



University of
**Southern
Queensland**

Future-proofing Queensland families:

Investigating CatholicCare's leadership in family support services and responses to national family law reforms

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Executive Summary

Executive Summary

The Productivity Commission and a Selected Parliamentary Committee completed two comprehensive reviews into Australia's family law system over the past three years. It was found that the family law system needs to be improved to better service families. As a result of these reviews, more than 60 recommendations have been proposed to reform and improve the family law system. It is expected that proposed reforms will impact family support service providers. Providers who are ready to embrace reforms can adapt and align with family law today and into future to better support families in their community.

CatholicCare Social Services Southern Queensland (hereafter referred to as CatholicCare) is the social services agency of the Catholic Diocese of Toowoomba that offers a range of support services for the families and individuals who reside in the regions of Southwest Queensland and the Darling Downs. CatholicCare services and operations are likely to be impacted from expected reforms to Australia's family law system resulting from recent family law reviews. As such, CatholicCare commissioned the University of Southern Queensland (UniSQ) to explore connections between family support services, community benefit from these services, and national family law reforms.

The purpose of this program of research was to identify current family support service strengths, key community benefits from these services, and pinpoint opportunities for fast tracking community benefits from expected national family law reforms. Reforms most pertinent to CatholicCare were identified through collaboration between members of the UniSQ research team and CatholicCare. Three different but often overlapping programs of research were conducted from October 2019 to October 2022. First, CatholicCare's post-separation parenting program, the SPARK Program®, was evaluated. Second, the legally assisted services provided by CatholicCare was explored from a multi-stakeholder perspective. Finally, organisational readiness was investigated. Findings are presented from independent research that explored CatholicCare family support services anticipated to be impacted by proposed reforms.

Method

The UniSQ research team collected data from the following sources:

- Two literature reviews to identify elements and effectiveness of international and Australian post-separation programs
- Interviews with facilitators and program participants of the SPARK Program®.



- Interviews with mediators, solicitors, and service users of CatholicCare's legally assisted services.
- Focus groups with CatholicCare staff.

Analyses for the SPARK Program® included content analysis to develop a program logic model, SWOT analysis, and thematic analysis to explore participants' perceptions and experiences of the program. A SWOT and thematic analysis were also completed for legally assisted services. A resource-based framework and resource portfolio guided analyses for organisational readiness and resource implications. The findings are presented below according to each program of research. After which, a synthesis of key results representative of all programs of research is presented alongside recommendations for organisational and community benefits.

The SPARK Program®

The SPARK Program® is a six-module (optional seventh module) post-separation parenting program that was developed by CatholicCare. A key finding from the literature reviews is that the family law and blended family modules are unique to the SPARK Program®. The family law module and the child-centred focus of the program were reported as key strengths of the program. Analyses found that the program helped participants normalise separation through their shared experiences and was transformative in communication, emotional, and attitude adjustments.

Legally Assisted Services

Children are at the forefront of the legally assisted services provided by CatholicCare. These services range from a free one-hour independent legal advice phone call to a single reduced fee mediation session facilitated collaboration with 22 local law firms. Community benefits include saving individuals' money and improving understandings of family law to help separating individuals make children-focused decisions and plans, which contributes to sustainable parenting plans.

Organisational Readiness

Organisational readiness was explored through the lenses of resource-based frameworks to identify current advantages and implications of proposed reforms. CatholicCare already provides legally assisted services and conducts ongoing training for staff. Case management, and secondary interventions of children contact services and financial counselling were rated as understanding the need for and implications of proposed changes. Human, physical, financial, and social resource implications were identified and mostly



focused on hiring and training staff, additional funding related to reforms and indirect costs, and data management to continue to ensure privacy and confidentiality.

Synthesis of Findings

Overall, CatholicCare has an established foundation of service strengths developed through a child-centred philosophy embedded in expert family law knowledge. Key opportunities pinpointed for fast tracking community benefit include:

- Develop and operate children's contact services
- Expand legally assisted support services
- Design a road map for navigating the process of separation to help the community whilst highlighting CatholicCare's many services
- Influence community perception through showcasing the SPARK Program® and legally assisted services strengths.

If the proposed recommendations reviewed in this report are implemented, CatholicCare is cognisant of the need for and implications of proposed changes. Further, CatholicCare has already implemented some recommendations and is therefore well positioned for proposed reforms.

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Acronyms and Abbreviations

Acronym/abbreviation	Meaning
ACCO	Aboriginal Community Controlled Organisation
ALRC 2019 Report	Australian Law Reform Commission Report: <i>Family Law for the Future—An inquiry into the Family Law System, 2019</i>
CatholicCare	CatholicCare Social Services Southern Queensland
CCS	Children's Contact Services
FDR	Family Dispute Resolution
FDRP	Family Dispute Resolution Practitioner
FRC	Family Relationship Centre
JSC	Joint Select Committee
LADR	Legally Assisted Dispute Resolution
RBT	Resource-Based Theory
SPARK Program®	The Separated Parents Are Raising Kids program
SWOT	Strengths, Weaknesses, Opportunities, and Threats
UniSQ	University of Southern Queensland

Chapter 1

Introduction

Chapter 1: Introduction

1.1 Background

Australia's most comprehensive inquiry into family law – the 2019 Australian Reform Law Commission Inquiry into Family Law (ALRC 2019 Report; Australian Law Reform Commission, 2019a) - received over 1,000 confidential stories and submissions from individuals who had experience with the family law system and an additional 440 formal submissions from individuals and organisations associated with the system (e.g., family law practitioners, family relationship services) (Australian Law Reform Commission, 2019b). Key findings from the inquiry are that the family law system is slow, expensive, overly complex, does not enforce parenting orders adequately, and lacks accountability (Australian Law Reform Commission, 2019b). Resulting from these findings are 60 recommendations that aim to improve the family law system (see APPENDIX A – Australian Law Reform Commission Inquiry into Australia's Family Law System). Following the 2019 Inquiry into Australian family law was an Australian Parliament Joint Select Committee (JSC) that further reviewed and provided recommendations on Australia's family law system (Parliament of Australia, 2021a). The committee received over 1,700 submissions and produced an interim report in family proceedings (see APPENDIX B – Joint Select Committee on Australia's Family Law System: Improvements in Family Law Proceedings). The interim report offered further recommendations to improve the family law system (Parliament of Australia, 2021b).

CatholicCare commissioned the University of Southern Queensland (UniSQ) to conduct research on their family support services, community benefit from these services, and expected national family law reforms (title of research funding agreement: Defining Outcome from Regional Family Support Services). Given the recent attention and potential changes to Australia's family law system from the Australian Government, this report focuses on selected family support services provided by CatholicCare. We collaborated with CatholicCare to identify recommendations from the ALRC 2019 and JSC Reports that were more likely to impact the organisation. Together we identified four areas that were repeated recommendations and/or pertinent to CatholicCare. It is from these areas that there are potential opportunities for fast-tracking community benefit from the coming reforms. These areas and recommendations are presented in **Table 1**. Recommended Areas for Reform.

Focusing on the recommendations presented in Table 1 are necessary to help the large number of individuals impacted by separation. Almost a third of Australian marriages end in divorce and close to half involve children under 18 years of age (Australian Institute of Family Studies, 2021). These statistics do not include separated de facto couples (Australian



Bureau of Statistics, 2020) and therefore is likely to be an underestimate given that 15% of Australian families are single-parent families (Australian Bureau of Statistics, 2021). Many individuals that separate experience emotional and psychological distress (D’Onofrio & Emery, 2019) and are at an increased risk of developing depression and anxiety symptoms (Hald et al., 2020). Separation from spouse and partner is the second most frequently occurring psychosocial risk factor for suicide for Australian males and the fourth most frequent for Australian females (Australian Institute of Health and Welfare, 2021). In addition, children of separated parents have been found to have lower levels of self-esteem and social competence, which has been found to be a risk factor for developing poor social relationships later in life (van Dijk et al., 2020). Therefore, it is critical that there are support services for individuals experiencing the process of separation for both themselves and their children.

Two key services provided by CatholicCare are likely to be impacted by recommendations from the two inquiries are the post-separation parenting program (referred to as the Separated Parents Are Raising Kids program; the SPARK Program®), and legally assisted services. These services reflect the research outputs focusing on direct service outcomes and linkages between local family law processes and national reform decisions. Equally, these services were identified from recommendations that indicate Family Relationship Centres¹ (FRCs) provide these services because courts should direct individuals to attend a post-separation parenting program, and legally assisted services can reduce costs and prevent cases progressing to court. Hence, the focus on these two services.

To identify opportunities to reduce lag time between reforms for community benefits, an organisation-wide appraisal of readiness for proposed reforms was conducted. This was necessary to gauge awareness, preparedness, and actions proactively taken in consideration of proposed reforms. This report presents the findings of a program of research that includes an independent evaluation of CatholicCare’s post-separation parenting program, a multi-stakeholder investigation into CatholicCare’s legally assisted services, and a study into organisational readiness for reform.

¹ Within the context of the ALRC 2019, Family Relationship Centres act as a gateway to the family support service system. They provide information, support and referral services, and FDR outside of the court system.



Table 1. Recommended Areas for Reform

Topic Area	Recommendation	Number from Report
Case management services	Family Relationship Centres should be expanded to provide case management to clients with complex needs.	59: ALRC 2019 Report
	Amend the <i>Family Law Act 1975 (Cth)</i> to provide an appointed Family Consultant has the power to seek that the courts place the matter in a contravention list or to recommend that the court make additional orders directing a party to attend a post-separation parenting program.	39: ALRC 2019 Report
	The Australian Government implement case management services within either the FASS or Family Relationship Centres (FRCs).	26: JSC
Legally assisted dispute resolution services	To include the proposed provisions: "The object of this section is to ensure that, as far as possible, each prospective party to a case in the Federal Circuit and Family Court of Australia must take genuine steps to resolve disputes before starting a case".	5: ALRC 2019 Report
	The <i>Family Law Act 1975 (Cth)</i> should include an overarching purpose of family law practice and procedure to facilitate the just resolution of disputes according to law, as quickly, inexpensively, and efficiently as possible, and with the least acrimony.	30: ALRC 2019 Report
	Expand Legally Assisted Family Dispute Resolution.	27: JSC
Secondary interventions	The Australian Government should work with Family Relationship Centres to develop services, including legally assisted dispute resolution services; Children's Contact Services; financial counselling; and having services such as parenting support programs.	60: ALRC 2019 Report
Additional training for family law professional	The committee recommends that all family law professionals undertake regular professional training	15: JSC

1.2 Program of Research Approach

This program of research aimed to investigate the connection between family support services and community benefits. In addition, another aim was to identify current service strengths and what strengths to retain in consideration of potential reforms. Specific research outputs include:

1. The relationship between direct service outcomes and community scale outcomes.
2. The relationship between national reform decisions and local family law processes.
3. Service strengths and what to retain and expand during reforms.

The program of research utilised individual experiences and perceptions to identify what community benefits are received by individuals, ascertain strengths of services that contribute to community benefits, and how to continue to serve the community in light of potential reforms. A qualitative research design with input from various stakeholders was utilised to produce rich insightful information about service operations, outcomes, and opportunities. This involved data collection and analysis from facilitators and participants of the SPARK Program®; from mediators, solicitors, and service users of CatholicCare's legally assisted services; and key stakeholders from various positions within the organisation to gauge organisational readiness for potential reforms. **Figure 1.** Research Program Timeline displays the timeline for this program of research.

The UniSQ research team from the School of Psychology and Wellbeing used the following methodologies for the program of research:

- Analysis and summary of the ALRC 2019 Report and both the JSC second interim and final reports that focused on Australia's family law system.
- Systematic literature reviews of international and Australian post-separation programs.
- Interviews with facilitators of the SPARK Program®.
- Interviews with program participants of the SPARK Program®.
- Interviews with mediators, solicitors, and service users of CatholicCare's legally assisted services.
- Focus groups with CatholicCare stakeholders.

