

5 Suggested changes to the Scheme

This chapter examines the things that respondents would like to see changed about the Child Support Scheme.⁴¹ These suggestions provide an (albeit crude) experiential context in which to make better sense of the broad empirical findings in the preceding two chapters.

Respondents' suggestions were generated by a final open-ended question asked of all separated/divorced parents in the Caring for Children after Parental Separation sample ($n=620$), and all respondents in the general population who either (a) had a child under 18 with a parent living elsewhere at the time of interview; (b) had ever paid or received any child support; or (c) had at least heard of the Child Support Scheme or Child Support Agency ($n=766$; 77 per cent of respondents in the general population sample).

Respondents were asked: *"Finally, is there anything that you'd like to see changed about the Child Support Scheme as it currently stands?"*

Of the 620 separated/divorced parents in the Caring for Children after Parental Separation sample, 72 per cent ($n=447$) suggested changes to the Child Support Scheme or made a related comment.⁴² By contrast, 57 per cent ($n=441$) of the 766 respondents in the total general population sample suggested changes or made a comment about the child support system. A much higher proportion of respondents in the general population sample than in the separated parent sample maintained that they did not have enough knowledge of the Scheme to comment (20 per cent compared with 3 per cent).⁴³

In other words, as might be expected, separated parents were far more likely than those in the general population to suggest a change to the Scheme, or to be in a position to make a comment about the child support system more broadly.

The proportions of women and men who made a comment were similar in the general population sample (54 per cent compared with 48 per cent). In contrast, non-resident fathers were more likely than resident mothers to suggest a change (79 per cent compared with 65 per cent).

Several issues should be borne in mind. First, the comments of respondents presented here should not be seen as representative of the views of all respondents in either sample. They nonetheless provide insight into the reasons behind some of

41 Place names have been changed to protect the identity of all participants and their significant others.

42 Another 23 per cent ($n=143$) of respondents did not have any suggestions; 3 per cent ($n=20$) of respondents did not have enough knowledge of the Scheme to comment; 2 per cent ($n=9$) of respondents "couldn't say", and one other respondent declined to answer the question.

43 Another 21 per cent ($n=157$) of respondents did not have any suggestions; 20 per cent ($n=155$) of respondents did not have enough knowledge of the Scheme to comment; 1 per cent ($n=10$) of respondents "couldn't say", and less than 1 per cent ($n=3$) of respondents declined to answer the question.

the responses given in chapters 3 and 4, and related issues. Of course, the richness and depth of respondents' individual views can never be fully represented by a brief telephone interview.

Second, many of the changes suggested by respondents are likely to have been triggered by the survey questions asked during the course of the interview. This means that responses are not from a *tabula rasa*. For this reason, where possible, links between the quantitative and qualitative data are made.

Third, the general population sample referenced in this chapter differs from that referenced in earlier chapters, which focused on those who had not experienced separation. The comments of all of those who had heard of the Scheme are examined here.

Fourth, while some respondents (including separated parents) appeared to have little awareness of the current Scheme, most respondents had little difficulty suggesting improvements to its operation.⁴⁴ This is perhaps unsurprising – child support issues are often underpinned by a deeply engendered sense of justice regarding procedures and outcomes, and can act as a “lightning rod” for much pent-up anger, grief and disappointment surrounding relationship breakdown and the loss of everyday family life for those who have experienced parental separation personally or indirectly among kin or friends (Joint Select Committee 1994: 11).

In the remainder of this chapter, the comments of respondents are contextualised by reference to the sample from which the respondents were drawn, and by their gender, age, partnering status, and family type (based on the presence of children under 18 in the household or living elsewhere). No mention of family type indicates that there were no such children.⁴⁵

“Fairness”

As noted in Chapter 1, balancing the complex and competing needs of children, resident parents, non-resident parents, and the State, creates a series of interlocking conundrums for child support policy reform. It also means that different views of fairness tend to pervade people's views of child support. In the present study, fairness of outcomes, processes and interpersonal treatment acted as the central thread running through virtually all respondents' comments.

Fairness to children

Some respondents, both female and male, were adamant that the Scheme should be child-focused and fair for children:

“The Child Support Scheme should be aimed at helping all children.” (Partnered male, 24, general population sample)

44 Almost 70 respondents were offered a follow-up telephone interview with one of the researchers in an attempt to allow those who had strong views or a lot to say to be heard. Most respondents took up this offer.

