

# 6

## Care-time arrangements: Community opinions, prevalence and durability of different arrangements, and trends across the years

As outlined in Chapter 1, a key objective of the 2006 family law reforms was to encourage greater involvement of both parents in children's lives following separation, provided that the children are protected from family violence or child abuse (see policy objective 2, 2007 Evaluation Framework, Appendix B). "Involvement" entails such matters as: (a) taking primary or immediate care of the children for significant periods of time (care time), including overnight where possible;<sup>1</sup> (b) making a significant contribution to decisions affecting children's general lifestyle and welfare; and (c) providing financial support for the children. The concept of "parental involvement" thus overlaps with the exercise of "parental responsibility", although involvement may be understood as "what happens", whereas "responsibility" conveys notions of accountability or obligation. This chapter focuses on care-time arrangements.

After separation, most children live with their mother, although the proportion of older children who live with their father is higher than that of younger children who live with their father. There is some evidence that a more equal apportionment of care time between parents has increased (Australian Bureau of Statistics [ABS], 2008).

The concept of "shared care time" (which is to be distinguished from other aspects of shared parental care) typically refers to circumstances in which children spend a similar number of nights with each parent. Prior to the introduction of the new Child Support Scheme, this was usually taken to represent at least 30% of nights with each parent, but the Child Support Agency (CSA) now classifies 35–65% of nights with each parent as reflecting shared care time.

It appears that the sharing of care time has been less prevalent in Australia than in the United Kingdom or the United States (see Smyth, 2009),<sup>2</sup> and is less durable than arrangements in which children live mostly or entirely with their mother (Smyth, Weston, Moloney, Richardson, & Temple, 2008). While some concern has been expressed about the appropriateness of very young children spending much the same time with each parent (e.g., McIntosh & Chisholm, 2008), little is known about the views of parents in general concerning this issue.

Key evaluation questions examined in this chapter are:

- What are the opinions of parents in the general population regarding whether children of separated parents generally "do best" when both parents remain involved in the children's lives and the appropriateness of shared care-time arrangements for children of different ages?
- What is the prevalence of different care-time arrangements in families that experienced parental separation after the 2006 changes to the family law system were introduced?
- How much confidence can we place in these findings about the prevalence of care-time arrangements?

1 In this report, the term "care time" is used to describe the face-to-face contact that separated parents have with their children and includes both overnight stays and daytime-only contact.

2 International comparisons are difficult to make, given various differences in the studies (e.g., the cut-off points used for defining shared care time, the populations focused upon (e.g., divorced parents compared to all separated parents), the sampling techniques adopted, and the year of data collection. The following rates are examples of those mentioned by Smyth (2009): a study by Peacey & Hunt (2008), conducted in 2006–07, suggested that 9–17% of separated parents in the UK with a child under 18 years old have roughly equal care time (i.e., their focus child spent at least 3 or more days and nights per week, or around half the year, with each parent; Melli and Brown (2008) indicated that estimates for the US put *post-divorce* shared parenting, involving the child spending more than 30% of time with each parent, at around 20% (32% in Wisconsin in 2001).

- Are some patterns of care-time arrangements more durable than others?
- What are the patterns of care-time arrangements apparent in the samples of court files?
- To what extent does the post-reform picture of care-time arrangements, as indicated in court files and surveys of separated parents, differ from arrangements that were apparent before the reforms were introduced?

This chapter provides information on the opinions of parents in general about the importance of separated parents both being involved in their children's lives. It also provides information on parents' views about the appropriateness for children of different ages spending about the same amount of time with each parent after separation. Attention is then directed to what happens in practice for families that experienced parental separation after the reforms were introduced (after 1 July 2006). The prevalence of different patterns of care-time arrangements for children in these families is examined, along with the meaning of daytime-only care—that is, how frequently parents whose time with the child is restricted to the daytime see their child. This is followed by an analysis of the post-reform care-time arrangements that have resulted from children's proceedings filed in the courts.<sup>3</sup> Next, the durability of the different care-time arrangements is assessed. The extent to which there have been changes over the years in patterns of care time is then examined, using surveys of parents and court data.

The analyses in this chapter are based on the following data:

- the General Population of Parents Surveys (GPPS), conducted in 2006 and 2009;
- Wave 1 of the Longitudinal Study of Separated Families (LSSF W1), conducted in 2008;
- the Looking Back Survey (LBS), conducted in 2009;
- samples of pre- and post-reform court files relating to children's proceedings filed in the Family Court of Australia (FCoA), the Federal Magistrates Court (FMC) and the Family Court of Western Australia (FCoWA);
- the CSA administrative dataset;
- the ABS Family Characteristics Surveys (FCS), conducted in 1997 and 2003; and
- the ABS Family Characteristics and Transitions Survey (FCTS), conducted in 2006–07.<sup>4</sup>

## 6.1 Opinions of parents about post-separation parental involvement and equal care time for children

The first issue examined in this chapter concerns the extent to which the opinions of parents in general are consistent with the objective of the reform concerning encouragement of greater involvement by both parents in children's lives after separation, where children are protected from family violence and abuse.

The reforms have sparked considerable debate about the appropriate amount of time that young children should spend with each parent. For instance, drawing on attachment theory and research, McIntosh and Chisholm (2008) emphasised that a very young child's development of a secure attachment to one parent (or caregiver) is vital to their emotional health in the longer term. Secondly, they argued that the creation of secure attachment itself requires that the infant experience reliable care with one parent/caregiver on a continuous basis and that shared care-time arrangements involving the infant moving from one parent to the other on a frequent basis can disrupt their development of attachment, especially where parents have an acrimonious relationship.<sup>5</sup> In contrast, Burrett and Green (2008), in a review of the literature, concluded that there is no evidence that overnight time between fathers and young children is harmful to the infant–mother attachment. The impact of care time on children's wellbeing is the focus of Chapter 11.

3 Details on how the cases included in the sample were selected are provided in Appendix B.

4 Details of each of these sets of data (except the FCS 1997 and 2003 and the FCTS 2006–07) can be found in Appendix B. In the present chapter, the various sets of data will be briefly described when the results that are based on them are introduced.

5 While McIntosh and Chisholm (2008) highlighted possible attachment concerns for very young children, most of their concerns focused on potential risks for children's healthy emotional development associated with shared care time where the relationship between the parents is marked by continuing high levels of acrimonious conflict and where the parents seem to lack the capacity to attune to their children needs.

What are the opinions of the general population of Australian parents regarding such matters? Data from the GPPS 2006 and GPPS 2009 are used to gauge parents' opinions about whether children "do best" after parental separation when both parents stay involved in their lives, and data from the GPPS 2009 are used to gauge their views about the appropriateness of children of different ages (or developmental stages) spending much the same time with each parent (here called "equal care time").<sup>6</sup>

### 6.1.1 Views about the benefits for children of continuing parental involvement

Participants in the GPPS 2006 and GPPS 2009 were asked to indicate their level of agreement or disagreement with the statement that "Children generally do best after separation when both parents stay involved in their lives". Response options were: "strongly agree", "agree", "mixed feelings", "disagree" and "strongly disagree". In addition, 5% of the participants volunteered that they were uncertain about this matter and these answers were combined with "mixed feelings" as they appeared to overlap with a middle-of-the-road stance.

Two sets of analysis are presented. The first set summarises the patterns of answers provided by fathers and mothers in the two surveys, while the second shows the extent to which such answers vary according to whether or not the respondents themselves have separated from the other parent of at least one of their children.

#### Views of fathers and mothers in general

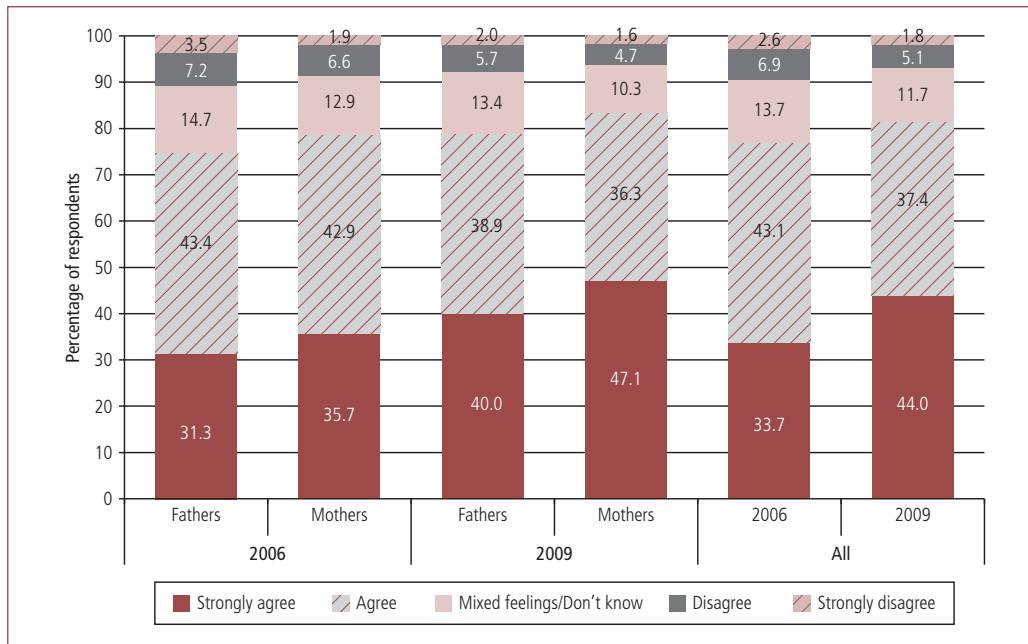
Figure 6.1 shows the patterns of answers provided by fathers and mothers who participated in the GPPS 2006 and those who participated in the GPPS 2009.

- Consistent with the intent of the family law reforms, most fathers and mothers agreed or strongly agreed that the continuing involvement of both parents is beneficial for children (75% and 79% respectively in 2006, and 79% and 83% respectively in 2009).
- A slightly higher proportion of mothers than fathers indicated that they strongly agreed with the statement (GPPS 2006: 36% compared to 31%; GPPS 2009: 47% compared to 40%).
- Furthermore, the proportion of fathers and mothers who strongly agreed with this statement was higher in the 2009 survey than in the 2006 survey. Specifically, strong agreement was expressed by 31% of fathers in the GPPS 2006 and 40% of fathers in 2009, and by 36% of mothers in the GPPS 2006 and 47% in 2009.
- While the latter trend suggests that fathers' and mothers' agreement with the notion that the continuing involvement of each parent is generally beneficial for children has become more clear-cut, future surveys are needed to show whether the differences in patterns of answers across time reflect continuing, stable or fluctuating trends.

