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The following references have been selected from the *Australian Family & Society Abstracts* database, produced by the Australian Institute of Family Studies to monitor the research, policy and practice literature on families and the social issues that affect them.

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Child support

Child support involves the equitable sharing by both parents in the support of their children after divorce. The Child Support Scheme was introduced in 1988 to address the interrelated issues of single parent poverty, non resident parents' responsibilities for child support post divorce and growing government expenditure on single parent pensions. The Scheme has been subject to a number of reviews, with resulting changes to child support legislation. This bibliography provides references added to the *Australian Family & Society Abstracts* database since 1999 on the issue of child support. It particularly focuses on the Child Support Scheme, changes to the legislation supporting the Scheme, and responsibility for child support after separation, divorce and remarriage.

These references are available on interlibrary loan from the Institute's Family Information Centre. A number of the articles and papers are also available in full text on the internet, with online addresses provided. Others are available from bookshops and libraries.



Child Support Scheme

Child Support Agency (Australia) (1999), *Child Support Scheme: Facts and Figures 1998-99*, Child Support Agency, Department of Family and Community Services, Canberra, ACT, 39p.

An annual publication released jointly by the agencies and departments with responsibilities under the Child Support Scheme, this paper is the third edition of Child Support Scheme Facts and Figures. A brief overview and history of the Australian Child Support Scheme is provided. Child

Support Scheme responsibilities of the Department of Social Security now reside with the Department of Family and Community Services. These responsibilities are discussed and issues are examined of: caseload and caseload projections; client overview by payment arrangement and stage; program outcomes; legal services overview; and savings costs.

'Child support: new elements in the "Change of Assessment" process', (1999), *Australian Family Lawyer*, vol. 13, no. 4, Winter, pp. 12-13.

Information is presented for readers and their clients about several measures in the recent amendments to the Child Support (Assessment) Act 1989 which came into effect on 1 July 1999 which will have an impact on those Child Support Agency clients who apply to the Agency for a change of assessment because of special circumstances. Information presented includes key points to be taken into account in an application for a change of assessment based on the high costs of child care; the power to increase or decrease a child support assessment; objection to a change of assessment decision; and Agency initiated change of assessment. The article is reprinted, with some textual amendments, from the Commonwealth Department of Community Services Child Support update.

McHugh, M. (1999), *The Costs of Children: Budget Standards Estimates and the Child Support Scheme*, Social Policy Research Centre, University of New South Wales, Sydney, NSW, 22p (SPRC discussion paper no.103), and Online (181K): http://www.sprc.unsw.edu.au/dp/dp103_2up.pdf.

This paper explains the methodology used in research on the development of indicative budget standards for Australia, including a discussion of the

strengths and limitations of the budget standards approach, and illustrates these by presenting estimates of the costs of children. The paper describes Australia's child support formula and how the Child Support Scheme is working, and concludes with a comparison of the budget standards estimates of child costs and current levels of child support payments under the formula assessment.



Changes to child support legislation

Benjamin, R. (1999), 'Child support: significant changes in new legislation', *Law Society Journal*, vol. 37, no. 4, May, pp. 63-67, and Online: http://lawsofnsw.asn.au/resource/s/lj/archive/may1999/63_8.html.

The Child Support Legislation Amendment Act 1998 introduces a number of significant changes to the Child Support Scheme. The author reports on the recent changes which include a modified child support administrative formula, assessment in accordance with different care arrangements, and assessment on the most recent taxable income. Most of the changes will take effect from 1 July 1999 on the 1999/2000 Child Support Assessments. (Journal abstract)

Doyle, B. (1999), 'Child support: seven deadly traps of the new legislation', *Australian Family Lawyer*, vol. 13, no. 4, Winter, pp. 14-15.

The author notes that the Child Support Agency has made a major effort to make the recent amendments to the Child Support (Assessment) Act 1989 which came into effect on 1 July 1999 understandable and accessible to clients and practitioners. However, the legislation has become more

complex, he states, and he identifies seven traps in the new legislation.

Fehlberg, B. (2000), 'Family law update: new legislative developments', *Family Matters*, no. 56, Winter, pp. 64-65.

This family law update covers proposed changes to the Child Support Scheme in three areas: contact – child support nexus; high income non resident parents; and non resident parents with subsequent families. Also discussed are developments related to the Federal Magistrates Service; the Family Law Amendment Bill; and superannuation and division of property under the Family Law Act 1975. Finally, the author considers two recent decisions on the issue of resident parents who wish to relocate with their children. The cases are important for the principles set out, and these are described and discussed.

Mackey, P. (1999), 'Child Support Legislation Amendment Act 1998 ("The New Act")', *Victorian Family Lawyer*, no. 44 May - Jun, pp. 14-19.