45 This not only applied to respondents in the general population but also to some in the separated parent sample whose children had turned 18 by the time of the second survey. It should also be noted that separated parents with 50/50 shared care of dependent children are not identified by the survey tool. The parents' resident status is ambiguous in this instance.

“The emphasis of the Child Support Scheme should be on the welfare of the children.” (Partnered male, 51, general population sample)

“There needs to be a better focus on the children. We have to make sure people realise that children are a big responsibility and that there are associated costs to them.” (Partnered female, 38, blended family, separated parent sample)

Some parents believed that factoring the age of children into child support payments would be a significant improvement to the Scheme:

“Maintenance should be worked out depending on the child’s age.” (Partnered male, 33, stepfamily, separated parent sample)

“I would include in the formula . . . the age of the youngest child.” (Single non-resident father, 46, separated parent sample)

The needs of children aged 18 and over who were full-time students were also highlighted:

“Kids still studying over 18 should still get support.” (Partnered female, 44, stepfamily, separated parent sample)

“Just because a child turns 18 doesn’t necessarily mean that financial responsibility for that child will stop.” (Partnered female, 39, blended family, separated parent sample)

But some non-resident fathers disagreed. One father maintained that:

“After the children reach 18 years, payments should not be required. They [the children] are independent regardless of education or not.” (Single male, 54, separated parent sample)

Consistent with Figure 3.14, the ongoing special needs of young adult children with a disability were also emphasised by some mothers:

“I have a child with a disability and he needs a lot of extra needs and requirements. He goes to a special school . . . and has [special] medication . . . which isn’t [on] a government subsidy. I think the other parent should help pay for these things.” (Sole mother, 38, separated parent sample)

“There has to be some sort of financial assistance dedicated to the [disabled] child . . . that has to be legally enforceable.” (Single non-resident mother, 40, separated parent sample)

Fairness to mothers

Non-compliance, income minimisation, and arrears recovery were some of the most common issues raised by women when asked what should be changed about the Scheme⁴⁶:

“I’d just like to see more compliance.” (Single female, 62, general population sample)

46 Enforcement issues were also found to be highly salient mothers in a survey of Child Support Agency clients (Child Support Agency 1997).

“People do all kinds of things to avoid payment.” (Partnered female, 58, family type indeterminate, general population sample)

“Too many men are able to ‘bluff’ income.” (Partnered female, 61, family type indeterminate, general population sample)

“Fathers shouldn’t be able to hide income.” (Sole mother, 46, general population sample)

“Too many fathers get away with not paying.” (Partnered female, 47, general population sample)

“I’ve been waiting [for payment] for over 13 years.” (Sole mother, 34, general population sample)

“He has owed us thousands for some years now, and there does not seem to be any means of retrieving that debt.” (Single female, 53, youngest child just turned 18, separated parent sample)

Interestingly, a number of non-resident fathers who were paying child support perceived non-paying fathers as their foes. As one father put it:

“I pay lots for my kids. Happy to pay (but I pay too much).... The Child Support Agency should follow up on non-custodians who don’t pay up, or those who earn cash to get out of it.” (Partnered non-resident father, 39, separated parent sample)

Another father concurred:

“Those fathers who are getting away without paying their child support . . . need to be brought up to speed. They should be chased every time – not just once a year [at tax return time].” (Single male, 48, youngest child just turned 18, separated parent sample)

Penalties for non-compliance surfaced in this context, especially in the general population sample.⁴⁷ One mother said:

“There needs to be tougher penalties on parents who don’t pay.” (Single female, 56, youngest child just turned 18, separated parent sample)

Another stated:

“I would like to see . . . a much harsher penalty . . . I am owed \$10,000 but haven’t received it.” (Sole mother, 34, separated parent sample)

Ideas for penalties included fines, “interest payments that go to children”, the loss of a driving license or passport, deductions from superannuation, or non-paying parents being made to do community service.