#### Views of separated and non-separated fathers and mothers

Given that most parents agreed with the statement about the benefits of continuing parental involvement for children, Figure 6.2 focuses on the proportions of parents who agreed or strongly agreed with the statement. Here, attention is directed to the views of separated and non-separated fathers and mothers in the two surveys. These data are relevant to the evaluation because they provide information on community attitudes.

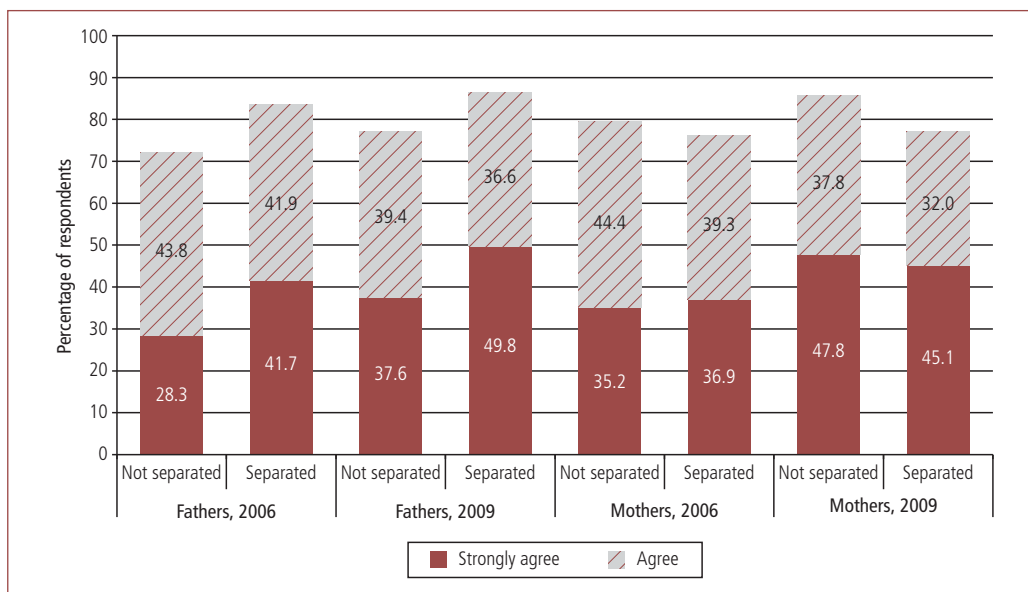
<sup>6</sup> The GPPS 2006 and GPPS 2009 were national telephone surveys of 5,000 parents who had at least one child under the age of 18 years (not necessarily living with the them). Both samples were selected randomly from the population of parents who lived in private dwellings with a landline telephone. The question on the appropriateness of equal care-time arrangements for children was asked in the GPPS 2009 only. "Equal care time" in this section refers to arrangements in which children spend approximately half the time with each parent, whereas "shared care time" in this chapter refers to arrangements in which the child spends 35–65% of nights with each parent. That is, "shared care time" covers a broader set of arrangements that also encompasses "equal care time".



Note: Percentages may not total exactly 100% due to rounding.

Sources: GPPS 2006 and 2009

**Figure 6.1** Parents' views about whether children do best when both parents stay involved in their lives after separation, fathers and mothers, 2006 and 2009



Source: GPPS 2006 and GPPS 2009

**Figure 6.2** Parents' views about whether children do best when both parents stay involved in their lives after separation, non-separated and separated fathers and mothers, 2006 and 2009

While most parents supported the idea that the continuing involvement of both parents in their children's lives is beneficial for the children, the proportion of parents who agreed or strongly agreed with the statement varied according to their gender and whether they had separated or not:

- Separated fathers were more likely than non-separated fathers to believe that the continuing involvement of both parents was beneficial for children (2006: 84% compared to 72%; 2009: 86% compared to 77%).

- Such a belief was expressed by a lower proportion of separated than non-separated mothers, especially in the 2009 survey (2006: 76% compared to 80%; 2009: 77% compared to 86%).
- Therefore, agreement with the statement was more commonly expressed by non-separated mothers than non-separated fathers (2009: 86% compared to 77%), and less commonly expressed by separated mothers than separated fathers (2009: 77% compared to 86%).

Strong agreement with the statement was more apparent in the 2009 survey than in the 2006 survey for all groups. Specifically, the following proportions of parents expressed strong agreement in the GPPS 2006 and GPPS 2009 respectively:

- non-separated fathers: 28% and 38%;
- non-separated mothers: 35% and 48%;
- separated fathers: 42% and 50%; and
- separated mothers: 37% and 45%.

Such trends may reflect a small cultural shift in views towards an increased conviction that continuing involvement of both parents is beneficial for children after parental separation. It will be important to check whether support for the idea that the continuing involvement of both parents is beneficial for children after separation is sustained over time or whether it continues to increase.

In the meantime, it is important to note that a substantial proportion of separated and non-separated parents (38–50%) indicated strong endorsement of this view in 2009.

### 6.1.2 Views about the appropriateness of equal care time for children of different ages

Participants in the GPPS 2009 were asked to indicate whether they considered that equal care time for children of different ages (or developmental stages) was “totally appropriate”, “sometimes appropriate”, “sometimes inappropriate”, or “totally inappropriate”, where there were no safety issues.<sup>7</sup> The ages (or stages) covered children under 3 years old, 3–4 years old, children in primary school, and those in secondary school.<sup>8</sup>

#### Views of fathers and mothers in general

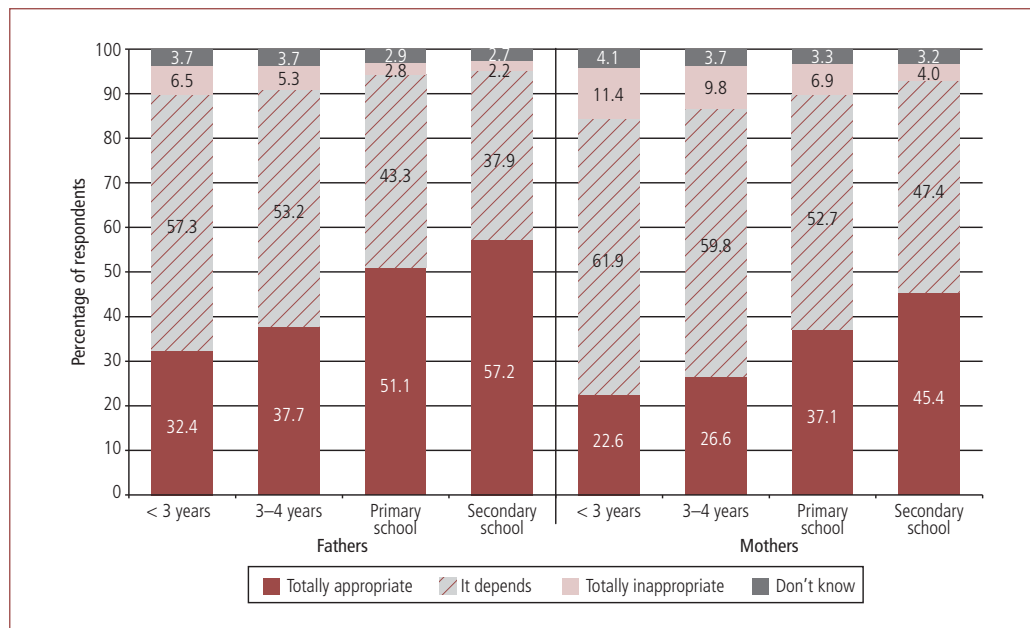
Figure 6.3 shows the patterns of answers provided by all fathers and mothers (regardless of whether they had or had not experienced separation).

The proportion of fathers and mothers who believed that equal care time was “totally appropriate” for children increased according to the children’s age (fathers: from 32% to 57%; mothers: from 23% to 45%). Only 2–7% of fathers and 4–11% of mothers believed that equal care time was totally inappropriate for children across different age groups, with the proportions stating this decreasing very marginally with children’s increasing age.

For children under 3 years old and 3–4 years old, both fathers and mothers most commonly believed that the appropriateness of equal care time depended on other factors. That is, such an arrangement was seen as sometimes appropriate or inappropriate. Mothers also most commonly held this view for children in primary school, and for children in secondary school were equally divided between seeing it as “totally appropriate” or as depending on other factors. Fathers most commonly believed that equal care time was totally appropriate for children in primary and secondary school.

<sup>7</sup> The question was: “When parents separate, one possible arrangement can be for children to spend approximately half the time with each parent. Assuming there are no safety issues, how appropriate do you think this is when the children are: (a) under 3 years old; (b) 3–4 years old; (c) at primary school; and (d) at secondary school”. (Where requested, the meaning of “no safety issues” was explained as there being “no concerns about family violence or abuse”. Four response options were provided: “totally appropriate”, “sometimes appropriate”; “sometimes not appropriate”; and “totally inappropriate”.) Given that there is only a very subtle difference between the views “sometimes appropriate” and “sometimes not appropriate”, these categories were combined in the analysis and are here summarised as “it depends”; that is, the appropriateness depends on other factors.

<sup>8</sup> A small proportion of parents indicated that they were unsure about this matter. This response option was not suggested to them by the interviewer.



Note: Percentages may not total exactly 100% due to rounding.

Source: GPPS 2009

**Figure 6.3** Parents' views about the appropriateness of equal care time for children, by different age groups, fathers and mothers, 2009

For each age group, fathers were more likely than mothers to believe that equal care-time arrangements were “totally appropriate” (e.g., for children under 3 years: 32% compared to 23%; for children aged 3–4 years: 38% compared to 27%). Only 3–4% of parents volunteered that they were too uncertain to provide answers to these questions.

A key message suggested by these results is that, even for children under 3 years old, the vast majority of mothers and fathers believed that equal care time was at least sometimes (if not totally) appropriate for children.

