| | 0.90% | 2.30% | 0.00% | 0.00% | 0.90% | 2.00% | 0.00% | 1.10% |
| Extremely satisfied | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 |
| | 0.00% | 0.00% | 0.00% | 0.00% | 0.30% | 1.00% | 0.00% | 0.00% |
| | 111 | 44 | 27 | 18 | 333 | 98 | 109 | 91 |
| Federal Magistrates Court | | | | | | | | |
| Extremely dissatisfied | 29 | 16 | 7 | 5 | 94 | 19 | 41 | 31 |
| | 24.40% | 36.40% | 23.30% | 21.70% | 24.50% | 17.30% | 32.80% | 28.20% |
| Partially satisfied | 10 | 2 | 4 | 4 | 42 | 9 | 18 | 14 |
| | 8.40% | 4.50% | 13.30% | 17.40% | 11.00% | 8.20% | 14.40% | 12.70% |
| Not relevant | 71 | 23 | 17 | 13 | 207 | 70 | 55 | 53 |
| | 59.70% | 52.30% | 56.70% | 56.50% | 54.00% | 63.60% | 44.00% | 48.20% |
| Satisfied | 7 | 2 | 2 | 1 | 29 | 9 | 8 | 9 |
| | 5.90% | 4.50% | 6.70% | 4.30% | 7.60% | 8.20% | 6.40% | 8.20% |
| Extremely satisfied | 2 | 1 | 0 | 0 | 11 | 3 | 3 | 3 |
| | 1.70% | 2.30% | 0.00% | 0.00% | 2.90% | 2.70% | 2.40% | 2.70% |
| | 119 | 44 | 30 | 23 | 383 | 110 | 125 | 110 |

| Legal Services Commission or Legal Aid | | | | | | | | |
|--|--------|--------|--------|--------|--------|--------|--------|--------|
| Extremely dissatisfied | 37 | 11 | 13 | 7 | 103 | 26 | 41 | 31 |
| | 31.90% | 25.60% | 44.80% | 33.30% | 27.20% | 23.40% | 33.60% | 29.50% |
| Partially satisfied | 6 | 2 | 1 | 3 | 67 | 24 | 22 | 15 |
| | 5.20% | 4.70% | 3.40% | 14.30% | 17.70% | 21.60% | 18.00% | 14.30% |
| Not relevant | 66 | 27 | 13 | 10 | 163 | 50 | 44 | 43 |
| | 56.90% | 62.80% | 44.80% | 47.60% | 43.10% | 45.00% | 36.10% | 41.00% |
| Satisfied | 4 | 2 | 1 | 1 | 36 | 9 | 13 | 12 |
| | 3.40% | 4.70% | 3.40% | 4.80% | 9.50% | 8.10% | 10.70% | 11.40% |
| Extremely satisfied | 3 | 1 | 1 | 0 | 9 | 2 | 2 | 4 |
| | 2.60% | 2.30% | 3.40% | 0.00% | 2.40% | 1.80% | 1.60% | 3.80% |
| | 116 | 43 | 29 | 21 | 378 | 111 | 122 | 105 |
| Community Legal Centre | | | | | | | | |
| Extremely dissatisfied | 25 | 7 | 6 | 6 | 32 | 7 | 12 | 12 |
| | 21.40% | 15.90% | 21.40% | 28.60% | 8.90% | 6.70% | 10.50% | 11.50% |
| Partially satisfied | 7 | 2 | 2 | 2 | 46 | 18 | 13 | 13 |
| | 6.00% | 4.50% | 7.10% | 9.50% | 12.80% | 17.10% | 11.40% | 12.50% |
| Not relevant | 81 | 33 | 19 | 12 | 243 | 71 | 77 | 64 |
| | 69.20% | 75.00% | 67.90% | 57.10% | 67.50% | 67.60% | 67.50% | 61.50% |
| Satisfied | 3 | 1 | 1 | 1 | 31 | 5 | 10 | 13 |
| | 2.60% | 2.30% | 3.60% | 4.80% | 8.60% | 4.80% | 8.80% | 12.50% |
| Extremely satisfied | 1 | 1 | 0 | 0 | 8 | 4 | 2 | 2 |
| | 0.90% | 2.30% | 0.00% | 0.00% | 2.20% | 3.80% | 1.80% | 1.90% |
| | 117 | 44 | 28 | 21 | 360 | 105 | 114 | 104 |
| Lawyer in private practice | | | | | | | | |
| Extremely dissatisfied | 41 | 14 | 11 | 10 | 94 | 26 | 34 | 28 |
| | 33.10% | 29.80% | 34.40% | 47.60% | 23.40% | 22.40% | 26.20% | 24.10% |
| Partially satisfied | 31 | 13 | 10 | 4 | 109 | 33 | 39 | 30 |
| | 25.00% | 27.70% | 31.30% | 19.00% | 27.20% | 28.40% | 30.00% | 25.90% |
| Not relevant | 24 | 3 | 5 | 2 | 79 | 22 | 19 | 18 |
| | 19.40% | 6.40% | 15.60% | 9.50% | 19.70% | 19.00% | 14.60% | 15.50% |
| Satisfied | 20 | 11 | 4 | 5 | 82 | 24 | 31 | 25 |
| | 16.10% | 23.40% | 12.50% | 23.80% | 20.40% | 20.70% | 23.80% | 21.60% |
| Extremely satisfied | 8 | 6 | 2 | 0 | 37 | 11 | 7 | 15 |
| | 6.50% | 12.80% | 6.30% | 0.00% | 9.20% | 9.50% | 5.40% | 12.90% |
| | 124 | 47 | 32 | 21 | 401 | 116 | 130 | 116 |
| Mediator in private practice | | | | | | | | |
| Extremely dissatisfied | 18 | 10 | 4 | 2 | 41 | 8 | 14 | 17 |
| | 15.80% | 22.20% | 14.30% | 10.50% | 11.60% | 7.90% | 12.50% | 16.50% |
| Partially satisfied | 10 | 2 | 2 | 4 | 19 | 6 | 7 | 6 |
| | 8.80% | 4.40% | 7.10% | 21.10% | 5.40% | 5.90% | 6.30% | 5.80% |
| Not relevant | 74 | 27 | 17 | 12 | 270 | 75 | 86 | 76 |
| | 64.90% | 60.00% | 60.70% | 63.20% | 76.70% | 74.30% | 76.80% | 73.80% |

| | | | | | | | | |
|---------------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|
| Satisfied | 8 | 4 | 3 | 1 | 17 | 8 | 4 | 4 |
| | 7.00% | 8.90% | 10.70% | 5.30% | 4.80% | 7.90% | 3.60% | 3.90% |
| Extremely satisfied | 4 | 2 | 2 | 0 | 5 | 4 | 1 | 0 |
| | 3.50% | 4.40% | 7.10% | 0.00% | 1.40% | 4.00% | 0.90% | 0.00% |
| | 114 | 45 | 28 | 19 | 352 | 101 | 112 | 103 |
| Counsellor in private practice | | | | | | | | |
| Extremely dissatisfied | 18 | 8 | 5 | 3 | 34 | 8 | 13 | 12 |
| | 15.50% | 17.40% | 17.90% | 15.00% | 8.90% | 7.30% | 10.50% | 10.70% |
| Partially satisfied | 15 | 5 | 3 | 3 | 54 | 12 | 20 | 19 |
| | 12.90% | 10.90% | 10.70% | 15.00% | 14.10% | 10.90% | 16.10% | 17.00% |
| Not relevant | 49 | 21 | 7 | 7 | 137 | 46 | 41 | 31 |
| | 42.20% | 45.70% | 25.00% | 35.00% | 35.80% | 41.80% | 33.10% | 27.70% |
| Satisfied | 21 | 4 | 8 | 7 | 96 | 27 | 29 | 31 |
| | 18.10% | 8.70% | 28.60% | 35.00% | 25.10% | 24.50% | 23.40% | 27.70% |
| Extremely satisfied | 13 | 8 | 5 | 0 | 62 | 17 | 21 | 19 |
| | 11.20% | 17.40% | 17.90% | 0.00% | 16.20% | 15.50% | 16.90% | 17.00% |
| | 116 | 46 | 28 | 20 | 383 | 110 | 124 | 112 |
| Domestic violence service | | | | | | | | |
| Extremely dissatisfied | 35 | 15 | 10 | 5 | 40 | 6 | 16 | 13 |
| | 29.90% | 33.30% | 34.50% | 25.00% | 10.20% | 5.20% | 12.90% | 11.60% |
| Partially satisfied | 7 | 3 | 2 | 0 | 52 | 19 | 15 | 16 |
| | 6.00% | 6.70% | 6.90% | 0.00% | 13.30% | 16.50% | 12.10% | 14.30% |
| Not relevant | 70 | 27 | 13 | 15 | 158 | 51 | 46 | 42 |
| | 59.80% | 60.00% | 44.80% | 75.00% | 40.40% | 44.30% | 37.10% | 37.50% |
| Satisfied | 4 | 0 | 3 | 0 | 61 | 16 | 20 | 18 |
| | 3.40% | 0.00% | 10.30% | 0.00% | 15.60% | 13.90% | 16.10% | 16.10% |
| Extremely satisfied | 1 | 0 | 1 | 0 | 80 | 23 | 27 | 23 |
| | 0.90% | 0.00% | 3.40% | 0.00% | 20.50% | 20.00% | 21.80% | 20.50% |
| | 117 | 45 | 29 | 20 | 391 | 115 | 124 | 112 |
| Child protection service | | | | | | | | |
| Extremely dissatisfied | 44 | 16 | 16 | 5 | 94 | 26 | 28 | 35 |
| | 37.60% | 36.40% | 53.30% | 23.80% | 24.80% | 23.20% | 23.10% | 32.40% |
| Partially satisfied | 5 | 2 | 0 | 2 | 33 | 11 | 13 | 7 |
| | 4.30% | 4.50% | 0.00% | 9.50% | 8.70% | 9.80% | 10.70% | 6.50% |
| Not relevant | 62 | 24 | 11 | 14 | 224 | 70 | 68 | 56 |
| | 53.00% | 54.50% | 36.70% | 66.70% | 59.10% | 62.50% | 56.20% | 51.90% |
| Satisfied | 5 | 1 | 3 | 0 | 22 | 3 | 10 | 8 |
| | 4.30% | 2.30% | 10.00% | 0.00% | 5.80% | 2.70% | 8.30% | 7.40% |
| Extremely satisfied | 1 | 1 | 0 | 0 | 6 | 2 | 2 | 2 |
| | 0.90% | 2.30% | 0.00% | 0.00% | 1.60% | 1.80% | 1.70% | 1.90% |
| | 117 | 44 | 30 | 21 | 379 | 112 | 121 | 108 |
| Child welfare service | | | | | | | | |
| Extremely | 39 | 17 | 13 | 4 | 76 | 21 | 28 | 25 |

| | | | | | | | | |
|----------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|
| dissatisfied | 33.60% | 38.60% | 43.30% | 20.00% | 20.80% | 19.10% | 23.90% | 24.80% |
| Partially satisfied | | 0 | 1 | 1 | 19 | 8 | 5 | 4 |
| | 21.70% | 0.00% | 3.30% | 5.00% | 5.20% | 7.30% | 4.30% | 4.00% |
| Not relevant | 72 | 26 | 14 | 15 | 260 | 79 | 79 | 69 |
| | 62.10% | 59.10% | 46.70% | 75.00% | 71.00% | 71.80% | 67.50% | 68.30% |
| Satisfied | 2 | 0 | 2 | 0 | 9 | 1 | 5 | 2 |
| | 1.70% | 0.00% | 6.70% | 0.00% | 2.50% | 0.90% | 4.30% | 2.00% |
| Extremely satisfied | 1 | 1 | 0 | 0 | 2 | 1 | 0 | 1 |
| | 0.90% | 2.30% | 0.00% | 0.00% | 0.50% | 0.90% | 0.00% | 1.00% |
| | 116 | 44 | 30 | 20 | 366 | 110 | 117 | 101 |
| Child Support Agency | | | | | | | | |
| Extremely dissatisfied | 55 | 26 | 13 | 11 | 121 | 48 | 35 | 34 |
| | 45.10% | 57.80% | 41.90% | 47.80% | 30.60% | 41.40% | 28.00% | 30.10% |
| Partially satisfied | 17 | 2 | 7 | 6 | 93 | 25 | 27 | 29 |
| | 13.90% | 4.40% | 22.60% | 26.10% | 23.50% | 21.60% | 21.60% | 25.70% |
| Not relevant | 41 | 14 | 6 | 6 | 96 | 24 | 34 | 23 |
| | 33.60% | 31.10% | 19.40% | 26.10% | 24.30% | 20.70% | 27.20% | 20.40% |
| Satisfied | 7 | 2 | 4 | 0 | 63 | 15 | 23 | 21 |
| | 5.70% | 4.40% | 12.90% | 0.00% | 15.90% | 12.90% | 18.40% | 18.60% |
| Extremely satisfied | 2 | 1 | 1 | 0 | 22 | 4 | 6 | 6 |
| | 1.60% | 2.20% | 3.20% | 0.00% | 5.60% | 3.40% | 4.80% | 5.30% |
| | 122 | 45 | 31 | 23 | 395 | 116 | 125 | 113 |
| Centrelink | | | | | | | | |
| Extremely dissatisfied | 34 | 17 | 10 | 5 | 60 | 23 | 16 | 20 |
| | 28.60% | 38.60% | 32.30% | 23.80% | 15.60% | 20.70% | 13.30% | 18.00% |
| Partially satisfied | 11 | 2 | 5 | 4 | 85 | 21 | 31 | 24 |
| | 9.20% | 4.50% | 16.10% | 19.00% | 22.10% | 18.90% | 25.80% | 21.60% |
| Not relevant | 59 | 23 | 9 | 11 | 120 | 37 | 36 | 32 |
| | 49.60% | 52.30% | 29.00% | 52.40% | 31.30% | 33.30% | 30.00% | 28.80% |
| Satisfied | 12 | 1 | 5 | 1 | 93 | 23 | 28 | 30 |
| | 10.10% | 2.30% | 16.10% | 4.80% | 24.20% | 20.70% | 23.30% | 27.00% |
| Extremely satisfied | 3 | 1 | 2 | 0 | 26 | 7 | 9 | 5 |
| | 2.50% | 2.30% | 6.50% | 0.00% | 6.80% | 6.30% | 7.50% | 4.50% |
| | 119 | 44 | 31 | 21 | 384 | 111 | 120 | 111 |
| Religious person or group | | | | | | | | |
| Extremely dissatisfied | 9 | 5 | 4 | 0 | 24 | 7 | 8 | 6 |
| | 7.90% | 11.40% | 13.80% | 0.00% | 6.70% | 6.70% | 6.80% | 6.00% |
| Partially satisfied | 6 | 1 | 3 | 1 | 7 | 2 | 1 | 3 |
| | 5.30% | 2.30% | 10.30% | 5.30% | 1.90% | 1.90% | 0.90% | 3.00% |
| Not relevant | 86 | 33 | 18 | 16 | 271 | 76 | 89 | 73 |
| | 75.40% | 75.00% | 62.10% | 84.20% | 75.50% | 73.10% | 76.10% | 73.00% |
| Satisfied | 11 | 5 | 3 | 2 | 40 | 13 | 15 | 12 |
| | 9.60% | 11.40% | 10.30% | 10.50% | 11.10% | 12.50% | 12.80% | 12.00% |

| | | | | | | | | |
|--|--------|--------|--------|--------|--------|--------|--------|--------|
| Extremely satisfied | 2 | 0 | 1 | 0 | 17 | 6 | 4 | 6 |
| | 1.80% | 0.00% | 3.40% | 0.00% | 4.70% | 5.80% | 3.40% | 6.00% |
| | 114 | 44 | 29 | 19 | 359 | 104 | 117 | 100 |
| Police | | | | | | | | |
| Extremely dissatisfied | 48 | 15 | 16 | 8 | 107 | 32 | 40 | 28 |
| | 39.30% | 32.60% | 51.60% | 36.40% | 27.50% | 27.80% | 32.30% | 25.70% |
| Partially satisfied | 17 | 8 | 4 | 4 | 80 | 24 | 27 | 26 |
| | 13.90% | 17.40% | 12.90% | 18.20% | 20.60% | 20.90% | 21.80% | 23.90% |
| Not relevant | 37 | 15 | 5 | 5 | 113 | 30 | 32 | 30 |
| | 30.30% | 32.60% | 16.10% | 22.70% | 29.00% | 26.10% | 25.80% | 27.50% |
| Satisfied | 16 | 5 | 5 | 5 | 57 | 20 | 16 | 15 |
| | 13.10% | 10.90% | 16.10% | 22.70% | 14.70% | 17.40% | 12.90% | 13.80% |
| Extremely satisfied | 4 | 3 | 1 | 0 | 32 | 9 | 9 | 10 |
| | 3.30% | 6.50% | 3.20% | 0.00% | 8.20% | 7.80% | 7.30% | 9.20% |
| | 122 | 46 | 31 | 22 | 389 | 115 | 124 | 109 |
| Health Service (e.g. a GP or psychiatrist) | | | | | | | | |
| Extremely dissatisfied | 20 | 7 | 5 | 5 | 30 | 10 | 10 | 10 |
| | 17.10% | 15.90% | 17.90% | 22.70% | 7.80% | 8.90% | 8.00% | 9.30% |
| Partially satisfied | 15 | 3 | 9 | 1 | 51 | 15 | 18 | 13 |
| | 12.80% | 6.80% | 32.10% | 4.50% | 13.20% | 13.40% | 14.40% | 12.00% |
| Not relevant | 43 | 16 | 6 | 6 | 129 | 37 | 40 | 30 |
| | 36.80% | 36.40% | 21.40% | 27.30% | 33.50% | 33.00% | 32.00% | 27.80% |
| Satisfied | 32 | 15 | 5 | 10 | 114 | 33 | 38 | 32 |
| | 27.40% | 34.10% | 17.90% | 45.50% | 29.60% | 29.50% | 30.40% | 29.60% |
| Extremely satisfied | 7 | 3 | 3 | 0 | 61 | 17 | 19 | 23 |
| | 6.00% | 6.80% | 10.70% | 0.00% | 15.80% | 15.20% | 15.20% | 21.30% |
| | 117 | 44 | 28 | 22 | 385 | 112 | 125 | 108 |
| Informal help (e.g. from family and/or friends) | | | | | | | | |
| Extremely dissatisfied | 8 | 2 | 3 | 3 | 25 | 9 | 5 | 6 |
| | 6.70% | 4.40% | 10.30% | 13.00% | 6.40% | 8.00% | 3.90% | 5.30% |
| Partially satisfied | 17 | 4 | 5 | 3 | 40 | 16 | 12 | 8 |
| | 14.30% | 8.90% | 17.20% | 13.00% | 10.20% | 14.20% | 9.40% | 7.10% |
| Not relevant | 45 | 23 | 5 | 6 | 61 | 19 | 16 | 17 |
| | 37.80% | 51.10% | 17.20% | 26.10% | 15.50% | 16.80% | 12.60% | 15.00% |
| Satisfied | 29 | 9 | 9 | 9 | 155 | 41 | 55 | 44 |
| | 24.40% | 20.00% | 31.00% | 39.10% | 39.40% | 36.30% | 43.30% | 38.90% |
| Extremely satisfied | 20 | 7 | 7 | 2 | 112 | 28 | 39 | 38 |
| | 16.80% | 15.60% | 24.10% | 8.70% | 28.50% | 24.80% | 30.70% | 33.60% |
| | 119 | 45 | 29 | 23 | 393 | 113 | 127 | 113 |
| Something else | | | | | | | | |
| Extremely dissatisfied | 8 | 1 | 6 | 0 | 15 | 8 | 3 | 4 |
| | 9.90% | 3.40% | 31.60% | 0.00% | 5.90% | 10.40% | 3.90% | 5.60% |
| Partially | 0 | 0 | 0 | 0 | 2 | 1 | 0 | 1 |

| | | | | | | | | |
|----------------------------|--------|--------|--------|--------|--------|--------|--------|--------|
| satisfied | 0.00% | 0.00% | 0.00% | 0.00% | 0.80% | 1.30% | 0.00% | 1.40% |
| Not relevant | 67 | 26 | 12 | 14 | 217 | 65 | 68 | 57 |
| | 82.70% | 89.70% | 63.20% | 93.30% | 85.80% | 84.40% | 89.50% | 80.30% |
| Satisfied | 1 | 0 | 0 | 0 | 7 | 2 | 1 | 4 |
| | 1.20% | 0.00% | 0.00% | 0.00% | 2.80% | 2.60% | 1.30% | 5.60% |
| Extremely satisfied | 5 | 2 | 1 | 1 | 12 | 1 | 4 | 5 |
| | 6.20% | 6.90% | 5.30% | 6.70% | 4.70% | 1.30% | 5.30% | 7.00% |
| | 81 | 29 | 19 | 15 | 253 | 77 | 76 | 71 |

Question 13: If something else, please specify the service. If something else, please specify the service

Additional service providers identified by 7 respondents included report writers for the Family Court and Children's Independent Lawyers. These were generally mentioned in a negative context (with only one very positive comment).