All interviews were conducted virtually using either Zoom™ or Microsoft Teams™ because data collection mostly occurred during Covid-19 restrictions. One focus group was held in-person at CatholicCare's Toowoomba FRC and the other was conducted online. Ethics

approval for this program of research was obtained from UniSQ Human Research Ethics Committee - H20REA054 and H21REA092.

1.3 Limitations of this Report

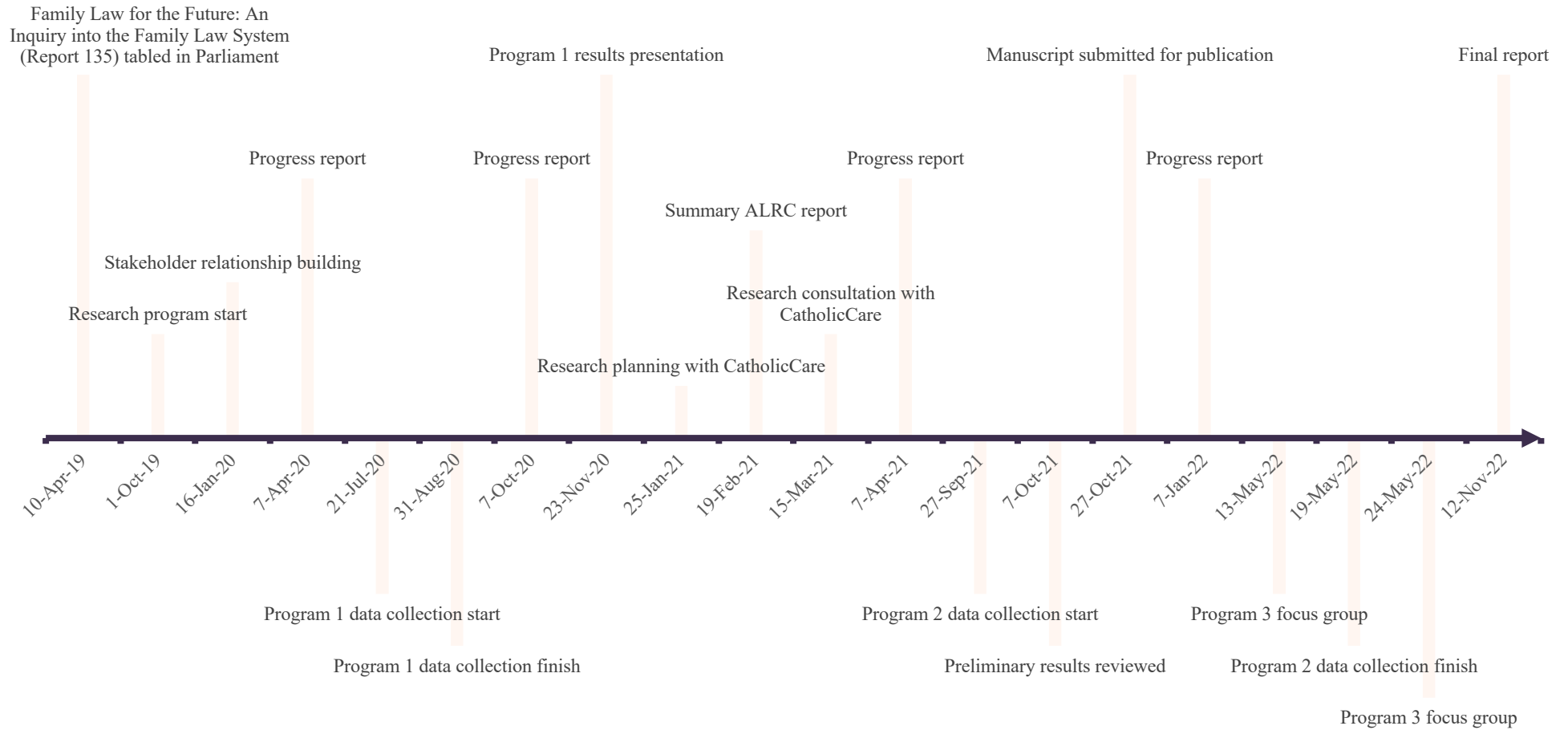
There are a number of limitations from this program of research and evaluation to be considered when interpreting results. A critical limitation is that the proposed recommendations remain only as proposals. This means it is unknown if recommendations will be implemented. Hence why we collaborated with CatholicCare to identify recommendations that were more likely to impact the organisation. The purposive sampling strategy and sample sizes being relatively small means findings are not generalisable. The views of participants from each program of research may not be representative of all service users as they self-selected to take part in the research. Participants may have wanted to participate based on positive experiences, although not all participants reported positive experiences. Because the research was conducted over three years and preliminary results regarding the SPARK Program® were presented to CatholicCare previously, some findings from this program may have been already actioned.

1.4 Overview of this Report

This report contains an additional five chapters to this first introduction chapter. Chapter 2 contains two systematic literature reviews on post-separation parenting programs, a program logic for CatholicCare's SPARK Program®, results from interviews with participants that include a program SWOT analysis and their transformative changes after attending the program, the results of which are to be published in a journal article². Chapter 3 focuses on legally assisted services provided by CatholicCare and includes findings from interviews with service users, solicitors, and mediators. Results from a thematic analysis and a SWOT analysis are reported. Chapter 4 provides a bird's eye view of organisational readiness and resource implications regarding recommendations presented previously in Table 1. Chapter 5 synthesises key findings and opportunities, and Chapter 6 concludes the report.

² Manuscript has been conditionally accepted and at the time of writing is currently awaiting the journal Associate Editor's recommendation

Figure 1. Research Program Timeline



Chapter 2

Research Program 1 - The Relationship Between Direct Service Outcomes and Community Scale Outcomes

Chapter 2: Post-Separation Parenting Programs

Courts often direct separated parents to attend post-separation programs and the ALRC report directs FRCs to offer such programs, therefore, it is imperative to understand if CatholicCare's post-separation parenting program has community benefits and how program strengths can be retained. This section outlines findings related to post-separation parenting programs and the SPARK Program®. First, results are presented from two systematic literature reviews to highlight commonalities and best practices of post-separation parenting programs. Second, an outline of the SPARK Program® and the program logic model for the SPARK Program® developed from interviews with program facilitators is provided. Third, a strengths, weaknesses, opportunities, and threats (SWOT) analysis is presented. The SWOT analysis figure includes two themes from participant experiences². Finally, the revised SPARK Program® survey is discussed.

2.1 Post-Separation Parenting Programs – A Review of The Research Literature

Two systematic literature reviews synthesised research focused on post-separation parenting programs. The two evidence syntheses were a scoping review and a systematic literature review. A scoping review describes the volume and nature of literature on a topic, whereas a systematic literature review is more specific as it reviews studies that ask the same research question (Pyle et al., 2020; Perry et al., 2021; Bayliss et al., 2022). The first review in this report is a scoping review that provides an overview of international and Australian program characteristics, limitations of Australian programs, and future opportunities. The second review is a systematic literature review that explores the effectiveness of programs to reduce parental stress and improve parents' well-being. Both reviews were completed by students at UniSQ and their contributions are noted in the reference section.

2.1.1 Scoping literature review (Martindale, 2020)

The aim of this literature review was to broadly chart the literature on post-separation parenting programs. To this extent, the research questions were: (1) what is currently known about the characteristics of post-separation parenting programs worldwide? and (2) how does this align with what is occurring in Australia? To answer these questions the scoping review followed a systematic process as shown in Figure 2. A systematic search of 11 online academic databases and Google Scholar was conducted, using search terms developed in conjunction with an academic librarian. After which, strict inclusion and exclusion criteria was applied to ensure that only relevant material was included in the review. A detailed

Figure 2. Flow Diagram of Article Identification and Selection

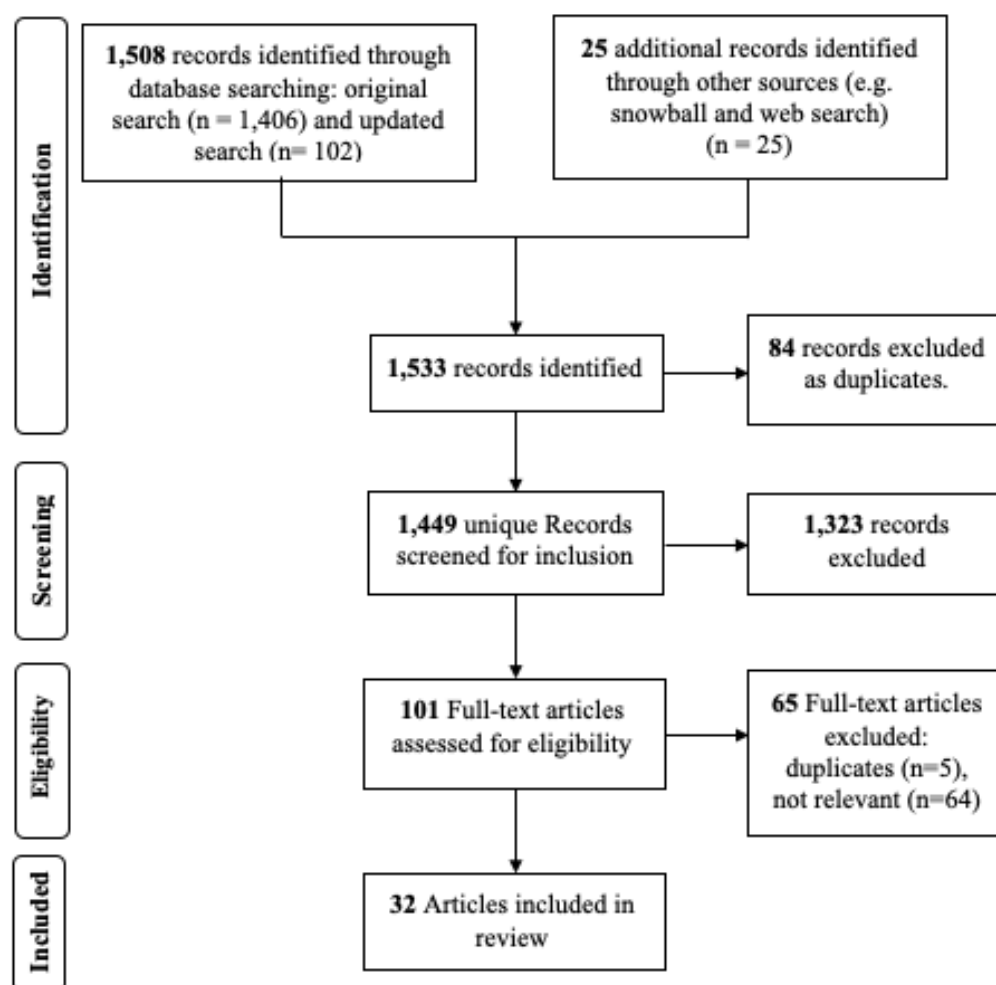


Figure adapted from Tricco, A.C., Lillie, E., Zarin, W., O'Brien, K.K., Colquhoun, H., Levac, D., Moher, D., Peters, M.D., Horsley, T., Weeks, L., & Hempel, S. (2018). PRISMA extension for scoping reviews (PRISMA-ScR): Checklist and explanation. *Annals of Internal Medicine*, 169(7), p.467-473. <https://doi.org/10.7326/M18-0850>

description of the scoping review method is contained in APPENDIX C – Scoping Review Method. The findings are presented below.

2.1.1.1 Characteristics of programs

Post-separation parenting programs aim to promote cooperative co-parenting and help towards healthy adjustment for children (Schramm et al., 2018). Most of the core content from international and Australian programs comprised:

- Parental conflict resolution (75% of programs)
- Impact of divorce on children (59% of programs)
- Effective communication (50% of programs)
- Post-separation parenting (47% of programs)
- Parental wellbeing (31% of programs)

Overall, the review found that Australian programs are well aligned with international programs. Most studies have a child-centred focus and are concerned primarily with parental behaviour change, mainly through parental conflict resolution and educating parents about the impact of separation on children with less focus on adult-centred information.