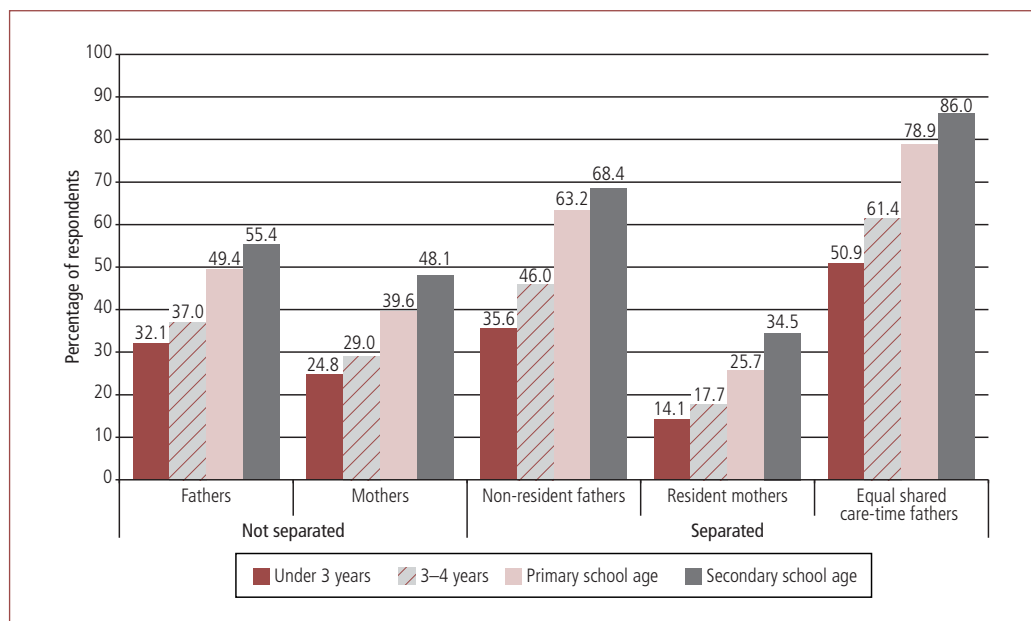
### Views of separated and non-separated fathers and mothers

In addition to opinions about care-time arrangements varying according to whether or not parents had separated, they also varied among separated parents according to the different care-time arrangements they had for their focus child. Figure 6.4 captures the views of non-separated fathers and mothers; fathers who indicated that their child mostly lived with their mother; mothers who indicated that this child mostly lived with them; and fathers who reported that the child spent much the same time with each parent.<sup>9</sup>

For all five groups of parents, the proportion who said that equal time is totally appropriate increased with the age of the child. Across the four age groups, fathers were more inclined than mothers to consider such arrangements to be totally appropriate. Also across the four age groups, separated fathers who had equal care time with their child were clearly the most likely of all groups to believe that such arrangements were totally appropriate, followed by separated fathers whose child lived mostly with their mother. Separated mothers whose child lived mostly with them were the least likely to consider that equal care time for children in each age group was totally appropriate.

For children under 3 years old, only a minority of parents (other than fathers with equal care time) accepted that equal care-time arrangements were totally appropriate and the separated and non-separated groups of mothers were less likely to accept this idea than were the various

<sup>9</sup> Parents participating in the GPPS 2009 were asked whether their child lived mainly with them, with their other parent or somewhere else. A separate code was also established for responses indicating that the child lived much the same time with each parent. There were too few mothers who reported that the child lived mostly with the father ( $n = 18$ ) or that the child lived with each parent for much the same time ( $n = 31$ ) to provide reliable estimates for these groups.



Source: GPPS 2009

**Figure 6.4** Parents who thought that equal care time was totally appropriate for children, by different age groups, non-separated and separated fathers and mothers, 2009

groups of fathers. The parents least likely to consider such arrangements to be totally appropriate for children under 3 were separated mothers whose child lived with them most of the time (14%), followed by non-separated mothers (25%), then non-separated fathers (32%) and separated fathers whose child mostly lived with their mother (36%). By contrast, around half of the separated fathers with equal care time considered such arrangements for children under 3 years old to be totally appropriate.

## 6.2 Prevalence of different care-time arrangements: Reports of parents who separated post-reform

This section focuses on the care-time arrangements reported by parents who participated in LSSF W1 2008.<sup>10</sup> Four issues are examined: (a) the prevalence of various care-time arrangements experienced by children of different ages; (b) similarities and differences in the trends suggested by the reports of fathers and mothers; and (c) the meaning of daytime only care.

Care-time arrangements can be extremely complex and the categories adopted, which are set out below, are based on the overall proportion of nights per year that the focus child spent with each parent, as reported by the parents. These categories are consistent with those used in the child support formulae:<sup>11</sup>

- 100% of nights with mother—the father may or may not have daytime contact with the child;
- 1–13% of nights with the father and 87–99% of nights with the mother;

<sup>10</sup> The LSSF W1 2008 is a survey of 10,000 parents who separated after 1 July 2006 (i.e., after the reforms were introduced) and who were registered with the CSA in 2007 (agency collect and private collect parents). Of these parents, 82% had separated in 2007, 13% had separated in the second half of 2006, and 5% had separated in 2008. One of the children born of the separated relationship was selected as the “focus child” and trends outlined for children refer to the sample of “focus children”. Both the mother and father of nearly 1,800 of these children participated in the study. This sample of parents was called the “former couples sample”. Given that these parents had separated for no more than 28 months when interviewed, this sample differs considerably from samples of separated parents from other studies. For example, 58% of the focus children in the LSSF W1 2008 were under 3 years old, whereas in the Family Characteristics and Transitions Survey 2006–07 sample, only 15% of children with a parent living elsewhere were under 5 years old.

<sup>11</sup> There are a variety of government policies that may influence care arrangements, including Centrelink rules for qualification for a range of child and parenting-related payments (e.g., Family Tax Benefit and Parenting Payments).

- 14–34% of nights with the father and 66–86% of nights with the mother;
- 35–47% of nights with the father and 53–65% of nights with the mother;
- 48–52% of nights with each parent;
- 35–47% of nights with the mother and 53–65% of nights with the father;
- 14–34% of nights with the mother and 66–86% of nights with the father;
- 1–13% of nights with the mother and 87–99% of nights with the father; and
- 100% of nights with father—the mother may or may not have daytime contact with the child.

In addition, two variants of the first and last categories (involving 100% of nights with one parent) were examined: where the child never saw the other parent, and where the child saw this parent during the daytime only.

The gender of the parent who had the majority or minority of care nights, “no care time” or “daytime-only care” is also taken into account, because the circumstances linked with a mother having minority or no care time may differ from those in which the father has minority or no care time.

For succinctness, children who spend 66–99% of nights with one parent are described as spending “most nights” with this parent and only “a minority of nights” with the other parent.

Consistent with the CSA child support liability cut-offs, children with 35–65% of nights in the care of each parent are considered to have “shared care-time arrangements”.<sup>12</sup> This set of arrangements is also subdivided as follows: (a) 53–65% of nights per year with their mother and 35–47% of nights with their father; (b) 48–52% of nights per year with each parent; and (c) 35–47% of nights with their mother and 53–65% of nights with their father. In the present report, these three variants of shared care time are respectively referred to as “shared care time involving more nights with the mother”, “equal care time” and “shared care time involving more nights with the father”.

In practice, the scheduling of time with each parent is commonly linked with the significance of specific days or periods (weekdays, weekends, school holidays and festive days such as Christmas Day, Fathers or Mothers Day and birthdays). For example, a child who stays overnight with one parent every Friday and Saturday of the year, along with every Sunday for half the weeks in a year would be classified as having a shared care-time arrangement (i.e., they spent, on average, 2.5 nights every week per year, or 35% of nights per year, with this parent).

Prior to the implementation of the new child support formula, children were typically considered to have shared care-time arrangements when they stayed overnight with each parent for 30–70% nights per year. Despite the broad range of time encompassed by that definition, the 30–70% cut-off has been termed “equal-time parenting”, “shared-time parenting”, “50/50 shared care” and “near-equal shared care” (Smyth, 2009). These terms are not generally used in this reCare-time arrangements for children of different ages

Table 6.1 shows the prevalence of different care-time arrangements experienced by children of different ages.<sup>13</sup>

One-third of children never stayed overnight with their father, with 11% never seeing their father, and 23% seeing their father during the daytime only. Conversely, only 2% of children never stayed overnight with their mother, with 1% of children never seeing their mother and the other 1% of children seeing their mother during the daytime only.

Just over 45% of children stayed overnight with their mother most nights—that is, 66–99% of nights (with most of these children being in the care of their mother for 66–86% of nights, and in the care of their father for 14–34% of nights).<sup>14</sup> Almost 79% of the children spent most or all nights with their mother and only 5% of children spent most or all nights with their father.

<sup>12</sup> The CSA has used the term “shared care” to cover such arrangements.

<sup>13</sup> There were nearly 1,800 focus children whose mother and father both participated in the LSSF W1 2008. To prevent children who had both parents participated in the survey being counted twice in the calculation of statistics, when the focus of analysis is the child the reports regarding arrangements that were provided by one of these parents was randomly removed. When the focus of analysis is the parent, then both parents are included in the calculation of the statistics.

<sup>14</sup> In subsequent sets of analyses, these two arrangements are combined for the purposes of simplicity, as are those involving most nights with the father. It is important to note, therefore, that most focus children who

**Table 6.1 Care-time arrangements: Proportion of nights per year that children spent with each parent, by age of child, 2008**

Proportion of nights per year with each parent		Age of child (years)					All children
		0–2	3–4	5–11	12–14	15–17	%
<b>Detailed care-time arrangements</b>							
Father never sees child	(1)	16.2	8.4	5.3	10.6	13.0	11.1
Father sees in daytime only	(2)	34.4	15.5	12.0	14.0	22.6	22.5
87–99% with mother (1–13% father)	(3)	13.8	13.9	13.7	14.3	18.3	14.1
66–86% with mother (14–34% father)	(4)	25.4	37.1	37.2	31.1	18.7	31.0
53–65% with mother (35–47% father)	(5)	5.0	9.3	11.6	7.8	3.3	7.8
48–52% with each parent (i.e., equal care time)	(6)	2.1	9.3	11.8	10.7	6.4	7.0
35–47% with mother (53–65% with father)	(7)	0.4	1.7	2.3	1.7	1.1	1.3
14–34% with mother (66–86% with father)	(8)	0.8	1.9	2.8	3.5	3.7	1.9
1–13% with mother (87–99% with father)	(9)	0.5	0.7	1.3	2.3	4.2	1.1
Mother sees child in daytime only	(10)	1.0	1.2	1.2	1.7	4.4	1.3
Mother never sees child	(11)	0.4	1.0	0.9	2.5	4.3	1.0
<b>Total</b>		<b>100.0</b>	<b>100.0</b>	<b>100.1</b>	<b>100.2</b>	<b>100.0</b>	<b>100.1</b>
<b>Number of observations</b>		<b>2,684</b>	<b>1,309</b>	<b>2,538</b>	<b>627</b>	<b>560</b>	<b>7,718</b>
<b>Selected combined care-time groups</b>							
100% nights with mother	(1)+(2)	50.6	23.9	17.3	24.6	35.6	33.6
Most nights with mother	(3)+(4)	39.2	51.0	50.9	45.4	37.0	45.1
Shared care time (35–65%)	(5)+(6)+(7)	7.5	20.3	25.7	20.2	10.8	16.1
Most nights with father	(8)+(9)	1.3	2.6	4.1	5.8	7.9	3.0
100% nights with father	(10)+(11)	1.4	2.2	2.1	4.2	8.7	2.3
Father or mother never sees child	(1)+(11)	16.6	9.4	6.2	13.1	17.3	12.1

Notes: Based on analysis of focus child's care-time arrangements. Percentages may not total exactly 100.0% due to rounding.