One male suggested a “carrot–stick” approach to the issue of non-compliance:

“The government could use the Scheme to pressure or compel the parents to cooperate for the children’s benefit . . . with a carrot–stick

47 The survey included a question on whether non-payers should be penalised (Figure 3.16) but no questions about reciprocal issues – such as penalties for obstruction or the denial of contact – were asked.

approach. If they don't cooperate, they could have some kind of financial penalty – but [the government] would have to make sure that this didn't cause the children financial hardship. They perhaps should get some kind of benefits or further concessions on services for parents who cooperate." (Single male, 54, general population sample)

Some resident mothers believed that the minimum amount of \$260 per year (that is, \$5 a week) was not enough:

"The minimum amount is far too low." (Sole mother, 56, separated parent sample)

"The amount needs to be increased as the minimum is not enough to support the children." (Sole mother, 48, separated parent sample)

Fairness to fathers

Many issues cut to the heart of fairness for fathers – particularly for those fathers who did not have children in their care for much of the time. Issues included: the need to take account of both parent's' incomes; the perceived harshness of the formula; net rather than gross income; controlling how child support is spent; payments based on children's costs rather than on capacity to pay; counting a (mother's) new partner's income; and the contact–child support nexus. Some women were also concerned about fairness to fathers.

One or both incomes?

Some respondents suggested that *both* parents' incomes should be taken into account in the assessment of child support liability, not just their income:

"Child support should be worked out from the income of both parents." (Single non-resident father, 55, separated parent sample)

"Child support should be based on both [parents'] incomes." (Partnered male, 34, new biological child in household, child living elsewhere, separated parent sample)

"The earnings of the custodial parent should [also] be taken into account." (Single non-resident father, 36, separated parent sample)

"Both parents' level of income needs to be considered in calculating the child support payment." (Partnered female, 35, biological children, general population sample)

One mother pointed to the perceived merits of counting both incomes, as currently adopted by the majority of American states:

"The way they calculate payments at the moment I find extremely confusing and inequitable. In the [United] States, they take both parents' income and add them together to make a combined income. They then work out the percentage of this combined income, which is the cost of the children. Both partners have to pay this cost determined on the percentage of their income, which makes the combined income. I find this to be a much better system." (Partnered female, 37, stepfamily, separated parent sample)

Figure 3.10 suggests that many women also favoured taking both incomes into account. While this approach has intuitive appeal because on the surface it appears to treat parents equally, none of the comments on this issue suggested any consideration of “in-kind” payments linked with unpaid work or of the “opportunity costs” of caring for children when one parent performs much of the care of children.

The perceived harshness of the formula

Some separated parents (mainly fathers) believed that the current percentages were too high:

“I’d like to see the [percentage] rates brought down to a more reasonable rate.” (Single non-resident father, 48, separated parent sample)

“Thirty-four per cent [for four children] is too much. It makes it too difficult for the paying parent to survive.” (Single non-resident father, 36, separated parent sample)

“The amount for the paying parent who doesn’t have the children doesn’t allow them to get on with their lives. It can be too crippling.” (Partnered male, 47, stepfamily, separated parent sample)

“I think they have the percentages wrong . . . I see a lot of people paying a large amount of money out for maintenance and after they have paid that and rent, they can’t afford to have their kids come over.” (Partnered female, 47, stepfamily, separated parent sample)

“I’m finding that sometimes when I have the children, I can’t afford to do anything with them. Things are even tight with food.” (Single non-resident father, 36, separated parent sample)

Net rather than gross income?

Consistent with Figure 3.11, which showed that 75 per cent of non-separated men and 87 per cent non-resident fathers favoured the calculation of payments on net rather than gross income, some respondents expressed a sense of unfairness about the use of gross income:

“I’d like them to take it on net income rather than gross because you don’t get your gross so it’s ridiculous to pay 18 per cent on that.” (Sole mother, 29, with primary care of one child and another child living elsewhere, separated parent sample)

“Everything the government does is before tax, so it should be done after tax because before tax isn’t a true representation of what you’ve earned.” (Single male, 56, general population sample)

“It should be after tax as it’s not a percentage of your disposable income as it stands.” (Partnered female, 60, general population sample)

“Payments should be calculated on an after-tax system, and be reduced to 10 per cent for the first child, down from 18 per cent.” (Single non-resident father, 45, separated parent sample)

“Payments should be calculated from earnings after tax – not before tax – so long as it stays at the same percentage rate and doesn’t go

up.” (Sole father, 44, with primary care of one child and another child living elsewhere, separated parent sample)

On face value, shifting from gross to net income may be perceived by many separated parents to be reasonably straightforward. But some may favour net on the assumption that the percentages would remain unchanged – leading to lower payments – as alluded to in the last quote above.