The SPARK Program® mostly aligns with both the international and Australian programs but adds other content that may be helpful for separated parents. Similar to the programs identified in this review, the SPARK Program® includes conflict content. Conflict is covered over two modules – conflict management and impact of conflict for both adults and children (including grief and loss). Communication skills are also included like other programs. Emotional regulation including self-care and children's developmental stages are also covered in the SPARK Program®. However, a module specific to the court system in Australia is incorporated into the program given that many people have not encountered Family Law before. Importantly, this module is unique to the SPARK Program® compared to other programs identified in this review. An additional module offered by CatholicCare is also unique. That is, the blended families module. The blended families module was designed with the expectation that many separated parents will be with a new partner in the future and this module helps parents prepare for the challenges that this new partnership may bring.

2.1.1.2 Gaps in current knowledge about Australian post-separation programs

Current knowledge about gaps in Australian post-separation parenting programs were reported by the authors of the seven Australian studies are similar to international limitations (see Berry et al., 2010; Brown, 2008; Clay et al., 2009; Dunstan et al. 2017; McArthur et al.,

2011; McIntosh & Tan, 2017; Stallman & Sanders, 2014). These gaps include a lack of participant diversity ($n=5$), lack of follow-up ($n=5$), the use of self-report measures ($n=4$), no control group ($n=4$), and small sample sizes ($n=4$). A significant gap in Australian post-separation program research is the lack of diversity among participants. This is important as the review into the Australian family law system reported that the system should maintain First Nations child/ren's connection to family, community, and culture. There is a need for systematic reform to tailor approaches for Aboriginal and Torres Strait Islander peoples and culturally diverse communities (Australian Law Reform Commission, 2019a). Australian studies into the effectiveness of post-separation parenting programs are generally making use of more rigorous mixed methods approaches to check their results. However, it is critical to have as many participants as possible complete evaluations to reduce volunteer bias and capture potential positive and negative feedback.

2.1.1.3 Post-separation parenting program opportunities in Australia

There were several opportunities identified by the findings of this review that may enhance post-separation parenting programs in Australia. One opportunity is for post-separation parenting programs in Australia to expand and develop culturally specific programs. There was a dearth of diversity integrated into the curriculum of post-separation parenting programs and thus not meeting requirements of the population. Further understanding about culturally specific learnings are required to help develop effective programs that aim to meet a variety of needs within the community.

A second opportunity for Australian post-separation parenting programs is to explicitly state the goal of reducing court contact. Most programs have goals to reduce parental conflict and inform parents about the effects of divorce on children, clearly working towards conciliation and reduced conflict, which should lead to parents choosing not to turn to the courts to mediate. However, this is not explicit. It is clear in the Australian review into the family law system (2019) that the authors want parents to access the courts less to reduce the possible harm prolonged acrimony can cause and as such, the goal of reduced re-litigation should be made clear within post-separation parenting programs.

A third opportunity became apparent during the Covid-19 pandemic. The pandemic saw the introduction of stay-at-home orders and people had to self-isolate. This demonstrated that access to online services is imperative. As mentioned by Becher et al. (2015) and Schramm & McCaulley (2012), online post-separation parenting programs can reach a wide audience, are flexible and convenient, especially for people in remote and rural areas. Access to online services would allow individuals in lock-down to continue to attend post-separation parenting

programs. With this established need, it is important that more of these online programs are created, implemented, and rigorously evaluated to be sure of their effectiveness. Given the SPARK Program® is being trialled online, it would be important to capture data to understand the effectiveness of the program. Finally, an opportunity exists for more adult-centred content. The lack of self-care, parental well-being, and learning about coping with grief and loss indicates that these topics may be useful for parents to learn about.

2.1.2 Systematic literature review (Poppitt, 2020)

The aim of this literature review was to examine the effectiveness of post-separation parenting programs, which addressed the following research question: Are divorce education programs effective in reducing parental stress and improving parents and children well-being? To answer these questions the review followed a systematic process as displayed in Figure 3. A systematic search of seven online academic databases was conducted, using search terms developed in conjunction with an academic librarian. Strict inclusion and exclusion criteria were applied to ensure that only randomised controlled trials using statistical measures was included in the review. A detailed description of the scoping review method is contained in Appendix C (see APPENDIX D – Systematic Literature Method for further details). The findings are presented in Table 2.

2.1.2.1 Summary of findings

Eight studies covering a total of seven programs were reviewed, with programs varying by content, duration, goals, and method of delivery. The areas covered by programs were child well-being ($n=6$), interparental conflict ($n=5$), parenting ($n=5$), parent well-being ($n=3$), and further legal action ($n=3$). Table 2 displays results from each study and its relevant topic area. Overall, findings from this review indicate that improvements were identified for all studies that assessed parenting practices (e.g., coercive parenting). Most studies reported improvements in children wellbeing, although this depended on who responded to questionnaires. Two of three studies reported improvements in parental well-being. Finally, interparental conflict and further legal action only improved in one study for each of these topic areas.

Given the lack of improvement the reduction of interparent conflict, it may be considered an area for improvement across the post-separation parenting field. Separation and divorce can be acrimonious and findings from this review suggests that current post-separation parenting

Figure 3. Study Selection Flowchart

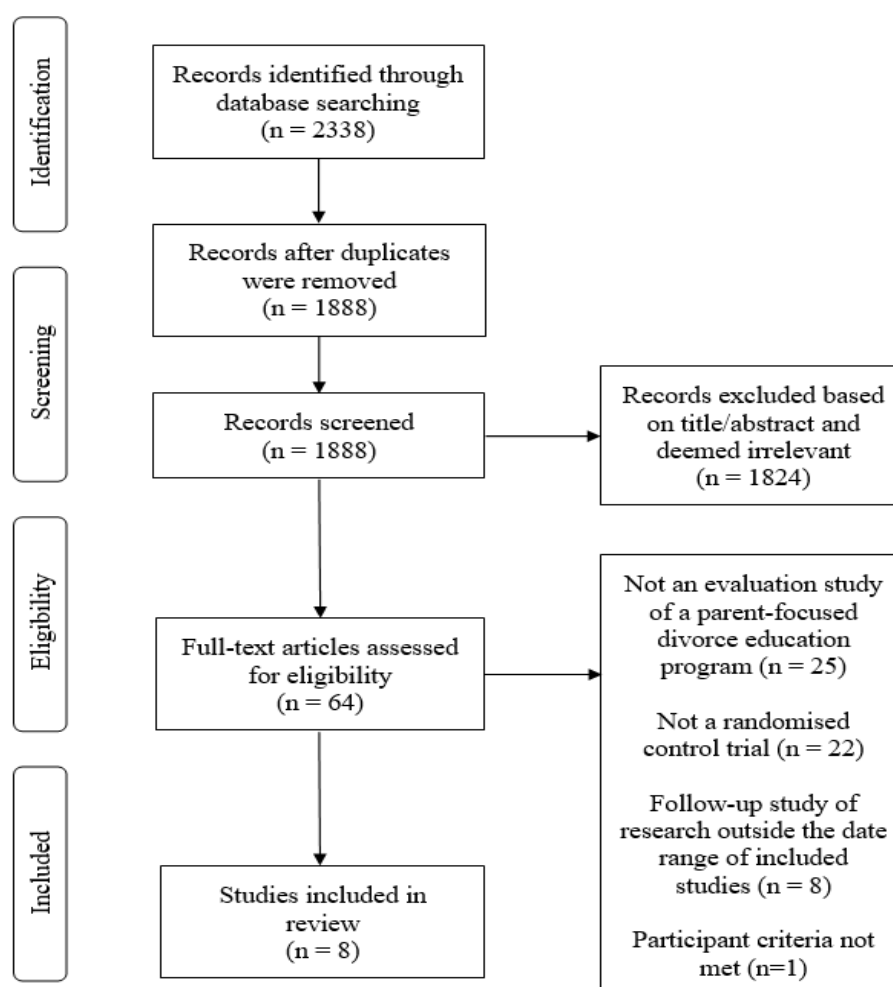


Figure adapted from Tricco, A.C., Lillie, E., Zarin, W., O'Brien, K.K., Colquhoun, H., Levac, D., Moher, D., Peters, M.D., Horsley, T., Weeks, L., & Hempel, S. (2018). PRISMA extension for scoping reviews (PRISMA-ScR): Checklist and explanation. *Annals of Internal Medicine*, 169(7), p.467-473.
<https://doi.org/10.7326/M18-0850>

Table 2. Findings of Studies for Each Topic Area

	DeGarmo & Jones (2019)	Keating et al. (2016)	McIntosh & Tan (2017)	Rudd et al. (2015)	Rudd et al. (2017)	Sandler et al. (2018)	Sandler et al. (2020)	Stallman & Sanders (2014)	Overall
Children well-being	Improvement in adjustment problems	Improvement in emotional and behaviour	Improvement in distress, but not fussy/irritable and/or angry/withdrawn	N/A	N/A	Improvement child social competence reported by teachers but not fathers	Improvement mental health reported by parents but not by teacher nor children	Improvement in behaviour reported by parents but not teachers	Most studies reported improvements, however results differentiated according to sources
Interparental conflict	N/A	Reduced conflict reported by parents	No significant improvement	N/A	N/A	No significant improvement	No significant improvement	No significant improvement	Most studies did not report improvements
Parenting practices	Improvement in coercive parenting	Improvement in parenting satisfaction	N/A	N/A	N/A	Improvement in positive parenting	Improvement in parenting discipline	Improvement in over reactivity and verbosity	All studies reported improvements
Parent well-being	N/A	Improvement psychological adjustment	No significant improvement for major worries	N/A	N/A	N/A	N/A	Improvement in anger	Two of three studies reported improvements
Further legal action	N/A	N/A	Less legal action over parenting arrangements	No improvement in re-litigation	No improvement in re-litigation	N/A	N/A	N/A	One of three studies reported an improvement

programs are falling short of reducing conflict. Although conflict can often be entrenched and highly difficult to reduce, this presents as an opportunity for the SPARK Program® to consider. Other topic areas that require additional consideration for improvement based on the review findings, are children's well-being and whether the program prevents further legal action. Parental separation has been identified as a risk factor for children's maladjustment, aggressiveness, anxiety and depression, suicidal thoughts, and poorer physical health (see Amato & Anthony, 2014; Herrero et al., 2020). As such, strategies to reduce this risk are warranted in post-separation parenting programs. Further, identifying if programs prevent further legal action needs to be clarified to determine if the culmination of content is benefiting the community in this regard.

2.2 The SPARK Program®

The SPARK Program® is a six-module (with an optional seventh module) post-separation parenting program that was developed by CatholicCare. Each of the module contents reflects Schramm et al.'s (2018) three tiers of priority content for post-separation parenting programs. The six modules offered in the SPARK Program® are conflict management, the court system, communication skills, attachment and development, impact of conflict, and emotional regulation. Tier one content includes psychosocial development stages and attachment, exploring the impact of conflict on both children and parents; tier two content comprises conflict resolution, emotional regulation, and information about the Australian Family Court system. The optional blended families module is tier three content and prepares parents for future relationships that may integrate children from two families.

Developers of the SPARK Program® designed the program to educate and support high conflict, separated parents to adjust and cope with the dual challenges of separation and raising children. The program has traditionally been delivered in a face-to-face group setting but is expanding to be delivered online. Two modules are covered per week in a non-sequential order. Because the modules are delivered non-sequentially, parents can start at any time that suits their needs.

Evaluation of the SPARK Program® was completed over three stages. First, the UniSQ research team developed the program logic for the SPARK Program® using a four-phase approach that included data collected from interviews with the program developers and facilitators. Second, interviews were conducted with previous participants of the SPARK Program®. These interviews provided rich data that allowed the research team to explore

both transformative changes from attending the program and to conduct a strengths, weaknesses, opportunities, and threat (SWOT) analysis.