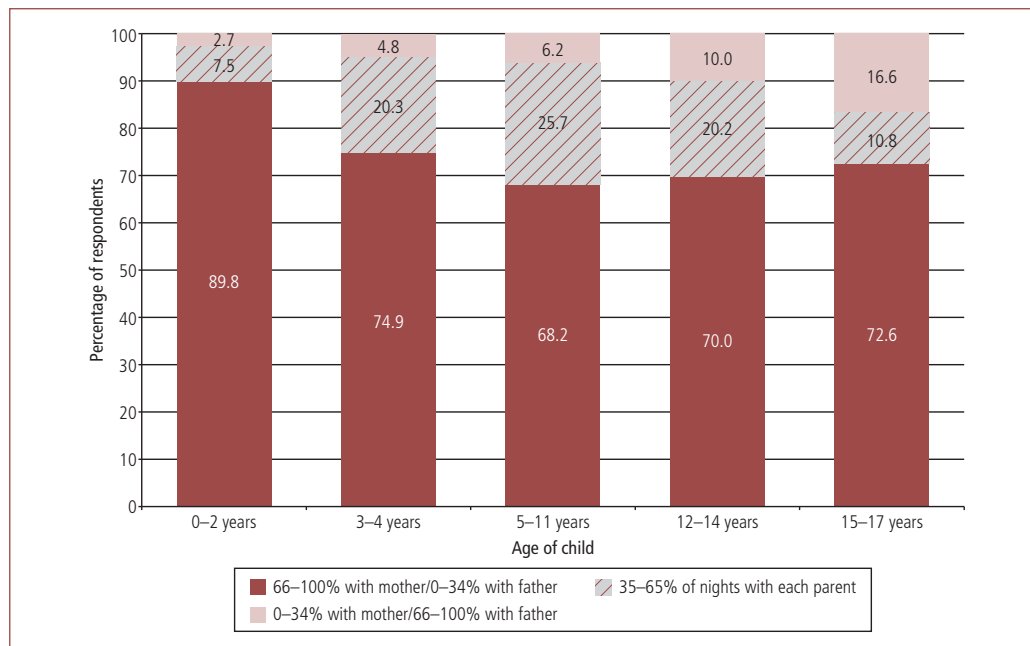
Source: LSSFW1 2008

Overall, 16% of children experienced a shared care-time arrangement, and similar proportions of children (7–8%) had either equal care time or shared care time involving more nights with their mother. Only 1% of all the children experienced shared care time involving more nights with their father than mother.

In total, 87% of the children spent more nights with their mother than father (including shared care time involving more nights with the mother), 7% spent equal care time with each parent, and 7% spent more nights with their father than mother (including shared care involving more nights with the father).

The prevalence of the different care-time arrangements varied considerably according to the child's age—an issue that is further clarified in Figure 6.5. For example: the proportion of children who spent most or all nights with their father increased progressively with the child's age (from 3% of those aged under 3 years to 17% of those aged 15–17 years), while shared care time was most commonly experienced by children aged 5–11 years (26% compared to 8–20%). However, most children in all age groups spent more time with their mother than father, with 68–90% of children spending at least two-thirds of nights with their mother.

stayed with their mother for 66–99% of nights spent 14–34% of nights (rather than 1–13% of nights) with their father.



Notes: Based on analysis of focus child's care-time arrangements. Percentages may not total exactly 100% due to rounding.  
Source: LSSF W1 2008

**Figure 6.5** Care-time arrangements: Proportion of nights per year that children spent with each parent, by age of child, 2008

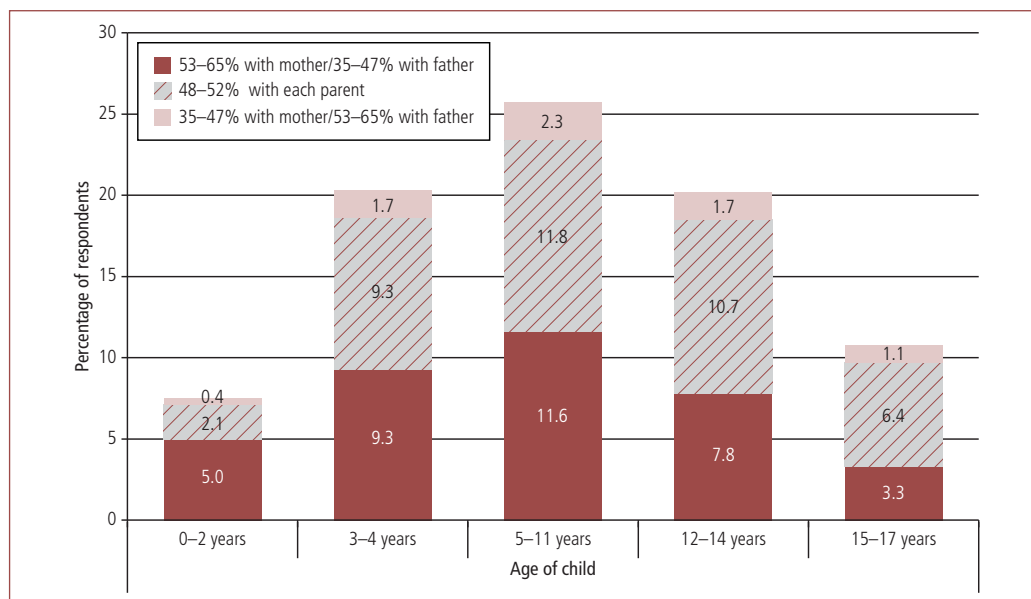
### Shared care-time arrangements for children of different ages

As noted above, shared care-time arrangements in general varied according to children's age. Specifically, Figure 6.6 shows that:

- shared care time in general was unusual for children under 3 years old (applying to just 8% of all the children);
- children aged 3–4 years were nearly three times as likely as those under 3 years old to experience shared care time (20%);
- as already indicated, children aged 5–11 years were the most likely of all age groups to have shared care-time arrangements (26%); and
- thereafter, shared care time declined progressively with age, applying to 20% of all children aged 12–14 years, and 11% who were 15–17 years old—a trend that appears to result mainly but not entirely from the increasing proportion of teenage children who, as they mature, spend most or all nights with their father (see Figure 6.5).

The experience of equal care time as opposed to shared care time involving more nights with the mother than father also varied according to children's age, as shown in Figure 6.6:

- No more than 2% of children in each age group experienced shared care-time arrangements involving more nights with their father than mother.
- Although only a small proportion of children under 3 years old experienced shared care-time arrangements, of these children, 67% spent more nights with their mother than father, 28% experienced equal care time, and only 5% spent more nights with their father than mother.
- Children aged 3–4 years and 5–11 years with shared care-time arrangements were just as likely to experience equal care time as to experience shared care time involving more nights with the mother than father. Each of these circumstances was experienced by 9% of all children aged 3–4 years, and 12% of all children aged 5–11 years.
- Of children aged 12–14 years, 11% experienced equal care time and 8% experienced shared care time involving more nights with the mother than father, while 6% of children aged 15–17 years experienced equal care time and 3% experienced shared care time that entailed more nights with their mother than father.



Note: Based on analysis of the focus child.

Source: LSSFW1 2008

**Figure 6.6 Shared care-time arrangements, by age of child, 2008**

In summary, while most parents in the Australian community believe that equal care time can be appropriate for some children under 3 years old, such a practice was rare among parents who separated after 1 July 2006 and had registered with the CSA. Even the broader category of shared care time (involving 35–65% of nights with each parent) was very unusual. And while parents in general appear to believe that the appropriateness of equal care time increases with increasing age of children, this arrangement was less commonly experienced by children aged 15–17 years than by children aged 5–14 years. Unlike the circumstances for children in other age groups, any shared care time experienced by children under 3 years old was more likely to entail a greater number of nights with the mother rather than equal nights with each parent.

### Age-related trends for children who never saw one parent

In general, the pattern of age-related results for children who never saw one parent is the reverse of that outlined above for children with shared care-time arrangements (Table 6.1). The youngest and oldest groups were the most likely to never see one parent, with this parent being far more likely to be the father than mother.

The proportion of children who never saw one parent (combining children who never see their mother and those who never see their father) decreased with increasing age until age 5–11 years, then increased progressively with age. The percentages of children experiencing these circumstances were:

- 17% of children aged 0–2 years;
- 9% of children aged 3–4 years;
- 6% of children aged 5–11 years;
- 13% aged 12–14 years; and
- 17% aged 15–17 years.

Only 0–4% of children in each of these age groups never saw their mother, while 5–16% never saw their father.

#### 6.2.1 Daytime-only care

While the preceding sections largely focused on the proportion of nights the child spent with each parent, Table 6.1 shows that children who never stayed overnight with their father were more likely to see their father during the daytime rather than never see him (23% compared to 11%), while only 1% saw their mother during the daytime only, and another 1% never saw their

mother. The amount of daytime-only care may vary considerably, as may the circumstances contributing to, or associated with, daytime-only care and no care time. This section examines how often parents with daytime-only care saw their child.

Table 6.2 shows the frequency of daytime-only care reported by fathers and mothers who only saw their child during the daytime and by fathers and mothers whose child only saw the other parent during the daytime.<sup>15</sup>

**Table 6.2 Frequency of daytime-only care, child has daytime-only care with one parent, reports by fathers and mothers, 2008**

	Father has daytime-only care (mother 100% of nights)	Mother has daytime-only care (father 100% of nights)
	%	
<b>Fathers' reports</b>		
52+ days per annum (at least once a week)	72.8	52.3
26–51 days per annum (at least once a fortnight)	8.4	11.1
12–25 days per annum (at least once a month)	10.0	22.2
Less often	8.8	14.5
<b>Total</b>	<b>100.0</b>	<b>100.1</b>
<b>Number of observations</b>	<b>711</b>	<b>115</b>
<b>Mothers' reports</b>		
52+ days per annum (at least once a week)	67.9	66.8
26–51 days per annum (at least once a fortnight)	11.3	9.4
12–25 days per annum (at least once a month)	11.7	11.5
Less often	9.1	12.4
<b>Total</b>	<b>100.0</b>	<b>100.1</b>
<b>Number of observations</b>	<b>1,164</b>	<b>49</b>

Note: Percentages may not total exactly 100.0% due to rounding.