Implicit in some of the other quotes is the view that child support should be taken from what’s left of income because this is all that can be distributed across households. Perhaps it is this latter view that appealed to many of the women who also favoured net over gross, as indicated in Chapter 3 (Figure 3.11 – 71 per cent of the resident mothers and 79 per cent of the non-separated women). But this is speculation. Some of the women’s comments on other issues nonetheless leave no doubt that they were keen for their former partners not to be unfairly penalised by the Scheme – that the Scheme had to be fair for everyone:

“If my ex-husband falls on hardship, which occurred, there is no way he can meet the child support payments that are based on when he had a high-paying job. It’s unfair on him.” (Partnered female, 32, blended family, separated parent sample)

Some separated mothers expressed similar concerns in relation to fathers with second families to support:

“Make it a bit fairer for the men. It’s difficult when they’ve got another family to look after.” (Sole mother, 45, separated parent sample)

“If the father] has another family of his own, you should be able to pay less because you’ve got to be fair to that family as well.” (Sole mother, 28, separated parent sample)

Controlling how the money’s spent

Some non-resident fathers also believed that it was unfair that they had no say in how the money that they provided was spent – with the perception that child support was essentially a hidden form of spousal support (and also support for her new partner) that was typically being frittered away on “lifestyle” choices:

“The father should have some input into where his money is going.” (Single non-resident father, 48, separated parent sample)

“The money I pay goes toward paying my ex-partner and her new husband’s Foxtel payments and lifestyle generally. My ex’s partner doesn’t work. I’m financing his lifestyle.” (Single non-resident father, 56, separated parent sample)

“Child support is an additional income for the parent rather than support for the child. It should go into a separate bank account for the child and be used only for the child’s needs. There should be a yearly assessment on . . . whether or not the money is being used correctly.” (Partnered male, 38, biological children, general population sample)

“I would like to see child support paid into a government bank and then a debit card issued to receivers of child support and the only

way money can be drawn on the debit card is through recognised agencies like electricity accounts, petrol accounts, and shopping outlets – to avoid parents spending money that’s meant for children on alcohol and drugs and being whistled away.” (Partnered male, 43, stepfamily and children elsewhere, separated parent sample)

Some women in the general population agreed:

“The system should try and make sure the money goes directly to benefiting the children – not the mothers.” (Partnered female, 28, general population sample)

“At the moment the [resident] parents are spending it on themselves.” (Partnered female, 31, biological children, general population sample)

A number of the comments about making resident parents accountable for the child support referred to the need for “trust funds”, “receipts”, “documentation”, “supermarket accounts” and “separate bank accounts” in order to ensure that the payments were not used as spousal support. With little often left to divide after relationship breakdown, the loss of economies of scale, and the possible duplication of the costs of children, it is understandable that both parents are keen to maximise their children’s wellbeing while minimising the impact of the financial aftermath on themselves.

The basic “cost” of a child

A variant on the “greater accountability” issue, albeit conceptually more significant, was the perception that child support payments should be based on a set amount, namely the (fixed) “cost of a child”. The following comments give the flavour of this belief system:

“Base the system on what it costs to raise a child.” (Single non-resident father, 46, separated parent sample)

“You should be charged per kid – not what you earn.” (Single male, 41, family type indeterminate, separated parent sample)

“Payments should not be based on the father’s income. They should just figure out how much it costs each week to raise a child and the payments should be 50 per cent of that. It should be a flat rate.” (Partnered female, 33, biological children, general population sample)

“I’d like a set figure per child . . . based on how much it costs to support each child.” (Partnered non-resident father, 40, general population sample)

It is important to note, however, that non-resident fathers were evenly divided on whether child support payments should be based on the basic costs of children or the non-resident father’s income level (see Figure 3.9). There is a solid body of economic data that show there is no single absolute “cost” of a child. Rather, up to a point, expenditure on children tends to rise with increasing income. This no doubt would reflect different values about what children “need” and consumption values overall, although of course many high earning parents may be well aware that a proportion of their child-related “expenses” are discretionary (such as overseas trips, or the latest top-of-the-range mountain bike or jet ski).

Counting a (mother's) new partner's income

Consistent with the view articulated by the majority of non-resident fathers and non-separated women and men (see Figure 4.1), some men considered that the Scheme was unfair in its failure to take account of their former spouse's new partner's income:

"If the partner remarries, the father shouldn't have to pay anything." (Partnered non-resident father, 30, general population sample)

"The custodial parent's new partner should take more responsibility for the children. It's 'a package'." (Partnered male, 44, biological children, general population sample)

But while many of these comments referred only to women repartnering, some respondents were gender neutral in their views:

"If either parent remarries . . . some level of financial responsibility should shift to the new partner." (Partnered male, 51, biological children, general population sample)

The general flavour of these comments revolved around a reduction rather than discontinuation of child support. (Figure 4.1 taps the repartnering scenario but focuses on discontinuation of payment rather than reduction.)