2.2.1 SPARK Program® logic model

A program logic model is a planning and evaluation tool for programs that visually outlines the resources required for the program to operate, the activities that the program completes, and the anticipated outcomes for program attendees (McCoy & Castner, 2020). As seen in Table 3, the drill-down approach outlined by Peyton and Scicchitano (2017) was used. This allowed for specific roles and responsibilities to be communicated in preparation for program expansion. Moreover, the approach enabled the critical role of program facilitator to be unpacked and clarified for future recruitment and performance appraisal.

The first two phases of the drill-down approach, review, and knowledge development were completed before drafting a program logic model. This involved a review of the literature to ascertain change mechanisms of post-separation parenting programs and discussion with the program manager. The third phase comprised the revision of program documents including brochures, participant handouts, and program slides were examined. Using the drafted PLM from the third phase, three interviews with staff members were completed to understand the intent of the program, identify activities, and desired outcomes. This information was then used to refine the drafted PLM and develop the drill-down interview guide. The drill-down phase involved an additional three semi-structured interviews with primary and secondary stakeholders, such as program manager and formal facilitator, via teleconferencing software.

Interview data analysis was guided by directed content analysis (Hsieh & Shannon, 2005). First, data familiarisation was completed by reading and watching recorded interviews while checking accuracy of transcriptions. Transcripts were then imported into NVivo (Version 12) and coded according to pre-determined codes that reflected PLM categories. Pre-determined codes were selected as it was expected that initial coding will not introduce bias when identifying relevant text. Nevertheless, an additional category was included to capture any unexpected data. Further coding was then completed to identify commonalities relevant to the program's processes to incorporate into the program logic model.

Intended outcomes for participants include empowered individuals with improved attitudes towards co-parenting, self-improvement through the development of knowledge and skills, reduced conflict between separated parents to enable parenting negotiations, and improved parental and child wellbeing. Familial outcomes include improvements in children's well-

Table 3. Development Process for SPARK Program Logic Model

Phase	Steps taken
Review	Reviewed change mechanisms theorised to contribute to success in divorce and separation education. Discussed program's purpose with program manager.
Knowledge development	Analysed organisation documents. Drafted initial program logic model.
Informed inquiry	Identified key staff through organisation hierarchy chart. Conducted unstructured telephone interviews to develop the drill-down interview guide.
Drill-down	Completed six semi-structured interviews with stakeholders. Analysed interview data. Revised program logic model.
Review	Reviewed change mechanisms theorised to contribute to success in divorce and separation education. Discussed program purpose with program manager

being, an increase in civility for co-parents, and a reduction in family law court cases. The logic model for the SPARK Program® is displayed in Figure 4.

2.2.2 Key findings from interviews with individuals who had attended the SPARK Program®

After completing the logic model for the SPARK Program®, the UniSQ research team sought to understand how previous participants ($N = 13$) perceived their experiences of the program through two separate analyses: (1) thematic analysis, and (2) SWOT analysis. Findings are presented in Figure 5. Two themes were identified in the data². The first theme is about participants' appreciation of the group setting that helped towards normalising separation which is often an abnormal process. The second theme is about participant's processes of change and transformation in communication, emotional, and attitude adjustments.

Figure 4. SPARK Program® Logic Model

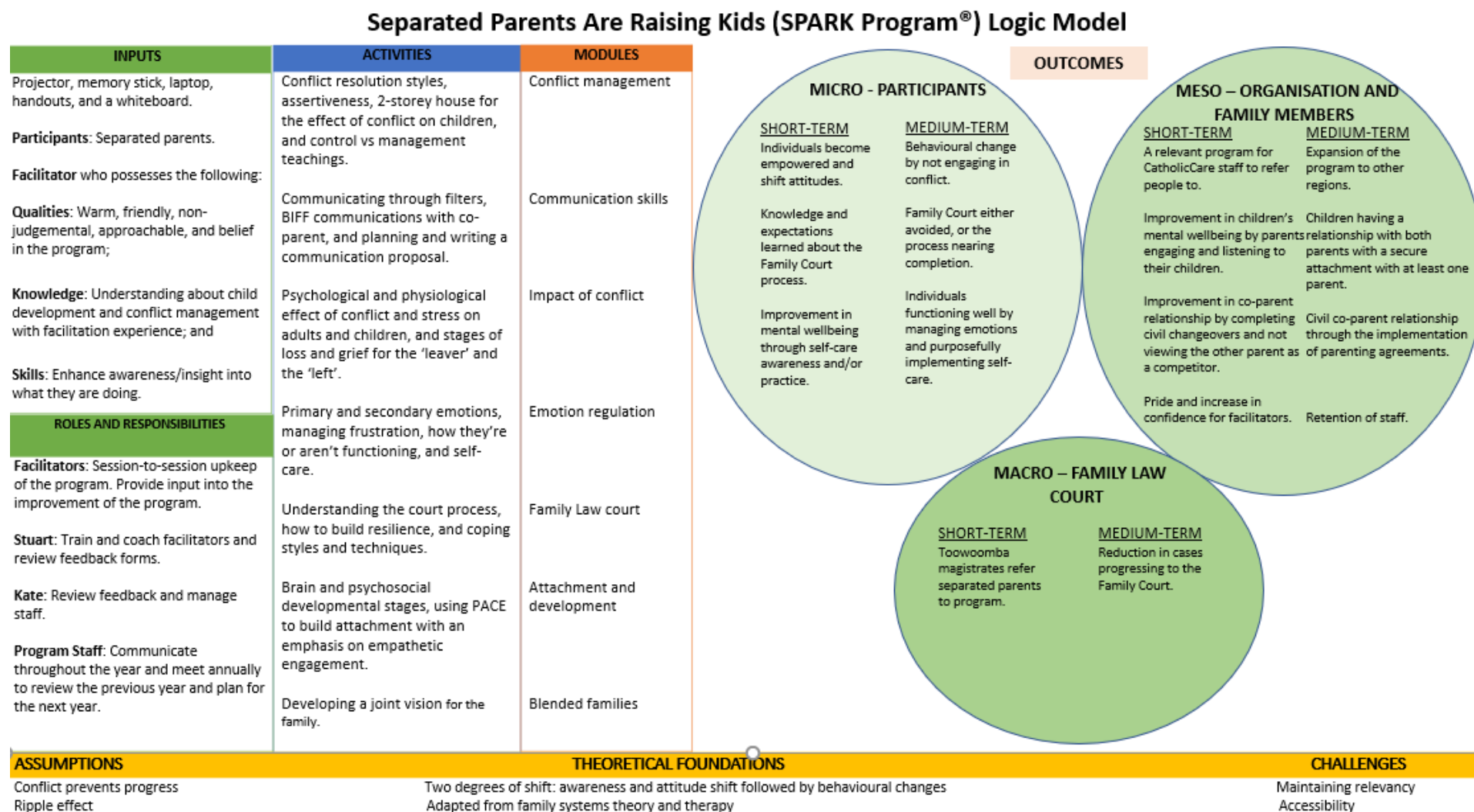
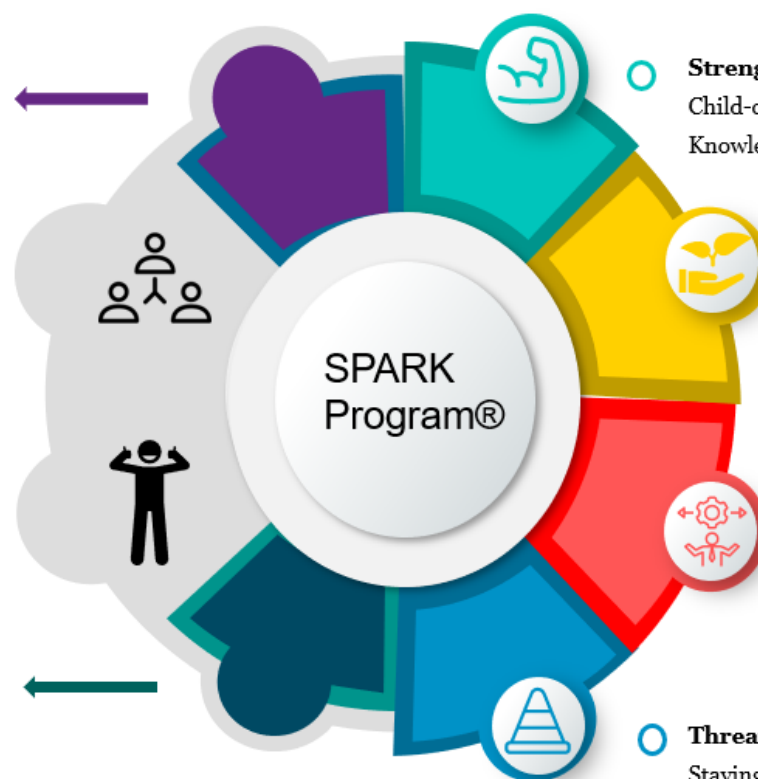


Figure 5. Qualitative Themes and SWOT Analysis

Participants' experiences

Theme 1
Normalising separation
through shared
experiences

Theme 2
Adjusting to separation



SWOT Analysis

Strengths

- Child-centered program
- Knowledgeable and informative about the court system

Weaknesses

- Non-sequential
- Causative statements from facilitators

Opportunities

- Advice for managing third-parties in the relationship
- Additional examples for applying learnings
- How to gather extra evidence
- Extra resources and/or readings

Threats

- Staying relevant
- Lack of program expectations

2.2.3 SPARK Program® strengths, weaknesses, opportunities, and threats (SWOT) analysis

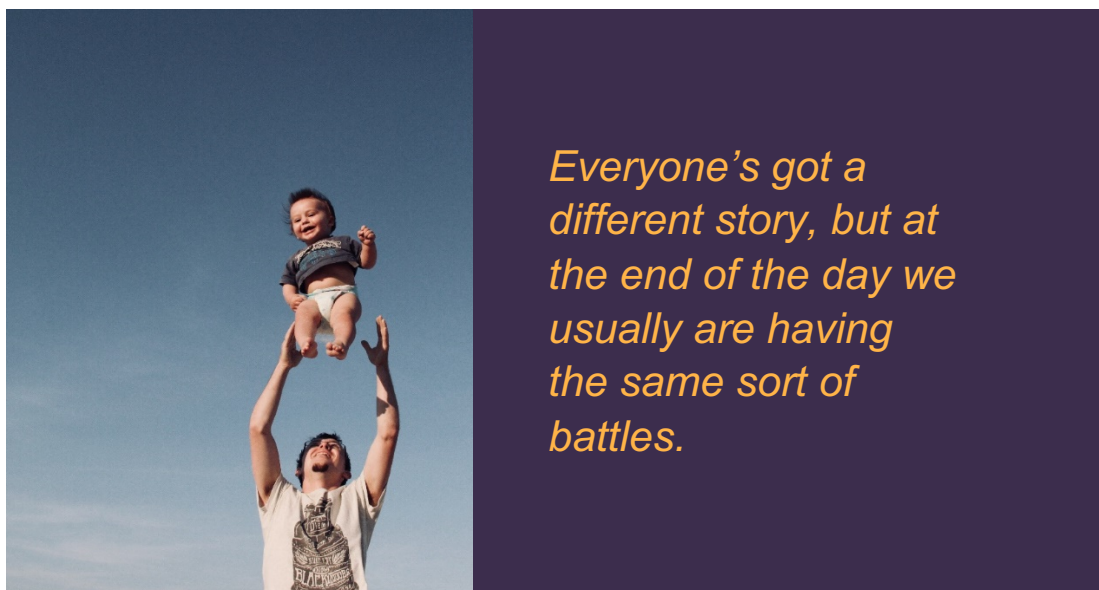
A SWOT analysis was completed from a two-step process. Transcripts were first coded to identify what aspects of the program were enjoyable and aspects that were less enjoyable. These codes were further explored and allocated to five groups, which comprised the SWOT analysis with extraneous data populated to the miscellaneous group (this group removed from final presentation). The following results are grounded in the lived experiences of participants and were presented at CatholicCare in December 2020. Overall, general feedback was overwhelmingly encouraging with all participants reflecting on the program positively. It was when asked for suggestions about improving the program that less-than-positive memories were recalled and reflected upon.

