

# 8

## POINTS OF CONVERGENCE

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## FOCUS GROUP PARTICIPANTS WHO SPEAK IN CHAPTER 8 POINTS OF CONVERGENCE

### Eight mothers

*CAMILLE* has two daughters aged 13 and ten years. She separated two years ago and has since repartnered. Her parenting arrangement involves a week-about schedule with the changeover occurring on Friday after school.

*JACKIE* has been separated from her former partner, who now lives overseas, for four years. She has a four-year-old-son, Mitchell, who has irregular, predominantly daytime-only contact with his father during holiday periods.

*KATHY*, aged 40, has been separated from her former partner for five years. She has two children; a son and daughter aged ten and six respectively, who spend half their time with each parent in short blocks.

*KIM* separated from her former partner, who now lives interstate, 11 years ago. She has an 18-year-old son and a daughter aged 16 years, who have had minimal contact with their father since the separation.

*MEREDITH* has been separated for nine years. She has two daughters aged 13 and 16 years, who spend time with their father each Sunday.

*MICHELLE*, aged 37, has been separated for three years. She has a six-year-old daughter and a five-year-old son, who spend half their week with each parent.

*RACHEL*, aged 43, has been separated for eight years. She has two teenage daughters, Jane who is 19 and Jade who is 17. She is also the stepmother of 16-year-old twins. Her parenting arrangement involves a week-about schedule, which has been in place for seven years.

*SHIRLEY*, aged 39, has been separated from her former partner for seven years. She has a seven-year-old son, Daniel, who spends four hours with his father every Sunday.

### Eight fathers

*BENJAMIN* has been separated for three years. He has two teenage children – a son aged 13 and a daughter aged 15 years. He has contact with his children on alternate weekends and on Thursday and Friday evenings during the other week.

*GEOFF* has been separated from his former partner for ten years. He has two teenage sons who lived with him for six years following the separation, but who now live interstate with their mother.

*HARRISON*, aged 47, has been separated for eight years. He has twin sons, aged 12, and a 16-year-old daughter, who stay with him every second weekend for two or three nights and each Wednesday night.

*JASON*, aged 32, separated from her former partner three years ago. He has a four-year-old son with whom he has contact on alternate weekends from Friday evening to Monday morning, and on Thursday evening.

*PAUL*, aged 46, has shared the care of his 13-year-old daughter since he separated six years ago. His parenting arrangement involves the children spending a week with him then a week with his former partner.

*RAYMOND*, aged 44, has been separated from his former partner for two years. He has a 14-year-old son whom he hasn't seen for over six months.

*RICHARD*, aged 41, has been separated from his former partner, who now lives interstate, for eight years. He has a ten-year-old daughter whom he sees once every three weeks.

*ROD*, aged 49, has been separated for five years. He and his former partner have a flexible parenting arrangement that enables their three teenage children to spend equal amounts of time with each of them.

## 8 Points of convergence

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This chapter examines several issues that emerged more generally across all of the focus groups. Some of the issues surfaced as a result of explicit questions while others emerged more tangentially.

It should be noted at the outset, however, that three particular issues are not examined in any depth. The first of these is the devastating effect that parental conflict can have on all family members. We note the centrality of conflict, and re-visit this issue in the final chapter.

The troubling issue of parents' and children's safety in the context of contact surfaced in some participants' stories across the groups. As mentioned earlier (Chapter 2), such issues could not be explored adequately and ethically within the confines of our focus group situation. Thus absence of empirical and analytical focus on these issues should not be interpreted to mean that issues of safety are unimportant in relation to parent-child contact (Jaffe, Lemon and Poisson 2003; Kaye, Stubbs and Tolmie 2002). Rather it is out of recognition of the complex and profound nature of these issues, and a constrained methodology, that they have not been specifically addressed in this study.

Finally, child support is not discussed in any depth because the focus group data are both patchy and uncontroversial. Dissatisfaction with the child support system, especially by non-resident fathers, was an issue common to all the groups,<sup>36</sup> and it seems that child support transfers (or the lack thereof) continue to act as a "lightning rod" for the transmission of pent-up anger and grief that often flows out of relationship breakdown (Joint Select Committee 1994: 11).

Not surprisingly, resident and non-resident parents differed markedly in their criticism of the child support system. The most common complaint by parents who were paying child support was that they were paying too much – largely, they believed, because the cost of seeing their children and the cost of re-establishing themselves in a separate household were not adequately taken into account in the calculation of child support liability.<sup>37</sup> By contrast, the most common complaint by parents eligible for child support was that payments did not occur (especially where payers were self-employed) or, if they did, were not enough to cover children's needs. And many parents, both resident and non-resident, reported encountering difficulties in their dealings with the Child Support Agency – particularly the high turnover of Agency staff and the frustration of constantly dealing with new case managers. Some parents noted that bureaucratic processes at times exacerbated inter-parental conflict.