The contact-child support nexus

The tendency for separated parents to link seeing children and paying for them has been well documented in Australia and elsewhere (Fehlberg and Smyth 2000; Seltzer, Schaffer and Charng 1989; see also Ellman 2004b). Chapter 4 showed that non-resident fathers tended to believe that payment of child support should be predicated on the ability to see children (the "seeing-paying" relation) (see Figures 4.5–4.7). This view surfaced in some of the recommendations for change:

"When males aren't given reasonable access to their children, I don't think they should pay the full amount of child support." (Partnered male, 64, general population sample)

"The CSA should restrict monies when access to the child is denied when access has been granted by the Court." (Partnered female, 55, general population sample)

"If there's no contact with the children then the father shouldn't have to pay child support." (Single non-resident father, 51, separated parent sample)

Several respondents cited the relocation of a mother as a form of contact denial, and considered this grounds for non-payment:

"If a mother denies access to the child's father, they should not have to pay child support. If the mother takes the child interstate or overseas without an agreement from the father, the father should not have to pay child support." (Single female, 36, separated parent sample)

"Now that she and the kids are in another state, my child support should be reduced to nothing." (Partnered male, 39, blended family and children living elsewhere, separated parent sample)

“I don’t think it’s fair that I have to pay child support to my ex- in [another state] when I don’t see the children and haven’t for many years. My child suffers.” (Sole father, 35, with primary care of one child and others living elsewhere, separated parent sample)

However, some women commented on the flip side of this – when fathers moved and avoided child support:

“Child support payments should be compulsory if they [non-resident fathers] move overseas. My husband moved overseas in a previous relationship and didn’t have to pay child support.” (Single female, 45, general population sample)

“Non-custodial parents who move overseas should be tracked down and made accountable . . . The father of my grandchild is overseas and doesn’t pay a cent.” (Partnered female, 56, general population sample)

“My husband lives overseas. The Australian Government can’t get child support from fathers living in that country. This is wrong.” (Sole mother, 38, separated parent sample)

Some respondents maintained that child support should continue when a parent moves, but that the costs of contact be recognised or shared:

“The cost of travelling should be incurred by the partner who moves, or maybe it’s a case of paying half the travel costs each.” (Single non-resident father, 30, separated parent sample)

“I think it’s very difficult for parents when the other parent takes the children interstate or away. This should factor into payments, and possibly even reduce them for the parent left behind, as they now have to pay travel costs etc just to see their children.” (Partnered female, 37, biological children, general population sample)

Shared care

Despite the survey’s focus on child support, some fathers raised the issue of 50/50 shared care and children’s living arrangements when asked what they would like to see changed about the Child Support Scheme. This probably reflects the close but complex links between money and parenting time.⁴⁸

As one father said:

“The starting point for care and financial arrangements at the start of a separation should be 50/50 rather than solely to one parent.” (Partnered male, 44, new biological child in household and children living elsewhere, separated parent sample)

Another father agreed:

“I’d like to see each parent get 50/50 custody of children, and I would like to see the government be able to enforce this.” (Single non-resident father, 54, separated parent sample)

⁴⁸ As outlined in Chapter 4, questions about payments where there were overnights were asked of respondents (Figures 4.8 and 4.9, and Table 4.1).

Another father argued that:

“It should be 50/50 . . . Under the current Scheme, when you have your own child with you you’re paying for that and also paying the child support.” (Partnered male, 42, stepfamily with children elsewhere, general population sample)

The idea that parenting time and money ought to be related was raised by a number of other respondents:

“There should be some way of linking contact to the amount payable.” (Single non-resident father, 50, separated parent sample)

“If a parent has no contact with their child, they should be paying higher child support. But parents who see them and are involved with them should be on a lesser rate of child support.” (Repartnered male, 43, blended family and children elsewhere, separated parent sample)

“You shouldn’t have to pay for the time you have the kid.” (Single non-resident father, 44, separated parent sample)

Some fathers saw shared care as having intrinsic benefits:

“Parents need to be encouraged to share the role of parent more.” (Single male, 44, family type indeterminate, separated parent sample)

“I would like to see that both parties straight away after the break-up of the marriage initially start with equal custody of the children so that they [children] can’t be used as a tool for manipulation.” (Partnered father, 46, new biological children in household, separated parent sample)

The above quotes suggest that keeping money and the arrangements for caring for children as separate issues may be difficult for some parents.