2.2.3.1 Strengths

There were two key strengths in addition to normalisation of the separation process and adjusting to separation that presented earlier. Participants noted that the child-centred focus of the program, particularly children's developmental and social needs, helped towards the motivation for change. One participant stated about the SPARK Program® that *"it's a great service for parents that are separated. It focuses them back on the care of the child"*. The child-centred focus was a key difference identified by participants who had attended other parenting-related programs exemplified by the comment:

this is more to do with your children, and this is how your children feel...Then once that started coming across to me, once I start seeing it that way, I sat back and went, oh s###, I need to really pick my socks up here.

Another strength that was referred to regarded knowledge about the family law court process. The effect of this knowledge was confidence and empowerment for those not yet engaged with the court process. On the other hand, for those engaged with the court process, it clarified some of the legal options, such as a consent order. For example, *"it just clarified and simplified a few of the court dealings"*. This was important for a participant who was not familiar with Australian law, *"I'm from another country...I personally found SPARK program really helpful...to understand the family law's structure, the system"*. Thus, participants valued the child-focused nature of the program whilst also appreciating learning about the family court system.



2.2.3.2 Weaknesses

There were minimal weaknesses communicated from participants as seen in the earlier chart. The first weakness is the non-sequential nature of the program. Whilst the flexibility of not being in a sequence has its benefits, there are also drawbacks. That is, not being able to scaffold learning from module-to-module. One participant noted that *"it probably would have better outcomes if there was a sequence because that enables you to build on the things that you've learned before"*.

The second weakness mentioned by multiple participants revolved around perceived causative statements. One participant stated, *"that was very unhelpful, that kind of insistence during each module that if you don't follow what they were teaching your children will end up going down the court pathway"*. While the presenters may not have intended to imply such consequences of noncompliance, it is worth noting that separated parents are vulnerable to perceiving such messages from the program content.

2.2.3.3 Opportunities

Four opportunities were suggested by participants. First, participants wanted advice on how to manage third parties in their relationship. They felt the strategies taught within SPARK are useful for themselves and for managing the co-parent relationship, but grandparents add a different dimension to the relationship and warrant different strategies. Especially when *"there were three of us in the marriage: myself, my partner, and their father"*.



The thing I really super liked about the SPARK Program® was that you did interact a little bit with other parents going through the same sort of hurdles ... a feeling that there is normality in, and in I guess, in a situation where you feel it's unbelievably abnormal.

I just could not click on how to build the bridge with my son. Once one of the girls explained it to me, she'd had to do it, that's when the penny finally dropped.



Second, participants requested how to apply the learnings of the program. Some example comments included, *“being able to implement those strategies like in an activity”* and *“more emphasis on how to practically deal with the other parent”*. One activity that was suggested was having volunteers role-play scenarios that become more complex throughout the session. For example, a basic scenario could be role-played early in the session and towards the end of the session another more complex scenario that builds on the earlier scenario could be role-played. This would display how to apply strategies learned from the session.

Third, participants did not know how to gather evidence and requested more information about doing so, as can be seen in the following quote, *“how do I document this? How do I gather evidence? An evidence kit maybe”*. Finally, participants would like *“having a bit more material sent that you can read later on”*. A possibility may be to provide resource sheets and/or links to further information after each module is completed.



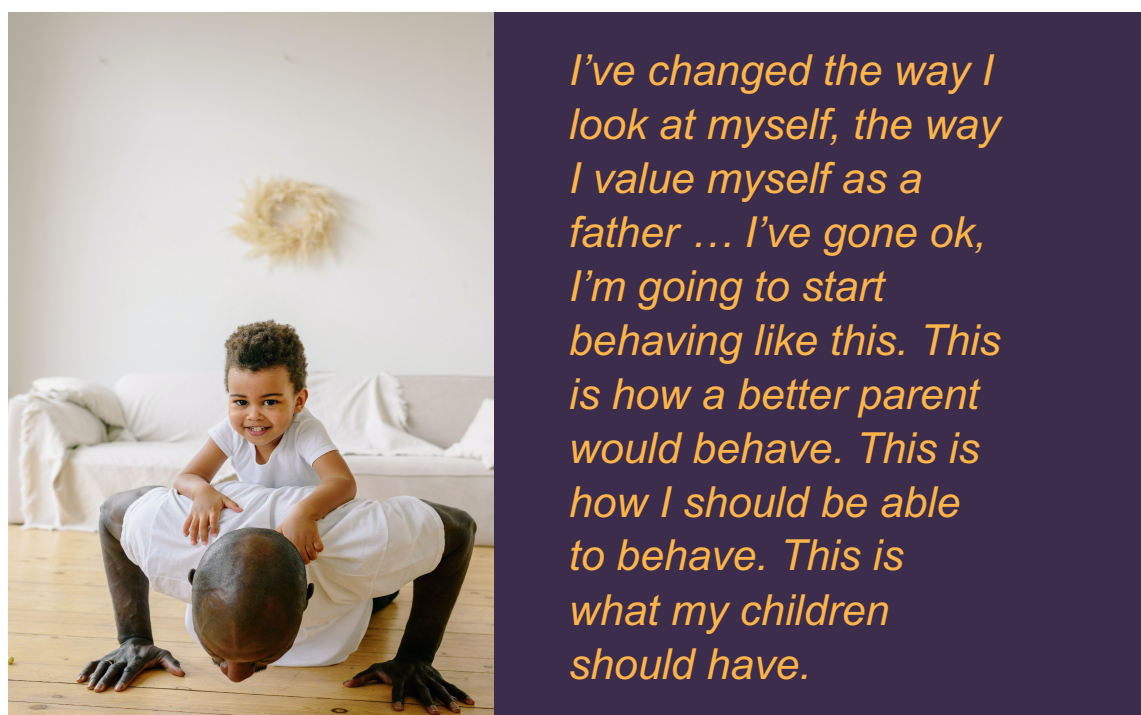
I do believe the SPARK Program® has helped to support me in order to support my daughter through this process and through being a single mum.

2.2.3.4 Threats

There were two threats identified by participants. The first threat relates to relevancy. Participants *“felt that some of their teaching was a bit outdated”*, *“texts that were a bit out of date”*, and *“maybe some up to date videos”*. This was before CatholicCare refreshed the

SPARK Program® and may no longer be applicable. However, it may also warrant further consideration given that divorce and separation literature are guidance changes.

Another threat is program expectations. Participants frequently spoke about attending with no expectations except to “tick the box”. Although despite this being listed as a threat, it is also an opportunity. The opportunity being that if the program is relevant and continues to build on its identified strengths, it is likely that participants will continue to acknowledge that this is a worthwhile program.





I was in no contact. E-mails only ... there was supervised changeovers all the time ... I had the kids for less amount of time than. Now, changeovers are just at my place, other place, or at McDonald's or wherever. Communication is a lot better.

She's [co-parent] just seen the development I've been through that's come out of the, the hardship and turmoil and trauma of the court case, and the separation and the time away from the kids, and the isolation.



2.3 The SPARK Program® Survey

An online survey for the SPARK Program® was in operation between April and September 2020. However, this timing unfortunately coincided with the first and most disruptive stage of the COVID-19 pandemic. As communicated in the October 2020 progress report, the low response rate may be due to a substantial decrease in free time for parents to complete the online survey as children were home around-the-clock as opposed to attending day-care and/or school. In addition, the survey was rather extensive, and this may have deterred participation. We collaborated with CatholicCare to refine the survey and ensure it reflected the intended outcomes of the SPARK Program® logic model. The new pre- and post-surveys that were implemented in January 2022 contain two psychometrically validated questionnaires.

2.3.1 Questionnaires for revised SPARK program® survey

It is important to consider both interparental conflict and parenting practices for post-divorce child adjustment (van Dijk et al., 2020). Therefore, it is necessary to include both interparental conflict and parenting measures when evaluating a parenting program for separated parents. However, van Dijk et al. also identified that many programs are effective when they target either interparental conflict or parenting practices, but post-separation parenting programs lack empirical evidence when targeting both aspects. Thus, there is an evidence gap about the efficacy of parenting programs when combining these two aspects. To address this gap, we have identified two measures that reflect the SPARK Program® intended outcomes but are not overly lengthy.

The Parental Adjustment to Separation Test (Sweeper & Halford, 2006) is a 26-item questionnaire that measures how people adjust after separation. Within this questionnaire are three key dimensions that are often associated with separation adjustment problems: loneliness, ex-partner attachment, and co-parenting conflict. This questionnaire was one of two measures (the other measure is in Spanish) that were advised to be used with separated parents who are adapting to separation (Mollà Cusí et al., 2020). Hence, why this questionnaire was selected.

The Brief Acrimony Scale (Rahimullah et al. 2020) reduced the number of items from the original 25-item Acrimony Scale (Emery, 1982) whilst retaining validity of the scale. As a result, the Brief Acrimony Scale only contains 8-items and focuses on interparental conflict but is also associated with parental alliance. Given that the questionnaire is much shorter than the original and is associated with parental alliance, this questionnaire complements the

Parental Adjustment to Separation Test (Sweeper & Halford, 2006). Please see APPENDIX E – Questionnaires for Revised Spark Program® Survey for both questionnaires.

2.3.2 Ongoing implementation of the SPARK Program® survey

Given that results from the previous literature reviews were limited by the number of studies and tentative findings, we met and discussed potential questionnaires to be included in a revised SPARK Program® survey with CatholicCare. It was necessary to do this because the SPARK Program® is similar yet different from the reviewed programs. It is different because it was designed for high conflict, separated parents that are less reliant on formal structure and content. Rather it draws on discussion among peers to facilitate learning and behavioural change.

The revised survey only started this year, and the number of responses is not yet sufficient for analysis. However, the two-questionnaire survey contains psychometrically validated measures and is therefore a useful questionnaire to continue operating beyond this research project. The survey may produce evidence that demonstrates the effectiveness of the program, community benefits, and could also help identify potential areas of improvements.

2.4 Chapter Summary

CatholicCare's post-separation parenting program, the SPARK Program®, mostly aligns with international and Australian programs reviewed in the Martindale (2020) scoping review. Key recommendations identified from the scoping review are to develop culturally specific programs, explicitly state the goal to reduce contact with the court system and explore online opportunities for post-separation parenting programs. The addition of specific modules that focus on family law and blended families is unique. These modules and others are presented in a program logic model that was developed by the UniSQ research team from interviews with program developers and facilitators.

Findings from interviews with SPARK Program® participants provided sufficient data to conduct two analyses. The first analysis found that the program helped participants normalise separation through their shared experiences and was transformative in communication, emotional, and attitude adjustments. A SWOT analysis found that the child-centred focus of the program and the family law module were key strengths. Minor weaknesses such as the non-sequential nature of the program and threats such as a lack of program expectations were presented. Finally, the revised SPARK Program® was unfortunately unable to provide sufficient results for analysis but is recommended to continue collecting data beyond this project.

Chapter 3

Research Program 2 - The Relationship Between National Reform Decisions and Local Family Law Processes

Chapter 3: Legally Assisted Services

Recommendations from both the ALRC 2019 Report and the JSC reports (**Table 1. Recommended Areas for Reform**) focus on resolving family disputes efficiently and as inexpensively as possible. Although it is yet to be seen what recommendations will be implemented (Ojelabi & Gutman, 2020), legally assisted dispute resolution (LADR)-related recommendations are likely to be supported (Campbell, 2019). LADR is a service that contributes to resolving disputes in an efficient and affordable manner through solicitors and independent mediators, often providing legal assistance to individuals who may otherwise have restricted access to justice. A service gap will be created and/or exacerbated for communities without organisations offering LADR. Organisations that offer LADR will be well positioned to service community needs and receive increases in funding should funding be provided for LADR.