The most commonly mentioned service for men was Dads in Distress (identified by 4 of 17 male respondents). Online and telephone supports were also mentioned by male and female respondents.

Question 14: If you used another family dispute resolution service, please specify which (e.g. Relationships Australia, Centacare, Anglicare, roundtable dispute management, legal aid conferencing etc.)

FDR services identified by female respondents included Relationships Australia (about 45% of respondents), Centacare (about 18% of respondents), LSC/Legal Aid (about 9% of respondents) and Anglicare (about 7% of respondents).

Question 15: Please provide any further comments you have on your satisfaction and the level of understanding and support from any of these services

For male respondents, when asked to elaborate on their satisfaction levels, the most commonly cited reason for their dissatisfaction was the view that male victims of violence were routinely disbelieved. They frequently mentioned the 'female bias' that they associated with the socio-legal system. This was a very consistent view explicitly expressed by almost half of the 65 male respondents to this question:

- *They across the board seem to have the attitude that fathers are the abusers.*
- *The government doesn't care about fathers and their children – only mothers and 'their' children – EXTREMELY DISSATISFIED.*

The most common responses from women related to their experiences in a socio-legal system, which they considered did not understand or acknowledge the nature and dynamics of family violence, particularly the power imbalance between abuser and abused. Many women commented on their ex's ability to present well in legal settings. They felt that the impact of fear and extreme distress from their experience of family violence meant they did not present well. They reported feeling re-victimized throughout the entire process because of their poor mental health and their diminished ability to negotiate safe and fair outcomes for themselves and their children. Some women also pointed to the fact that they themselves were not aware, or in denial, that their situation was one of domestic or family violence.

The theme of parental contact taking precedence over the safety of children was also present, as was the theme of being discouraged about raising issues of violence or fears about children's safety. Some dissatisfaction seemed to relate to the ability of some service providers to listen and offer emotional support, but not offer the practical help or influence on Court outcomes that respondents needed. It is possible that this accounts for some of the increase in dissatisfaction for domestic violence services post-2006.

Question 16: If you and your children HAVE NOT experienced family violence, HOW SATISFIED are you with the LEVEL OF UNDERSTANDING AND SUPPORT you have received from the following sources to assist you with issues relating to your separation and divorce?

99 women and 59 men answered this question.

In general, respondents who did not have a history of family violence also seemed to share low satisfaction levels with their counterparts who had experienced family violence. Overall, men were consistently more 'extremely dissatisfied' than their female counterparts.

However, in the absence of the issue of family violence, the dissatisfaction levels were not as high. For example, for men the highest level of 'extreme dissatisfaction', for the Child Support Agency, was reported by 32.7% male respondents. The next highest level of extreme dissatisfaction was for family dispute resolution services (21.8% of male respondents). For women, the highest level of 'extreme dissatisfaction' was also for the Child Support Agency (15.9%), followed by 11.1% of female respondents identifying extreme dissatisfaction with a private lawyer, although the same number reported that they were satisfied with their private lawyer. Indeed, in the absence of family violence, it appears that separating and divorcing adults were less likely to use services for support. In this group, the highest response rates for every one of the 20 service support options were for 'not relevant'.

The highest levels of dissatisfaction occurred for men who accessed services since 1995 *and* after 2006 (in particular for FRCs, FDR, the Family Court, LSC/Legal Aid, Community Legal Centres and lawyers in private practice). This might point to the fact that there were agreements or arrangements that were reworked after the 2006 amendments. This finding is less apparent in the data for women, although their extreme dissatisfaction with lawyers in private practice and

with the child protection services was also significantly higher where they had accessed services since 1995 *and* after 2006.

Informal help from family and friends again resulted in the highest levels of reported satisfaction for both women and men, although at lower overall levels than for those respondents in the cohort who had experienced family violence (37.5% of men reported that they were satisfied or extremely satisfied. 33% of women reported that they were satisfied or extremely satisfied).

Table 78: Number and percentage of male and female responses in relation to satisfaction levels with services to assist with issues relating to separation/divorce

| Q16 If you HAVE NOT experienced family violence, on a scale of 1-5, HOW SATISFIED are you with the LEVEL OF UNDERSTANDING AND SUPPORT you have received from the following sources to assist you with issues relating to your separation and divorce? | | | | | | | | |
|---|--------|---------------|----------------|------------------------------|--------|-----------------|------------------|--------------------------------|
| | Male | Male Pre 2006 | Male Post 2006 | Male since 1995 & after 2006 | Female | Female Pre 2006 | Female Post 2006 | Female since 1995 & after 2006 |
| Family Relationship Centre | | | | | | | | |
| Extremely dissatisfied | 7 | 3 | 0 | 3 | 8 | 1 | 5 | 2 |
| | 13.20% | 17.60% | 0.00% | 25.00% | 9.10% | 3.20% | 19.20% | 11.10% |
| Partially satisfied | 7 | 2 | 4 | 1 | 8 | 5 | 2 | 1 |
| | 13.20% | 11.80% | 30.80% | 8.30% | 9.10% | 16.10% | 7.70% | 5.60% |
| Not relevant | 34 | 11 | 7 | 6 | 67 | 24 | 18 | 12 |
| | 64.20% | 64.70% | 53.80% | 50.00% | 76.10% | 77.40% | 69.20% | 66.70% |
| Satisfied | 2 | 0 | 1 | 1 | 4 | 1 | 1 | 2 |
| | 3.80% | 0.00% | 7.70% | 8.30% | 4.50% | 3.20% | 3.80% | 11.10% |
| Extremely satisfied | 3 | 1 | 1 | 1 | 1 | 0 | 0 | 1 |
| | 5.70% | 5.90% | 7.70% | 8.30% | 1.10% | 0.00% | 0.00% | 5.60% |
| | 53 | 17 | 13 | 12 | 88 | 31 | 26 | 18 |
| Another Family Dispute Resolution Service | | | | | | | | |
| Extremely dissatisfied | 12 | 3 | 3 | 5 | 5 | 3 | 1 | 1 |
| | 21.80% | 16.70% | 21.40% | 41.70% | 6.00% | 9.70% | 4.30% | 5.90% |
| Partially satisfied | 5 | 2 | 2 | 1 | 4 | 3 | 1 | 0 |
| | 9.10% | 11.10% | 14.30% | 8.30% | 4.80% | 9.70% | 4.30% | 0.00% |
| Not relevant | 35 | 11 | 9 | 5 | 71 | 24 | 20 | 14 |
| | 63.60% | 61.10% | 64.30% | 41.70% | 84.50% | 77.40% | 87.00% | 82.40% |
| Satisfied | 2 | 1 | 0 | 1 | 2 | 0 | 1 | 1 |
| | 3.60% | 5.60% | 0.00% | 8.30% | 2.40% | 0.00% | 4.30% | 5.90% |
| Extremely satisfied | 1 | 1 | 0 | 0 | 2 | 1 | 0 | 1 |
| | 1.80% | 5.60% | 0.00% | 0.00% | 2.40% | 3.20% | 0.00% | 5.90% |
| | 55 | 18 | 14 | 12 | 84 | 31 | 23 | 17 |
| Family Court of Australia | | | | | | | | |
| Extremely dissatisfied | 8 | 3 | 1 | 3 | 6 | 3 | 2 | 1 |
| | 15.40% | 18.80% | 7.70% | 23.10% | 7.00% | 9.70% | 8.00% | 5.90% |

| | | | | | | | | |
|--|--------|--------|--------|---------|--------|--------|---------|---------|
| Partially satisfied | 9 | 1 | 2 | 5 | 9 | 6 | 1 | 2 |
| | 17.30% | 6.30% | 15.40% | 38.50% | 10.50% | 19.40% | 4.00% | 11.80% |
| Not relevant | 29 | 9 | 10 | 2 | 57 | 16 | 18 | 11 |
| | 55.80% | 56.30% | 76.90% | 15.40% | 66.30% | 51.60% | 72.00% | 64.70% |
| Satisfied | 6 | 3 | 0 | 3 | 10 | 5 | 3 | 2 |
| | 11.50% | 18.80% | 0.00% | 23.10% | 11.60% | 16.10% | 12.00% | 11.80% |
| Extremely satisfied | 0 | 0 | 0 | 0 | 4 | 1 | 1 | 1 |
| | 0.00% | 0.00% | 0.00% | 0.00% | 4.70% | 3.20% | 4.00% | 5.90% |
| | 52 | 16 | 13 | 13 | 86 | 31 | 25 | 17 |
| Family Court of Western Australia | | | | | | | | |
| Extremely dissatisfied | 3 | 2 | 1 | 0 | 1 | 1 | 0 | 0 |
| | 6.30% | 11.80% | 7.70% | 0.00% | 1.20% | 3.30% | 0.00% | 0.00% |
| Partially satisfied | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% |
| Not relevant | 45 | 15 | 12 | 9 | 80 | 29 | 22 | 16 |
| | 93.80% | 88.20% | 92.30% | 100.00% | 98.80% | 96.70% | 100.00% | 100.00% |
| Satisfied | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% |
| Extremely satisfied | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% |
| | 48 | 17 | 13 | 9 | 81 | 30 | 22 | 16 |
| Federal Magistrates Court | | | | | | | | |
| Extremely dissatisfied | 8 | 3 | 3 | 1 | 4 | 1 | 2 | 1 |
| | 15.40% | 17.60% | 20.00% | 10.00% | 4.80% | 3.30% | 8.70% | 5.90% |
| Partially satisfied | 3 | 0 | 1 | 2 | 2 | 1 | 0 | 1 |
| | 5.80% | 0.00% | 6.70% | 20.00% | 2.40% | 3.30% | 0.00% | 5.90% |
| Not relevant | 34 | 13 | 8 | 5 | 74 | 28 | 18 | 15 |
| | 65.40% | 76.50% | 53.30% | 50.00% | 89.20% | 93.30% | 78.30% | 88.20% |
| Satisfied | 4 | 1 | 1 | 2 | 3 | 0 | 3 | 0 |
| | 7.70% | 5.90% | 6.70% | 20.00% | 3.60% | 0.00% | 13.00% | 0.00% |
| Extremely satisfied | 3 | 0 | 2 | 0 | 0 | 0 | 0 | 0 |
| | 5.80% | 0.00% | 13.30% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% |
| | 52 | 17 | 15 | 10 | 83 | 30 | 23 | 17 |
| Legal Services Commission or Legal Aid | | | | | | | | |
| Extremely dissatisfied | 7 | 2 | 2 | 2 | 5 | 2 | 2 | 1 |
| | 14.30% | 11.80% | 15.40% | 22.20% | 6.00% | 6.50% | 8.30% | 6.30% |
| Partially satisfied | 3 | 0 | 2 | 1 | 3 | 2 | 0 | 1 |
| | 6.10% | 0.00% | 15.40% | 11.10% | 3.60% | 6.50% | 0.00% | 6.30% |
| Not relevant | 35 | 13 | 8 | 5 | 72 | 25 | 21 | 13 |
| | 71.40% | 76.50% | 61.50% | 55.60% | 85.70% | 80.60% | 87.50% | 81.30% |
| Satisfied | 2 | 1 | 0 | 1 | 2 | 1 | 0 | 1 |
| | 4.10% | 5.90% | 0.00% | 11.10% | 2.40% | 3.20% | 0.00% | 6.30% |

| | | | | | | | | |
|---------------------------------------|--------|--------|--------|--------|--------|--------|--------|---------|
| Extremely satisfied | 2 | 1 | 1 | 0 | 2 | 1 | 1 | 0 |
| | 4.10% | 5.90% | 7.70% | 0.00% | 2.40% | 3.20% | 4.20% | 0.00% |
| | 49 | 17 | 13 | 9 | 84 | 31 | 24 | 16 |
| Community Legal Centre | | | | | | | | |
| Extremely dissatisfied | 8 | 2 | 2 | 3 | 2 | 2 | 0 | 0 |
| | 16.70% | 12.50% | 15.40% | 33.30% | 2.40% | 6.70% | 0.00% | 0.00% |
| Partially satisfied | 0 | 0 | 0 | 0 | 3 | 2 | 0 | 1 |
| | 0.00% | 0.00% | 0.00% | 0.00% | 3.60% | 6.70% | 0.00% | 5.90% |
| Not relevant | 40 | 14 | 11 | 6 | 71 | 23 | 21 | 14 |
| | 83.30% | 87.50% | 84.60% | 66.70% | 84.50% | 76.70% | 91.30% | 82.40% |
| Satisfied | 0 | 0 | 0 | 0 | 4 | 2 | 0 | 2 |
| | 0.00% | 0.00% | 0.00% | 0.00% | 4.80% | 6.70% | 0.00% | 11.80% |
| Extremely satisfied | 0 | 0 | 0 | 0 | 4 | 1 | 2 | 0 |
| | 0.00% | 0.00% | 0.00% | 0.00% | 4.80% | 3.30% | 8.70% | 0.00% |
| | 48 | 16 | 13 | 9 | 84 | 30 | 23 | 17 |
| Lawyer in private practice | | | | | | | | |
| Extremely dissatisfied | 10 | 3 | 2 | 4 | 10 | 3 | 3 | 4 |
| | 18.90% | 17.60% | 13.30% | 36.40% | 11.10% | 9.70% | 10.30% | 23.50% |
| Partially satisfied | 10 | 5 | 2 | 3 | 16 | 8 | 4 | 2 |
| | 18.90% | 29.40% | 13.30% | 27.30% | 17.80% | 25.80% | 13.80% | 11.80% |
| Not relevant | 22 | 5 | 7 | 2 | 46 | 14 | 14 | 9 |
| | 41.50% | 29.40% | 46.70% | 18.20% | 51.10% | 45.20% | 48.30% | 52.90% |
| Satisfied | 5 | 2 | 0 | 2 | 10 | 4 | 4 | 0 |
| | 9.40% | 11.80% | 0.00% | 18.20% | 11.10% | 12.90% | 13.80% | 0.00% |
| Extremely satisfied | 6 | 2 | 4 | 0 | 8 | 2 | 4 | 2 |
| | 11.30% | 11.80% | 26.70% | 0.00% | 8.90% | 6.50% | 13.80% | 11.80% |
| | 53 | 17 | 15 | 11 | 90 | 31 | 29 | 17 |
| Mediator in private practice | | | | | | | | |
| Extremely dissatisfied | 5 | 3 | 1 | 0 | 5 | 2 | 3 | 0 |
| | 10.00% | 17.60% | 7.70% | 0.00% | 6.10% | 6.70% | 13.00% | 0.00% |
| Partially satisfied | 3 | 1 | 1 | 1 | 5 | 3 | 2 | 0 |
| | 6.00% | 5.90% | 7.70% | 10.00% | 6.10% | 10.00% | 8.70% | 0.00% |
| Not relevant | 40 | 12 | 11 | 8 | 72 | 25 | 18 | 16 |
| | 80.00% | 70.60% | 84.60% | 80.00% | 87.80% | 83.30% | 78.30% | 100.00% |
| Satisfied | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 |
| | 2.00% | 0.00% | 0.00% | 10.00% | 0.00% | 0.00% | 0.00% | 0.00% |
| Extremely satisfied | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| | 2.00% | 5.90% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% |
| | 50 | 17 | 13 | 10 | 82 | 30 | 23 | 16 |
| Counsellor in private practice | | | | | | | | |
| Extremely dissatisfied | 6 | 3 | 2 | 0 | 4 | 3 | 1 | 0 |
| | 12.20% | 18.80% | 15.40% | 0.00% | 4.80% | 10.30% | 4.00% | 0.00% |