Fairness to government

Consistent with Figure 3.4, some respondents were also mindful of the need for the Scheme to be fair to government and taxpayers:

“The main responsibility should fall with the parents.” (Partnered female, 30, general population sample)

“We have to make parents accountable and responsible for the upbringing of their children. The government shouldn’t be responsible for paying wholly for children.” (Partnered male, 44, general population sample)

“The government’s role should be only as a fallback and [it should only] step in when needed.” (Single non-resident father, 38, separated parent sample)

“Every case is different . . .”

One suggested way of making the Scheme fairer was for liability to be assessed on a case-by-case basis – an issue not prompted by any of the survey questions:

“Each situation needs to be judged on an individual situation. Percentage brackets are crazy . . . You need to assess each situation on the whole facts – not just a few criteria related to finance.” (Sole father, 37, separated parent sample)

“Every case has its own circumstances that should be taken into account and dealt with accordingly.” (Single non-resident father, 43, separated parent sample)

“It should be looked at on an individual basis rather than the mass equation they have now.” (Repartnered female, 42, stepfamily and children elsewhere, separated parent sample)

“Sometimes the situation requires a case-by-case basis, as the standard arrangements seem harsh sometimes.” (Partnered male, 44, general population sample)

On the issue of greater discretion case-by-case, some respondents indicated that they wanted “fault” brought back into legal decision-making – again, this was not prompted by the survey questions:

“There is always a victim – whether it is the mother or the father. I don’t think the victim should have to pay. For example, you have a nice father whose wife runs off with another man. He still has to pay. I don’t think he should have to.” (Partnered male, 47, general population sample)

“If the mother leaves the father because of another partner, there should be less responsibility on the father [to pay child support].” (Partnered male, 61, general population sample)

Relationship counselling and mediation

Although no questions were asked about mediation or counselling, some respondents suggested a strong need for the couples to sort out their problems before things worsened:

“What’s needed is more of couples being able to sit down and talk about it.” (Single female, 49, youngest child aged 18, separated parent sample)

“I’d like to see it as a system of last resort. I’d like to see parents meeting to sort things out before the system was needed . . .” (Single male, 54, youngest child aged 18, separated parent sample)

“There is a brick wall between how [my former husband] sees child support and how I see it. We all need to sit down and work it out.” (Sole mother, 31, separated parent sample)

Others specifically mentioned the need for more therapeutic approaches to achieve this:

“When it [separation] first happens, I think they need people to go and get counselling . . . before they get to child support . . . It’s a sensitive time when parents separate and they need sensitive counselling to agree to what is required in terms of their responsibilities.” (Sole mother, 35, general population sample)

“Child support should be tied in with mediation for marriage support – trying to prevent the separation because it is far too easy to separate at the moment.” (Partnered male, 50, biological children, general population sample)

“The government should work harder at mediating between partners and not creating conflict. There needs to be a more holistic approach to the circumstances.” (Partnered male, 36, stepfamily, separated parent sample)

This last quote gets to the heart of much of the timbre of the most recent round of family law reforms. The soon-to-be-established network of Family Relationship Centres aims to help families avoid conflict, and support them in a child-focused, dignified and relatively inexpensive manner where parental separation cannot be avoided (Moloney and Smyth 2004).

One of the Child Support Taskforce’s Terms of Reference is to provide guidance on the extent to which Family Relationship Centres can or should help separating couples resolve differences relating to child support issues. Thus while it will be important for professionals at the new Centres to provide customised packages of support to help parents reach their own parenting agreements, the extent to which disputes over child support might be mediated at Family Relationship Centres is less clear. (This issue is discussed more fully in Chapter 6.)

For some parents, mediation may be seen as one way of achieving a more individualised outcome, as raised by some respondents in the present study:

“I find it a demeaning thing [formulaic administrative assessment] in . . . the way it’s worked out. You really need some good mediation in these things where the amount you have to pay can be worked out sensibly.” (Partnered non-resident father, 59, separated parent sample)

“I think a better agreement could be reached between parents if a mediator was involved.” (Non-resident mother, 44, separated parent sample)

It is worth noting that a small group of respondents emphasised the importance of parenting programs and parental education in relation to child support issues:

“Parents post-separation should do a course on parenting after separation, like *Mums and Dads Forever* put on by Anglicare.” (Partnered female, 37, general population sample)

“Make every separated parent watch a video about the mental anguish and confusion that children suffer when fighting over them [like the *Children In Focus* video].” (Partnered male, 33, stepfamily and children elsewhere, separated parent sample)

“There needs to be more education in parenting and responsibilities before children appear.” (Partnered female, 54, general population sample)

Administrative issues and assessment processes

One of the key aims behind the introduction of the Child Support Scheme, particularly administrative assessment and collection, was to improve the working relationship between parents by reducing conflict between parents over money.