Given that LADR is a service repeatedly suggested to benefit the community, and CatholicCare already operates LADR through established partnerships with local solicitors and law firms, it is imperative to identify strengths of this service and pinpoint areas of opportunity to reduce potential lag time between expected reforms and community benefits. Further, solicitors and family dispute resolution practitioners working together can increase skills and knowledge, however there is little research that has looked at experiences and outcomes for service users of LADR and legal professionals who take part in LADR (Howarth & Caruana, 2017). Thus, this chapter draws on experiences from service-users, solicitors, and mediators to understand perceived strengths and areas of opportunity for CatholicCare's legally assisted services.

3.1 Legally Assisted Services

Legally assisted services provided by CatholicCare range from a free one-hour independent legal advice phone call to a single reduced fee mediation session (see Table 4).

CatholicCare provides these services through collaborate with 22 local law firms, although they only have MOUs with 13 of these firms. Over the past three years (i.e., July 2019 to June 2022), CatholicCare has provided 421 independent legal advice phone calls and 70 legally assisted mediations (including child inclusive and property). These 70 mediations saved the community an estimated \$245,000 based on mediation costs of \$3,500 per session (Mediations Australia, 2022). Besides financial savings, key benefits of legally assisted services include timely decisions being made together by parents rather than court-ordered and may prevent distress for parents and their children that is often associated with court proceedings.

Table 4. *CatholicCare Legally Assisted Support Services*

Service	Description
Individual Legal Advice	A free appointment (face-to-face or via phone) from a family law solicitor to an individual up to one-hour around parenting issues
Property Fixed Fee Legal Advice	An individual appointment with a family solicitor for 60-90 minutes around property issues
Parenting Family Dispute Resolution	Discuss and negotiate ongoing and future needs of their children
Child Inclusive Family Dispute Resolution	Share the voices of children to guide separated parents making decisions about them
Property Mediation	Discuss and negotiate the division of assets and debts
Legally Assisted Family Dispute Resolution	<p>Mediation for both parenting and property</p> <p>(Parenting – fully funded by clients, pro bono, partially or fully funded by CatholicCare)</p> <p>(Property – fully funded by clients – either at full legal rates as arranged with lawyer or with a panel lawyer on a fixed fee arrangement)</p>

3.1.1 Legally assisted services strengths, weaknesses, opportunities, and threats (SWOT) analysis

We conducted a SWOT analysis for the legally assisted services provided by CatholicCare using data collected from semi-structured interviews. We conducted 11 interviews in total. Interviewees included service users ($n = 5$), CatholicCare mediators ($n = 4$), and solicitors ($n = 2$). Data analysis was completed using a two-step process. Interview transcripts were analysed for each participant group with data coded to each of the strength, weaknesses, opportunities, and threat groups using qualitative data analysis software NVivo. The results are presented below in Figure 6.

3.1.1.1 Strengths

Most of the strengths were related to experiences of the services users, however solicitors also expressed that the services benefited them too. The most significant strength identified across the participant groups was the financial benefit afforded to individuals who would likely “*fall through the cracks*” (Participant 3; service user) if not for CatholicCare legally assisted services. These services provide an affordable, accessible, and timely service to individuals who are vulnerable. The fact that service users do not have to pay or only pay a small cost for LADR is key for “*facilitating that access to justice for all members of the community rather than just those who can afford it*” (Participant 11; solicitor). When asked about other options for individuals who cannot afford legal services when separating, Participant 7 (mediator) summed up what all participants directly or indirectly said:

I suspect most of them would, would do nothing. And I think because most of them can't fund a lawyer, yes, some would go to a community legal centre, but they're limited in what they do, and the legal aid funding is so limited as well. Not many people are funded to go through legal aid. I think for most people, the fight would just continue. Yeah. And I think that has impacts on their own mental health, on their co-parenting relationship, that relationship with the kids, the kids short- and long-term development. I think for some people that the fight just continues.

Figure 6. SWOT Analysis and Qualitative Themes from Interviews with Stakeholders of CatholicCare Legally Assisted Services

Stakeholders' experiences

SWOT Analysis



3.1.1.1.1 Improved understanding of the law

In addition to LADR, CatholicCare also partners with local solicitors to facilitate free independent legal advice in the form of a phone call to individuals. Individuals who did not progress to mediation but received free independent legal advice expressed gratitude at receiving the service. For example, a grandmother who has power of attorney for her terminally ill daughter received this service which was timely and reassuring:

A lot more positive and, you know, and found that what we were doing was all the right things and how to move forward. So really, yeah. I don't know. I'd be in a bit of a mess I think if I hadn't had that to fall back on ... Everything was good (Participant 4; service user).

This quote demonstrates that just one phone call can help individuals navigate the family law system by increasing their understanding of the law specific to their situation. In turn, this single phone call intervention is cost-effective for individuals needing legal advice as it reduces exposure to solicitors that may stand to gain from protracted legal proceedings. For another participant who did not have custody of their children, the one-hour phone call significantly helped improve their understanding of the law regarding their situation:

I didn't have a clue about anything legally wise and what I'm allowed to, what I'm not allowed. Sorry, what I'm not allowed to do or anything like that. So yeah, definitely like I open my eyes. And to like some aspect that I wasn't aware of ... before the phone call like you've got a few ideas because you're speaking to people, but every situation is different. You know, like with age of kids involved and stuff I didn't know, like I was like I wanted 50/50³. But I didn't know because my youngest daughter is so young, I can't really expect it until such age, stuff like that (Participant 4; service user).

Service users with and without custody of their children both benefited from CatholicCare's legally assisted services indicating that the community benefits from these services.

³ Referring to custody of their children that would see the time the children spent with their parents split evenly



When that phone call finished, the relief that I felt was unbelievable because I just felt like, OK, I'm right, this is, I'm doing the right thing. And in such uncertain times, that was so comforting

3.1.1.1.2 Contributes to solicitor skill development

Solicitors expressed the skills and benefits they gained from partnering with CatholicCare and noted that *“it’s a breath of fresh air to be involved in a process that doesn’t have the angst”* (Participant 12; solicitor). Participant 11 (solicitor) stated a benefit for them was:

That I can work on my skills in that refining down how like I advise people in relation to their legal questions and their problems and also just probably just broadening my horizons as far as people's, you know, problems with their children.

This benefit suggests that this solicitor may be more aware of diverse issues related to familial, social, and emotional impacts of separation. This is important for advising and helping individuals during the process of separation, which can be a highly distressing experience. Besides refining skills, another solicitor spoke about the time saved when partnering with CatholicCare so that their time might be greater used to help the community. Participant 12 (solicitor) notes that:

We don't have any admin support over the legal service; we do all of our own typing and photocopying and filing and so usually probably three solid days on the computer to get everything drafted and then typed up. Then you can imagine why we prefer to get a referral from a CatholicCare and got an idea for what they know exactly, and then they even type up, they've got training and are preparing parenting plans now.



However, the time and financial costs linked to the administration of skills and services are shouldered by CatholicCare. Strengths of CatholicCare's legally assisted services are that the service helps parents to navigate the legal system and contributes to skill development and saves time for solicitors.

3.1.1.2 Weaknesses

The two weaknesses identified by participants focused on communication and the limited nature of legally assisted services. A lack of communication about how LADR operated may have contributed to a less than successful LADR session. One session was referred to as a *"disaster"* because a solicitor *"didn't know anything about the process and was very adversarial"* (Participant 9; mediator). This offers a reminder for CatholicCare to ensure there is no ambiguity about the service when organising partnerships with law firms/solicitors about LADR. One service user felt they did not receive sufficient detail about why mediation did not eventuate. Participant 5 stated that they wanted to know *"what is going on? But at the end of the day, I feel violated"*. Given that the reasons for not progressing to LADR are confidential, perhaps Participant 5 could have been better informed about the LADR process at the start of their engagement with CatholicCare as they thought that the mediator *"was supposed to speak to the other party and get them involved"*. If the participant understood the situation and the process better, it is less likely they would have felt the way they did. The limited nature of legally assisted services is an inherent weakness, albeit out of CatholicCare's control. For example, *"people get an hour's worth of legal advice and then they get their three hours ... it's a very short window of intervention"* (Participant 7; mediator). That said, and as shown in the strengths section of this SWOT analysis, these services can have a large impact on the individuals who use them.

3.1.1.3 Opportunities

Participants suggested three opportunities for CatholicCare to improve their legally assisted services. These suggestions include amending parenting plans, developing a map of services that helps individuals navigate the separation process, and how additional funding could potentially benefit the community.

3.1.1.3.1 Amend parenting plans

First, legal professionals suggested adding a clause to parenting plans that explicitly states:

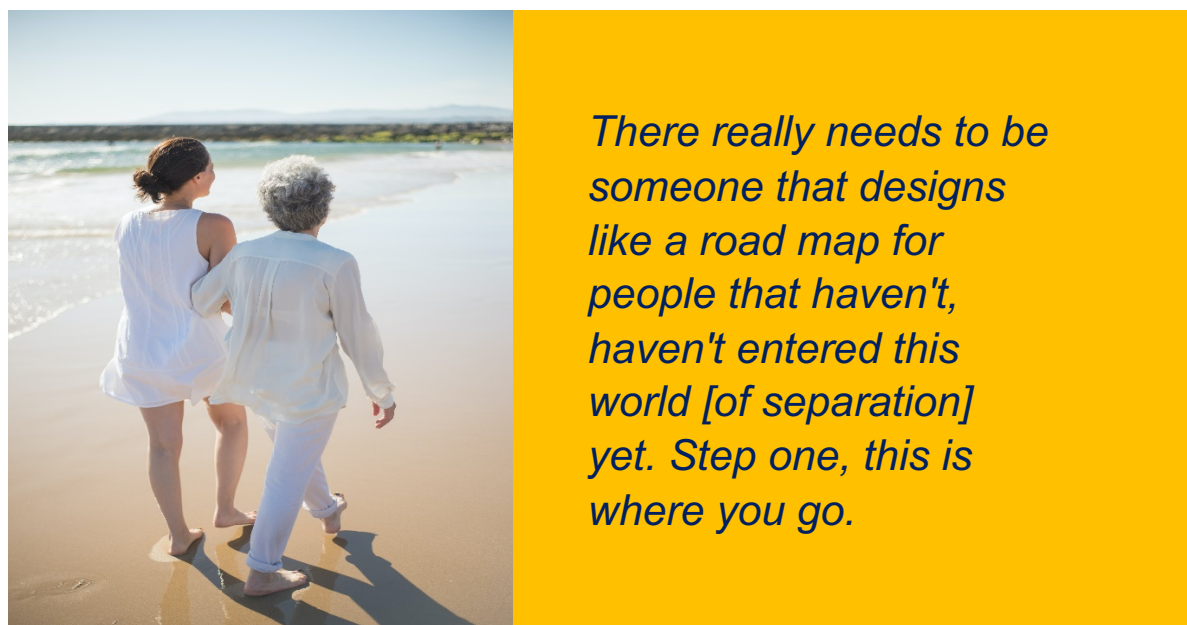
Not to denigrate the other parent and to respect their privacy ... because if you were to get a parenting plan for private lawyers, all of us have the same stuff at the end.



And it's all that we don't denigrate. We don't do this. We don't do that. (Participant 11; solicitor).

3.1.1.3.2 Potentially designing a “road map” of services

Another service user (Participant 2) suggested a road map for separated parents:



CatholicCare could develop something that resembles this suggested road map, and by extension, display the many services they offer highlighting partnerships with external stakeholders. One solicitor describes the benefit to the community for people needing legal advice during the process of separation because of the relationship between their legal service and CatholicCare as a “one stop shop” (Participant 12; solicitor). A road map would provide clarity for separating individuals navigating family law during the process of separation. Equally, it could demonstrate that CatholicCare is an organisation that helps individuals through in-house one stop shop services and partnerships with external stakeholders throughout the separation process.