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36. See also Commonwealth of Australia 2003: 149, para 6.123.

37. That child support is assessed on gross rather than net income was also bone of contention for many non-resident parents.

Complaints of this nature are not new (see, for example, JSC 1992, 1994; Commonwealth 2003). Neither is the apparent linking of child support with contact by many parents in the groups (I-pay-so-I-see). Indeed the contact–child support nexus manifested itself in a variety of forms across all the groups, from parents who based their parenting arrangement on monetary concerns, to mothers who were willing to forgo financial support in an attempt to keep a father on the scene.

Four central threads were evident across the focus groups: (1) change over time, (2) the need for parental resources and support, (3) the ubiquity of grief and loss, and (4) children’s contact with extended family.

*Profiles of each of the focus group participants in this chapter are presented on page 102.*

## Change as a constant

Contact patterns can be fluid and complex. Many of the focus group participants (at least 32 of the 56 parents) were either poised to move into a different parenting arrangement at the time of interview or had experienced changes in the way they and their former partners cared for the children post-separation. Change thus emerged as a constant.<sup>38</sup>

A snapshot of three cases illustrates the kinds of transitions that families can move through after separation and some of the triggers for change:

- *Family dynamics and physical distance:* Raymond was one of the six fathers in the “little or no contact” group. He and his former wife had shared the care of their son on a “week-about” basis for two years following the separation. After the failure of a brief reconciliation, the child’s mother moved with the child to the other side of the state making it difficult for Raymond to maintain meaningful contact. He has not seen his son for six months.
- *Parental wellbeing:* Like most of the parents in the shared parenting group, Camille was committed at the outset to sharing the parenting of their children with her former partner. However, for the first nine months following separation, the children only saw their father on the weekends, giving him an opportunity to adjust emotionally to the separation and to re-establish himself in a new residence. They now share the care of the children equally.
- *The work–family balance, and children’s ages:* Harrison, a non-resident father who has contact with his children every second weekend, initially had the children in his care 50 per cent of the time. He was unable to maintain the arrangement due to an inflexible workplace. However, now that his children are older and can make their own way home from school, he is considering resuming a shared care arrangement.

The prevalence of change in arrangements concerning the care of children after separation would suggest that the notion of achieving “final orders”, the ultimate objective of court proceedings, may be incongruous and unrealistic. Parkinson and Smyth (2003) have recently suggested that “it may be prudent to foster the view that orders concerning the care of children are by their very nature interim and would benefit from periodic review”. There is much in the comments of parents to support such a view.

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38. This runs counter to the findings of a number of quantitative studies that suggest that arrangements made soon after separation tend to remain in place indefinitely (Funder 1993; Smyth et al. 2001).

## The need for information and support services

A second clear recurring theme across all the groups was the need for easier access to resources to assist parents in the restructuring of families after divorce. Many parents appeared to feel ill-equipped to navigate this major family transition. One father described the difficulty of finding appropriate help at a time when he was more inclined to “spend most of his time down at the pub!”

Meredith’s comments encapsulate the initial sense of bewilderment common to parents facing divorce:

“You’re in such a state . . . I was just winging it day-by-day, trying to do what was best for the kids.”

Parents’ comments also indicated that guidance is required at a number of critical points during the process: at the time of separation, when making arrangements regarding the children, and in dealing with later transitions (such as the introduction of new partners and the establishment of blended families). Timely information about the emotional and practical resources available to help both parents and children adjust to the separation was seen as essential.

A particularly pressing need expressed by participants was for resources that would assist parents in making decisions regarding the future care of children. Many stated that information on different models of parenting after separation was sorely lacking. The comments of one parent who had participated in mediation suggested that help with the *processes* of decision-making without practical information on the pros and cons of the different models and particular advice on what may or may not suit individual families, was of little assistance:

“They [the mediators] just said, ‘You two just need to sort it out. You two need to come to a compromise’, rather than saying, ‘For the future, these are the things you need to take into consideration – your children are these ages, these are hurdles that you’ll come across’.”

It was the parents with less common arrangements, especially those from the shared care group, who were particularly vociferous about the need for more creative solutions for parenting after divorce. Several fathers saw the provision of such information as being essential to encourage men to continue having an active role in their children’s lives after separation:

“A lot of guys just don’t realise that they can do that [exercise 50/50 care]. They just automatically go down this thing: ‘I’m only going to get them for the weekends, or I’m only going to get them on holidays’.”