By converting a private transfer to a debt to the State, the bargaining and some of the associated acrimony should be deflected onto those charged with administering and collecting that money. The Agency is thus likely to bear much of the brunt of any acrimony around money. Indeed some might say that it is better that a government agency absorbs the force of any parental conflict over money than parents (and children) themselves.

Administration and operational issues formed one of the most commonly mentioned areas for change flagged by separated parents.

People want to talk to people

Given the often emotionally-charged context and highly complex issues surrounding separation, it is not surprising that a number of respondents suggested that staff at the Child Support Agency adopt a more therapeutic approach with clients:

“There should be much more mediation between the Agency and the parents. We were told what to do and pay. This created unnecessary conflict between me and my ex. It was a cold and pushy experience.” (Partnered female, 37, biological children, general population sample)

“They should take time to sit down with the parents and train people from the Child Support Agency so they are better equipped to handle situations.” (Sole mother, 52, separated parent sample)

“They should make someone from the Child Support Agency available to sit down with the spouse who’s paying, and discuss [any] financial difficulties that they might be having. Some of the letters can trigger anger in fathers who feel threatened in the early stages of the separation. If there was a person who could explain it, it might take some of the edge off the situation.” (Sole mother, 41, separated parent sample)

“I understand that it’s hard for an agency to work on formulas with so many people, but it was a lot easier to feel that you were being understood when you had a caseworker. It is disconcerting to call and have someone new every time who knows nothing about your family and your situation. It is my family, and it is personal. Of course, it is upsetting, and it is just a little thing but it makes it a lot easier to feel like you are being listened to.” (Sole father, 49, separated parent sample)

The need to be heard and understood underpinned the comments of a number of other fathers. One father made this point somewhat bluntly:

“Everything is so cold and financial to them.” (Partnered male, 39, new biological child and children elsewhere, separated parent sample)

Two mothers with safety concerns also pointed out the benefits of being able to meet in person with Agency staff with the appropriate skills and expertise:

“High levels of emotion and fearfulness about what might happen if child support contact the other partner . . . made it so that I did not pursue child support at the time because of fear of repercussions

– especially on the children. If I could have seen someone face-to-face, this might have helped me to talk more freely . . .” (Partnered male, 33, stepfamily and children elsewhere, separated parent sample)

“Every time the Child Support Agency contacted my ex-husband, he would threaten me violently and mentally through his friends and himself. The Child Support Agency should listen to the woman and give her time to explain this . . . They need someone to be able to interview a woman who’s been through violence – someone who’s trained to do this.” (Sole mother, 39, separated parent sample)

Operational issues and assessment processes

Many separated parents also pointed to a range of operational issues in the Agency’s handling of cases:

“I don’t see the Agency as having any power. They seem ineffectual because they can’t get people to make the payments.” (Partnered female, 49, stepfamily and children elsewhere, separated parent sample)

“More staff are needed to follow up and enforce payments.” (Sole mother, 41, separated parent sample)

“The system should be less confrontational. The letters I get from them are very confrontational when I consider that the relationship between me and the other parent is cooperative.” (Non-resident mother, 45, separated parent sample)

“The Agency should make sure that the couple cannot arrange the child support situation themselves before interfering and pushing a prefabricated model on them.” (Sole father, 39, separated parent sample)

“They need a more efficient database so when you make calls, they are noted.” (Single female, 46, separated parent sample)

“I find it really hard to get through to them.” (Partnered female, 35, stepfamily and children elsewhere, separated parent sample)

“They need a better system between child support, Centrelink, and the taxation office. They need to correlate their information better.” (Sole mother, 53, separated parent sample)

A number of respondents also wanted to see assessment processes improved:

“Payment of support on the ability to earn an income [‘capacity to earn’] should be abolished and based on current income.” (Single non-resident father, 39, separated parent sample)

“Child support payments shouldn’t be based on the previous year’s income because circumstances change.” (Sole father, 30, separated parent sample)