3.1.1.3.3 Funding for services

The service could be improved if funding for legally assisted services existed rather than CatholicCare funding the service internally. Solicitors identified that resourcing is likely contributing a “protracted process” that is LADR (Participant 12). Mediators acknowledged that more funding would mean that more individuals from the community would be able to



use the service because there would be more money to fund additional solicitors. Service users want other individuals who are separating to be able to benefit like they did so they suggested more advertising is needed in addition to more solicitors.

3.1.1.4 Threats

The threats participants identified were competitors and implications of a “free” service. Private mediators and other organisations offering mediations services were suggested to be a threat. However, the development of the road map that highlights how CatholicCare helps individuals throughout the separation process may reduce this threat. Another threat that may appear to be counterintuitive is that offering a ‘free’ service may be less valued by individuals. For example:

We offer the free sessions, free legal advice, free parenting, legal advice sessions, and it can be ineffective because people don't necessarily value the time and the session because it's free and they don't show up, that often will have lawyers sitting around or not answering the phone or the client not turning up because they think, Oh, it's a free session, not really interested. So really, we try to communicate, actually, this is, you know, lawyers charge hundreds of dollars for these appointments and this is your opportunity. So it can be that people don't necessarily value it because it's free. So that makes it ineffective, sometimes because they don't engage. (Participant 7; mediator).

This suggests that even a small financial cost to the individual may increase perceived value and potentially prevent individuals missing sessions.

3.2 LADR Thematic Analysis Findings

The same 11 participants' data was analysed using a thematic analysis approach (Braun & Clarke, 2006; 2012). This approach was used because the aim was to understand the philosophical approach of CatholicCare's legally assisted services and process of making decisions during mediation. Transcripts were read and re-read through the lens of these aims. Data were initially coded across 15 codes. The codes with the largest number of excerpts were retained and subsequently further coded based on similarities (e.g., “helpful” permeated throughout both final themes). Finally, two themes were identified from the 11 interviews. These themes were children at the forefront of decisions and reality testing.



3.2.1 Theme 1: Children at the forefront of decisions

The first theme is about children being at the forefront of CatholicCare's legally assisted services.



We still say to people that they are the experts of their children. We haven't met the kids. Often lawyers haven't met the kids. Even if we've met the kids, we're still not the experts of those children and what they may necessarily need moving forward. So, the decision-making power still rests with the parents (Participant 8).

Solicitors occasionally do not want “warm and fuzzy stuff” and just want to “get down to what we’re here for” (Participant 9; mediator) in family law mediation sessions. However, the approach taken by CatholicCare places the children at the centre while also aiming to complete successful mediations. This focus on the children is made clear from the beginning of a session:

We do a child focused exercise in the beginning where we try and get the parents to concentrate on the fact that they are here for the children. And we remind them of that and bring the children metaphorically into the room so that we can keep referring back to that and say, say, how do you think that'll work out for Johnny or you know, you, you told me that Susie is struggling with this particular thing. If you wanna put that in your plan, how do you think that will work out for Susie, you know, so we can keep referring back to that to make it sustainable, sensible, and practical (Participant 9; mediator).



This setting of the scene that frames the session with children may be unique to CatholicCare. Positioning the children at the centre of the mediation session from the start appears to strongly benefit service users as exemplified in the following excerpt:

Because now you're in separation and stuff like that is so much anger between the, not anger but like, Yeah, you're pissed off with the other person, and you lost, you easily lose sight of is, most of, what is the most important thing, which is the kids (l: Yeah, of course) Yeah, yeah. At mediation you do realise, yes, they are the ones paying the high price now, like whatever, yeah, you can be in better relation with your ex or a good relation or whatever, at the end like mediation, remind you that your kids are paying the high price and you need to do whatever it takes, like for them so. So just, it edge to refocus on the kids (Participant 1; service user).

As can be seen in the above excerpt, the participant acknowledged that the process of separation is difficult for themselves, but moreover it is the children who are also suffering. As a result of mediation, this participant appears to be empowered to do better, to do whatever it takes to move past the anger and frustration and improve the co-parent relationship for the benefit of their children. Including solicitors within mediation sessions further empowers service users through informed decision-making, as can be seen in the following excerpt from a solicitor:

I think it just gives them a sense of when they feel like they have no control and then you can empower them to make a decision ... in making those kind of helpful comments [about custody options], you're not taking away the opportunity to be empowered, but you're giving them more in my perception anyway, an opportunity to raise kids just to get a bit of rhythm happening back in their lives and establish that routine and everything which is, I think, beneficial for both parents. I think it remains beneficial for everybody, but particularly kids (Participant 11; solicitor).

Information such as custodial options during the process of separation when there is a perceived lack of control can be useful for both parents and children. When children are at the forefront of decisions made by both parents, then parenting plans are more likely to be



sustainable. Whereas if children are not at the forefront of parenting plans, then the children may be used as pawns in battles between the parents:

I contacted CatholicCare because I've got an ex-spouse that's not willing to come to the table or willing to go about getting a parental plan together so it can satisfy you know the needs of my son. So, at present she's not helping anything, she's not contributing anything. She's not even attempting all the ideas I was throwing out there. It's just dismissed. She, for instance, her idea for parental plan is a five-point thing that she's sent on to me and she signed that and wouldn't agree to anything else. And that parenting plan does not include safety for my son (Participant 5⁴; service user).

The crux of this participant's concern is the safety of their son. But because there was no negotiation nor mediation that empowered and reminded parents of the children's needs, the participant's situation was at a standstill, and the son caught in the crossfire with their needs overlooked. This highlights the difference between both parents placing children at the forefront of their decisions rather than taking what appears to be a more selfish attitude. Thus, CatholicCare's legally assisted services that empower parents to consider their children when making decisions appear to be beneficial.

3.2.2 Theme 2: Narrowing the gap between expectations and actualities

Parents that are engaging with the family law system for the first time often have preconceived expectations about how the system operates. However, these expectations are often inaccurate. The second theme highlights how reality-testing, which is at the intersection of psychology and law, can dispel inaccurate expectations. This can occur during the free independent legal advice phone call parents receive from CatholicCare:

I think part of it's reality testing as well. You know, some clients will come through with really big issues that they need advice on and guidance on. And sometimes it's really small issues. And the lawyer says, you know what, a judge is not going to entertain that, don't even bring that up in mediation (Participant 7; mediator).

⁴ This service user did not proceed to mediation after receiving reduced-fee legal services from CatholicCare.





You get some more advice around what's actually realistic to pitch for and what proposals to make (Participant 3; service user)

Intervening and guiding parents about what to focus on might reduce extraneous information, thus allowing more important concerns to be discussed within mediation. This may help them reflect and reconsider what is most important to them.

When cases do progress to mediation, solicitors attend aiming to achieve solutions as Participant 12 states, *“it's my role as a lawyer to, yes, promote the client's case. However, be realistic and reasonable about it. Otherwise, opportunity wasted, off to court.”* A key element of effective mediation sessions is the solicitor being able to reality test parents' expectations as this excerpt highlights:

But they know, in particular with their lawyers advising them that if they can't make an agreement then the next process might be court. Yeah. So, the lawyers are also there to reality test that if you don't make an agreement today, where to next, and it's going to cost you emotionally, it's going to cost you financially. It's, you know, there's not a lot of positives, the going to court. Now what happens and the end of the day is that someone else is making decisions for your children (Participant 6; mediator).



As can be seen in the previous excerpts, mediation is an opportunity to negotiate outcomes that both parents can agree to and thus prevent further personal costs. The following excerpt exemplifies how an inaccurate reality of the family law system was reality tested that likely prevented further pain:

Something was happening at the [other] parent's place two weekends ago, and he wanted one of the twins to attend. And I said to the lawyers, you know what? What do I do here? Do I allow them to or not? And they said no, because by letting them attend, you're basically saying things weren't that bad, I wasn't that worried. So don't let them go. (I: Okay) And so that that was invaluable because ... they said if you go to court, you know, if you have to go to end up having to go to court and you say, oh, no, look, I let the children go for a weekend, you know, blah blah blah. You see the judge. The judge would just say, well, you're saying that it's awful, dangerous place. And yet you've sent them back again (Participant 3; service user).

The family law system is difficult to navigate, especially when emotions guide decisions. Legally assisted services such as those provided by CatholicCare help and parents by reality-testing inaccurate expectations to prevent additional pain and distress.

3.3 Chapter Summary

CatholicCare's suite of legally assisted services developed and provided in collaboration with local law firms contain several community benefits. Benefits include saving individuals' money and improving their understanding of the law and contributing to solicitor skills development. Two key opportunities for CatholicCare were identified. First, a road map of services can be designed to help individuals navigate the family law landscape during separation. Second, parenting plans can be amended by adding a clause that states the need to respect each other's privacy and not to denigrate. Like findings from the SPARK Program®, children are at the forefront of CatholicCare's suite of legally assisted services. This centring of separated parent's children helps parents to make decisions that are more likely to be children-focused and contributes to sustainable parenting plans. Similarly, reality-testing inaccurate expectations of family law appears to help parents make decisions that prevent extra costs and reduce further pain often associated with separation, and this provides a potential way forward.



Chapter 4

Research Program 3 - Service Strengths to Retain and Expand During Reforms

Chapter 4: Readiness for Reforms: A Bird's Eye-View

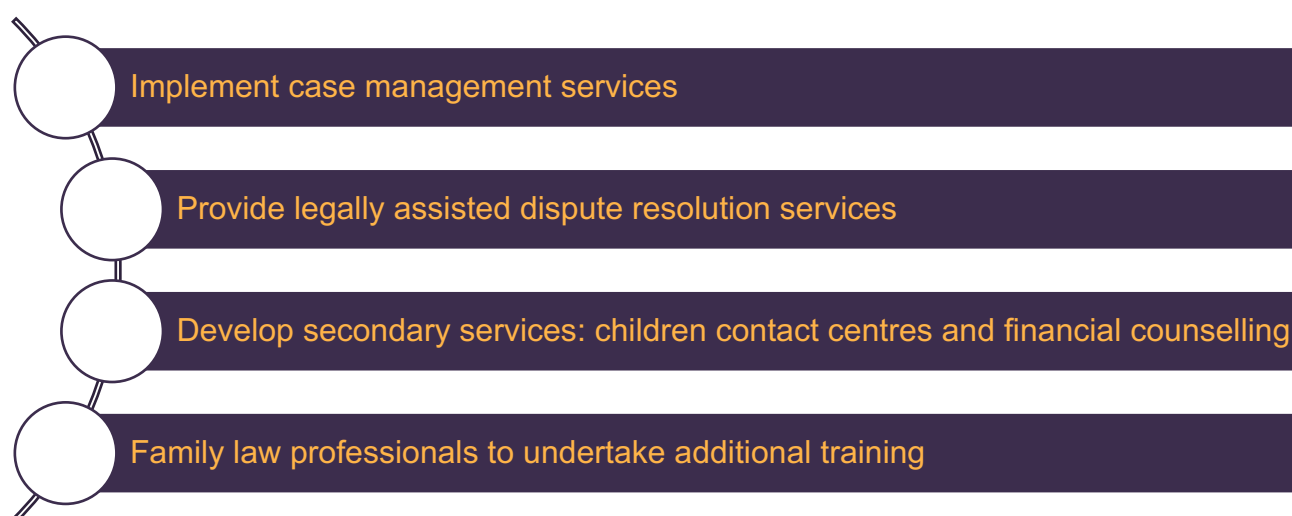
This chapter presents an overview of CatholicCare's readiness for selected recommendations from proposed family law reforms. First, contextual background information and guiding theoretical frameworks are presented. Second, a snapshot of readiness is provided for each recommendation with key excerpts presented to highlight CatholicCare staffs' perspectives. Finally, implications for organisational resource are reported.

4.1 Background

The family law system based on the ALRC 2019 Report and the JSC, indicates significant reforms for service providers. These reforms have been captured as **Table 1**. Recommended Areas for Reform and are italicised within each subsection. Given the implications of these recommendations for CatholicCare's current and future priorities, this research program aimed to pinpoint service opportunities for fast-tracking community benefit that arise from the relevant recommendations.