| | | | | | | | | |
|----------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|
| Partially satisfied | 3 | 1 | 0 | 2 | 6 | 3 | 3 | 0 |
| | 6.10% | 6.30% | 0.00% | 20.00% | 7.20% | 10.30% | 12.00% | 0.00% |
| Not relevant | 33 | 10 | 9 | 6 | 60 | 19 | 18 | 13 |
| | 67.30% | 62.50% | 69.20% | 60.00% | 72.30% | 65.50% | 72.00% | 76.50% |
| Satisfied | 5 | 2 | 1 | 2 | 7 | 3 | 1 | 2 |
| | 10.20% | 12.50% | 7.70% | 20.00% | 8.40% | 10.30% | 4.00% | 11.80% |
| Extremely satisfied | 2 | 0 | 1 | 0 | 6 | 1 | 2 | 2 |
| | 4.10% | 0.00% | 7.70% | 0.00% | 7.20% | 3.40% | 8.00% | 11.80% |
| | 49 | 16 | 13 | 10 | 83 | 29 | 25 | 17 |
| Domestic violence service | | | | | | | | |
| Extremely dissatisfied | 5 | 2 | 1 | 1 | 3 | 1 | 1 | 1 |
| | 10.20% | 11.80% | 7.70% | 11.10% | 3.80% | 3.40% | 4.50% | 6.30% |
| Partially satisfied | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 |
| | 0.00% | 0.00% | 0.00% | 0.00% | 1.30% | 3.40% | 0.00% | 0.00% |
| Not relevant | 44 | 15 | 12 | 8 | 71 | 25 | 19 | 14 |
| | 89.80% | 88.20% | 92.30% | 88.90% | 88.80% | 86.20% | 86.40% | 87.50% |
| Satisfied | 0 | 0 | 0 | 0 | 3 | 2 | 1 | 0 |
| | 0.00% | 0.00% | 0.00% | 0.00% | 3.80% | 6.90% | 4.50% | 0.00% |
| Extremely satisfied | 0 | 0 | 0 | 0 | 2 | 0 | 1 | 1 |
| | 0.00% | 0.00% | 0.00% | 0.00% | 2.50% | 0.00% | 4.50% | 6.30% |
| | 49 | 17 | 13 | 9 | 80 | 29 | 22 | 16 |
| Child protection service | | | | | | | | |
| Extremely dissatisfied | 8 | 2 | 4 | 1 | 5 | 2 | 1 | 2 |
| | 16.30% | 11.80% | 30.80% | 11.10% | 6.30% | 6.90% | 4.50% | 12.50% |
| Partially satisfied | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| | 2.00% | 5.90% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% |
| Not relevant | 38 | 14 | 8 | 7 | 74 | 26 | 21 | 14 |
| | 77.60% | 82.40% | 61.50% | 77.80% | 92.50% | 89.70% | 95.50% | 87.50% |
| Satisfied | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 |
| | 2.00% | 0.00% | 0.00% | 11.10% | 0.00% | 0.00% | 0.00% | 0.00% |
| Extremely satisfied | 1 | 0 | 1 | 0 | 1 | 1 | 0 | 0 |
| | 2.00% | 0.00% | 7.70% | 0.00% | 1.30% | 3.40% | 0.00% | 0.00% |
| | 49 | 17 | 13 | 9 | 80 | 29 | 22 | 16 |
| Child welfare service | | | | | | | | |
| Extremely dissatisfied | 6 | 2 | 2 | 1 | 5 | 3 | 1 | 1 |
| | 12.20% | 11.80% | 15.40% | 11.10% | 6.20% | 10.00% | 4.50% | 6.30% |
| Partially satisfied | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% |
| Not relevant | 40 | 13 | 10 | 8 | 76 | 27 | 21 | 15 |
| | 81.60% | 76.50% | 76.90% | 88.90% | 93.80% | 90.00% | 95.50% | 93.80% |
| Satisfied | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| | 2.00% | 5.90% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% |
| Extremely | 2 | 1 | 1 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | | | |
|----------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|
| satisfied | 4.10% | 5.90% | 7.70% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% |
| | 49 | 17 | 13 | 9 | 81 | 30 | 22 | 16 |
| Child Support Agency | | | | | | | | |
| Extremely dissatisfied | 17 | 6 | 2 | 7 | 14 | 6 | 6 | 2 |
| | 32.70% | 35.30% | 14.30% | 63.60% | 15.90% | 20.00% | 22.20% | 11.80% |
| Partially satisfied | 10 | 4 | 3 | 2 | 11 | 5 | 1 | 4 |
| | 19.20% | 23.50% | 21.40% | 18.20% | 12.50% | 16.70% | 3.70% | 23.50% |
| Not relevant | 22 | 7 | 7 | 1 | 48 | 15 | 16 | 9 |
| | 42.30% | 41.20% | 50.00% | 9.10% | 54.50% | 50.00% | 59.30% | 52.90% |
| Satisfied | 3 | 0 | 2 | 1 | 15 | 4 | 4 | 2 |
| | 5.80% | 0.00% | 14.30% | 9.10% | 17.00% | 13.30% | 14.80% | 11.80% |
| Extremely satisfied | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% |
| | 52 | 17 | 14 | 11 | 88 | 30 | 27 | 17 |
| Centrelink | | | | | | | | |
| Extremely dissatisfied | 6 | 2 | 1 | 3 | 9 | 5 | 4 | 0 |
| | 12.00% | 11.80% | 7.10% | 33.30% | 10.20% | 16.70% | 14.80% | 0.00% |
| Partially satisfied | 2 | 0 | 1 | 1 | 12 | 6 | 3 | 2 |
| | 4.00% | 0.00% | 7.10% | 11.10% | 13.60% | 20.00% | 11.10% | 12.50% |
| Not relevant | 37 | 13 | 11 | 3 | 49 | 15 | 16 | 11 |
| | 74.00% | 76.50% | 78.60% | 33.30% | 55.70% | 50.00% | 59.30% | 68.80% |
| Satisfied | 5 | 2 | 1 | 2 | 15 | 3 | 3 | 3 |
| | 10.00% | 11.80% | 7.10% | 22.20% | 17.00% | 10.00% | 11.10% | 18.80% |
| Extremely satisfied | 0 | 0 | 0 | 0 | 3 | 1 | 1 | 0 |
| | 0.00% | 0.00% | 0.00% | 0.00% | 3.40% | 3.30% | 3.70% | 0.00% |
| | 50 | 17 | 14 | 9 | 88 | 30 | 27 | 16 |
| Religious person or group | | | | | | | | |
| Extremely dissatisfied | 3 | 2 | 1 | 0 | 1 | 1 | 0 | 0 |
| | 6.10% | 11.80% | 7.70% | 0.00% | 1.20% | 3.30% | 0.00% | 0.00% |
| Partially satisfied | 1 | 0 | 0 | 0 | 1 | 1 | 0 | 0 |
| | 2.00% | 0.00% | 0.00% | 0.00% | 1.20% | 3.30% | 0.00% | 0.00% |
| Not relevant | 41 | 13 | 12 | 8 | 70 | 24 | 19 | 15 |
| | 83.70% | 76.50% | 92.30% | 88.90% | 86.40% | 80.00% | 86.40% | 93.80% |
| Satisfied | 2 | 2 | 0 | 0 | 7 | 3 | 3 | 1 |
| | 4.10% | 11.80% | 0.00% | 0.00% | 8.60% | 10.00% | 13.60% | 6.30% |
| Extremely satisfied | 2 | 0 | 0 | 1 | 2 | 1 | 0 | 0 |
| | 4.10% | 0.00% | 0.00% | 11.10% | 2.50% | 3.30% | 0.00% | 0.00% |
| | 49 | 17 | 13 | 9 | 81 | 30 | 22 | 16 |
| Police Department | | | | | | | | |
| Extremely dissatisfied | 7 | 2 | 2 | 2 | 6 | 3 | 2 | 1 |
| | 14.00% | 11.80% | 14.30% | 22.20% | 7.30% | 10.00% | 8.70% | 6.30% |
| Partially | 2 | 0 | 0 | 2 | 4 | 3 | 0 | 1 |

| | | | | | | | | |
|--|--------|--------|--------|---------|--------|--------|--------|--------|
| satisfied | 4.00% | 0.00% | 0.00% | 22.20% | 4.90% | 10.00% | 0.00% | 6.30% |
| Not relevant | 37 | 13 | 10 | 5 | 70 | 24 | 20 | 13 |
| | 74.00% | 76.50% | 71.40% | 55.60% | 85.40% | 80.00% | 87.00% | 81.30% |
| Satisfied | 2 | 1 | 1 | 0 | 0 | 0 | 0 | 0 |
| | 4.00% | 5.90% | 7.10% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% |
| Extremely satisfied | 2 | 1 | 1 | 0 | 2 | 0 | 1 | 1 |
| | 4.00% | 5.90% | 7.10% | 0.00% | 2.40% | 0.00% | 4.30% | 6.30% |
| | 50 | 17 | 14 | 9 | 82 | 30 | 23 | 16 |
| Health Service (e.g. a GP or psychiatrist) | | | | | | | | |
| Extremely dissatisfied | 3 | 1 | 1 | 0 | 3 | 2 | 1 | 0 |
| | 6.30% | 5.90% | 7.70% | 0.00% | 3.60% | 6.70% | 4.20% | 0.00% |
| Partially satisfied | 3 | 1 | 2 | 0 | 9 | 4 | 3 | 2 |
| | 6.30% | 5.90% | 15.40% | 0.00% | 10.70% | 13.30% | 12.50% | 11.80% |
| Not relevant | 34 | 9 | 9 | 7 | 61 | 22 | 17 | 11 |
| | 70.80% | 52.90% | 69.20% | 87.50% | 72.60% | 73.30% | 70.80% | 64.70% |
| Satisfied | 5 | 4 | 0 | 1 | 7 | 1 | 3 | 3 |
| | 10.40% | 23.50% | 0.00% | 12.50% | 8.30% | 3.30% | 12.50% | 17.60% |
| Extremely satisfied | 3 | 2 | 1 | 0 | 4 | 1 | 0 | 1 |
| | 6.30% | 11.80% | 7.70% | 0.00% | 4.80% | 3.30% | 0.00% | 5.90% |
| | 48 | 17 | 13 | 8 | 84 | 30 | 24 | 17 |
| Informal help (e.g. from family and/or friends) | | | | | | | | |
| Extremely dissatisfied | 3 | 1 | 1 | 0 | 4 | 2 | 1 | 0 |
| | 6.30% | 5.90% | 7.70% | 0.00% | 4.70% | 6.70% | 4.00% | 0.00% |
| Partially satisfied | 3 | 1 | 1 | 1 | 6 | 3 | 2 | 1 |
| | 6.30% | 5.90% | 7.70% | 12.50% | 7.10% | 10.00% | 8.00% | 5.90% |
| Not relevant | 24 | 7 | 7 | 3 | 47 | 15 | 16 | 8 |
| | 50.00% | 41.20% | 53.80% | 37.50% | 55.30% | 50.00% | 64.00% | 47.10% |
| Satisfied | 10 | 5 | 3 | 2 | 19 | 7 | 4 | 5 |
| | 20.80% | 29.40% | 23.10% | 25.00% | 22.40% | 23.30% | 16.00% | 29.40% |
| Extremely satisfied | 8 | 3 | 1 | 2 | 9 | 3 | 2 | 3 |
| | 16.70% | 17.60% | 7.70% | 25.00% | 10.60% | 10.00% | 8.00% | 17.60% |
| | 48 | 17 | 13 | 8 | 85 | 30 | 25 | 17 |
| Something else | | | | | | | | |
| Extremely dissatisfied | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 |
| | 0.00% | 0.00% | 0.00% | 0.00% | 1.60% | 3.80% | 0.00% | 0.00% |
| Partially satisfied | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 |
| | 5.00% | 0.00% | 11.10% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% |
| Not relevant | 34 | 11 | 7 | 7 | 61 | 25 | 15 | 8 |
| | 85.00% | 84.60% | 77.80% | 100.00% | 95.30% | 96.20% | 93.80% | 88.90% |
| Satisfied | 1 | 1 | 0 | 0 | 1 | 0 | 0 | 1 |
| | 2.50% | 7.70% | 0.00% | 0.00% | 1.60% | 0.00% | 0.00% | 11.10% |
| Extremely | 3 | 1 | 1 | 0 | 1 | 0 | 1 | 0 |

| | | | | | | | | |
|------------------|-------|-------|--------|-------|-------|-------|-------|-------|
| satisfied | 7.50% | 7.70% | 11.10% | 0.00% | 1.60% | 0.00% | 6.30% | 0.00% |
| | 40 | 13 | 9 | 7 | 64 | 26 | 16 | 9 |

Question 17: If something else, please specify the service

Of the 7 relevant responses to this question, 2 respondents identified Dads in Distress. Victims of Crime, the Employee Assistance Program, a bank, community justice centre and a homeless person's telephone line were each identified by the remaining 5 respondents.

Question 18: If you used another family dispute resolution service, please specify which (e.g. Relationships Australia, Centacare, Anglicare, roundtable dispute management, legal aid conferencing etc.)

Of the 20 relevant responses to this question, 12 respondents identified using Relationships Australia, 3 respondents identified Legal Aid, 2 identified Centacare, one identified a community justice centre, one identified Rosemount and one identified Unifam.

Question 19: Please provide any further comments you have on your satisfaction and the level of understanding and support from any of these services

There was a low response rate to this question. However, a few distinct themes emerged which helped to make sense of the significant dissatisfaction with services expressed by respondents who had not experienced family violence. Some dissatisfaction was expressed by women through general comments such as 'little understanding' and 'it sucked'. Positive comments about domestic violence services and a community legal centre were also made by female respondents who had experienced family violence.

Men's dissatisfaction again related to perceptions of gender bias present in the socio-legal system. Such views were expressed by about half of the male respondents to this question. Other responses were mostly of a general nature and related to incompetence and limited assistance ('a waste of time').

Question 20: Have you ever felt pressured to allow your children to see your EX even though you thought it was inappropriate?

562 people responded to the question with 131 responses from men and 431 from women. Overall, 66% of respondents said they had felt pressured to allow their children to see their EX even though they thought it was inappropriate.

There was a polarised response according to gender with 74% of women saying they had been pressured to allow their children to see their ex-partner even though they thought it was inappropriate, compared to 38% of men. These responses may reflect the nature of the women's

primary care role and the consequent gendered direction of pressure to have contact. The gendered pattern of responses may also reflect gender differences in the qualitative experiences of violence of the men and women and/or a culture of professional practice which validated and affirmed father-child contact ahead of allegations of violence or abuse.

There were 175 responses from parents who separated before 2006 and 174 from those who separated after 2006. There were significant differences between these groups.

Of the 175 pre-2006 responses, 61.1% said they had been pressured into agreeing to inappropriate contact. There were 49 responses from men and 126 responses from women. 36.7% of men said they had been pressured into agreeing to inappropriate contact compared to 70.6% of women respondents.

There were 174 responses from people who had separated after 2006, with 36 from men and 138 from women. Overall, 74.6% said they had felt pressured to allow their children to see their EX even though they thought it was inappropriate. 83% of women respondents and 50% of men respondents said they had felt such pressure.

In summary, the analysis of the data indicates that the 2006 changes to family law significantly increased pressure on the parents to agree to inappropriate contact with their ex-partner.

Question 21: If yes, why did you think it was inappropriate?

Respondents were asked why they thought contact was inappropriate for their children, with 54 responses from men and 312 responses from women.

Mothers named risks to their children including the child's developmental needs, children's fear of their father and negative reactions to spending time with him, his mental illness, poor parenting skills, physical, sexual and emotional abuse of the children, exposure to drug taking at the father's house and threats to kill the child.

- *A Federal Magistrate Judge made a ruling that I return to my ex-husband's town with the child and hand over our 19 month old to my ex on a Friday afternoon and pick him up on a Monday morning-without me. This was August; the child had not seen my ex since February. IT WAS EXTREMELY INAPPROPRIATE AND INHUMANE TO DO THIS TO A BABY!!*
- *Sexual abuse and violence were occurring.*
- *He was mentally unstable*
- *I was pressured to agree to my ex undertaking to read a parenting book and not smoke marijuana during visits. His unwillingness to improve his parenting meant that these promises were always going to be empty. He was not held accountable, and I was left fearing for my son's safety. It would have been safer if my ex had less contact, or if it was supervised; but neither of these were given any support.*
- *They both expressed to professionals that they did not want to go because they were scared of him, yet they were given no choice but to go week about. One time, my son came home and said 'I'm amazed that I survived last week. I thought I was going to die'. My daughter*

said that she wanted to stop going to her father's altogether because of the abuse, which she maturely and clearly articulated. She was told that unless she told him that directly she must continue to go 50/50. She said that she was too afraid of telling him and gave 3 clear examples of the fear that she felt. The counsellor insisted that unless she has the conversation with her father, she must continue week about.

- *The courts have the view that children have the right to see and have a meaningful relationship with both parents; they are prepared to sacrifice the safety of the children and mother to achieve that end.*
- *He physically abused the children, and emotionally has for many, many, many years, but no one believes me and they are more concerned with the other parent's rights and what they believe is right for the child, but now both children are damaged and older and hide in their house each Friday in fear of their father coming up to the school and trying to take them, at 16 and 13.*
- *He threatened to kill child. No one wanted to know about it. DOCS investigated and confirmed complaint but then said it was a family court matter.*
- *After the kids told me about the shower molestation incident.*

Fathers named issues including abuse of the children by the mother or her boyfriend, poor parenting skills, her mental illness, exposure to drug abuse, leaving young children alone, not revealing her address, disrupting fathers' access time and manipulating the child's feelings.

- *My child was made to feel guilty for having contact with me*
- *My EX abused alcohol and marijuana, and was at times incapable of parenting, cooking meals etc.*
- *I don't like leaving my son with his mother when she is being abusive or threatening or is acting angrily towards him, but the court orders stop me from doing what I think is best to protect him, and she will take advantage of any breach that I make to protect him and will try to take him away from me to punish me.*
- *She is unstable*
- *He does not want to see her - this is currently happening with the FRC. He has seen her lies first hand, by talking to school counsellor; what she says to counsellor that she said to my son is Not what she said to him.*

Fathers did not raise the developmental needs of children as an issue. Fathers also expressed concern principally in relation to their beliefs about the mother, whereas mothers' concerns extended to include not only the father's conduct, but also the beliefs and practices of professionals in the family law system which enabled injury and harm to their children.

Question 22: If yes to question 20, what was the source of this pressure?

Respondents who felt they had been pressured to agree to inappropriate arrangements were asked to identify the source of the pressure. Forty-nine men and 299 women provided responses.

Women named their ex partner and sometimes their children as a source of pressure but also lawyers, Family Court personnel, mediators, child protection departments, Police, family relationship services, the Child Support Agency and the 'family law system' in general.

- *Family court judges, registrars, the other party's solicitor, the court appointed Family Consultant, the Legal Aid employed 'Children's Rep', Legal Aid 'court Duty Officers', court appointed psychiatrists, psychologists, counsellors & anyone else who stands to make a buck at the expense of my daughter's safety.*
- *My son at that time still wanted to see his dad*
- *My first solicitor disregarded the violence and said 'You have to give him 50/50 access, that is the law now unless you have a dead child or documented evidence of extreme physical violence'*
- *Court orders. Went back to Judge for review. He said nothing wrong with father applying cream to 10 year old daughter's genitals. My SC scolded Judge and ICL disagreed too. This Judge is only allowed to do Reviews, not full hearings because of complaints against him. Judge refused to stop ex's overnight access to daughter even though we wanted to give him MORE time than he currently has but just during the day and reduce to only one night at a time.*
- *He threatened to inform the child support agency if I did not let the children go to him and he would make my life and the children's more difficult.*
- *The 'system' - my ex would not agree to an arrangement that gave him any less time with the kids than 50/50. It was not until both kids suffered severe emotional and physical ill health that the system agreed that 50/50 was not appropriate. At the time of our separation, we went to Family Transitions. As part of that process, the kids were assessed by a child psychologist who recommended that the kids live primarily with me and predicted virtually everything that the kids eventually suffered if that arrangement was not put in place. My EX rejected her recommendation, and filed proceedings seeking sole residency. The evidence was Family Transitions was inadmissible and the kids were assessed by someone else. By then, they were traumatised and had been subjected to so much pressure and conflict that they no longer spoke freely. Since then, they have been dragged to several experts and I now believe that have also been subjected to systems abuse.*
- *Threats of death, threats of prison by lawyers and Judges, threats that I will lose my child by lawyers and Judges*
- *The pressure was that once again, like every time HE breaches the order, we go back to court, the judge agrees that it was a reasonable request and I get told off AGAIN for not*

wanting my girls to see their father. It is insane. We've been back for 4 breaches now (his) where I've got into trouble, even though HE is going against the ruling and then he dragged me back to court last month because I was 30 minutes late for the girls because I had a flat tyre (and have evidence) and again I got into trouble. Can you see where the pressure comes from?

- *The children's father and his family.*
- *My ex's threats. And Family law. I called the legal aid advice line and they said that if I didn't leave the kids with him that I would be breaking family law, regardless of whether I felt they were safe or not. They said that how he parents in his time is up to him.*
- *Threats of suicide and/or harm to self and/or children*
- *supervised access centre did not recognise the severity of his behaviour*
- *Federal Magistrate 'Recovery Order' ruling, if I didn't comply, the baby would be taken away from me and given full custody to my ex (who was abusive and tried to commit suicide twice! Very unstable!)*

Men also identified the family law system and professionals within the system as a source of pressure, particularly where there were court orders. Men also said their children and the mother were sources of pressure. Some men thought if they did not comply, the mother would thwart future contact with the child.

- *Daughter's wishes to see her half-brother.*
- *He (the boyfriend) was violent toward me and the child's mother asked if my daughter could attend his birthday party. If I did not agree...in future she would use this against me when I wanted to see my child for my family gatherings.*
- *Status quo in family law. I had no choice*
- *My son really wanted to see his mother and I ended up letting him go even though I still have no idea where she took him, who she visited, etc*
- *If I don't do as she says, she will wait until I have booked holidays with the kids then refuse access.*
- *The court orders which I have to follow even though my son is not being properly cared for nor is he safe in his mother's care.*

Men's accounts of pressure mainly focused on the requirements of family law, their children's wishes and mothers' actions. Unlike the mothers' accounts of pressure, relatively few men expressed concern about serious abuse of children during contact with the mother. Some fathers appeared to view contact as inappropriate if they could not monitor the mother during contact. In contrast mothers provided accounts of being told by various professionals that the serious abuse of their children was not sufficient to stop or change contact provisions. Mothers were also much more

afraid of being taken to court and losing residence of their children or being berated or seen as bad mothers for trying to protect their children from harm.

Question 23: If you were pressured to allow your children to see your EX even though you thought it was inappropriate, were there any consequences of allowing the children to spend time with your EX?

Respondents were asked to identify if there were any consequences for the children from being exposed to inappropriate contact. There were 335 responses with 50 from men and 285 from women. Women named a range of adverse physical, emotional and psychological injuries to their children arising from inappropriate contact including sexual abuse, physical assaults nightmares, obsessive compulsive disorder, anxiety, traumatisation and alienation from them. Mothers often described particular incidents or behaviours which concerned them, as well as describing the need for professional therapeutic services for their children, and adverse impacts on their children's health and education.