“The Family Tax Benefit should not be tied in with the Child Support Scheme. The pressure it put on my ex-husband really deteriorated the

relationship that we had tried to maintain for the kids, when I was having to prove via the Child Support Agency that the payments weren't enough. He didn't have any more to give, and I knew that, but the burden of proof needed in order to get an exemption and access the Family Tax Benefit was very confrontational and accusatory. That is how the system is geared." (Sole mother, 40, separated parent sample)

"You can only change your income assessment so many times a year. What if your job changes more often than that? . . . They need to understand that that is people's reality, and not an attempt to cheat the system." (Partnered non-resident father, 45, separated parent sample)

These and other problems have been well documented over the years (see, for example, Joint Select Committee 1992, 1994; Commonwealth of Australia 2003). But not every respondent was critical. One mother said:

"The child support people are very helpful, and my case worker is a gem." (Sole mother, 45, separated parent sample)

Of course, satisfied respondents are likely to be hidden in this analysis because respondents were asked what would they like to see changed.

Should everyone pay?

The issue of non-resident parents' "capacity to pay" child support surfaced in a number of different ways. Consistent with Figure 3.7, several respondents endorsed the principle that parents have a duty to support their children financially:

"People should all have to pay some money. . ." (Partnered male, 42, biological children, general population sample)

"Parental responsibility should never cease. It's not a matter of income or situation." (Partnered male, 51, biological children, general population sample)

But unlike most respondents (Figure 3.8), some articulated the view that unemployed or poor fathers should not have to pay child support:

"People on pensions shouldn't have to pay." (Single non-resident mother, 42, general population sample)

"There is no point in someone paying a negligible amount, such as \$5 a week. They should only start paying child support when they have a more solid income." (Partnered male, 37, blended family, general population sample)

"It's a waste of time sending a notice to somebody on the dole or who is earning very little to pay their \$5, or whatever, a week. They shouldn't have to pay child support unless they're earning more than \$10,000 a year." (Single non-resident father, 64, separated parent sample)

"The requirement for low-income earners to pay child support needs to be addressed. The level of income for people on government support is already on the poverty line. An additional \$5 a

week taken from that really does impact on their ability to survive, let alone provide a home for their kids to visit.” (Single non-resident father, 46, separated parent sample)

At the other end of the financial spectrum, a number of fathers re-affirmed the need for an income cap on child support payments – an issue that was supported by most respondents (Figure 3.12):

“There should be a maximum amount of child support to be paid because it unfairly penalises medium-to-high-income earners.” (Partnered male, 58, general population sample)

“Child support should be capped for high-income parents because, while children are more expensive at different ages, they do not increase in cost to such a great extent as proportionally with income.” (Partnered female, 37, stepfamily and children elsewhere, separated parent sample)

“High-income earners should only have to pay up to a certain amount. It should be about providing a living allowance – not extras.” (Single male, 23, general population sample)

“There should be a cut-off point so that those who want to work harder or get a better job aren’t penalised.” (Partnered female, 50, partner’s children living elsewhere, separated parent sample)

Summary

It must be reiterated that the comments outlined in this chapter should not be seen as representative of the views of all respondents in either sample, and that no single issue dominated respondents’ recommendations.

When asked what they would like to see changed, women’s and men’s responses differed in some ways. The women who suggested changes to the Scheme wanted to see child support paid (even if fathers moved overseas), arrears collected, and income minimisation itself minimised. By contrast, the men wanted: (a) both parents’ income included in the formula; (b) the current percentages reduced, especially where fathers had to support new children; (c) the formula to be based on net rather than gross income; (d) some accountability of how child support was spent; (e) the income of former partners’ new partners to be included in the formula; and (f) child support to be exempted or reduced where contact is thwarted because of relocation or denial (“no-see, no-pay”).

There was nonetheless common ground between women and men on several issues, including: (a) the need and importance of mediation, relationship counselling, and parenting programs; (b) perceived problems with administrative and assessment processes; and (c) the need to ensure that the Scheme was fair for children (young and old, disabled or otherwise), resident parents, non-resident parents, and government.

These comments and views are largely consistent with those put forward to the many government inquiries on family law matters held over the past decade (see also similar findings by Atkinson and McKay 2005 in the United Kingdom). This is not surprising given that it is these very views that were being probed by the survey, with the survey questions themselves possibly bringing these issues to the forefront of respondents’ minds rather than other issues.