Paul, an involved father, found the approach of the Family Court unduly restrictive:

“One thing I would have liked was a comprehensive model about shared parenting/shared residency. When I went to court I got a one-page sheet which was your ‘standard care’ thing: child lives with mum, and dad gets to visit. I looked at that I went: ‘No. No way!’”

Rachel also felt she would have benefited from hearing the accounts of other parents when negotiating the shared care of her two daughters in mediation. As it was she felt that she and her former partner had to make it up along the way and “it was hard to always have to be creative yourself.”

Shirley concurred:

“I was writing the whole thing from scratch, as if I was the only person who’d ever been separated in the world, whereas obviously there’s a squillion of us and there must be some things that work.”

The lack of information about alternatives and the perception that the “system” promotes a formulaic response to post-separation parenting appeared to frustrate many parents wanting more individualistic solutions. That many of those who expressed the need for more guidance and assistance had extensive contact with a range of professionals in the family law system is particularly telling. The fact that some parents saw an “alternate weekend” model as the “norm” is perhaps a somewhat ironic comment on a system predicated on case-by-case decision-making. Of course, consumers’ views critical of the system are not new; the comments of these parents echo the findings of the Family Law Pathways Advisory Group (2001) and many parents who appeared before the recent parliamentary inquiry into joint “custody”.<sup>39</sup> They reflect the reality that, for many people, accessing resources to help families “weather” marital breakdown, continues to be like navigating a “maze.”

It is hoped that future reform works towards developing an “integrated family law system that is flexible and builds individual and community capacity” (Commonwealth of Australia 2001, 2003).

## The ubiquity of grief and loss

Emerging from the accounts of many separated parents was the experience of a strong sense of loss in relation to their children. While this feeling was predominantly recounted by non-resident fathers, especially those who had little or no contact with their children, it was also an issue of concern for mothers and fathers who equally shared the care of their children.

Loss was experienced in a number of ways. Fathers in particular lamented the loss of an emotionally close relationship with their children resulting from the reduced time they were able to spend with them. For example, Benjamin, who has weekend contact with his children stated:

“I’m disappointed because I was growing up with my children. I was seeing them every day. She [the mother] sees them every day just about, and I don’t. How can you make up for, you know – when they’re going to bed at night time just having a ten-minute chat with them about whatever’s on their minds. So I’m disappointed about that. I’m sad about that.”

For some parents, separation had resulted in a reduction of their parenting role – a different kind of loss. This was particularly so for parents who were only able

39. A number of the Committee’s recommendations seek to address the need for more information and support for separating parents, particularly those interested in a more equal parenting arrangement: see recommendations 6, 7 and 10.

to interact with their children outside of normal familial contexts (for example, those with daytime-only or holiday-only contact). Some felt that the introduction of new partners compromised their role further.

Michelle saw this as a natural consequence of changes occurring within the family:

“I used to think that motherhood was everything. I’ve had to give up a lot of my mummy role with the kids. My ex’s new partner took my daughter to the first day of school because that was their day. And I thought: ‘I can’t butt in here. I can’t take all the cream and expect her to do a whole lot of the long haul with my daughter’. So it’s sad because I have to give up some of the special occasions.”

It was also common for parents to talk about the difficult experience of parting with their children. Not surprisingly, non-resident parents with holiday-only contact felt this most strongly due to the long periods between seeing their children. However, even when parenting arrangements were working well and each parent had substantial time with the children, parting could still prove to be difficult. Mothers with shared care stood out from the other groups of women in this respect.

Kathy still finds it hard after five years of shared care:

“I struggle for three days without them. School holidays are different. They’re a killer. I hate them.”

Parting was also difficult for Paul, a father with a “week-about” schedule:

“Parting is perhaps the worst time. The Friday when I used to drop her off at school in the morning, and I know that she’s not coming at night, that whole weekend was a very, very miserable weekend. And I looked forward to going to work on Monday, or to always visit people on the weekend. But even doing that – going out for tea with them and coming back – home was very, very lonely. And then you sort of pick up [because] you’re with people during the week. Then you see her again and, whatever. But that’s a very debilitating thing.”

Thus, even parents with 50/50 care arrangements appear to experience feelings of loss, loneliness and grief when they are not with their children.

## Grandparents and extended family

An issue of concern running through the group discussions was the impact of parental separation on the relationship between children and their extended family, particularly grandparents, and the significant role these relationships can potentially play in supporting a family through relationship breakdown. Again, this issue was not specifically asked about but surfaced frequently in the course of discussion.