- *My child ended up unconscious and apparently I had no choice other than to allow my ex time with my baby coz 'it was the law'.*
- *Near death of one child, physical, emotional and sexual abuse.*
- *My daughter was not able to sleep at night for a few days following the visit & would cry the night before. If I didn't force her to have supervised contact the court said I would go to prison.*
- *Ever seen a baby have nightmares??? We are now frequenting a local GP as the nightmares are to the point that the baby will no longer sleep. Baby is now too scared to sleep...*
- *He was sexually physically and emotionally abused by his dad.*
- *My 7yo has had difficulty trusting adults, takes a long time to make friends, and has been a slow learner at school. He has been withdrawn, and is usually withdrawn when he knows it is the day he goes to my EX. He often cries the night before contact and repeats that he doesn't want to go. My older child is often aggressive toward my younger child, and is disrespectful to me, especially on return from contact. He has also been cruel to animals and does not express remorse at any of these behaviours.*
- *My son has anxiety and is borderline obsessive compulsive disorder. I now have to continue his CBT and stay in contact with the psychologist for assistance when things are bad for my son.*
- *the children have been emotionally harmed and confused as the father talks about me to them and confuses them, e.g., 'mum broke up our family, you lived with me because she didn't want you', etc*
- *They suffered abuse and criticism from him, and generally came home feeling like he hates them.*

- *Recently she has received a hairline fracture of the left arm.*
- *He taught my daughter to kick me in the stomach, to karate chop my nose, he taught her oral sex on a balloon, and he taught her to simulate anal sex constantly and she used to tell me things like 'when someone hops on your back you can't breathe mummy' and he taught her to pinch my nipple and at 3 yrs old she told me that daddy had taught her to do that.*

Men's accounts of harm to their children did not commonly link to particular incidents of harm. No sexual assault by mothers was identified however exposure to sexual advances by others and physical abuse were named in a few cases. Men named alienation from them as an issue, along with children's emotional problems. Some fathers named mother's poor parenting as exposing their children to abuse and neglect.

- *Total alienation*
- *My daughter tried to commit suicide*
- *They were beaten*
- *The consequence is that they believe that the ex has all say about their parenting.*
- *Not sure. Try to balance bad influence when I have my daughter*
- *Emotional hang-ups, social problems.*
- *My son is put at risk when he is left in a car alone at night, he is sick because she neglects him, he suffers emotionally because he is abused or brainwashed for the week he is with her.*
- *My daughter was subjected to sexual advances by my ex's new boyfriend at last contact visit, now being pursued through criminal action, which has compounded the emergence of PTSD in her.*
- *Our child is currently getting counselling through school to help him adapt*
- *I hardly see my son or him his father. He lost his love for his sister. He is constantly being treated for medical conditions he does not have like asthma. He is constantly screaming and suffering other emotional and developmental conditions while in her care according to the reports. I am broke and entering into bankruptcy. My son has a stronger connection to his grand parents and my ex's boyfriend (He calls him daddy) than he does with me. He never gets to see me when he is sick due to sick certificates for colds and non existent medical condition such as the false peanut allergy attack.*

Question 24: If so, please explain what the consequences were

A further question asked respondents to explain the consequences of inappropriate contact for their child. There were 230 responses with 40 from men and 190 from women.

Mothers' responses noted that there were no apparent consequences for their ex partner's abuse of them or their children or for not complying with parenting agreements or court orders. Most of the

mothers' responses focused on consequences for their children, which included exhaustion, illness, regressed toileting, poor sleep, nightmares, weight loss and failure to thrive, crying, aggression, anxiety, neglect and continuing exposure to physical, sexual and emotional abuse. Some mothers also noted the impacts of their child's distress on their own well-being, including suicidal ideation, emotional breakdown and children blaming them for their situation.

- *No consequences for ex.*
- *They returned exhausted, both returned home sick, one child stopped using the toilet when having bowel movements and the other wet the bed frequently.*
- *Poor behaviour at school. Aggressive and angry at home with me. Teary, poor sleep and clingy.*
- *The children go through a traumatic process each time they are forced to stay with him. Emotionally - they are given no love and support; physically - they are not fed breakfast, nor given a drink for hours. Safety is at risk due to the alcohol abuse by the ex, even driving around with them whilst drunk.*
- *Son having to see a psychologist.*
- *Two anxious withdrawn children who used to hug anyone and everyone and have huge smiles on their faces.*
- *Her ongoing sexual abuse*
- *My son doesn't trust his father and has nightmares that he's a zombie who is sucked into a vortex by 58 demons. The child is 8.*
- *The children have expressed their wishes very clearly to not visit him again interstate....they would however like for him to visit them*
- *The baby was so young, he fretted for me, he lost weight and wouldn't eat.*
- *My son came back with vomiting and diarrhoea and extreme nappy rash. He had been sitting in a wet nappy for hours and he had been fed foods he was acutely intolerant to.*
- *Mainly psychological to me. When I had to hand my daughter back to her father after the incident where she pinched my nipple - he smirked at me and I got into my car and drove at about 180km an hour down the main street and just wanted to kill myself.*
- *He used his time with the children to impose his own warped beliefs about masculinity on them, and to denigrate me at every opportunity. During the last contact weekend that he had with the children, he started a fight with his brother which was witnessed by my children. The children were returned to me in an extremely agitated state. I found out the next day that my ex had continued the fight with his brother, and had stabbed him to death during the fight. The experience and knowledge of that, not to mention now living with the fact that your dad killed your uncle, has been very damaging for my children.*

Fathers' responses nominated loss of contact with their children and emotional damage to their children due to the mother's poor parenting as the main themes in assessing consequences of inappropriate contact. Fathers also felt the family law system was against them.

- *I haven't seen them for three years now.*
- *Twice she gained minimal access when the court ordered none and twice she was found to be abusive and neglectful.*
- *Without doubt child has been subject to family violence to undesirable (perhaps abusive) experiences. He is undoubtedly a changed/changing child.*
- *Increased vitriol from my ex and erratic behaviour.*
- *My EX planned activities and bragged about them before and during contact*
- *My son is emotionally damaged and upset, unable to cope with normal day to day things which other children cope fine with.*
- *Look every thing between me and the mother of the children is not going well. Myself I can not do anything because the law is not fair. The law always stands beside bad women and everyone knows this, in the west no justice.*
- *My son and my daughter have lost their family for the last two and a half years. I am broke. My children are in an emotional nightmare.*

Question 25: have you ever tried to show service providers in the family law system that your EX was trying to stop your children from seeing you?

Respondents were asked if they had ever tried to show professionals in the family law system that their ex-partner was trying to stop the children from seeing them. There were 541 responses with 142 from men and 400 from women. A total of 24.8% of respondents answered 'Yes' to the question. 53.5% of men and 24.8% of women said they had tried to show family law service providers that their EX was trying to stop their children from seeing them. The gender difference in concern about prevention of child contact reflects the gendered post-separation patterns of care for children wherein mothers are more likely to have primary care.

Question 26: If yes, why did you take this course of action?

Those who said they had raised the issue of prevention of contact with family law professionals were then asked why they had taken this course of action. 77 men and 60 women detailed why they had tried to show family law professionals that their ex was trying to stop them seeing their children.

Women's responses referred to children being abducted by the other parent, the ex preventing children from having contact with them, alienating the children from them and breaching court orders for contact

- *Because of all the lies he was telling, I believed he was trying to get them taken from me altogether.*
- *Because the ex broke into my home at 4am and forcibly removed the children, following the separation. Police and courts were involved but it took some 3 weeks for me to get my children back. In the meantime, he refused all contact and refused to take them to school, somewhat keeping them prisoner.*
- *Other party kidnapped the children*
- *To make them see that he was trying to isolate my daughter from me*
- *I have shared parenting but the father lives in Melbourne and me in Brisbane with the child. The father tries to turn the child against me on every holiday contact visit*
- *My solicitor, barrister were well aware that my ex husband was not allowing me to see the children but did they ever speak in court? NEVER!!!! Nobody cares anyway.*
- *Because I wanted to have at least some contact with my children and I had a court order to say that I had 50% parenting rights!*

Men's responses did not refer to abductions or kidnappings, but included reports that mothers had breached contact orders, prevented contact, made false allegations and sought to alienate the children from them. Men also complained that mothers made decisions which impacted on child support payments. One father indicated that he would otherwise 'take the law into his own hands', perhaps indicating that he would otherwise use force to achieve contact with his children.

- *Because my children had stressed that they wanted an ongoing relationship with me.*
- *Because it is wrong*
- *the ex always made the children feel guilty for spending time with me or had something better they could be doing*
- *I have desperately limited time with the children as it is. And yet, I am expected to support other decisions that the ex makes around parenting such as school - and the CSA then require me to pay for those decisions.*
- *Because that is what she was doing. We recorded the court ordered calls, had witnesses to the calls including police and psychologists and social workers.*
- *To try and prove there was Parental Alienation and Vindictive Acts against me.*
- *Because I was only being allowed to see them 1 in 2 times I asked, and I asked less and less frequently because it was so difficult, and I was having false accusations being made against me.*

- *To prevent myself from being the next father to take the law in to his own hands.*
- *Because my ex was trying to stop me from seeing my children... duh!*
- *It was allegations that had no substance and was only done for a monetary gain on her behalf, took 12 months to prove this and she was proven to be in the wrong but didn't have to back pay the extra moneys that CSA made me pay due to her not letting me have contact*

Although men's and women's responses shared some similar experiences there were some significant differences. Men did not complain of child abductions or refusal to return children and women did not complain of the child support impacts of the parenting arrangements. Both men and women referred to parental alienation, prevention of contact, breach of court orders and the fear of losing contact with their children.

Question 27: If yes, were the service providers able to assist in resolving your concerns?

Respondents who had raised their concerns with family law service providers about their ex trying to prevent them having contact with their children, were then asked if the services had been able to assist them to resolve their concerns. There were 127 responses with 70 from men and 57 from women. Out of the 127 responses, 16 (12.6 %) indicated a positive response.

Thirty-nine responses were from parents who separated after July 2006. Twenty were from men and 19 from women. Five men (25%) indicated they had received some positive assistance and 3 women (16%) gave positive responses.

Women's 'positive' responses

- *Eventually*
- *Women's Law WA*
- *Yes, but it cost me tens of thousands of dollars.*

Women's 'negative' responses

- *No, it was not even addressed. The next holidays I rang and his excuse for me not getting to talk to my son was that he left his mobile phone at home, so he continues to do this with no consequences.*
- *No, because the counsellor's advice was to walk away from the situation... it was safer for me and the children if I did this (prior to leaving, my EX had driven the car with us all in it, on the wrong side of the road going up a very dangerous hill in our town). I informed the Family Court counsellor of this and her advice was 'you've done all you can do -- stay safe'*
- *No, police refused to retrieve my children given that no court order was yet in place. They advised me that all I could do was to 'break into the ex's house and steal them back', otherwise go through the courts to get a recovery order, which I did.*

- *No. They tell me that there is no evidence of this occurring. Despite the children telling them of it, and my diary notes.*
- *No - these concerns were not addressed in the divorce proceedings. I was referred to DVCS and Rape Crisis services for support with these issues. It was suggested I could take out a restraining order if I had concerns, not use the family court system.*

The data indicate that positive outcomes for women from family law services responses to lack of contact were uncommon, slow and often expensive. Women reported that non-compliance with orders had no consequences for the men concerned. Women who had experienced violence were not assisted to have contact with their children by the family law system - one woman noted that she was advised to 'walk away' from her children in order to protect her own safety. The data makes visible the outcomes for women whose children have residency or shared parenting with a violent or abusive ex-partner. Continuing opportunities for abuse or violence present around contact handover, forcing some women to choose between their own safety and survival and their relationship with their children.

Men's 'positive' responses

- *Only my private solicitor was. CSA and the police didn't care.*
- *Yes but it's only temporary. She gets a slap on the wrist, does what the court order states but soon reverts to creating as much trouble as she can.*
- *I had to go to court 3 times for interim orders to see my children, override AVO and allegations, and final hearings. Spent \$76,000 dollars in legal fees.*
- *Yes the matter was listed for hearing, and my solicitor explained quite confidently that if the ex didn't turn up I would get the recovery order. That was about the only statement relating to potential court outcomes my solicitor made in which she sounded totally confident.*

Men's negative responses

- *Not really. The family law in this country is hopeless.*
- *No, never. They usually tried to diminish the significance of what I was saying, or pacify my concerns. My EX is very credible, and no-one considered that she would be partaking in Parental Alienation (that was always a dirty word too). Guess what - it's a reality. Who wins? No one. Who loses? My children.*
- *No. RA and FDR have no teeth. Ex agreed that she was preventing the kids from seeing me but challenged them to be able to do anything about it. She was right - they couldn't do a bloody thing unless she agreed. And the 'report' they wrote couched her admission in such airy-fairy non-committal terms it was useless in court.*
- *not really, we went to court appointed social worker and the report was extremely favourable to me and very against ex's claims, but when we went back to court the magistrate didn't even read the document - he just told us to stop wasting the court's time & for my ex to resume contact - which she didn't.*

Men also rarely reported positive outcomes and also complained of delays, costs and the lack of consequences for breaches of orders. In their comments of negative outcomes, men noted their frustration that even though they were assessed favourably by family law services, this did not translate in court to their satisfaction. It is noteworthy that men included the Child Support Agency as a family law service which they expected to intervene in contact disputes. Unlike women, men did not raise their personal safety or the safety of their children as an issue relevant to having child contact.

Question 28: If yes, how did they help?

Respondents who said that family law services had helped them with their contact concerns were asked to give details about the help they received. There were 49 responses with 31 from men and 18 from women.

Women's responses

- *The Family Court counsellor helped me realise that walking away from the situation was better for my children's safety and also my own.*
- *Ready for action if the kids did not return*
- *Child returned YET NO CHARGES LAID... legal services commission then involved and gave officers a 'reprimand' for failure in their duty of care*
- *Sent letters to ex about behaviours*
- *They simply stated the facts. I could care for my son during the week, so why was my ex limiting my time with our son during the weekends. My ex was playing the mental health card and kept using my hospitalisation against me.*

Men's responses

- *He explained the process of PAS and my probability of success*
- *I subsequently found out that my solicitor had spoken with my ex by phone. I have absolutely no doubt my solicitor explained to my ex the likely outcome of the 1st hearing should my ex choose not to attend. I have no doubt it was explained with the same confidence as when explained to me. My ex appeared at that first hearing, leading to consent orders, most definitely 'In the shadow of the court'*
- *Advised me and my father to keep lobbying to change the flawed pro-complainant Family Violence Act Legislation and the Safe At Home policy which invites abuse by malicious people.*
- *By writing a supportive family report.*
- *Lawyer in Private Practice was able to quickly ensure I received access*
- *The magistrate immediately resumed contact.*

- *Forcing the ex to allow our child to see me*
- *Court orders were required just to see my children. Took 2 years for final hearing.*

Men's responses showed that they had found court processes effective in enabling them to see their children, even though these could be slow and expensive. Men appeared to have been actively supported by family law professionals by them explaining and using the discredited 'Parental Alienation Syndrome' (Hoult, 2006), writing supportive family reports, supporting the idea of false allegations of violence and intervening with the other party to force compliance.

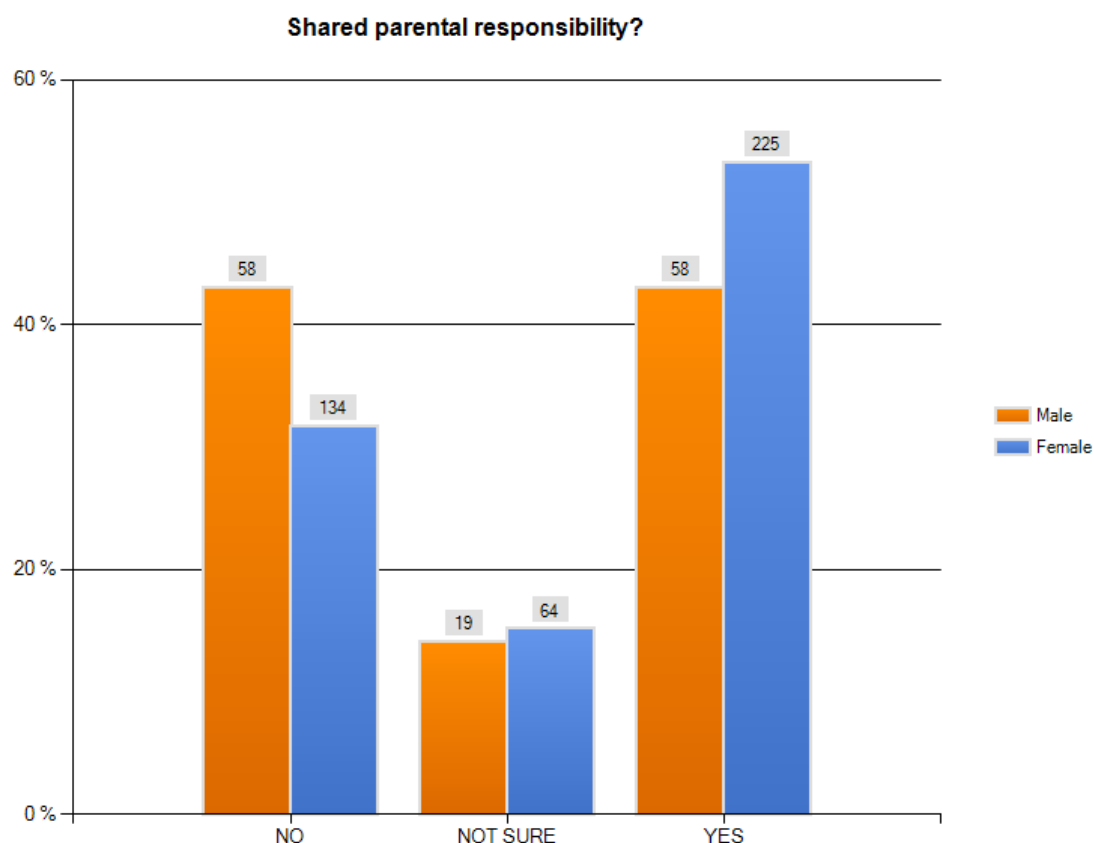
In contrast to men's experiences, women did not report successful court outcomes, but rather they reported that they received support to cope with the fathers' violence or abuse and with his non-compliance with parenting arrangements.

Appendix 6(h): Online survey with adults

Section 9: The *Family Law Amendment (Shared Parental Responsibility) Act*

Question 1: If you have experienced family violence have any of the following factors affected what you wanted to do since you have separated – Shared parental responsibility? If yes, please explain how

Graph 84: Number and percentage of male and female respondents who had experienced family violence and whether or not ‘shared parental responsibility’ had affected what they wanted to do post-separation



More respondents – 51% compared to 34% - said ‘yes’, shared parental responsibility had affected what they wanted to do post separation. A greater proportion of women (53%) than men (43%) reported that shared parental responsibility had affected their behaviour post-separation. 15% of all respondents indicated that they were unsure whether it had affected what they wanted to do post-separation.

The qualitative responses to the questions about how shared parental responsibility and shared care of children had affected them post-separation were predominantly negative. The terms 'shared parental responsibility' and 'shared care' were often used interchangeably by respondents, suggesting some confusion about the distinction between the two terms and the morphing of shared parental responsibility into shared care, recently noted by Chisholm (2009).