Source: LSSF W1 2008

When a child has daytime-only care with a parent, the majority of children see the parent with whom they have daytime-only care at least 26 days per year (i.e., on average, once a fortnight or more often, most commonly at least once a week) (Table 6.2). Those who were most likely to report such frequent contact were fathers with daytime-only care (73%), followed by mothers who reported that they or their child's father had daytime-only care (67–68%). A relatively low proportion of fathers whose child had daytime-only care with his/her mother indicated at least weekly meetings (on average) between the child and mother (52%). In other words, the reports of mothers and fathers were more consistent where the child saw the father during the daytime only than where the child saw the mother during the daytime only.

While it appears that most parents who saw their child during the daytime only did so on average at least once a week, it is also important to note that a substantial minority saw their child around once a month or less frequently. This was indicated by over one-third of fathers whose child saw the mother during the daytime only (37%), by around one-quarter of mothers who had such time with their child (24%), and by 19–21% of mothers and fathers whose child spent time with the father during the daytime only. These results highlight the importance of understanding both the number of nights a child is in the care of each parent and patterns of daytime-only care.

## 6.2.2 Validity of findings on care-time arrangements

The results concerning daytime-only care outlined above indicate some gender differences in patterns of reporting. In this section, trends in the care-time arrangements suggested in the

<sup>15</sup> Where attention was given to the care-time arrangements of children of different ages, the information provided by one parent in the sample of former couples was randomly removed. It makes sense to include the reports of both parents where attention is directed to the characteristics and views of the parents. Unless otherwise specified, the results outlined in the rest of this chapter are therefore based on the information provided by all parents.

LSSF W1 2008 by all fathers and mothers and by those parents who were “former couples” are discussed. The latter sample comprised both the mother and father of nearly 1,800 focus children. These comparisons provide insight into the validity of the general trends in care-time arrangements outlined above.

## Reports of all fathers and mothers

The overall patterns of care-time arrangements suggested by the reports of all fathers and mothers were similar. For example, 43–46% of fathers and mothers reported that the child spent most nights with the mother. Secondly, both fathers and mothers were more likely to report that the child never stayed overnight with the father than with the mother (fathers: 26% compared to 3%; mothers: 39% compared to 13%). Thirdly, of the three shared care-time arrangements, both fathers and mothers were more likely to report that the child spent more nights with the mother than father (6–11% compared to 1–2%).

Nevertheless, consistent with previous research (e.g., Parkinson & Smyth 2003), fathers’ estimates of the time the child spent with them were higher than mothers’ estimates of the time the child spent with his or her father. For example, fathers were less likely than mothers to report that the child never stayed overnight with the father.<sup>16</sup>

## Reports of fathers and mothers in the former couples sample

A reasonably high degree of consistency was apparent in the reports of each partner in the former couples sample. For the nine different care-time categories that are mostly used in this chapter and elsewhere, almost 80% of former partners provided care-time estimates that fell within the same arrangement category, while only 3% provided estimates that were more than two categories apart. This high level of consistency in the reports of former partners, along with the consistency in the overall trends indicated by all fathers and mothers, suggests that the broad trends regarding the prevalence of different arrangements have high validity.<sup>17</sup>

## 6.3 Care-time arrangements in post-reform court files

This section provides information on the patterns of care-time arrangements apparent in a sample of court files for children’s matters initiated and finalised after 1 July 2006.<sup>18</sup> The sample includes matters that were finalised by consent (752 files) and judicial determination (233 files) in the FCoWA and the Melbourne, Sydney and Brisbane registries of the FMC and FCoA. The files relating to matters that were finalised by consent included cases in which proceedings were not issued (i.e., a judicial decision was not sought—328 files) and cases in which proceedings had been issued but the matters were subsequently settled by consent (424 files).

Analysis in this section is based on files where information was available that identified the parent with whom the child was living.<sup>19</sup> However, in a significant number of files, no information was available about the number of hours the child was to spend with his or her other parent. Some of these files included arrangements where the child’s time with the other parent was “as

<sup>16</sup> These results are provided in Appendix E. This apparent “gender difference” may in fact result from a tendency for parents (regardless of gender) to overestimate their own total care time and underestimate the care time of the other parent (sometimes termed “bias in reporting”). Another possible explanation for these trends is that parents who rarely or never see their child are less likely than other parents to participate in surveys.

<sup>17</sup> See Appendix E for details.

<sup>18</sup> The sample consists of files that were initiated after 1 July 2006 and finalised by 14 November 2008. The files that were in scope were children’s matters and children and property matters. Within a file there may be more than one child for whom issues were in dispute and the arrangements may have varied for the different children. The analysis reported here is based on parenting arrangements for all children represented in any file. In other words, the results refer to trends for children rather than families. Detailed information on how the court files analysed were selected is provided in Appendix B.

<sup>19</sup> In these files, 1,501 of the 1,672 children subject to proceedings had information that identified the person with whom the child was living. The analysis reported in this section is restricted to the 1,416 children who were living with their mother and spending time with their father or children who were living with their father and spending time with their mother. (i.e., analysis of 85 children with some other arrangement, such as living with parent and spending time with grandparent or other person, or living with their grandparents are not reported here).

agreed”, while in others no reference was made to how many hours the child was to spend with the other parent.

For files where contact hours were recorded,<sup>20</sup> care-time arrangements were categorised as follows:

- the child lives with mother (66–100% of hours) and spends 0–34% of hours with father;
- the child lives with father (66–100% of hours) and spends 0–34% of hours with mother; and
- the child spends 35–65% of hours with each parent.<sup>21</sup>

For cases where there was no information on contact hours, the following four categories were created:

- the child lives with mother and spends time with father as agreed;
- the child lives with father and spends time with mother as agreed;
- the child lives with mother—no information available on time with father; and
- the child lives with father—no information available on time with mother.

Table 6.3 provides an overview of the care-time arrangements for all children who were subject to proceedings with final arrangements. The prevalence of the different care-time arrangements is calculated both as a proportion of children where contact hours are specified and as a proportion of all children. These two sets of calculations show, for instance, the prevalence of shared care time among children for which contact hours are specified and the prevalence of shared care time among all children. The second measure is a “lower bound” estimate because it assumes that the children with unspecified contact hours were not involved in shared care-time arrangements.

**Table 6.3 Care-time arrangements for children subject to proceedings with final arrangements, post-1 July 2006**

	Cases where contact hours specified	All cases
	%	
<b>Number of contact hours specified</b>		
Live with mother—spend 0–34% with father	66.1	41.2
Live with father—spend 0–34% with mother	11.0	6.9
35–65% time with each parent	22.9	14.2
<b>Total</b>	<b>100.0</b>	<b>62.3</b>
<b>Number of children</b>	<b>867</b>	<b>867</b>
<b>Number of contact hours not specified</b>		
Live with mother—time with father as agreed	–	24.4
Live with father—time with mother as agreed	–	4.3
Live with mother—no information on time with father	–	8.0
Live with father—no information on time with mother	–	1.1
<b>Total</b>	<b>–</b>	<b>37.8</b>
<b>Number of children</b>	<b>–</b>	<b>549</b>
<b>Total number of children</b>		<b>1,416</b>

Notes: Time arrangements are based on future arrangements in last order or judgment on file. Excluded from this table are children for whom information on who they were living with was missing or who lived with someone other than their mother or father. In addition, children who were living with either their mother or father but who had contact hours with a person other than a parent are excluded. The number of such children is small. Weighted percentages.

Source: FCoA, FMC and FCoWA post-1 July 2006 court files

<sup>20</sup> Of the 1,416 children, hours were specified for 867 children.

<sup>21</sup> Time arrangements were analysed by combining information collected about the person with whom the child spends time (e.g., mother, father or another person such as grandparent or parent’s new partner) and the percentage of contact hours, standardised to a 4-week block from the last order or judgment on file.

Of the files in which contact hours were specified, 66% indicated that the children lived with their mother and spent 0–34% of nights with their father, 23% recorded shared care-time arrangements, and 11% recorded that the children lived with their father and spent 0–34% of nights with the mother. When calculated as a proportion of all children, these files suggest that 41% of the children lived with their mother and spent 0–34% of nights with their father, 14% had shared care-time arrangements and 7% lived with their father and spent 0–34% of nights with their mother.

Table 6.4 shows how care-time arrangements varied according to the type of case (judicial determination, consent after proceedings or pure consent). Among children where contact hours were specified, the highest rate of shared care time was apparent in judicial determination cases (34%), followed by the pure consent cases (26%), then in cases in which consent occurred after the proceedings had been initiated (19%). However, the picture is quite different if the rate of shared care-time arrangements in each type of case is calculated as a proportion of all children of that type. Using this measure, shared care-time arrangements were most common in the pure consent cases (17%) and there was little difference in the prevalence of shared care-time arrangements in judicial determination cases (13%) and in cases in which consent occurred after proceedings were initiated (13%).

**Table 6.4 Care-time arrangements for children subject to proceedings with final arrangements, by type of case, post-1 July 2006**

	Judicial determination		Consent after proceedings		Pure consent	
	Cases where contact hours specified	All cases	Cases where contact hours specified	All cases	Cases where contact hours specified	All cases
	%		%		%	
<b>Number of contact hours specified</b>						
Live with mother—spend 0–34% with father	47.8	17.7	69.7	47.4	65.7	42.7
Live with father—spend 0–34% with mother	18.3	6.8	11.7	8.0	8.8	5.7
35–65% time with each parent	33.9	12.6	18.5	12.6	25.5	16.5
<b>Total</b>	<b>100.0</b>		<b>99.9</b>		<b>100.0</b>	
<b>Number of contact hours not specified</b>						
Live with mother—time with father as agreed	–	26.0	–	20.8	–	27.6
Live with father—time with mother as agreed	–	10.5	–	3.4	–	3.0
Live with mother—no information on time with father	–	25.1	–	6.4	–	3.8
Live with father—no information on time with mother	–	1.2	–	1.4	–	0.7
<b>Total</b>	<b>–</b>	<b>99.9</b>	<b>–</b>	<b>100.0</b>	<b>–</b>	<b>100.0</b>
<b>Number of children</b>	<b>98</b>	<b>253</b>	<b>417</b>	<b>622</b>	<b>352</b>	<b>541</b>

Note: Percentages may not total exactly 100.0% due to rounding.

Source: FCoA, FMC and FCoWA post-1 July 2006 court files

Table 6.5 shows the care-time arrangements that were apparent in the files derived from the different courts (FCoA, FMC and FCoWA). Among cases in which contact hours were specified, the prevalence of shared care time was very similar in the FCoA and the FCoWA files (24% and 25% of children respectively), and slightly lower in the FMC files (20%). When calculated as a proportion of all children, the prevalence of shared care time was still very similar in the FCoA and FCoWA files (16% and 15% respectively) and remained lower in the FMC files (12%).