The Child Support Legislation Amendment Act 1998 (the 'New Act') was passed in December 1998 and makes significant amendments, most of which will commence in July 1999, to both the Child Support (Assessment) Act 1989 (Commonwealth) and the Child Support (Registration and Collection) Act 1988 (Commonwealth). This article provides a brief overview of some of the changes, detailing concerns about some of the changes heralded by the New Act to the departure process and non agency payments. Issues discussed include: objections to decisions of the Child Support Registrar; the new objection procedure; child support guideline 2/99; registrar's power to initiate departure (change of assessment) applications; non agency payments; transfer of existing clients to private collection and the elimination of retrospective changes to assessments; and other administrative changes.



Attitudes to child support

Child Support Agency (Australia). Research and Policy Unit (1999), *CSA Community Perceptions Survey: Results and Analysis*, Research and Policy Unit, Child Support Agency, Belconnen, ACT, 23p (CSA paper no.2/99).

This paper examines the results of a telephone survey of adults concerning their perceptions of the Child Support Scheme and the Child Support Agency. The major findings indicate that Australians: strongly support the basic principles of the Scheme and that both parents ought to be financially responsible for their children after separation and that a proportion of current income is the correct basis for determining the amount of child support; strongly support intervention by government where compliance is an issue; are equivocal about no government involvement at all, but slightly more supportive of no government involvement where compliance is 100 per cent; encourage friends and relatives to pay child support; believe that money paid in child support benefits children; consider that payment of child support should not be contingent on contact with children; and have mixed views about the amount of child support being too high.

Dolan, A. (1999), 'Family income support policy issues', *Australian Social Policy*, no. 2, pp. 3-31.

The purpose of this paper is to raise outstanding policy issues within the realm of the income support provided to families. The first section discusses the way Commonwealth financial assistance to families has developed over the past half century and the changes to that system that will be brought about with the government's tax reform package. Income support arrangements, including child support, for separated families

are discussed; so too are financial support provided by state and territory governments for families with children, and the role of family assistance in supporting family choice. Part two of the paper looks at outstanding income support policy issues, including the earned income tax credit debate, addressing the high level of unemployment among families and reviewing the delivery of assistance to suit families in diverse circumstances. Part three looks at new policy directions, and Centrelink's new Customer Service Delivery Model.

Harrison, M. (2000), 'The legal context for Australian families: family law and children's legislation', in Weeks, W. and Quinn, M. (eds) *Issues Facing Australian Families: Human Services Respond*, 3rd edn, Pearson Education Australia, Frenchs Forest, NSW, pp. 66-78.

The legal position of children in Australian family law, particularly in relation to the constitutional distribution of powers between the states and the Commonwealth is explored in this chapter. The following issues are discussed: Family Law Act 1975 provisions relating to children; international obligations, particularly the United Nations Convention on the Rights of the Child; children's involvement in family law processes; child support; family violence and children; and the Family Court's welfare jurisdiction.

Harrison, M. (1999), 'Family law: recent issues and initiatives', *Family Matters*, no. 52, Autumn, pp. 61-64.

This article examines recent issues and initiatives pertaining to family law. The Family Court and the Family Law Act are frequently accused, most commonly by fathers, of gender bias, particularly in relation to the determination of children's matters. The fathers' rights movement has gained increasing credibility and support, and has raised concerns, along with other groups, concerning child custody, access enforcement, child support, 'false' allegations of family violence, matrimonial

property division, and the need to reintroduce fault into divorce proceedings. In this article, the author discusses the issues of child support, child contact, outcome of contested children's matters, property and financial matters, and federal magistracy.

McGregor, N. B. (1999), 'Converting a moral duty to maintain into a legal duty - step-parents beware', *Australian Family Lawyer*, vol. 13, no. 4, Winter, pp. 18-19.

The Child Support (Assessment) Act 1989 allows a party to apply for a departure from an administrative assessment to pay child support if the capacity of either parent to provide financial support for the child is significantly reduced because of the duty of the parent to maintain any other child or another person. The author notes that the recent decision of Mulvena and Mulvena, Butler and Edwards (1999) sounds a warning to those step-parents who, simply to reduce their child support obligations, seek to convert what he/she regards as a moral duty into a legal duty by applying to the Court under Section 66M of the Family Law Act for an order which provides that it is 'proper for that party to have a duty of maintaining the stepchild.' Ramifications of such an order are set out, and the details of the Mulvena decision are briefly discussed.