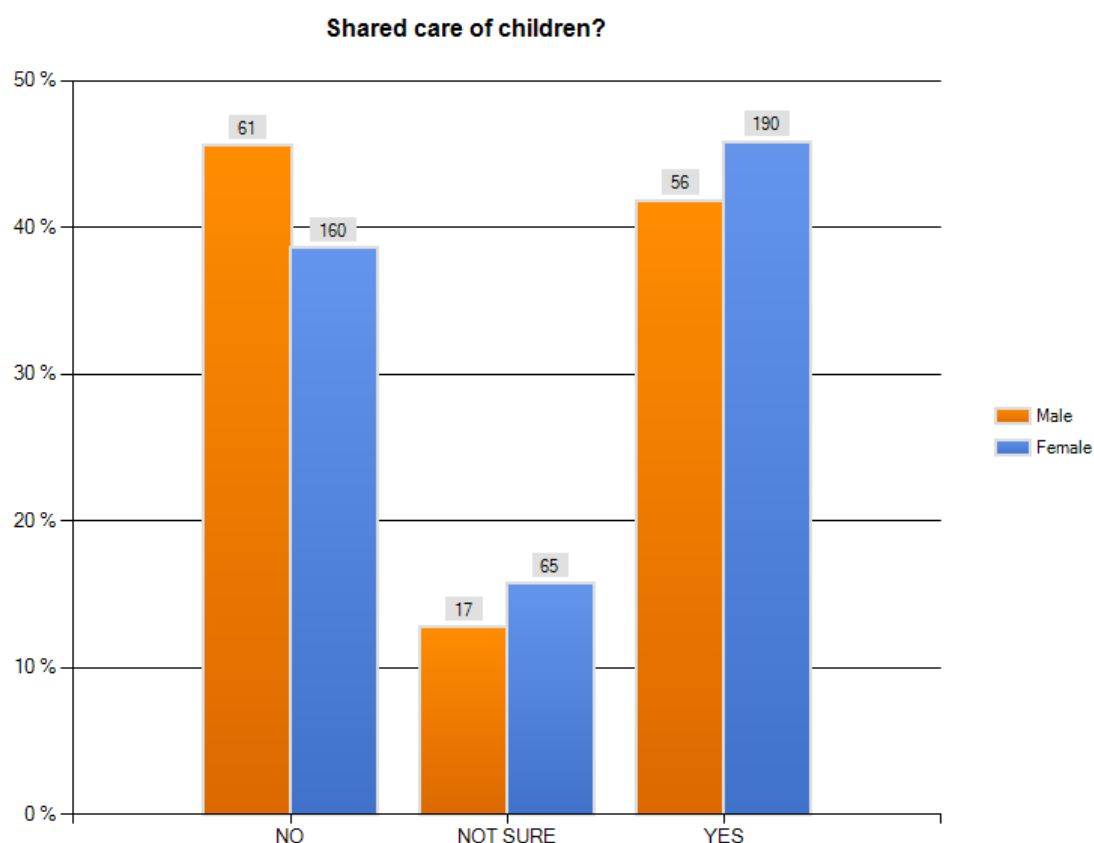
The main theme to emerge from responses to the concept of shared parental responsibility related to the difficulty of establishing the kind of co-operative post-separation relationship required for meaningful and safe shared parental responsibility to occur in the context of past or ongoing family violence. The main problems relating to the practical workings of shared parental responsibility were dissatisfaction with their ex partner's influence on decisions about children (such as school choice, medical care and access to counselling) and feelings of injustice that a previously uninvolved parent was given formalised responsibility which could enable them to undermine or sabotage the other parent's care for the children. The following quotes represent typical responses:

- *The father had taken absolutely no interest in the children, neither their sports, their friends, their day to day existence or even their schooling – so why should he be granted shared responsibility?*
- *I am fearful when I am suppose to talk with my ex about anything to do with my son's welfare i.e. medical and educational. He always finds something to attack or disagree about.*
- *It is impossible to share child with someone who [is] always trying to harm or kill you.*
- *Allows ex to continually control manipulate and abuse via court orders and he sits in close contact with me at every child's appointment or event and enjoys physical intimidation and harassment.*

Question 3: If you have experienced family violence have any of the following factors affected what you wanted to do since you have separated – Shared care of children?

Question 4: If yes, please explain how

Graph 85: Number and percentage of male and female respondents who had experienced family violence and whether or not shared care of children had affected what they wanted to do post-separation



More respondents – 45% compared to 40% – indicated ‘yes’, that shared care of children had affected what they wanted to do post separation. Slightly more women (46%) than men (42%) reported that shared care of children had affected their behaviour post-separation. 15% of respondents indicated that they were unsure whether it had affected what they wanted to do post-separation.

Answers to how shared care of children had affected them post-separation centred on concerns that it enabled an ex partner to have contact and/or physical access which was detrimental to their own safety and well-being and/or that of their children. Specifically, concerns were about children’s risk of physical or sexual abuse, neglect, or their exposure to problematic drug or alcohol use. Changeovers were described as particularly unsafe for non-violent partners. These concerns correlate with the finding reported in the AIFS evaluation of the 2006 family law reforms that families where violence had occurred or where safety concerns were reported were no less likely to

have shared-care time arrangements than those where violence had not occurred (Kaspiew et al 2009).

- *When someone has threatened to kill you and your children and your partner and then tried to carry it out, why should they be given another chance to do so?*
- *My ex has to know where we are living and home phone line, and I have to put myself in danger taking the children to his place.*
- *It hinders my ability to put my son's need for safety and stability first.*
- *My ex uses 50/50 as a threat. He knows it's not what I want and so brings it up when he's not happy with me about something - he reminds me that all he has to do is ask the court for it and he'll get it.*

Other than the strong concerns expressed about safety, the predominant complaint about shared care was the difficulty of children managing two separate home environments. There were frequent descriptions about the lack of flexibility and co-operation associated with such arrangements and distress about missed family events and holidays which occurred during the 'other' parent's time.

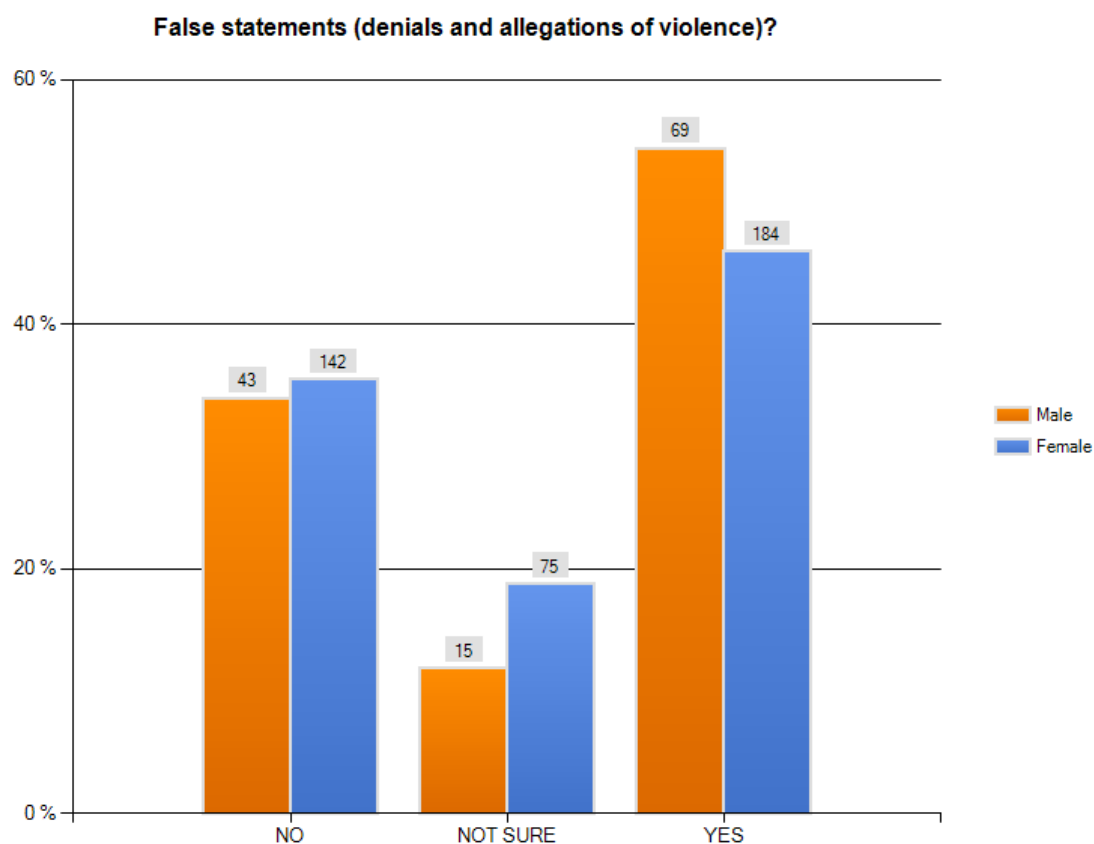
Conversely, some responses to the questions about shared parental responsibility and shared care reported the desire for children to have a positive relationship with their other parent and disappointment at their lack of involvement.

- *Would like to have ex to develop a closer relationship with his younger child as that connection is lost.*
- *I would like my child to see his father more often to see if they can build a relationship.*

A related complaint was the apparent freedom of the other parent to not take up their shared care time whereas those preventing access due to fears about children's safety could be subject to court-imposed penalties.

Question 5: If you have experienced family violence have any of the following factors affected what you wanted to do since you have separated – False statements (denials and allegations of violence)?

Graph 86: Number and percentage of male and female respondents who had experienced family violence in relation to whether or not false statements (allegations and denials of violence) had affected what they wanted to do post-separation



More respondents – 48% compared to 35% - indicated 'yes', that false statements had affected what they wanted to do post separation. It was only in relation to false statements that a greater proportion of men than women – 54% compared to 46% - reported that it had affected what they wanted to do post-separation. 17% of respondents indicated that they were unsure whether it had affected what they wanted to do post-separation.

There was a strong gender divide in the responses to this question. Men predominantly reported that they had been falsely accused of domestic violence and/or child abuse and frequently pointed to gender bias in the Family Law system. The following quotes represent typical comments:

- *Women are believed, men are not.*

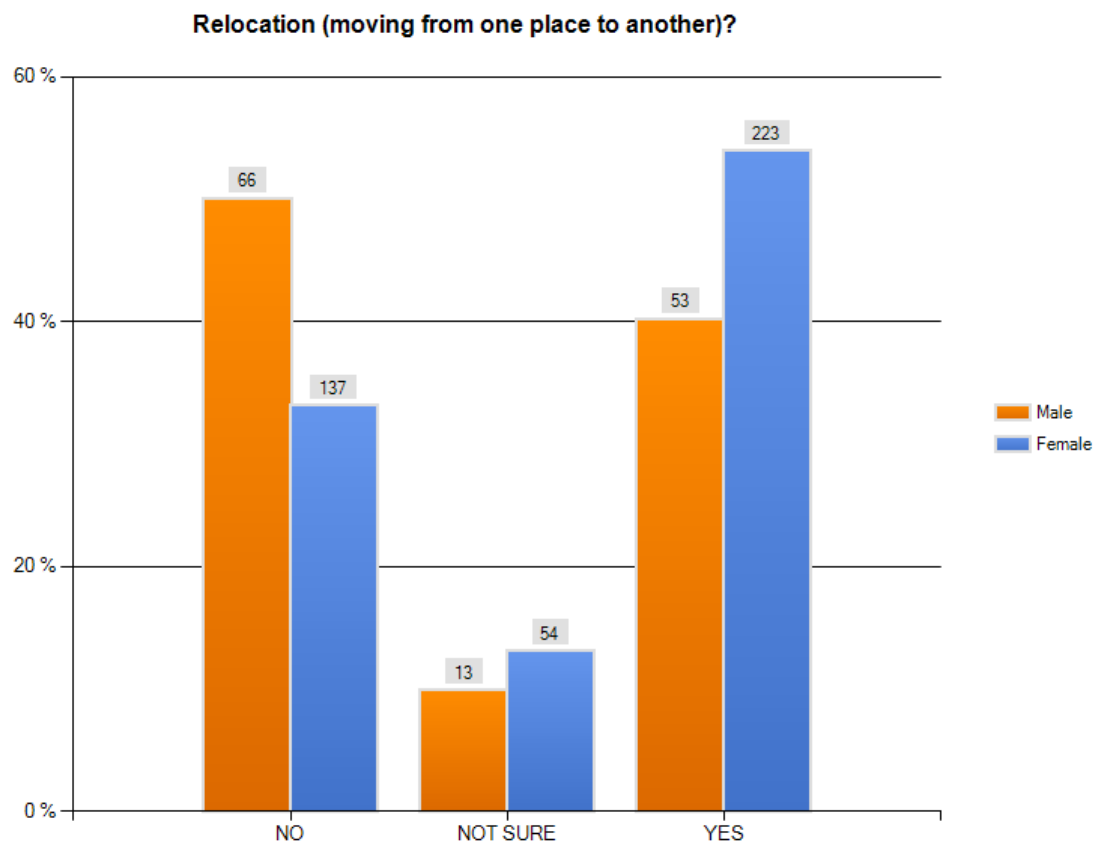
- *Have repeatedly been under attack with allegations of family violence, however, have never been able to defend them or put my case forward.*
- *She made many false statements to the courts and police.*

In contrast, women predominantly commented that allegations of family violence and child sexual abuse were not believed or not sufficiently investigated by the Family Court. The difficulties of producing evidence in relation to family violence were frequently noted. However, where there was evidence, there were frequent reports that this did not strengthen their allegations. Counter-allegations were described as common. A counter-allegation was seen as having the disproportionate power to easily discredit or neutralise the initial allegation. Many respondents noted false denials of family violence and child sexual abuse and the lack of consequences for the perpetrators.

- *Denials of violence have placed us in an environment of continuous fight/flight.*
- *His denials about his violence to everyone made me feel like a hysterical liar.*
- *He lies and makes false statements in his affidavits and there are no consequences.*
- *He denied ever hurting me to the Court. I had police records, but my lawyer didn't show them. His lawyer even said I manipulated him and abused him, but had no evidence of this.*
- *I am afraid to make any allegations or statements regarding his treatment of me, because I am worried about how the current laws will view this.*
- *He denies all allegations and has started making allegations I am abusive to him. It's ridiculous but I guess it then becomes she said he said and waters down my concerns in the eyes of the court so quite smart really.*

Question 7: If you have experienced family violence have any of the following factors affected what you wanted to do since you have separated – Relocation (moving from one place to another)?

Graph 87: Number and percentage of male and female respondents who had experienced family violence in relation to whether or not relocation had affected what they wanted to do post-separation



More respondents – 50% compared to 37% – indicated ‘yes’, that relocation had affected what they wanted to do post separation. More women than men – 54% compared to 40% – reported that relocation had affected their behaviour post-separation. 12% respondents indicated that they were unsure whether it had affected what they wanted to do post-separation.

Men were more likely to report dissatisfaction with their partner’s ability to relocate, citing the effect this had on their ability to see their children.

- *I am afraid she will take my child interstate.*
- *Ex has threatened to move them away.*

Restrictions on relocation for women and some men were related to: preventing a move so they could be near support networks; being physically unsafe and in a location known to their violent ex-

partner; having to live in a less affordable area; diminished opportunities to be close to employment or educational opportunities; excessive travel in order to work or study and a general feeling of being 'trapped', 'a prisoner' and unable to start a 'new life' or 'fresh start'. Some respondents noted that the non-residential parent did not have similar restrictions placed on their movement.

- *I would dearly love to move back to my family for support. Court and ex say I can't.*
- *I want to move on and start a new life. He has told me this will be over my dead body.*
- *I live thousands of km from my close family...I am unable to leave the area despite social isolation. My contract ended and despite trying there was no work available... I was able to secure work early this year after a period of unemployment but that work is over 110km away. So I travel 220km every day.*
- *I am terrified that if I am forced by financial duress to move further away that my ex will take out an injunction to force me to move back in, which I will not be able to do. If this happens, I am terrified that he will apply for full custody, citing my relocation as a deliberate attempt to prevent him from seeing his children.*

The issue of relocation also prompted regular responses about the need to move frequently in order to conceal an address from a violent ex-partner. One female respondent reported 11 moves in one year, including time in a women's shelter. 'I often feel the need to move for safety' was a recurrent theme.

Throughout this section, many commented that, although they were unhappy with and worried about the outcomes relating to parenting arrangements, allegations of child sexual abuse and relocation, a return to the Family Court was unaffordable or beyond their emotional capacity. Furthermore, some respondents commented that they were afraid that another hearing would result in worse arrangements. There was little hope expressed that an application to have orders changed would be understood or successful. Indeed some mentioned that they were worried that requesting permission to change shared care arrangements or to relocate would be viewed as a deliberate attempt to obstruct the other parent's relationship with their child/ren:

- *He made decisions on his own all the time without consulting me. I felt this was very unfair. I could not afford a solicitor to challenge this so I gave up.*
- *Threat used if I try to change circumstances.*
- *I would love to move away and start over, but I can't move away from my ex, because he says he'll get full custody of the children if I do.*
- *I feel if I do apply to move the violence and abuse may flare up again.*

3+Question 12: Based on your experiences, views and understandings of the current Family Law Act and the family law system, what do you think could be improved to help people establish safe, workable arrangements post-separation?

Suggestions for improvement

In the final question of this section, respondents were asked what could be improved to help people establish safe, workable arrangements post-separation, based on their experiences, views and understandings of the current Family Law Act and the family law system.

Although this was the final question about separation experiences it was responded to at length and produced over 70 pages of text from 492 survey participants. Some responses included specific thanks for being asked this question, clearly grateful that there was an opportunity for their experience to inform policy and practice in the area of family law. There were 4 frequently cited areas that were identified as requiring improvement:

Improved responses to the needs and wishes of children

The most commonly identified area for improvement was to the ways in which children's views and needs are responded to by socio-legal services involved in a couple's separation. A quarter of respondents expressed the view that children are marginalised in Family Court processes and decisions and/or receive inadequate support from services. *'Children should be listened to and believed'* was a common response to this question. Respondents stated that where children are involved, this is often in inappropriate and inadequate ways. Those providing family reports and the efficacy of Children's Independent Lawyers were particular subjects for criticism because they were viewed as spending too little time with children and not taking into account children's levels of fear in the context of family violence. The large number of suggestions that related to better responses to and outcomes for children correlate with concerns articulated in the Family Courts Violence Review (Chisholm, 2009). These concerns relate to the propensity for the importance placed on parental involvement to override the importance of safety for children and the tendency for parenting to be assessed without reference to family violence.

Changes to the presumption of 50–50 shared care

The second most frequently identified area for improvement was in relation to the rebuttable presumption of 50-50 shared care. About 23% of respondents made some comment about this being an aspect of family law which needed to change. In general, there was a view that this is not a workable, effective way to parent and is disruptive for children. Further to this, a very strong view was expressed that shared care is not safe or appropriate in the context of family violence. The most common suggestion was that the parent who has been the primary carer should continue in this role and, where appropriate and safe, the other parent has access. The responsibility of a violent parent (as well as those with problematic drug or alcohol use) to demonstrate their ability to safely care for their child/ren was recommended (over the presumption of their right to contact), as was the principle of the least risk approach where this could not be ascertained.

Views about this issue were gendered; women comprised the majority of those who expressed negative views about shared care. There were fewer positive comments about shared care. However, just over 5% of those who responded to this question expressed support for the continuation of a presumption of 50-50 shared care. These views were predominantly expressed by male respondents, with only 3 female respondents stating that the current approach to shared care should remain. These findings again draw a parallel with those of other recent family law reviews.

The Family Courts Violence Review (Chisholm, 2009) noted the predominance of family violence in disputes in the Family Law system and stressed the importance of separating shared parental responsibility from shared parenting arrangements (shared care). The AIFS Evaluation (Kaspiew et al., 2009) reported that shared-care time arrangements were just as likely to be ordered for families where family violence had occurred or safety concerns made as for those families without such concerns.

Improved understanding of and responses to family violence

The suggestion that responses to family violence should be improved was made by 22% of respondents - predominantly women. The most commonly cited reasons for improvements in this area were that key institutions and services – the Courts, Police and lawyers in particular – demonstrated inadequate knowledge of the prevalence and nature of family violence. Non-physical manifestations of family violence (such as tactics of verbal, psychological and financial abuse, social isolation, the use of threats) which allow perpetrators to exert control over victims were specifically identified as poorly understood. However, allegations and evidence of physical violence were also identified as being minimised or disbelieved.