**Table 6.5 Care-time arrangements for children subject to proceedings with final arrangements, by court, post-1 July 2006**

	FCoA		FMC		FCoWA	
	Cases where contact hours specified	All cases	Cases where contact hours specified	All cases	Cases where contact hours specified	All cases
	%		%		%	
<b>Number of contact hours specified</b>						
Live with mother —spend 0–34% with father	66.9	44.9	69.9	41.5	56.2	32.2
Live with father—spend 0–34% with mother	8.8	5.9	10.2	6.0	18.4	10.6
35–65% time with each parent	24.2	16.3	19.9	11.8	25.4	14.6
<b>Total</b>	<b>99.9</b>		<b>100.0</b>		<b>100.0</b>	
<b>Number of contact hours not specified</b>						
Live with mother —time with father as agreed	–	25.0	–	24.2	–	23.4
Live with father —time with mother as agreed	–	3.5	–	5.0	–	4.7
Live with mother —no information on time with father	–	3.3	–	11.0	–	12.4
Live with father —no information on time with mother	–	1.1	–	0.5	–	2.1
<b>Total</b>		<b>100.0</b>		<b>100.0</b>		<b>100.0</b>
<b>Number of children</b>	<b>286</b>	<b>430</b>	<b>307</b>	<b>504</b>	<b>274</b>	<b>482</b>

Notes: Time arrangements are based on future arrangements in last order or judgment on file. Excluded from this table are children for whom information on who they were living with was missing or who lived with someone other than their mother or father. In addition, children who were living with either their mother or father but with contact hours with a person other than a parent are excluded. The number of such children is small. Weighted percentages. Percentages may not total exactly 100.0% due to rounding.

Source: FCoA, FMC and FCoWA post-1 July 2006 court files

## 6.4 Durability of different care-time arrangements

Care-time arrangements may be adjusted because it becomes clear that they have been unsuitable for the child or for one or both parents from the outset or because the arrangements have become less suitable to the various parties as their circumstances change (for instance, the children have grown older).

As noted above, Australian research by Smyth et al. (2008)<sup>22</sup> has suggested that shared care-time arrangements (which were defined by the authors as 30–70% of nights with each parent) are less durable than those in which the children live mostly or entirely with their mother. According to their analysis, children who spent over 70% of nights with their mother when first assessed were the most likely to be in the same arrangement three years later. The second most durable of the three arrangements involved the children spending over 70% of nights with their father.<sup>23</sup> This study also suggested that moves from shared care-time arrangements mostly involved a switch to spending more time with the mother. While earlier research in the US has suggested a similar trend, more recent research in Wisconsin suggests that the “maternal drift” may have abated (see Berger, Brown, Joung, Melli, & Wimer, 2008).

22 This study was based on the Household, Income and Labour Dynamics in Australia (HILDA) survey and the Caring for Children After Parental Separation (CFC) survey. HILDA is a general household panel survey of Australian families funded by the Australian Government through FaHCSIA. The CFC was conducted by AIFS.

23 Shared time was taken to represent the “in-between” configuration, where children spent 30–70% of nights with each parent.

The LBS 2009 throws further light on this issue. It should be noted that parents in this study had separated prior to the 2006 reforms and some 4–5 years prior to interview (conducted in early 2009). Table 6.6 refers to five different care-time arrangements that parents reported for the immediate post-separation period and at the time of the survey.

As observed by Smyth et al. (2008), the most common arrangement in the LBS 2009—involving the child spending most or all nights with the mother—was the most stable of the four arrangements. Of the children who experienced this arrangement upon separation, 87% were in the same arrangement at the time of the survey, some 4–5 years after separation. But equal care time (48–52% of time with each parent) appeared to be a more durable arrangement than both shared care time that involved more nights with the mother than father and arrangements that entailed most or all nights with the father. Sixty per cent of the focus children with equal care time at separation had the same arrangement at the time of the survey, compared with around half of the children who, at the time of separation, experienced either shared care time involving more nights with their mother than father, or who lived mostly or entirely with their father.

The results also suggest that, of the children who experienced either of the two shared care-time arrangements in Table 6.6 at separation (i.e., equal or shared care time involving more nights with their mother than father), those who were in different arrangements at the time of the survey were typically living mostly or entirely with their mother. This move to live with the mother applied to 28–32% of all children who were experiencing either of these two shared care-time arrangements upon separation.

**Table 6.6 Care-time arrangements at separation and at interview, 2004–05 and 2009**

Care-time arrangement at interview (2009)	Care-time arrangement at separation (2004–05)				
	Mainly or entirely with mother (66%+ nights)	Shared time: 53–65% of nights with mother	Shared time: 48–52% of nights with each parent	Shared time: 53–65% of nights with father	Mainly or entirely with father (66%+ nights)
			%		
Mainly or entirely with mother (65%+ nights)	87.4	31.6	27.8	–	16.6
Shared time: 53–65% of nights with mother	7.0	49.1	5.0	–	9.2
Shared time: 48–52% of nights with each parent	3.7	14.6	59.8	–	16.3
Shared time: 53–65% of nights with father	0.3	4.2	2.2	–	7.1
Mainly or entirely with father (65%+ night)	1.5	0.5	5.2	–	50.8
<b>Total</b>	<b>99.9</b>	<b>100.0</b>	<b>100.0</b>	<b>–</b>	<b>100.0</b>
<b>Number of children</b>	<b>1,200</b>	<b>104</b>	<b>103</b>	<b>18</b>	<b>108</b>

Notes: Where both parents of a focus child were interviewed, the reports of only one parent were randomly omitted from the analysis. The number of children in the survey with 53–65% of nights with father was too small to allow statistically reliable estimates to be produced for this group. Percentages may not total 100.0% due to rounding.

Source: LBS 2009

Those who began by living mostly or entirely with their father when their parents separated tended to move to either an equal care-time arrangement or to living mostly or entirely with their mother. These moves applied to 16% and 17% of all children who were originally living mostly or entirely with their father.

In short, of the four care-time arrangements examined here, spending most nights with the mother appeared to be the most stable arrangement, followed by equal care time with each parent (48–52% of nights). Secondly, where children experienced changes in care arrangements, those who began with shared care arrangements upon parental separation tended to move to live mostly or entirely with their mother.

Although these results rely on the memory of parents concerning events that occurred during a typically highly stressful period, the care-time arrangements for children are clearly such

major issues that it seems reasonable to assert that they would not be greatly affected in any systematic way by distortions of memory. That is, it seems likely that the general trends outlined above hold. Furthermore, while the arrangements of some children may have changed more than once since the time of separation, it seems unlikely that such upheavals in children's circumstances would be sufficiently common to challenge these general trends.

## 6.5 Extent of change in care-time arrangements since the 2006 reforms

Attitudes and expectations concerning fathers' roles in families have changed in recent times (see Appendix A). Fathers are expected to take on a greater share of the couple's home-making responsibilities than was the case in past decades and increased attention has been given to potentially damaging impacts on children, especially sons, of growing up in a family in which the father is either absent or "uninvolved".<sup>24</sup> These concerns contributed to the shaping of the family law reforms.

A key question, then, is whether there has been any detectable shift post-reform in the proportion of fathers who are involved in their children's lives after parental separation. This question is by no means easy to answer, given that there was already pre-reform evidence that paternal involvement after parental separation was increasing (see Appendix A).<sup>25</sup>

This section first uses data from surveys of parents conducted in different periods to assess the extent to which changes have occurred in the proportion of children who never see one parent and in the proportion of children who experience shared care-time arrangements (i.e., 35–65% of nights with each parent), with particular attention given to the extent to which changes have occurred in the prevalence of equal care-time arrangements (i.e., 48–52% of nights). Secondly, CSA administrative data are used to provide further insight into pre- and post-reform changes in the prevalence of shared care-time arrangements among separated families who have registered with the CSA. Finally, pre- and post-reform court files are compared to gauge the level of change in shared care-time arrangements in parenting matters in the FCoA, FMC and FCoWA. Both consent and judicially determined orders are examined.

### 6.5.1 Surveys of parents

Data from four surveys of parents were used in this analysis: the three comparable ABS surveys (Family Characteristics Surveys 1997 and 2003, and Family Characteristics and Transitions Survey 2006–07) and the LSSF W1 2008.<sup>26</sup> Unlike the parents in the LSSF W1 2008, all parents in the three ABS surveys provided information about the care-time arrangements of all children under 18 years old who usually resided with them (and who had a parent living elsewhere). Most of the parents in the FCTS 2006–07 would have been separated before the 2006 family law reforms were introduced. Most respondents in the ABS surveys were mothers, and this chapter has already shown that mothers' estimates of the time the child spends with their father tend to be lower than fathers' estimates of the time their children spend with them.<sup>27</sup>

The LSSF W1 2008 is the only one of these four surveys that was based exclusively on parents who had separated after the reforms were introduced. As noted above, the respondents in the LSSF W1 were representative of parents who were registered with the CSA in 2007 and who separated between July 2006 and September 2008.<sup>28</sup> Around 95% had been separated for 6–24 months when they were interviewed.<sup>29</sup> Furthermore, unlike the ABS surveys, roughly half the

<sup>24</sup> Consistent with these trends, Appendix A provides evidence that fathers' engagement in child care has increased but is not nearly as great as the child care provided by mothers.

<sup>25</sup> The present chapter focuses on only one of the key aspects of involvement—spending time with the child. Other important aspects include the provision of financial support and decision-making about issues affecting the child in the longer term. These aspects of involvement are examined in Chapter 8.

<sup>26</sup> The ABS results are based on unpublished customised tables.

<sup>27</sup> This difference may be more a function of systematic differences in the reports provided by parents with the majority versus minority of care time, rather than of differences in the reports of fathers versus mothers.

<sup>28</sup> Most respondents in the LSSF W1 2008 separated between July 2006 and December 2007.

<sup>29</sup> The other relevant survey, the LBS 2009, was not used in this analysis because any differences in the results of this survey and those of the LSSF W1 may be a function of the different durations of separation apparent among parents in these two surveys. Parents in the LBS had separated between January 2004 and June 2005,

respondents in the LSSF W1 2008 were fathers, and the sample included parents who reported that they cared for their child for less than half the time or not at all.<sup>30</sup>

In assessing levels of change, it is important to bear in mind that most separated parents have been separated for a substantial period. Care-time arrangements may be quite different for children whose parents have separated recently, compared with all children whose parents have separated. For example, if equal care time is increasing, then repeated surveys that derive samples based on the entire population of separated families at the time each survey is undertaken (e.g., the FCS 1997 and 2003 and FCTS 2006–07) are likely to show fairly small progressive increases in the proportion of children with such care-time arrangements. This would occur because each sample focuses on children under the age of 18 years whose parents had separated up to nearly 18 years prior to the survey in question.<sup>31</sup> On the other hand, if equal care time is increasing in prevalence, then samples derived from the population of recently separated families (rather than all separated families), such as LSSF W1 2008 sample, would include a considerably higher proportion of children with equal care time.