The common experience, and one reinforced by the literature (Weston 1992; Douglas and Ferguson 2003) seemed to be that grandparents often have a reduced relationship with children when their parents separate. This was primarily the case for paternal grandparents where little or no father-child contact was occurring. Paternal involvement appeared to provide a bridge across the generations.

For example, Geoff, who rarely sees his children, described how his parents no longer have a relationship with their grandchildren:

“They [grandparents] haven’t seen the kids for three or four years I suppose, because of the ‘distance’ factor. I’ve had the kids up there but my parents haven’t seen the kids, my sons, for a long time. It was my father’s 60th birthday a week or so ago and he was asked if he has photographs of the kids, but he hasn’t even got that. He hasn’t got a recent photograph.”

Richard’s comment, that “Mum’s just been through hell and back with [the] absolute disconnection of her grandchild” hints at the emotional cost of parental discord for grandparents deprived of involvement in their grandchildren’s lives.

That paternal contact and paternal grandparent contact appear to go hand-in-hand is understandable. Parent–child contact can be difficult for children and parents at many levels. To add another layer of family dynamics and logistics to parenting arrangements may, in some cases, be simply unachievable, especially where bad feelings between parents bring on, what Johnston and Campbell (1998: 47) term “tribal warfare” over children. Even in families where children spend a substantial amount of time with each parent, it was difficult for some to arrange contact with grandparents.

Camille, a mother in the shared care group, spoke of the obstacles faced by her current partner who is also separated and sharing the care of his children:

“My partner has two children and his ex-wife is quite difficult unfortunately. She’s made ‘access’ a little difficult for the grandparents [his parents]. So that’s been negative, unfortunately. I guess we as parents have the right to 50 per cent but if the grandparents want some time with the kids in *her week* – they live in the country and the children are down in Melbourne – she’s a bit precious about her time . . . The kids haven’t been able to benefit from seeing their grandparents. So the extended family has lost out.”

Parents with other contact arrangements also spoke of the “juggle” involved in maintaining contact between their children and extended family. This dilemma was very salient for non-resident parents whose contact with their children was limited to school holidays. These parents expressed frustration at having to use the short time they had with their children to visit extended family, who also miss out on contact during the year.

While it was acknowledged that parental separation can impact negatively on the child’s relationship with their extended family, participants also described the many ways in which grandparents in particular support children, mothers, and fathers through the difficulties of life after divorce. Grandparents can play a pivotal role in raising children and supporting resident mothers, especially where the biological father’s contact is sporadic or his involvement in the children’s lives is tenuous.

Jackie, whose former partner now lives overseas, described how her own father has become highly involved with her young son:

“Mitchell said to me the other week: ‘I’m lucky. I’ve got two daddies’, and I got a bit concerned [laughs] and he said, ‘Because Pop’s my daddy and my other daddy lives in Canada.’ And I thought that’s a pretty good indication of trying to have male role models in their life, and I think Mum and Dad have been fantastic. They’ve entirely taken over his side of the responsibility . . . I know that Dad’s going to go to all the Fathers Day things, with his kinder and stuff. You know, they’ve been fantastic. He’s very, very close to his grandfather.”

Some resident mothers, recognising the value of kin to their children, made an effort to maintain contact with the paternal grandparents, or other members of their former partner’s family, even when father–child contact was not taking place.

Kim, who has very little extended family of her own, was one of these mothers:

“Tim [former partner] was one of five and I’d always got on very well with his brothers and sisters and nieces and nephews, and I always got on well with his parents, and am still invited to the family things . . . It’s been great. I’ve been able to go to wedding’s and christening’s and things with my kids and they keep that contact with cousins, which is fantastic.”

Grandparents can also act as facilitators of contact. Jason mentioned that his former wife’s parents assisted with the negotiation of contact:

“If I can’t get through to her [former partner] sensibly I’ll actually speak to her parents . . . They try and talk some sense back into her.”

In summary, while they can play a (potentially) pivotal role in post-separation family life (see Dunn and Deater-Deckard 2001), it may be common for grandparents and other extended family to have a diminished role in children’s lives following parental separation. Douglas and Ferguson (2003) in the United Kingdom recently reported similar findings. The clear policy imperative from these data is the need for grandparents to be kept at the fore in the development of parenting plans – with one rider: decisions about such contact should be guided by the desires of each child and the existing quality of relationships between that child and extended family, including grandparents.

These then are some of the main points of convergence that emerged across the focus groups. These points are an appropriate point of departure for the qualitative data. In the next chapter, we explore the extent to which these data can be generalised to the Australian population of separated/divorced parents with dependent children.