The investigation of family violence was frequently identified as insufficient and resulted in harmful consequences for victims. Suggested responses to these deficiencies were education about family violence for relevant professionals. These suggestions correlate with the recommendations of Chisholm (2009) and the Family Law Council (Kaspiew et al., 2009) for more education about family violence for socio-legal service professionals working in family law. The data suggest that any such education should focus on a strengthened understanding of the power and control dynamics associated with domestic violence (or coercive-controlling violence), its non-physical tactics and emotional/psychological manifestations and effects. Such education should also include information which facilitates a more rigorous engagement with a range of forms of evidence.

There were strongly conflicting, gendered responses to the issue of family violence in this question. In addition to this thematic category, a small but significant number of male respondents (4%) stated their belief that women's experience (or false allegations) of violence is automatically believed whereas men's experience is not.

Improvements to investigative practice and processes associated with separation matters in the Family Court

Another well-represented theme that ran through the suggestions made in response to this question was about investigative processes in relation to family violence as well as other pertinent safety issues. Such a view is in accord with Richard Chisholm's (2009) recommendation that given the prevalence of family violence in disputes before family court, universal screening should be

incorporated into court processes. About 10% of respondents made general comments about the need for improved processes and practices in the areas of family report writing, consideration of the history of the relationship and the history of parental involvement, the investigation of a range of issues (including substance use, mental health and financial matters) and subsequent, explicit reference to such evidence in Court. Some suggested that systems for checking on the safety and workability of court orders in relation to parenting arrangements should be introduced. A few suggested that such checks should be unannounced.

Appendix 6(i): Online survey with adults

Section 10: A deeper analysis of respondents who had not accessed professional help or services or who had made arrangements on their own

When looking at the responses from the online survey, it became clear that there were a considerable percentage of answers from people who identified themselves as not having made arrangements or not accessing services, or having made arrangements without professional assistance. Though we asked respondents to place themselves in either one of two categories, in this section this cohort will be compared to the rest of the respondents as a single group, given that they have various things in common. However, it is important to identify any differing patterns that might set these 2 groups in opposing directions, in other words if the reasons for the same phenomenon are drastically different it is important to identify them and make differentiations.

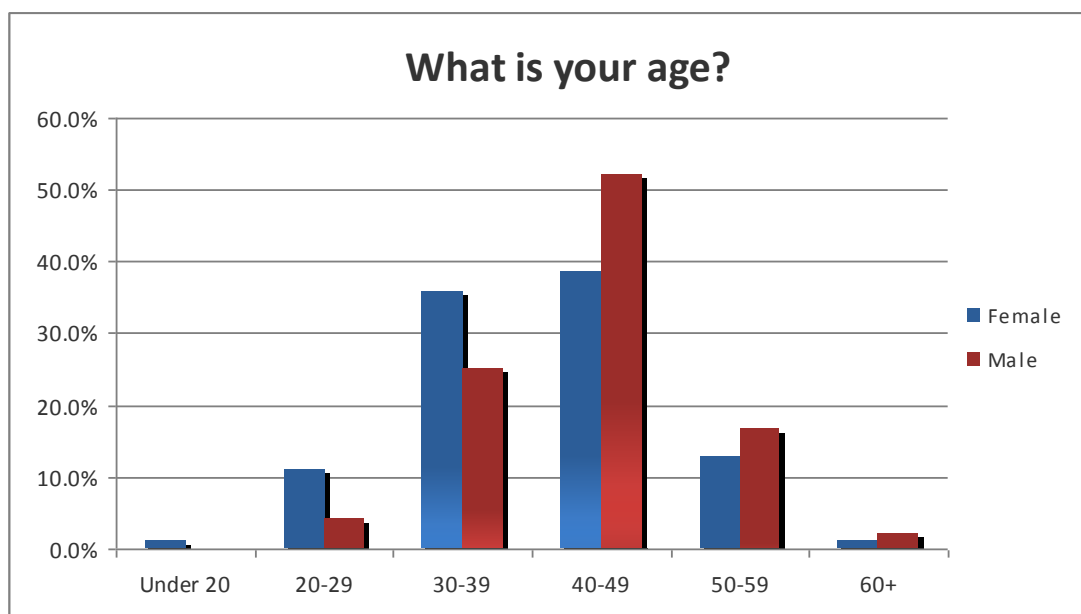
This section offers an overall analysis of this cohort that will include data from all the sections of the adult survey. This analysis will not go over section by section in detail but rather attempts to provide a comprehensive picture of the reasons why such a large proportion of respondents have placed themselves in this category.

This group contains 157 people (109 females and 48 males); this represents roughly 16.86% of our total sample. Considering that this is not a small percentage of the population it is relevant to find out the reasons why they had not accessed services or made any arrangements.

Age and sex

This group followed the general survey trend in terms of age. Males were predominantly in the 40-49 bracket and females were mainly in the 30-39 (35.8%) and 40-49 (38.5%) brackets.

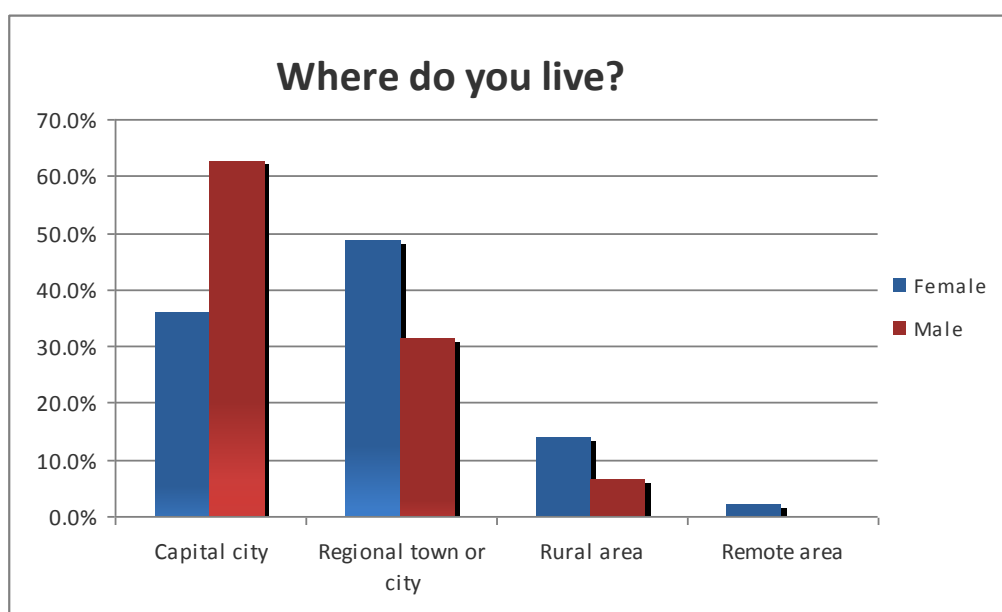
Graph 88: Percentage of men and women who had not accessed services in relation to their age



They also followed the general trend for gender distribution; the majority of respondents were female 69.4% and 30.6% were male.

Location

Graph 89: Location of male and female respondents who had not accessed services

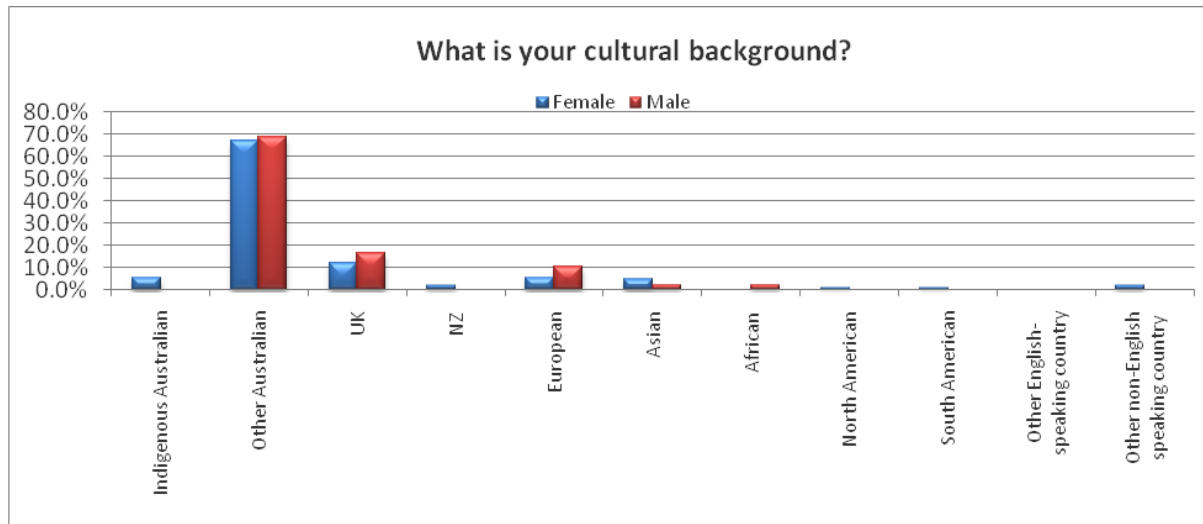


The men in this group lived mostly in capital cities, 62.5%, but interestingly the majority of the women for this sub-sample lived in a regional town or city. The close-knit communities where they lived may have provided support for individuals when there were problems, but conversely the loose-knit rural community may have stifled victims of family violence due to feelings of shame and

guilt (Wendt, 2009). There also may not have been family services in their area and/or they may have had limited information about family law services.

Cultural background

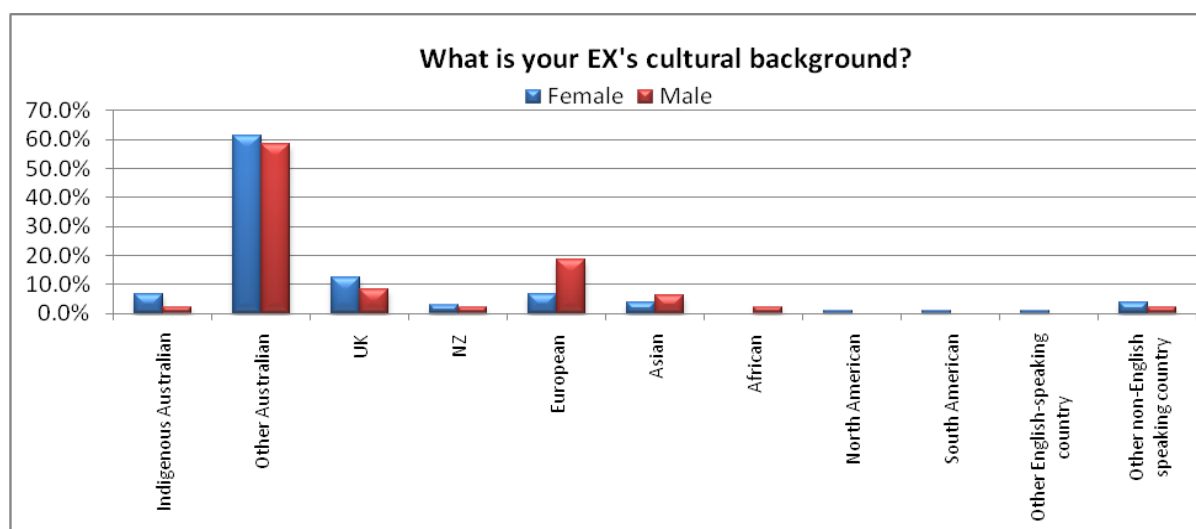
Graph 90: Cultural background of male and female respondents who had not accessed services



Roughly a quarter of all female Indigenous Australian respondents represented 5.6% of this cohort. There were also a high proportion of Asian female respondents, 4.6% for this category, which was 45% of all female Asian respondents. The group of women who defined themselves as ‘other non-English-speaking’ was also represented in this sub-category. While only 1.9% of the total sample, they comprised 40% of the total number women that fell within this group. There is evidence to suggest that women from culturally and linguistically diverse (CALD) and Indigenous backgrounds are more disadvantaged and less likely to access services due to cultural and linguistic differences (The National Council to Reduce Violence Against Women and their Children, 2009).

Men in this cohort, as with the majority of respondents, defined themselves as ‘other Australians’ and there were a high proportion of UK and European respondents. This sub-category also comprised half of all the male Asian and African respondents. Though we only had 2 in each category (n=2) it is interesting that half of each of those groups were present in the sub-category of respondents who had not accessed services or made arrangements.

Graph 91: Percentage of male and female respondents who had not accessed services in relation to the cultural background of their ex-partners



Of the females in this category 6.6% had an Indigenous ex-partner, which represented a quarter of all females with an indigenous ex-partner. 3.8% of women had an Asian ex which was roughly a third of all females with an Asian ex. We also see in this group a higher incidence of people with former partners that fell into the category of 'other non-English-speaking country'.

The higher incidence of respondents from CALD and Indigenous communities might be relevant to the pathway that these people have chosen. The women in this group may have been deterred from accessing services due to their culturally specific notions of separation, divorce and family violence. They might also have been more isolated due to language barriers or because they lived in remote areas where services are few and hard to find. The men in this category may have been reluctant to access services due to their culturally specific notions of family and entitlement; they may also have found it harder to negotiate mainstream notions of rights and parental responsibility or may have believed that they could lose these rights if they accessed a mainstream service. However, given that the sample size is very small we cannot draw any definitive conclusions.

It is interesting to note that of all the respondents that said they had NOT separated or divorced since 1995 most fell into this category (50% of the men and 62.9% of the women).

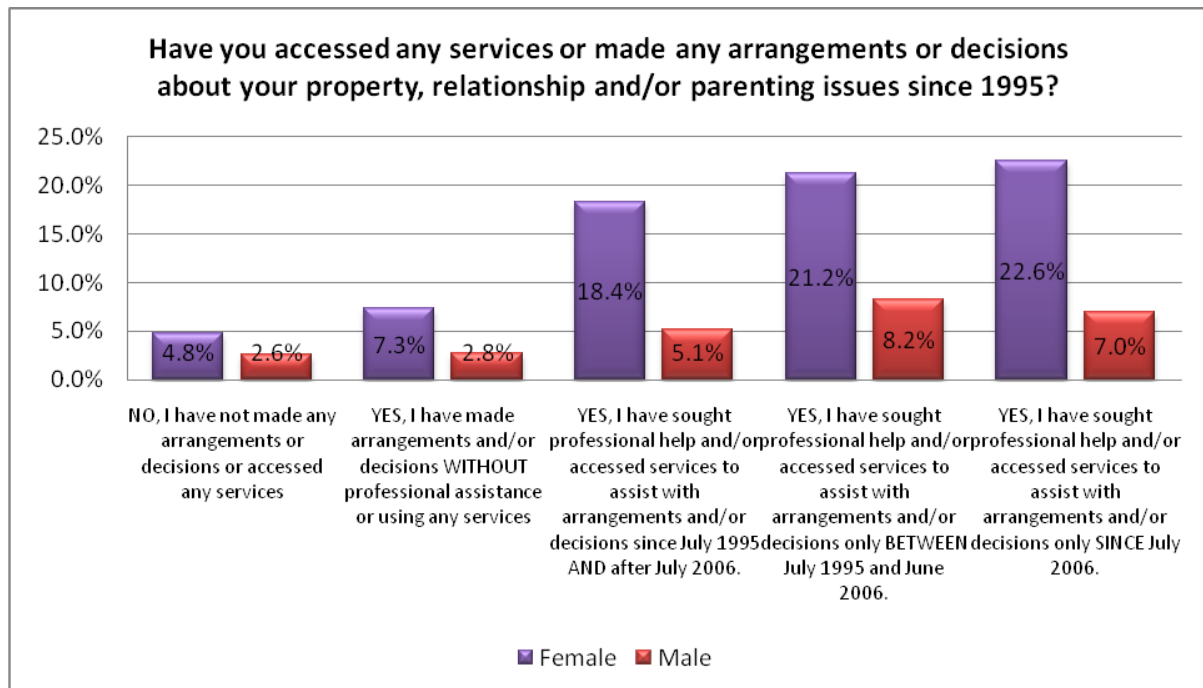
Table 79: Number of males and females who had separated or divorced since 1995 and did not contact services

| Answer Options | All Males | NO services or arrangements | All Females | NO services or arrangements |
|----------------|-----------|-----------------------------|-------------|-----------------------------|
| YES | 220 | 41 | 637 | 91 |
| NO | 14 | 7 | 27 | 17 |

In the qualitative responses there were women who, though they were only planning to leave, still answered the survey.

Services and arrangements

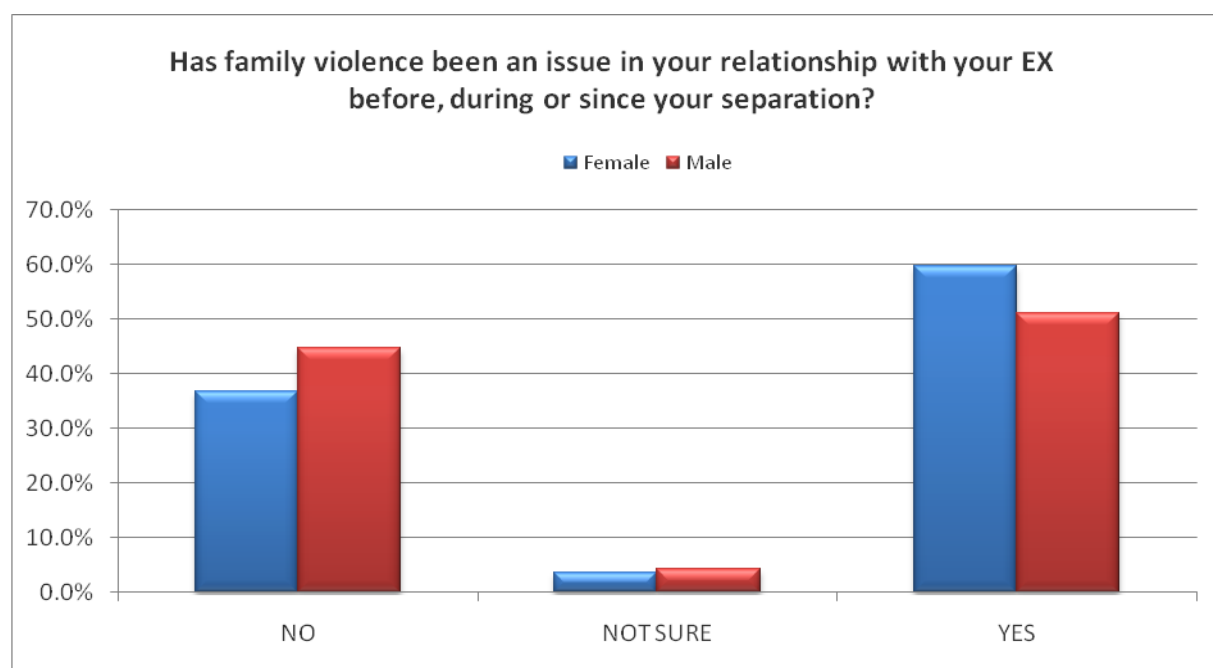
Graph 92: Percentage of all male and female respondents to the survey in relation to access to services or decisions made post-separation



As mentioned previously, this sub-category or cohort included those respondents who disclosed that they had not made arrangements or accessed services or that they have done so without professional assistance. This corresponds to the first two set of columns of the previous Graph 42.

This cohort is relevant because it speaks of a pathway that is seemingly more common than was expected. The fact that women made up the majority of this sub-group made it possible to explore whether or not they chose not to use services because of misconceptions relating to the 2006 family law amendments and/or because of the devastating effects of family violence. The prevalence of women in this sub-group could indicate that services are not available to people with severe cases of family violence.