## Where the child never sees one parent

According to the three ABS surveys, the proportion of children who never saw one parent ranged from 27% (in the 2003 survey) to 30% (in the 1997 and 2006–07 surveys) and there was no evidence of change over the ten-year period.<sup>32</sup>

Figure 6.7 shows the proportions of children in four different age groups who never saw one parent, according to the three ABS surveys. The greatest differences emerged for children under 5 years old. The proportion of children of this age who never saw one parent fell from 26% in 1997 to 22% in 2003, but then increased to 30% in 2006–07. Fluctuating trends were also apparent for children aged 5–11 years and 12–14 years, while much the same proportions of children aged 15–17 years never saw one parent (32–33%), according to all three surveys.

In the two earlier surveys, children under 5 years old were the least likely of all groups to never see one parent. However, this pattern was not apparent in the 2006–07 survey. In the latter survey, the proportions of children who never saw one parent ranged from 28% of those aged 5–11 years to 33% of those aged 12–14 years.

As noted above, the ABS surveys refer to all children under 18 years old whose parents were not living together, including those whose parents separated up to nearly 18 years prior to the survey. Most of the parents in the LSSF W1 2008, on the other hand, had separated 6–24 months prior to interview. These children were considerably less likely than those in the ABS samples to never see the other parent. As shown in Table 6.1, 12% of all focus children in the LSSF W1 2008 never saw one parent, with the proportion of children experiencing this situation being lowest for those aged 5–11 years (6%) and highest for those under 3 years old and those aged 15–17 years (17% in each group).

## Equal care-time arrangements

The LSSF W1 2008 data suggest that, among children whose parents had separated post-reform (in most cases between July 2006 and December 2007), 16% had shared care-time arrangements (with 8% of all children having shared care time involving more nights with the mother than father, 1% having shared care time involving more nights with the father than mother, and 7% having equal care time) (see Table 6.1). Data from the three ABS surveys suggest that, among all children with a parent living elsewhere (regardless of year of parental separation), the pro-

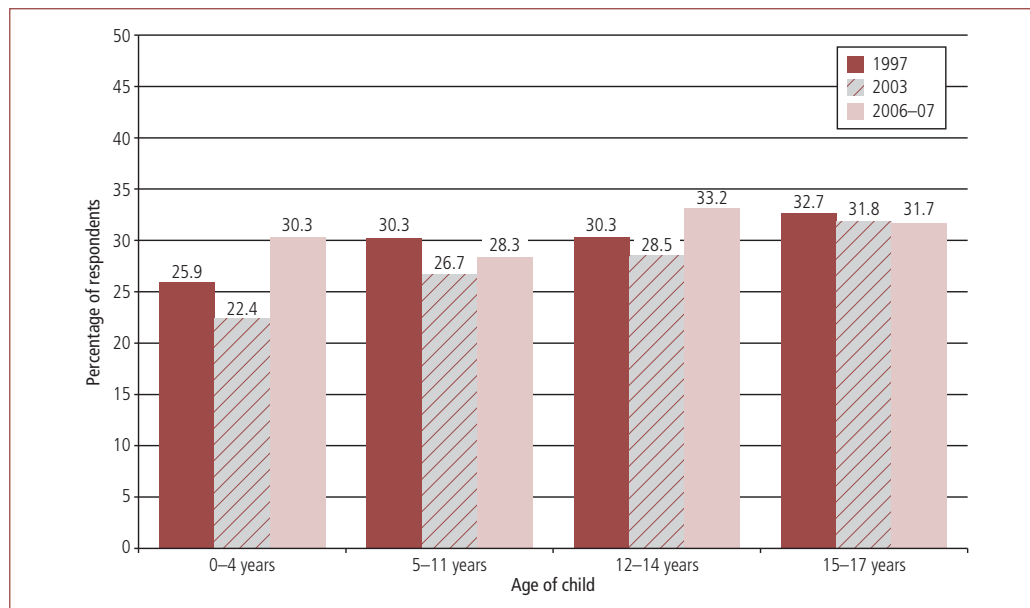
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some 4–5 years before they were interviewed and it has already been shown that only 60% of the children represented in this survey who had equal care-time arrangements at separation, and only half of those who had shared care time involving more nights with their mother than father at separation, were in the same arrangement at the time of the survey.

30 In addition, respondents in the LSSF W1 2008 who had more than one child with a parent living elsewhere provided information about the care-time arrangements of only one of their children, whereas the ABS surveys derived information about the arrangements of all children who had a parent living elsewhere.

31 For example, the FCTS 2006–07 would have included parents who separated from around 1990 to the end of 2007, with those with children under 5 years old (whose other parent lived elsewhere) having been separated for up to 4 years prior to the survey.

32 Never seeing one parent includes seeing one parent less frequently than once per year.



Notes: Omitted from this analysis are data for children who lived with grandparents or guardians. Children who saw one parent on fewer occasions than once a year are here classified as never seeing this parent.

Source: ABS FCS 1997 and 2003, ABS FCTS 2006-07

**Figure 6.7** Proportion of children in different age groups who never saw one parent, by age of child, 1997, 2003 and 2006-07

portion who experienced shared care time increased from 3% in 1997 to 8% in 2007.<sup>33</sup> However, it has already been noted that for very young children in particular, any shared care typically involved more nights with the mother than father. To what extent, then, does the increase in shared care-time arrangements reflect increases in equal care time for children of different ages?

Figure 6.8 shows the proportion of children in four different age groups with equal care-time arrangements, according to the three ABS surveys.

Equal care-time arrangements appear to have been increasing with time since the late 1990s for all age groups, with the largest increase being apparent for children aged 5-11 years (from 1% to 5%) and the smallest being apparent for children aged 15-17 years (from less than 1% to 2%). In other words, equal care time arrangements, although very uncommon, were increasing before the 2006 reforms were introduced.<sup>34</sup>

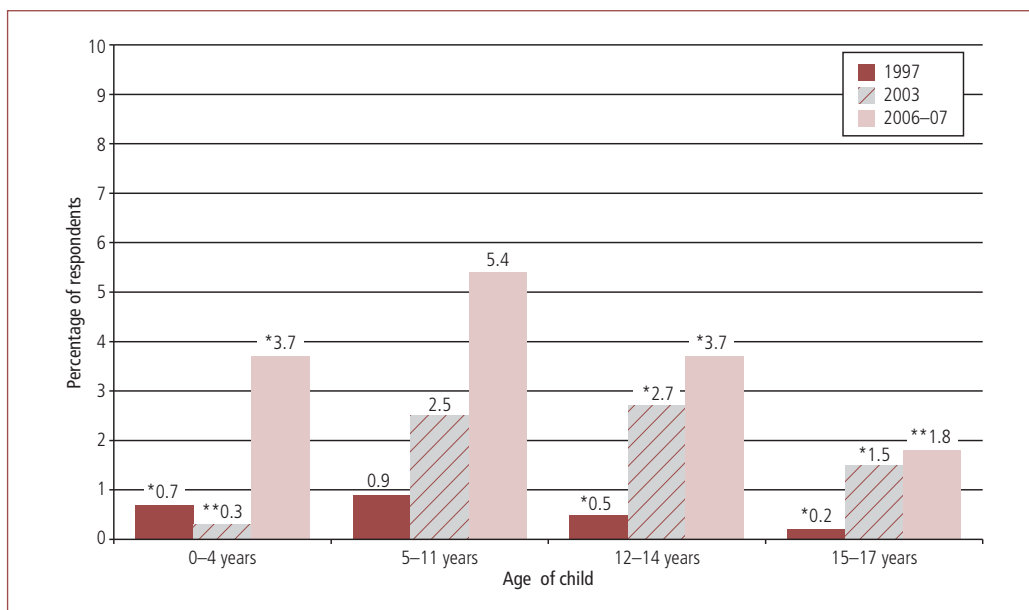
The equal care-time rates revealed in the FCS 1997 were very low, with negligible differences apparent across the age groups (all less than 1%). As a result, further comparisons focus on data from the two more recent ABS surveys:

- According to the FCTS 2006-07, equal care time was more commonly experienced by children aged 5-11 years than by older and younger children, while the FCS 2003 suggested that differences in equal care-time rates for children aged 5-11 and 12-14 years were negligible (both less than 3%)
- In the FCS 2003 survey, children who were under 5 years old were the least likely of all age groups to experience equal care-time arrangements, but according to the FCS 2006-07, a slightly lower proportion of children aged 15-17 years than those under 5 years experienced such arrangements (2% compared to 4%).

As already noted, the ABS surveys are not directly comparable with the LSSF W1 2008 survey. Given the recency of the parental separation experienced by children represented in the LSSF

<sup>33</sup> These estimates are based on customised tables provided by the ABS.

<sup>34</sup> As noted above, the parents of the vast majority of children in the 2006-07 survey would have been separated prior to the reforms. However, the younger the child, the lower would be the dominance of pre-reform separations. Indeed, parents of infants of up to 11 months old would have been separated post-reform (if they had been living together).



Notes: Omitted from analysis are data for children who lived with grandparents or guardians and for those whose overnight stays were not stated. \* These estimates had a relative standard error of 25% to 50% and should be used with caution. \*\* These estimates have a relative standard error greater than 50% and are considered to be too unreliable for general use.

Source: ABS FCS 1997 and 2003, ABS FCTS 2006-07

**Figure 6.8** Proportion of children in different age groups who experienced equal care-time arrangements, by age of child, 1997, 2003 and 2006-07

W1 2008, it is not surprising that the proportion of children with equal care time is considerably greater than that reported for all children with a parent living elsewhere, as recorded in the ABS surveys. The age-related results based on the LSSF W1 2008 have already been reported (see Table 6.1), where it was shown that equal care-time rates were most prevalent for children aged 5-11 years (as was apparent for children represented in the FCTS 2006-07). Specifically, equal care time occurred for 2% of children under three years old, 9% of those aged 3-4 years old, 12% of those aged 5-11 years old, 11% of those aged 12-14 years old, and 6% of those aged 15-17 years old.

Further surveys of all separated parents and of recently separated parents will indicate whether the trend towards increasing rates of equal time gains momentum post-reform.

### 6.5.2 Shared care time apparent in the Child Support Agency administrative database

Using the earlier and broader (30-70%) shared care-time definition and data provided by the CSA (B. Smyth, personal communication, November 2009), it was found that the proportion of existing cases entailing shared care time increased by one percentage point each year from June 2003 (7%) to June 2008 (12%), while the proportion of new cases with shared care-time arrangements increased by one to two percentage points each year (from 9% by June 2003 to 17% by June 2008).<sup>35</sup>

These results suggest that, during the period in which the reforms were rolled out (from July 2006 to June 2008), there was no evidence that the increase in such care-time arrangements had gained momentum. It remains possible, of course, that a lagged effect becomes apparent in the future.