Child support after separation or remarriage

Dickenson, J., Heyworth, C., Plunkett, D., and Wilson, K. (1999), 'Sharing the care of children post-separation: family dynamics and labour force capacity', Paper presented at the Family Strengths Conference, University of Newcastle, NSW, November, 35p and Online: <http://www.facs.gov.au/> (select Publications, scroll to Families and Children).

New data on the circumstances of income support for parents

who share the care of their children on a substantially equal basis post-separation are presented in this paper. It aims to explore the different patterns of shared care arrangements, the extent of flexibility in the arrangements, and factors that impact on the arrangements in the context of the labour force capacity of the parents. The analysis in the paper is based on telephone interviews conducted in July 1999 and involves 458 shared care parents.

Fleming, R. (1999), 'Families of a different kind: patterns of kinship, support and obligation in remarriage families and their implications for public policy', *Social Policy Journal of New Zealand*, no. 12, July, pp.91-105.

Based on a recently completed study of families of remarriage, kinship, support and obligation in Reconstituted Families, 1996-1998, this paper discusses the family created by the remarriage or new partnership of a parent with children from a previous relationship, examining the ways remarriage families differ from first marriage families and the implications of these differences for social policy. Issues considered include: both parents will be involved in parenting the children; legal framework affecting the organisation of remarriage households; the costs of custody and access managements; living with the Child Support Act; lack of policy consistency; and punitive attitudes towards 'wayward husbands'.

Murray Woods and Associates (1999), *The Behaviour and Expenditures of Non-Resident Parents During Contact Visits*, Department of Family and Community Services, Canberra, ACT, 60p (Policy research paper no.75).

This paper reports on a national survey of 252 child support cases conducted by Murray Woods and Associates for the Department of Social Security to examine the behaviour of non-resident parents in relation to the contact visits by their children. The paper explains the research methodology, summarises results, and presents information captured on: age of respondent, income,

and presence of debt, level of child support payments, current relationship status, accommodation costs, relative financial position, and preparedness to increase expenditure on contact visits; number, age and gender of the resident children; number, age and gender of contact children; the pattern of contact visits, including the number of contact nights, constraints on contact, and accommodation arrangements; distance from the contact children and the method of transport; the range of items provided by the non-resident parent for the contact visit, including household items, clothing, food, personal care, entertainment and pocket money; whether costs are shared with the other parent, and whether assistance is received from friends and relatives; satisfaction with the level of contact with the children and satisfaction with the provision of household items.

Smyth, B. (2000), 'Child support for young adult children: shifting boundaries', *Family Matters*, no. 55 Autumn, pp.41-45.

Policy and practice governing the payment of child support after parental separation assumes as a general principle that a child is dependent until age 18. By contrast, government income support policy assumes that children are dependent until age 25 if they are studying full time. This inconsistency creates 'fuzzy' boundaries around income support for young adults who have not yet attained financial independence. What does this mean for children whose parents have divorced? This article considers this question, drawing on data from the Institute's Australian Divorce Transitions Project. A unique characteristic of the project is that information about child support was recorded for children 18 years or over, as well as for those under 18 years. Discussion includes the legislative framework, parents' awareness of eligibility, and parents' and children's views on financial support.

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WEB UPDATE



DEBORAH WHITHEAR

Australia is one of the top ten countries for Internet use, making the World Wide Web an effective medium to disseminate research and policy information on Australian family issues.

This column reports new features on the Australian Institute of Family Studies Web site, and identifies various worldwide family research and family policy resources on the Internet.

NEW ON THE AIFS WEB www.aifs.org.au/

Several papers presented in the course of the Institute's Seminar Series are now available on the Web, as are various new Institute publications.



AIFS seminar papers
www.aifs.org.au/institute/seminars/seminarpapers.html

The following papers presented as part of the Australian Institute of Family Studies Seminar series are now available. It is planned to provide as many papers as possible to assist inquirers from interstate and for those unable to attend these Institute seminars.

Andrew Burbidge, '*Housing and families: towards an alternative view*', presented 19 October 2000.

Lawrie Moloney, '*Do fathers "win" or do mothers "lose"?* A preliminary analysis of a random sample of parenting judgements in the Family Court of Australia', presented 21 September 2000

Dorothy Scott, '*Building communities that strengthen families: elements of effective approaches*', presented 16 November 2000.



New AIFS publications online

The 1999-2000 AIFS annual report
www.aifs.org.au/institute/pubs/annualreports/ar00.html

The Annual Report presents a comprehensive outline of the Institute's research and other activities for the year.

Youth Suicide Prevention Bulletin no. 4 October 2000
www.aifs.org.au/ysp/pubs/bulletin4.html

The Bulletin offers news about government initiatives, suicide prevention projects, research findings, reviews and research in progress.