Graph 93: Percentages of males and females who had not accessed services in relation to whether or not family violence had been an issue before, during or since separation



The overwhelming majority of the women who had not accessed professional assistance or services had experienced family violence and just over half of the men disclosed the same. It is important to note that this group was likely to contain the respondents who did not have a history of family violence or who had had amicable separations. This would explain the spike in the percentages of those who answered NO which is higher than the general average, 14.3% for all women versus 36.7% for this sub-category and 39.7% for all men versus 44.7% for the men in this sub-category.

Though we can see that a larger number of respondents in this sub-group did not have a history of family violence it is important to remember that this cohort is a minority within the larger group of respondents to the survey and that other evidence suggests that most cases of separation and divorce are linked to a history of family violence (Family Law Pathways Advisory Group, 2001). However, this trend also points to the fact that the respondents who were capable of negotiating arrangements by themselves preferred to do so and that the systems put in place may not have been viable or relevant for those who were in a violent relationship.

When asked about the impact of family violence on their parenting arrangements (question 11 section 2) most women in this cohort said that they were too afraid of their ex-partners and thus dealt with the situation on a case by case basis and tried to minimize the violence by 'giving in' to what their ex's wanted. They also mentioned that they were afraid of the impact that violence might have on their children and therefore chose to navigate the demands of their violent partners. Some examples of comments these women made are:

- *Agreed to arrangements that were not in the best interests of my child. I felt uneasy at the time, but was unable to advocate better for myself due to fears about ex's reactions. In hindsight I am clear that some arrangements I agreed (succumbed?) to have not been in my child's best interest.*
- *Too scared to go against his wishes. My daughter stays with him half the time and we are both anxious the whole time. If we don't do it his way, I fear for my daughter.*

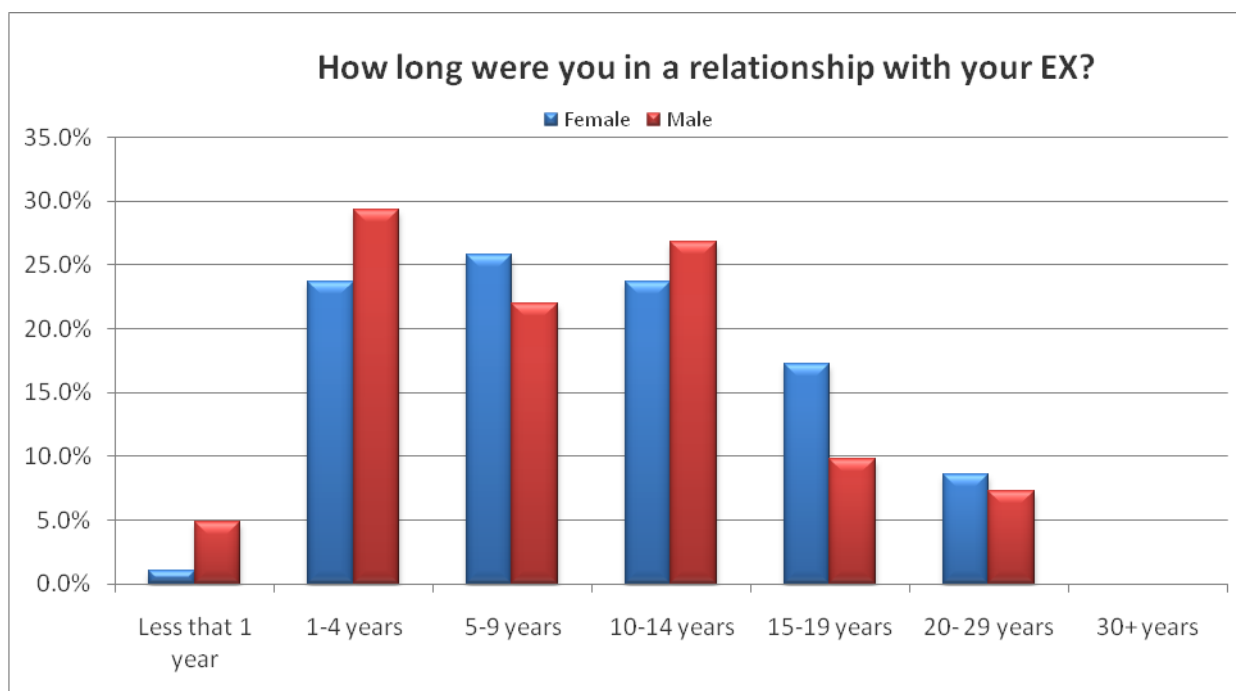
- *My ex would not agree to me leaving the former matrimonial home with the children unless I agreed to a 50/50 property settlement (and I have 5 children living with me). My ex's time with the children is not defined (at his request) and for the first 12 months post separation this meant a lot of short notice requests that he expected to be complied with. Now he has them from 3.30pm Friday to 10.30am Saturday each week and does not seem to bother much about extra time outside of that.*

Men were more likely to speak about their ex-partners as being mentally unstable and having drug or alcohol problems. Not many men claimed that there was physical violence from their ex-partners. In general men were less likely to give detailed accounts of their experiences, even when they claimed to be victims of violence. As there were not as many comments from men it was more difficult to obtain examples:

- *My ex uses bullying tactics toward me regarding access to my son*
- *My 15 year old ran away from her mother after her mother nearly broke her arm (her words) the mother claimed disciplining the child.*

The nature of the relationship: length of time

Graph 94: Percentages of males and females who had not accessed services in relation to the length of the relationship

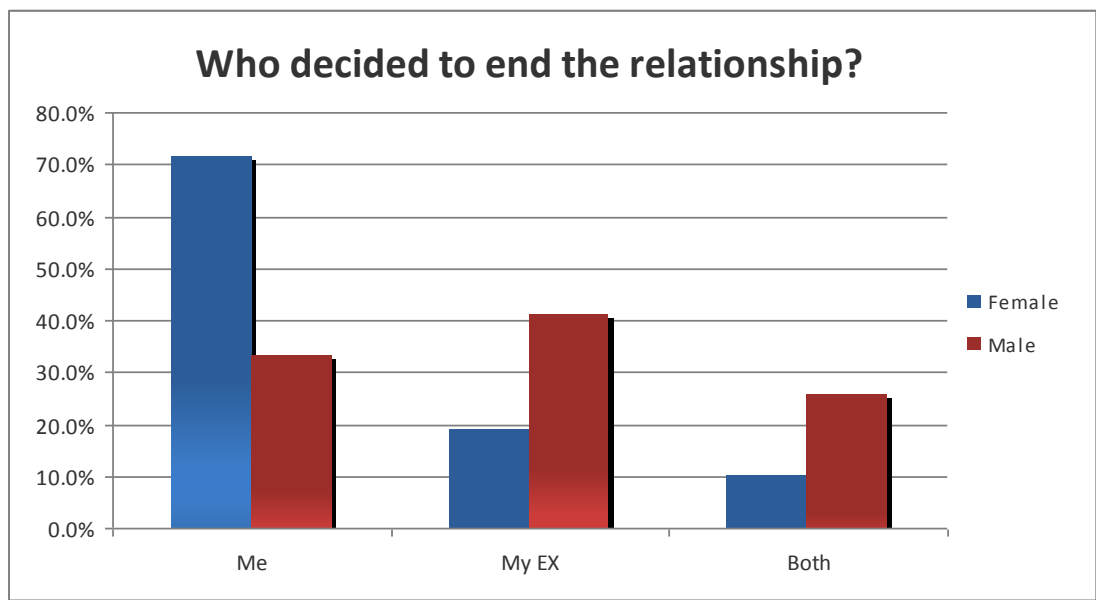


Though we see that most relationships in this cohort were long-term in nature, most respondents in this category fell into the 10-14 year group, compared to the general population there was a spike in the number of people who were in a 1-4 year relationship.

When asked what year they finally separated (question 3 section 3), 31 of the 90 (34%) females in this cohort who answered indicated that it was on or after 2006 and 14 of the 38 (36.8%) men said the same.

When asked to identify who ended the relationship (question 4 section 3) the overall majority of women said it was them (just over 70%) and the majority of the men said it was their ex-partner (just over 40%).

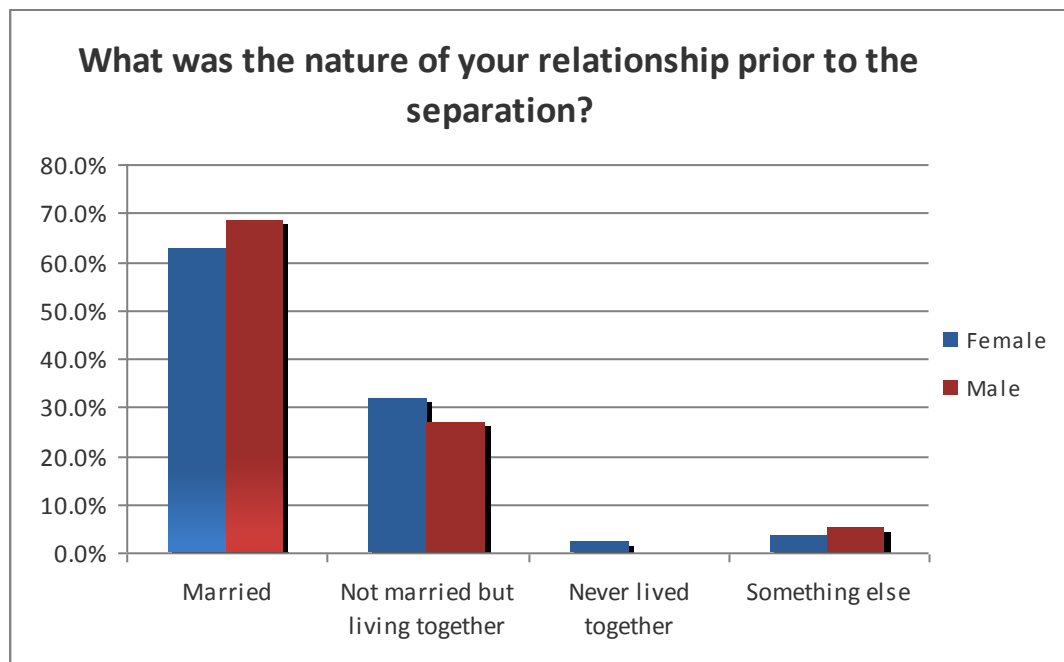
Graph 95: Percentages of males and females who had not accessed services in relation to who ended the relationship



Most the respondents in this cohort said they were married but the incidence of couples who were living together without being married was higher than compared to the general average.

When reading their qualitative answers it became clear that those people who answered 'something else' were either in a married or committed relationship that ended badly.

Graph 96: Percentages of males and females who had not accessed services in relation to the nature of the relationship



Relationship breakdown

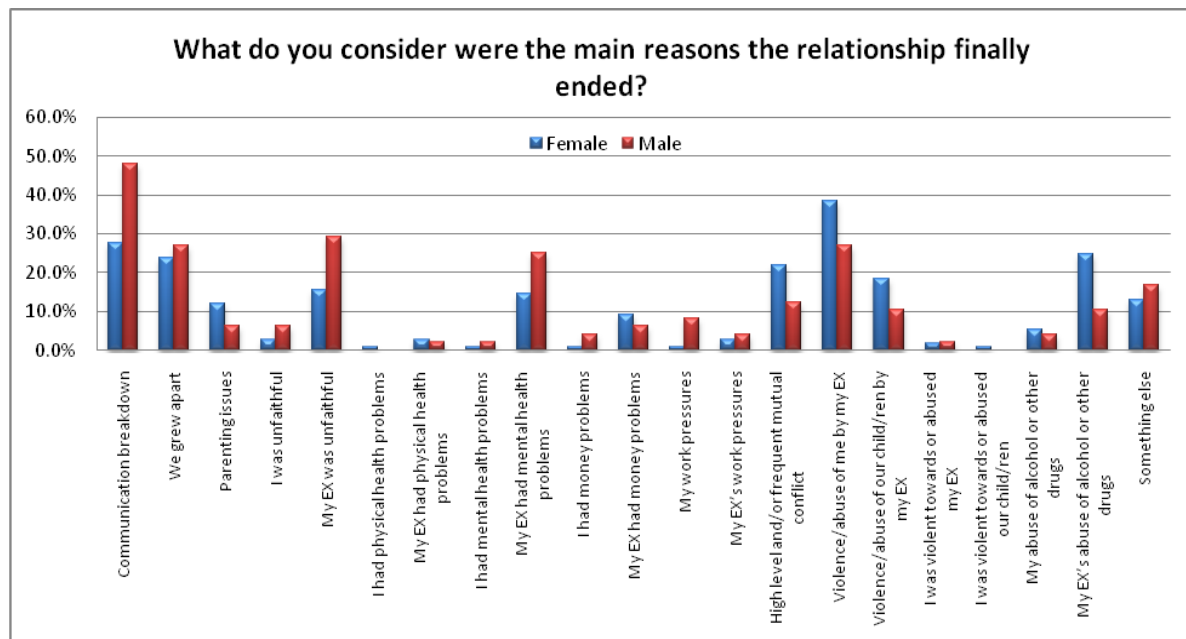
The main reasons given for relationship or marital breakdown were consistent with the reasons given in the overall sample. As with the rest of the survey population, most men related the breakdown to communication problems and most women to violence or abuse from their ex-partner.

The second most common reason quoted by men was unfaithful ex-partners - this went against the trend for men in the general population who pointed to mental health issues as the second biggest cause for marriage breakdown.

The women in this cohort listed communication breakdown as their second most common reason for the breakdown in the relationship, following the overall trend in the general population.

For both men and women mental health and drug and alcohol problems featured as a reason for relationship breakdown. This was also consistent with the general norm and pointed to the complex needs of people who separate.

Graph 97: Percentages of male and female respondents who had not accessed services in relation to reasons for relationship breakdown



Assistance from services

Though the people in this cohort said that they had not accessed any services, when looking at their responses, it was noted that they had accessed some services for guidance and/or for help to resolve some matters. The reasons why they considered themselves to be within this category may have included the following:

- They might have been approached by services (child protection, CSA, police) and were forced to engage with them thus they did not identify themselves as actively seeking services.
- They may have approached services for initial guidance but failed to follow through and considered this as not engaging with the system.
- They may have had limited understandings of the concept of services and professional help for cultural reasons.
- They might have used services for smaller matters and considered them as irrelevant in the larger scheme.

When respondents were asked (in question 1 section 4) to indicate whether or not they had received assistance from any services to help them with decisions about matters arising from their separation/divorce (other than the divorce itself) their responses were revealing.

- Most people had not accessed an FDR or other forms of mediation.
- Most people had not accessed courts or community legal centers; however 21.9% of men and 18.8% of females had accessed legal aid.
- 34.5% of men and 27.4% of women had accessed a lawyer in a private practice.
- 24.1% of men and 29.6% of females had accessed a counsellor in a private practice.
- 33.8% of women had accessed a domestic violence service.
- 26.7% of men and 63.9% of women had accessed the child support agency and the vast majority of women (69.9%) had accessed Centrelink as well.

- 23.3% of men and 33.8% of women had gone to the police.
- The majority of men and women had accessed some form of informal help.

Approximately a third of men and women sought legal advice at some point during their separation process and the advice the lawyers gave may have been important in terms of the long term impact it had on their course of action. We have seen, from the overall analysis of the results, that the advice that lawyers give has a high impact on the decisions people make.

When asked to give the reasons why they had not accessed services – Question 4 Section 4- the responses from those who had amicable divorces indicated that they agreed on matters and were able to manage the separation successfully. Of the 53 qualitative responses received (14 male, 39 female) there were 18 who indicated that they had not accessed services and had made arrangements on their own. Of these 14 were female and 4 were male, also there were 3 respondents who hinted to some degree of conflict

- *My Ex is a great father and gives everything to his kids, it was the drugs that separated us, I wanted to stop and he couldn't. There was no need for formal services as we work together to give the kids everything they need, no matter how hard it is to put personal feelings aside we just do for the kids sake.*

Overall, there was an underlying feeling expressed by that going through the system would have made things unnecessarily complicated.

- *My former husband and I drew up a consent order which we were both happy with. On lodging it with the Family Law Court we were asked to attend a meeting with a judge to ascertain that we were both happy with the arrangements as the Court were concerned that one or the other had been coerced into signing the orders as they were 'too fair.'*

The remaining respondents in this cohort pointed to a degree of inability, on behalf of services, to resolve problems between couples where there is family violence. The women indicated that the services and mechanisms put in place would not have protected them or would not have worked:

- *Too complicated a situation, did not want to access with the ex and did not know and still don't know what services are available, apparently my situation is outside of the box.*
- *I felt Relationships Australia were going and trying to push me into talking and make arrangements with my violent Ex about the kids visitation, even though it would have been at a different time and session, and force me into making arrangements for the children to see their dad. When the safest thing for the children was to be mentioned on the Permanent Protection Order (DVO) for two years away from their violent and volatile father whom I'm sure would try to have harmed them to get back at me for leaving him.*
- *Tried to go through Child Support Agency but this only serviced to increase the amount of verbal abuse and threats.*

The sense that the systems in place are a 'one size fits all' model made some women who perceived their situation as different, feel that they were beyond help, beyond the reach of normal functioning socio-legal systems and therefore increased the burden on them and further isolated them and their children.

The men who commented mentioned that they managed to negotiate things with their former partners. To a lesser extent a few felt that there were no systems in place that could help them.

Property and finances

In terms of property and finance settlements (question 5 section 4) the vast majority of this cohort declared that the use of services was not relevant. This means that property and financial settlements were reached without professional help. Of those who used services, private lawyers were the most commonly mentioned.

Family violence issues

It was mostly men who were not satisfied with the service they used for family violence issues (question 7, section 4). 47.6% of men were not satisfied with the assistance they received from a domestic violence service. Most females in this group considered domestic violence services as not relevant to their situation, and the second majority were those women who are satisfied or very satisfied with the assistance received from them. This makes sense as there were more women in this cohort who were not in violent relationships.

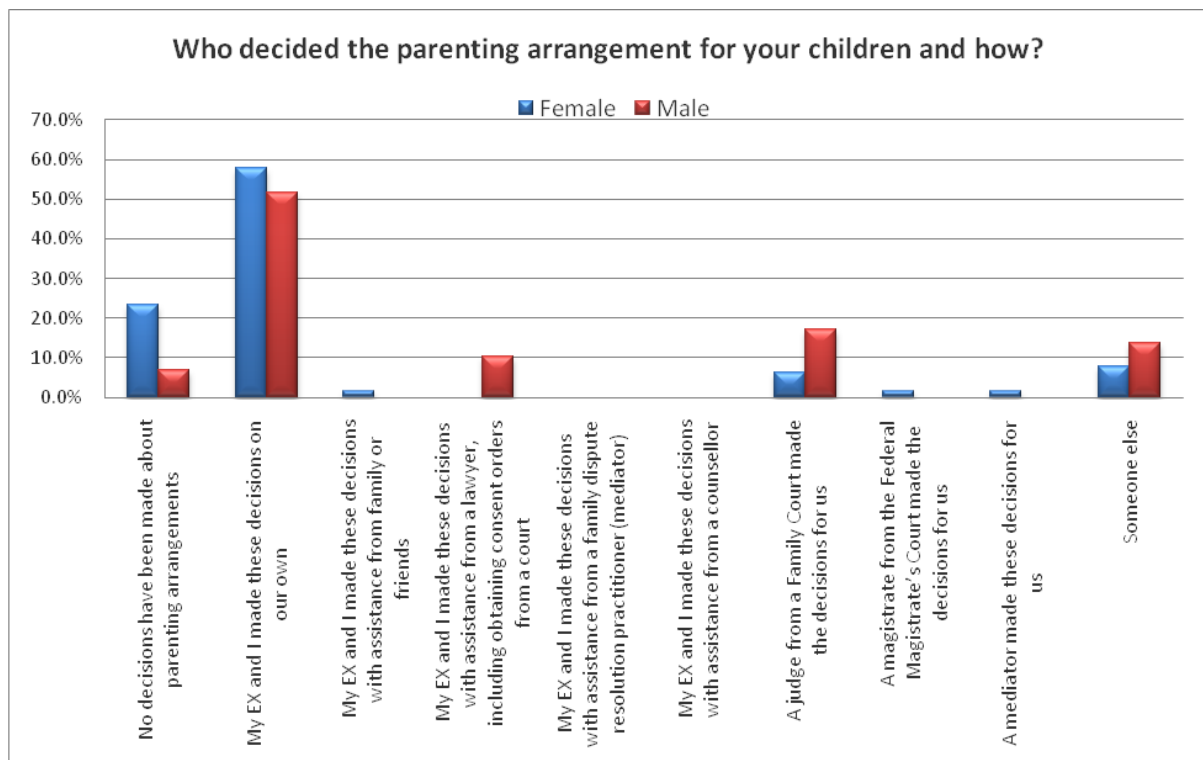
Table 80: Percentage and number of male and female responses in relation to levels of satisfaction with the main service that they used for family violence issues

| Answer Options | Male | % | Female | % |
|------------------|------|-------|--------|-------|
| Not satisfied | 10 | 47.6% | 6 | 12.2% |
| Partly satisfied | 2 | 9.5% | 7 | 14.3% |
| Not relevant | 8 | 38.1% | 17 | 34.7% |
| Satisfied | 0 | 0.0% | 12 | 24.5% |
| Very satisfied | 1 | 4.8% | 7 | 14.3% |

Parenting arrangements

Though there were a majority of parents in this cohort who said that parenting arrangements were made in conjunction with the other parent (question 5 section 5), there were a large proportion of women who claimed that no decisions had been made about parenting (23.4%).