<sup>35</sup> Specifically, Smyth reported that the following proportions of new cases in the CSA system entailed the child being in the care of each parent for 30-70% of nights: 9% in June 2003, 11% in June 2004, 13% in June 2005, 14% in June 2006, 16% in June 2007, and 17% in June 2008.

### 6.5.3 Court data

Table 6.7 shows the prevalence of different care-time arrangements for a sample of pre- and post-reform cases.<sup>36</sup> As outlined in Section 6.3, care-time arrangements can be calculated as a proportion of cases where contact hours are specified in the court files or as a proportion of all cases.

It appears that a higher proportion of children's matters cases resulted in shared care time post-reform than was the case pre-reform. When calculated as a proportion of cases where contact hours were specified, shared care time increased from 16% pre-reform to 23% post-reform and, when calculated as a proportion of all cases, shared care time increased from 9% to 14%.

The extent to which care-time arrangements have changed in cases that result in judicial determination and those that are resolved by consent were also examined (Tables 6.8 and 6.9 respectively). The following trends emerged:

The proportion of judicial determination cases resulting in shared care time increased from 4% pre-reform to 34% post-reform, when calculated as a proportion of cases where contact hours are specified. When calculated as a proportion of all judicial determination cases, shared care time increased from 2% pre-reform to 13% post-reform (Table 6.8).

A smaller increase was apparent in the proportion of consent cases that resulted in shared care time. When calculated as a proportion of cases in which contact hours were specified, shared care time increased from 17% pre-reform to 22% post-reform and when calculated as a proportion of all consent cases, shared care time increased from 10% to 15% (Table 6.9).

**Table 6.7 Care-time arrangements for children subject to proceedings with final arrangements, pre- and post-reform**

	Pre-reform		Post-reform	
	Cases where contact hours specified	All cases	Cases where contact hours specified	All cases
	%		%	
<b>Number of contact hours specified</b>				
Live with mother—spend 0–34% with father	72.2	42.5	66.1	41.2
Live with father—spend 0–34% with mother	12.2	7.2	11.0	6.9
35–65% time with each parent	15.5	9.1	22.9	14.2
<b>Total</b>	<b>99.9</b>		<b>100.0</b>	
<b>Number of contact hours not specified</b>				
Live with mother—time with father as agreed	–	27.3	–	24.4
Live with father—time with mother as agreed	–	5.6	–	4.3
Live with mother—no information on time with father	–	6.9	–	8.0
Live with father—no information on time with mother	–	1.5	–	1.1
<b>Total</b>		<b>100.1</b>		<b>100.1</b>
<b>Number of children</b>	<b>667</b>	<b>1,188</b>	<b>867</b>	<b>1,416</b>

Notes: Time arrangements based on future arrangements in last order or judgment on file. Weighted percentages Pre-reform figures are sampled from the Melbourne and Perth registries. Post-reform figures are sampled from the Melbourne, Perth, Brisbane and Sydney registries. Percentages may not total exactly 100.0% due to rounding.

Source: FCoA, FMC and FCoWA court files

<sup>36</sup> The pre-reform figures are from cases sampled from the Melbourne and Perth registries. The post-reform figures are from cases sampled from the Melbourne, Perth, Brisbane and Sydney registries. The sensitivity of the estimates to the inclusion of the additional registries for the post-reform estimates has been tested by comparing the pattern of care-time arrangements from just the Melbourne and Perth registries with the patterns when arrangements from all registries are considered. The estimates from the restricted number of samples are broadly similar to those derived when all of the registries are used. Therefore the data from all of the registries were used when examining the extent to which care-time arrangements had changed.

**Table 6.8 Judicial determination cases: Care-time arrangements for children subject to proceedings with final arrangements, pre- and post-reform**

	Pre-reform		Post-reform	
	Cases where contact hours specified	All cases	Cases where contact hours specified	All cases
	%		%	
<b>Number of contact hours specified</b>				
Live with mother—spend 0–34% with father	65.2	29.5	47.8	17.7
Live with father—spend 0–34% with mother	30.8	13.9	18.3	6.8
35–65% time with each parent	4.0	1.8	33.9	12.6
<b>Total</b>	<b>100.0</b>		<b>100.0</b>	
<b>Number of contact hours not specified</b>				
Live with mother—time with father as agreed	–	18.9	–	26.0
Live with father—time with mother as agreed	–	9.6	–	10.5
Live with mother—no information on time with father	–	22.9	–	25.1
Live with father—no information on time with mother	–	3.3	–	1.2
<b>Total</b>		<b>99.9</b>		<b>99.9</b>
<b>Number of children</b>	<b>95</b>	<b>255</b>	<b>98</b>	<b>253</b>

Notes: Time arrangements based on future arrangements in last order or judgment on file. Weighted percentages. Pre-reform figures are sampled from the Melbourne and Perth registries. Post-reform figures are sampled from the Melbourne, Perth, Brisbane and Sydney registries. Percentages may not total exactly 100.0% due to rounding.

Source: FCoA, FMC and FCoWA court files

**Table 6.9 Consent cases: Care-time arrangements for children subject to proceedings with final arrangements, pre- and post-reform**

	Pre-reform		Post-reform	
	Cases where contact hours specified	All cases	Cases where contact hours specified	All cases
	%		%	
<b>Number of contact hours specified</b>				
Live with mother—spend 0–34% with father	72.8	43.9	67.8	45.1
Live with father—spend 0–34% with mother	10.7	6.4	10.3	6.9
35–65% time with each parent	16.5	10.0	21.8	14.5
<b>Total</b>	<b>100.0</b>		<b>99.9</b>	
<b>Number of contact hours not specified</b>				
Live with mother—time with father as agreed	–	28.2	–	24.1
Live with father—time with mother as agreed	–	5.1	–	3.2
Live with mother—no information on time with father	–	5.0	–	5.1
Live with father—no information on time with mother	–	1.3	–	1.1
<b>Total</b>		<b>99.9</b>		<b>100.0</b>
<b>Number of children</b>	<b>572</b>	<b>933</b>	<b>769</b>	<b>1,163</b>

Notes: Time arrangements based on future arrangements in last order or judgment on file. Weighted percentages. Pre-reform figures are sampled from the Melbourne and Perth registries. Post-reform figures are sampled from the Melbourne, Perth, Brisbane and Sydney registries. Percentages may not total exactly 100.0% due to rounding.

Source: FCoA, FMC and FCoWA court files

## 6.6 Summary

This chapter focused on the time that separated parents spend with their children. Particular attention was given to the following issues: (a) the opinions of parents in the general population regarding whether children “do best” when both parents remain involved in the children’s lives after separation and the appropriateness of equal care-time arrangements for children of different ages; (b) the prevalence of different care-time arrangements in families that experienced parental separation after the most recent family law reforms were introduced (along with an assessment of the validity of the general trends reported); (c) patterns of care-time arrangements in post-reform court files relating to children’s matters; (d) the durability of different care-time arrangements of parents who separated pre-reform and were interviewed in early 2009; and (e) changes that have been occurring in care-time arrangements, especially shared care-time arrangements, apparent among families and in court files.

While most parents (separated and non-separated) agreed that the continuing involvement of each parent was beneficial for the children (especially separated fathers and non-separated mothers), there was an increase in the proportion providing strong agreement with the statement in 2009 compared to 2006.

Although most parents in the Australian population appear to accept that children spending equal care time (48–52% of nights) with each parent can be appropriate, even for those under 3 years old, and especially for children in secondary school, such arrangements are uncommon—applying to only 2–12% of children of different ages in the LSSF W1 2008. Equal care-time arrangements were most common for children aged 5–11 years and 12–14 years, followed by those aged 3–4 years, then children aged 15–17 years. Children under 3 years old were the least likely to experience such arrangements. Nevertheless, equal care time was considerably less common than some of the other circumstances, including those in which the child never saw his or her father.

Several sources of data suggest that the prevalence of shared care-time arrangements (35–65% of nights spent with each parent), including equal care time, has been increasing. Administrative data from the CSA indicate that, among parents who have registered with the CSA, shared care-time rates have increased since the reforms were introduced. However, surveys conducted by the ABS suggest that such arrangements, including equal care time, have been increasing since the late 1990s (when equal care time in particular was rare), while there is evidence of a change in the proportion of children never seeing one parent. Future monitoring of trends will throw light on whether the increase in shared care time has been gaining momentum since the reforms were introduced and whether the proportion of children who never see one parent is affected by the reforms.

A comparison of pre- and post-reform court files concerning children’s matters suggests that the proportion of children who are allocated shared care time has increased considerably. This increase has been greater where the orders have been judicially determined than where they have been made by consent.

Despite the increasing prevalence of shared care-time arrangements, most children spent most or all nights with their mother. In fact, one-third of children focused upon in the LSSF W1 2008 spent all nights with their mother. In interpreting the significance of these findings, it is important to note that most children represented in the LSSF W1 2008 were under 5 years old. Of the children who never stayed overnight with their father, two-thirds saw their father during the day and the other one-third did not see him at all. Furthermore, most children with daytime-only care with their father saw him at least once a week. Such differences highlight the importance of defining care time not only in terms of overnight care but also in terms of daytime care.

Previous research has suggested that shared care time is less durable than the traditional arrangement, where the child spends most or all nights with the mother (representing the most durable arrangement), or the alternative, where the children spends most or all nights with the father. This research has also suggested that any changes in arrangements have most commonly represented moves to the traditional arrangement. Some more recent overseas research has indicated that this so-called “maternal drift” might be abating, so the LBS 2009 was used to shed further light on this issue. According to this analysis, equal care time was the second most durable of the four arrangements. Nevertheless, consistent with previous research, the most durable arrangement remained the traditional one (where the children lived mostly or entirely with their mother), and any changes in most other arrangements typically reflected the

“maternal drift”. It is important to note, however, that while most children of all ages are in the traditional arrangements, children aged 15–17 years were more likely than younger children to spend most or all nights with their father.

Taken together, the various sets of data used in this analysis suggest that traditional care-time arrangements, involving more nights with the mother than father, remain the most common, but shared care time is increasing both among separated families in general and among those whose dispute is litigated, especially families whose dispute is finalised through judicial determination. Secondly, where there is a change from a shared care-time arrangement, there tends to be a move towards the traditional arrangement. Of the three arrangements—more nights with mother, shared care time, and more nights with father—the latter is the least common. Chapter 7 provides insight into reasons for these and other relatively uncommon arrangements.