Graph 98: Percentage of male and female respondents who had not accessed services in relation to decisions about parenting arrangements for children and how



When asked about the presumption of shared parental responsibility and shared time the majority of respondents in this cohort answered that they did not think that these concepts would apply.

Table 81: Percentage and number of male and female responses in relation to whether or not they thought that someone would decide that they and their ex-partner would be jointly responsible for all long-term parenting decisions

| Do/did you think that after your separation someone in the family law system would be likely to decide that you and your EX would be JOINTLY RESPONSIBLE for all long term parenting decisions, such as where your child would go to school? | | | | |
|--|------|-----|--------|-----|
| | MALE | | FEMALE | |
| NO | 15 | 60% | 26 | 52% |
| NOT SURE | 3 | 12% | 14 | 28% |
| YES | 7 | 28% | 10 | 20% |
| Do/did you think that someone in the family law system would be likely to require that your children spend EQUAL TIME with you and your EX? | | | | |
| | MALE | | FEMALE | |
| NO | 13 | 52% | 29 | 58% |
| NOT SURE | 2 | 8% | 12 | 24% |
| YES | 10 | 40% | 9 | 18% |

Though the majority of this cohort seemed comfortable to deal with their separation and parenting arrangements outside the socio-legal system, there were a handful of women who disclosed serious concerns over their ex-partner's ability to parent and the possibility that their child might be in real danger.

When answering Question 14 Section 5 - If you indicated that your child/ren are not safe or you are worried in the last question, please explain why, women disclosed their fears about their children.

- *because I have had a lot of child safety contact with many notifications made by hospitals and family support with bugger all response from them other than to get angry with me for speaking out to protect them. The systems in place are not working. Police state run child protection state run. Family court federal run. Need I say more? No integrated or coordinated response to domestic and family violence.*
- *Because of his temper and his porn addiction*
- *ex is involved in illegal matters, puts kids at risk*
- *Father is abusive and wants custody of child in order to seek revenge. Father is not Australian citizen and has mental illness and is not receiving any treatment - my child is 2.5 years old and is at risk if left alone with this person. Child is afraid of him.*
- *I am unsure what it would be at present however going on previous concerns I believe my children would not be safe and subjected to witnessing abuse from my estranged partner who was having*

trouble looking after himself and meeting his own needs and I am not confident he could meet the children's needs as the youngest is of an age where he is reliant on the adults around him.

- *My ex suffers a mental health condition and when my children were younger seemed unable to understand the level of supervision required. At all times when my children were young other people that I trusted were with my children and ex during contact visits. Now that my children are older they are safe having unsupervised contact with him.*

When asked to comment on their existing parenting arrangements (question 19, section 5), some of the respondents in this cohort gave information that differed from the amiable post-separation parenting stories recounted by others in this group. Some couples did manage without assistance, however there were complexities in relation to shared parental responsibility when couples had a history of conflict or family violence.

Both male and female respondents hinted at issues that arose from not having a set schedule or a fixed parenting agreement. The time the children spent with each parent became a bargaining chip for the dominant parent and the end result was a reluctant agreement made by the other party. Using children and parenting agreements as leverage or as a protracted form of control also emerged in the general survey population; the power to control the actions of the other parent through threats of changes to parenting arrangements or of court proceedings seemed to be the most common manifestation of this.

In this cohort some of the threats were less violent than reported by the rest of the respondents, however, they were as damaging as they interfered with the parent's capacity to organize their life and resume their day to day activities.

Some of the women noted the following:

- *Basically he has contact on his rostered days off as can be agreed. He takes off for two months on holidays during school times and sees them when it suits him. He took me to court telling them all what a good parent he was and not an abuser yet now when all said and done he is just as I told them in court. He doesn't want to have them he just does not want me to be free of him.*
- *Children don't see their dad as their on AVO*
- *I am full time career, my ex doesn't see her and he failed to turn up to court after being released from prison and after he started forms to the court wanting visitation rights.*
- *Kids are meant to spend every second school holidays with my x, last time he sent them back 5 days early as wasn't convenient for him these holidays they are not even going, it was meant to be court ordered that he take them, yet again, I'm the one left making plans and work commitments that I have to now cancel, they should be more enforceable when breaches are made, not just if he chooses to take them we have to supply the kids .. its a very bias system*
- *The existing arrangement where I solely parent over the past 8 years and the kids are safe is the best. He did not apply to the court for access or custody due to their disclosure of CSA and that being verified by surgeon.*

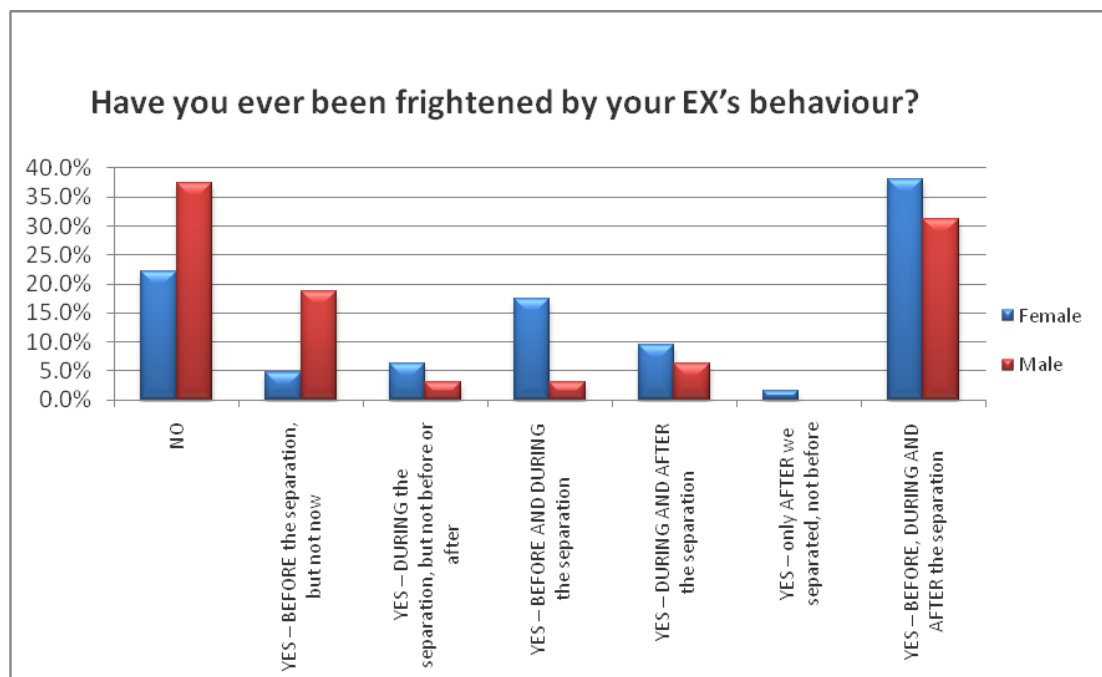
Some of the men noted the following:

- *Don't agree with current arrangements but court put care to the mother and she does as she pleases. Mother uses the children to her advantage. Too expensive and too late to change court orders now as the damage has been done.*

- *I can see my daughter after work at my ex's house and sometimes have her on the weekend if it is convenient for my ex*
- *I worry that my 15 year old and her mother do not have a good relationship. There is a personality clash and a defiant 15 year old. I would prefer she has more of a relationship with her mother, but every time I try and force the issue she uses the bitch word and swears a lot.*
- *It is all a sham.*

It would be reasonable to link their parenting arrangements with the balance of power in the parental relationship before, during and after the marital breakdown. In other words, if a parent was afraid of their spouse this would have had a direct impact on the way they have made their arrangements and whether they sought professional help. In question 1 of section 6 respondents were asked if they had ever been frightened of their spouse. The majority of the women in this cohort said that they had been at some point before, during or after separation; over a third of the men said no, with the rest saying they were afraid at some point as well.

Graph 99: Percentage of female and male respondents who had not accessed services in relation to whether they had been frightened by the ex-partner's behaviour



They were also asked to explain why they were afraid (question 2, section 6) and their qualitative responses provided a vivid image of the controlling and threatening actions of dominating, violent partners. This control also extended to the children as victims and was used as leverage. Both men and women in this cohort related violence most frequently to the impact on their child or their parenting arrangements.

- *7 out of 8 forms of violence used. He stalked me post separation. He allegedly sexually abused our daughter. He took me down the same bush track twice, 1 week and 1 month after [name withheld] shot and gassed his children with my children in the car. He said he would kill them if I left.*
- *As I have mentioned he used to hit me, and threaten me, I don't trust him, he would drive past my house yelling that I am a slut etc, he would follow my new fiancé home (now my husband) and one*

night when I was out he even followed me to the point where I had to hop in the car with him as he wouldn't leave us alone, also he has raped me.

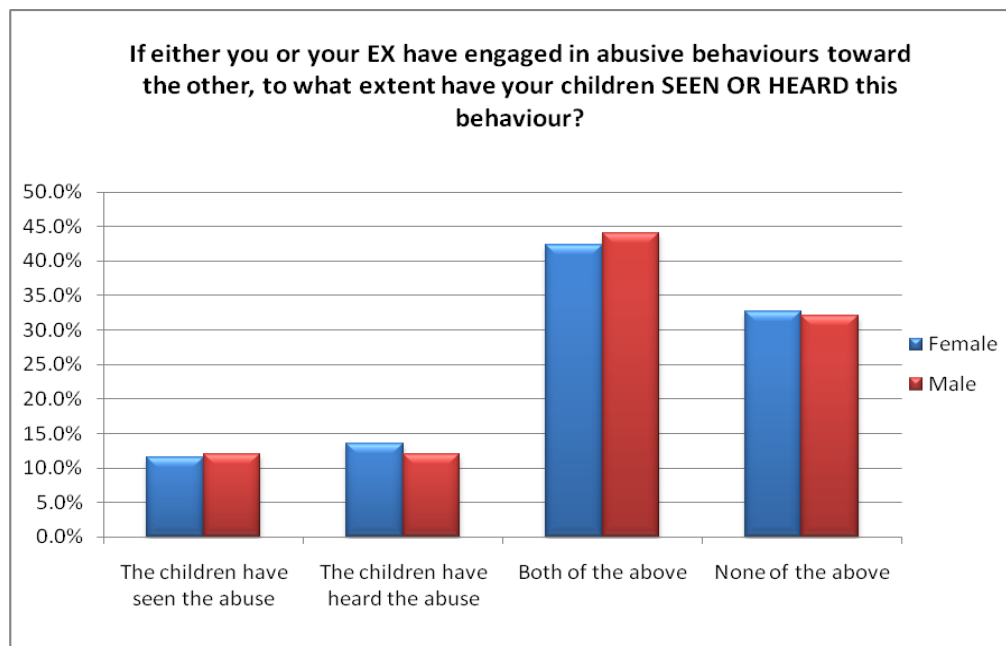
- *Because he's extremely violent and I believe he will kill me.*
- *He is an alcoholic with mental problems, he has held me captive at gunpoint, he has locked me out of the house, he has had my pets killed, he has turned off power and water at night, etc*
- *His anger and spiteful behavior. i.e. has called welfare with lies or presumptions, has argued in front of boys, tried to run me over in front of them, bagged me to boys teachers, friends mother's etc*
- *I was afraid because on occasions he would snap if something wasn't going his way. He never hit me but it was his reaction to stuff that scared me.*
- *My ex was frequently verbally abusive and put me down in every area of my life. He tried to control me socially and financially, for example, during the marriage I had to beg him for grocery money, and he tried to isolate me from friends and family.*

The men in this cohort also spoke of controlling behavior as a form of violence.

- *Before separation I was forced to barricade myself in a room to protect myself, during separation she was angry about having to face the court to get her children back and both during and after separation I know she would frequently stop taking her medications*
- *Prior to separation my partner was very controlling, limiting my social life, monitoring my emails, accusing me of things I hadn't done. During the separation she yelled and swore at me quite violently.*
- *She was violent and unpredictable she would turn up and defy court orders and she knew the police were powerless to act. She kidnapped one child a baby an urgent retrieval order was granted and baby brought back to me after 2 days. She failed to return the children stating to the police my new partner was violent. We tried under the court system to get them back but this was becoming difficult to cope with. We usually had to wait for the child to come back by itself. After many allegations made against me in court by the step father and the ex. This was another failure of the court orders to protect the child it was unbelievable.*
- *The ex came round several times to my house threatening to kill me even in front of our daughter. I was told by friends that she carried a knife in her bag and that she had even tried to obtain a gun. Given her mental condition I feel my fears were well founded. She had also abused and threatened witnesses who spoke up for me in court even in breach of family court orders.*

Respondents were also asked to specify if the violence was evident to their children, either by hearing it or by seeing it. Once more, for those who had a history of domestic violence the majority said that their children had seen and/or heard the violence. This follows the general trend established by the rest of the respondents and is indicative of the all pervasive effect family violence has on children.

Graph 100: Percentage of male and female respondents who had not accessed services in relation to whether their children had seen or heard the violence/abuse



The respondents were asked to evaluate if family violence had an impact on parenting arrangements. A third of the male respondents in this cohort claimed there was not violence, only a fifth of the women alleged the same. An interesting trend is that almost a third of the women in this sample claimed that the need for children to be safe should be given priority; this was in contrast to the overall responses, where only 12.3% of female respondents claimed the same. The table below illustrates the answers to this question for this cohort.

Table 82: Number and percentage of male and female responses in relation to what extent the issue of violence had impacted on the arrangements they made for the parenting of their children after separation. Question 2 Section 8

| Answer Options | Male | % | Female | % |
|--|-----------|-------|-----------|-------|
| It has NOT been considered in decisions as there has been no violence | 7 | 33.3% | 9 | 20.9% |
| It has NOT been considered in decisions even though there has been a history of violence | 5 | 23.8% | 4 | 9.3% |
| It has been considered and the SAFETY OF THE CHILDREN HAS BEEN GIVEN PRIORITY in parenting arrangements | 0 | 0.0% | 13 | 30.2% |
| It has been considered but the CHILD/REN'S NEED TO HAVE CONTACT WITH BOTH PARENTS HAS BEEN GIVEN PRIORITY over the safety of the child/ren in parenting arrangements | 0 | 0.0% | 3 | 7.0% |
| It has been considered and there has been an ATTEMPT TO BALANCE THE CHILD/REN'S NEED FOR SAFETY WITH THEIR NEED TO SPEND TIME WITH BOTH PARENTS | 4 | 19.0% | 6 | 14.0% |
| Something else | 5 | 23.8% | 8 | 18.6% |
| answered question | 21 | | 43 | |

Understandably, when asked about their levels of satisfaction (question 12 to 19, section 8) with any services they may have used the respondents for this cohort gave very little information as it was not relevant for them. However, on closer examination almost all of the respondents had accessed some service, either for information or for assistance.

Some respondents did give indications of their involvement with services when asked about the impact family violence had on their choices and access to professional assistance (questions 4 to 11, section 8). Their comments revealed a constant tension between the desire to get out of a violent situation and the use of services. Both male and female respondents noted that they experienced a general sense of disbelief from services when family violence was alleged. It is possible that victims were less likely to access a second or third service if the first one gave a negative response. This points to the pivotal role that services have to play in screening for violence, investigating allegations and denials of violence, providing information and opening up relevant pathways for victims of violence.

In Question 5, Section 8 when asked how has family violence affected your choice to access professional assistance to help you through your separation, women's statements included:

- *All you can think of is not upsetting all involved, keep the waters calm for everyone's well being, too much stress as it is.*
- *Chose not to seek help as too scared to bring up past in case ex finds out.*
- *Haven't accessed them at all because he would not have it.*

- *when we separated I didn't know such places could help, but because I tried getting an AVO against my x and the police were too busy to serve him on 3 occasions, I was reluctant to go back to court and keep trying*

Men's statement included:

- *Don't believe they go deep enough into the issues. Believe what is said to them when the person can take the truth and twist it.*
- *I chose to see a legal expert to deal with the allegations and custody issues. I will be seeking a child psychologist to identify the extent of the damage done by the MOTHERS actions upon the conclusion of the court proceedings when normal access is restored.*

In question 7, Section 8 when asked 'how has family violence affected your access to professional assistance to help you through your separation?' women's statements included:

- *I did not do a property settlement as he bullied me out of court and said I would lose my house. I lost it anyway because he kept being late with child support and wouldn't pay the rates. Also I wanted his super to remain untouched so that if my daughter was able to disclose and be believed then she could access his super through victims of crime compensation. I was so afraid if I took his super he would hurt me.*
- *I fear the consequences of any action I might take. He still has the house and does not pay maintenance as he does not earn any money and I have been working and paying for everything for the kids. The Lawyer's advice was do not get a divorce, go figure!!*
- *I feel cut off from professional assistance, everyone in the field of family violence knows him and if it got out! I am too scared to go for assistance anywhere.*

Men's statements included:

- *Being perceived as a potential abuser by Community legal centre - and my experience of threat being ignored - resulted in my not accessing the service.*
- *No services available to men, I have tried and tried called everyone.*
- *she would refuse to attend professional help or tell them lies about the drug abuse*

When asked in Question 9, Section 8, 'how has family violence affected your ability to negotiate fair and/or safe outcomes for you and/or your children, women's statements included:

- *As above. The older kids and I have worked out our own way to keep the little one safe until she is old enough to not go there any more. At 12 she is too young and it is too much responsibility on her to have to say (in front of him) that she wants to be with me.*
- *Fear has led me to agree to arrangements that I don't believe have been in the best interests of child*
- *Unequal balance of power. Child rep not acknowledging the children's wishes. Lack of proper advice and I felt like I was being coerced and bullied into agreeing to contact as no one wanted the allegations to be tested in a court except me.*

Men's statements included:

- *Accepted and still accept things that perhaps I shouldn't for fear of reprisals.*
- *Don't change status quo - any change is dangerous due to exes psychological state*
- *I just agree to keep her happy*

When asked in Question 11, Section 8, 'how has family violence affected the outcomes of your use of professional assistance to help you through your separation?' women's statements included:

- *The police response was varied according to attitude and their own personal baggage. My daughter thinks her father is a police man so when CPIU male officer detective senior sergeant [name withheld] spoke to my daughter she clammed up cause she thought that daddy's friend was coming to take her away. Her father is a correctional officer. God knows what he has told her to keep her quiet.*

Men's statement included:

- *The lack of police action meant that I was subjected to a protracted vexatious use of police resources by my ex partner when I was the victim in the first instance, and the long suffering victim at that. The police became an instrument of further emotional and financial harm at the hands of a vindictive and abusive person.*

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