4.1.1 Research Methods

Key CatholicCare representatives were purposively recruited to collaborate with members of the UniSQ research team to identify relevant recommendations from the ALRC 2019 Report and the JSC reports. Criteria for the selection of relevant recommendations included the likelihood that it would impact CatholicCare and that CatholicCare could actively prepare and implement changes for recommendations if desired. Five recommendations were identified across four areas.



The implications of each recommendation were examined through focus group discussion with eight employees that volunteered to participate. These discussions were two-fold: (1) to identify the level of implementation readiness and enablers and barriers, and (2) explore resourcing implications of potential recommendations being implemented. Resourcing aligns with readiness as it is imperative that organisational capacity is prepared to reduce lag time between reforms and family support practice. Figure 8 in section [4.2 Resources and organisational capacity](#) highlight organisational resources that are likely to be affected if recommendations are implemented.

4.1.2 Guiding theories and frameworks

A resource-based theory (RBT; Wernerfelt, 1984; Barney et al., 2011) lens was used to guide the research. According to RBT, organisations need to develop and or identify existing resources that can be used to strategically position and outperform competitors (Prahalad & Hamel, 1990; Zhang et al., 2021). Organisations use RBT to highlight their bundle of strategic resources to demonstrate capability in providing and adding value for consumers. In this study, RBT is used as a theoretical lens to first identify existing service arrangements, capabilities, and service gaps; second, to gauge what organisational resources will be impacted and can be leveraged for fast-tracking community benefit from potentially coming reforms. The subsequent sections are organised as follows. First, excerpts from focus groups are provided for each recommendation. Second, resourcing implications are also presented as excerpts.

4.2 Organisation Service Readiness

CatholicCare are aware of potential upcoming changes, with two recommendations already implemented and proactively adapting in preparation for changes (i.e., legally assisted dispute resolution and additional training for family law professionals). The remaining three recommendations (case management, children contact centres, and financial counselling) were rated as understanding why the need for and implications of proposed changes. Figure 7 summarises enablers and barriers in the implementation of these recommendations.

4.2.1 Case management services

Family Relationship Centres should be expanded to provide case management to clients with complex needs (Australian Law Reform Commission, 2019a; Parliament of Australia, 2021b). This key recommendation from the ALRC 2019 Report was that Family Relationship Centres should be expanded to provide case management for clients with complex needs to better address fragmented services both within and outside family law (e.g., problem



Figure 7. Enablers and Barriers

Case Management Services

Enablers / Existing Practices:

- Internal referral system
- TRAMS case management services

Barriers / Organisational Needs:

- Concerns about formalising existing practices
- Clients needs regarding case management
- Additional staff and funding



Children's Contact Services

Enablers / Existing Practices:

- Existing policies and procedures can be used to guide operations

Barriers / Organisational Needs:

- Risks associated with operating centres
- Physical building to operate centre



Training for Family Law Professionals

Enablers / Existing Practices:

- Ongoing professional development

Barriers / Organisational Needs:

- Revision of training programs
- Indirect costs



Legally Assisted Dispute Resolution

Enablers / Existing Practices:

- Currently available services

Barriers / Organisational Needs:

- Administrative time and resources.
- Changing nature of legally assisted dispute resolution will change with proposed reforms



Financial Counselling

Enablers / Existing Practices:

- Existing policies and procedures within counselling/mediation teams

Barriers / Organisational Needs:

- Referrals to Lifeline
- Financial counsellors/training for existing counsellors



gambling).

All participants were aware that there is a trend towards providing case management services and understood the community needs and implications of the service. For example,

I think that we have picked up a sense that that's the direction that we will be moving in for a while now. That's not new to us. We have started having discussions about further training so that we can be able to deliver.

It was reported that mediation and counselling teams within the organisation already conduct internal referrals. While this is encouraging and highlights a type of case management, formalising these operations may be challenging:

I'm finding it quite difficult because one of the problems I guess we're having with the whole idea of the model is actually is working that way anyway. Now we're being asked to formalise that. And that becomes much more problematic. Because it looks simple on paper. But it's not as simple as that.

Further to the mediation and counselling internal referrals and given the diverse and complexity clients CatholicCare provides services for, client needs were also a consideration when discussing case management. Another team, Toowoomba Refugee and Migrant Services (TRAMS), already provide case management because their clients require many services whereas some mediation clients do not require services beyond mediation:

I know that in the TRAMS team, the refugee and migrant service, for example, they do a lot of that kind of case management, but those people are in a place where they don't understand the language, let alone how to get a rental or how to buy a new car, or they have no idea. And so, they are throwing themselves, I guess, at the mercy of the case manager or the case workers. Whereas I think that in the mediation space, it's a little bit different because people are like, well, I don't really need you. I just want you to do this one thing for me. I don't necessarily think that I need all these other services that you are asking me to do.

This suggests case management may not be appropriate for all clients (e.g., only need mediation) and therefore requires further consideration before implementing. Further adding to the tailored approach CatholicCare offers families, one participant expressed the tension between offering a service that on one hand is all-encompassing and, on the other hand, is driven by the individual, *“we try to do as much as what we can for the family. But again, leaving that independence with the family and so that agency to still look after themselves and their family moving on”*.



My concern is having clients agree to want to have that support.

CatholicCare understands why the need for and implications of proposed changes for case management services and the potential community benefits that may result from such a service. CatholicCare staff are aware of the trend towards case management and are already discussing the implications. Some services are already doing it to varying degrees, albeit on an informal basis, while for other services, it may require a shift in how the existing



service is delivered. Shifting towards a formalised system across services will need careful consideration of each services existing scope of practice and service delivery practices. Although staff are mindful of the trends, adopting the recommendation will need cross-team planning and development to encourage team member support for the delivery of high service standards.

4.2.2 LADR

The Australian Government should work with Family Relationship Centres to develop and expand services, including legally assisted dispute resolution services (Australian Law Reform Commission, 2019a; Parliament of Australia, 2021b). Similar to conventional mediation, LADR assists separated individuals to help with problem solving and agreement-making process at a reduced cost. Both individuals have solicitors present to provide real-time advice during mediation in a non-adversarial and child focused setting. CatholicCare has been providing LADR for several years and findings from the previous chapter indicate that it is a service strength to be retained and potentially expanded.

Participants were aware they needed to continually evaluate and adapt the service “to make sure that we're meeting the needs of the population”. This demonstrates that the organisation is well-informed about the need and implications, and accordingly, are proactively adapting the service. However, the needs of the organisation also need to be considered in addition to the population regarding LADR services. For example, “*it can be administratively, it can be a nightmare booking legally assisted mediations... it can be hours of work*”. The administrative load is a challenge that may require attention, especially if the LADR service is to be expanded.

The LADR services CatholicCare provides is well positioned for potential reforms given the extensive efforts to establish and ongoing evaluation to improve the service. Expansion of the service will likely be beneficial for the community; however administrative challenges are likely to increase alongside expansion. Like case management, planning and development will need to consider existing scope of practice, but will also need to prepare for additional administrative time and challenges associated with preparing and organising LADR.





It just comes back to whatever is passed; is what we are doing the correct format?

4.2.3 Children's contact services

The Australian Government should work with Family Relationship Centres to develop services, including Children's Contact Services (Australian Law Reform Commission, 2019a).

Children's contact services are typically in-person venues where separated parents can safely complete changeovers and/or supervised contact visits that may otherwise be challenging to do because of conflict, safety issues, or other restraints.

CatholicCare understands why the need for and implications of proposed changes regarding children's contact centres. A critical need is the current service gap for the community. Separated parents that need to use the centres are limited by choice and availability as "*there is only one child contact centre in Toowoomba and the region*⁵". Essentially, people are "penalised because you live in Western Queensland". This led one participant to conclude:

I think that actually that would be a no brainer from our perspective. And I mean, that is also borne of a frustration around some of the options. Exactly a lack of options

⁵ Western Queensland

and or even, frankly, the quality-of-service provision. And because we would have extraordinary expertise, it would inform best practice on that contact centre, which I think is actually really missing.

The implication for the community is that the service gap could be reduced because of the additional service availability and capacity. Importantly, as suggested by this participant's comment, is that the service would be of a high-quality that may inform service standards for other centres. Organisational implications for CatholicCare if the service was developed and implemented could include an additional revenue source and increased presence within the community. This increased presence is important for drawing attention to the organisation as it could help drive additional clients to the FRC.

These centres were an area of contention with some participants more open to providing services the centres offer than others. For example, *"it sounds like as an organisation we are informed about it, but it's just not where we want to go"*. Another participant expressed that they *"have some real worries"* with offering this service given that the service is perceived as high-risk because of the complexities involved with contact centres. However, it was acknowledged that CatholicCare *"probably do have the capability"* based on existing skills and experiences and therefore *"it's not a massive jump in some ways because all the policies and the processes are kind of there"*. These divergent perspectives will need to be taken into account when determining if and/or how CatholicCare implements children contact services.

Providing children contact centre services is a service CatholicCare understands the community will likely benefit from. In addition, there is an opportunity to draw upon existing expertise and contribute to the field through the development of best practices for children contact centres. Staff are mindful of the high-risk nature of the work, and due to the risk and complexity, this is an area that requires mindfulness of these risks and appropriate levels of staff support in delivering these services.

4.2.4 Financial counselling

The Australian Government should work with Family Relationship Centres to develop services, including financial counselling (Australian Law Reform Commission, 2019a). Within the context of this report, financial counsellors assist separating families with independent financial advice or counselling to improve financial decision-making and reduce financial duress.



The current practice for CatholicCare clients needing financial counselling can be summed up as, “*Lifeline does it, so we send all of our clients there*”. This demonstrates that there is a community need for financial counselling, but clients are being referred elsewhere. Potential implications of not providing the service and externally referring clients could be impacting CatholicCare’s reputation within the community as a one-stop-shop, that was used to describe CatholicCare in the previous chapter.

Encouragingly, participants identified that the organisation is close to ready to offer financial counselling services because of existing expertise and services already provided within CatholicCare. As one participant expressed, “*yes, we do have an existing capacity with the financially counselling pool under the mediation umbrella or under the counselling umbrella*”. The idea of helping individuals become financially literate was also discussed with respect to existing services:

I'm potentially interested in being in that space in terms of financial literacy. But TRAMS clients or newly separated families, budget dealing with creditors, and a lot of domestic violence loans that have been taken out, and that some things that I think it would make it easier for the clients to access the group. Again, we do have policies and procedures for that. That's basically just a different form of counselling and other counselling into the mix.

Like children’s contact services, CatholicCare understands the need for financial counselling as a service for the community and can draw on existing expertise if this service is to be offered. Rather than externally referring clients, CatholicCare has the potential to deliver additional benefits to clients within the FRC. Moreover, the service can help both separated individuals but also complex cases such as domestic violence and refugees and migrants.

4.2.5 Additional training for family law professionals

The committee recommends that all family law professionals undertake regular professional training (Parliament of Australia, 2021b). All participants acknowledged that CatholicCare provides staff with ongoing training. Training can be both internal and external as:

Each programme has a budget. And we will pay for an amount of training. We try to do in-house training as well. So, we'll bring someone in to do some work ... but if



there is a training outside the organisation that is going to be particularly useful for someone and, you know, we will give them a day off to go and do it.

Although one concern that was expressed by some participants was that some training programs were “*not appropriate because they’re [the training programs] not going to the level that they should be going to.*” This means that individuals with many years of experience are attending training programs, but the programs are not advanced enough for the individual to take any significant learnings from the training. While the program content is not something that CatholicCare has control over, it is important to be aware that not all training programs/courses are as helpful as they could be. Therefore, the current practice of bringing in specialist trainers and identifying external trainings that may be particularly useful appears to be an appropriate strategy.

4.3 Resources and Organisational Capacity

The resource portfolio we draw upon is specific to not-for-profit human service organisations and includes four broad resource categories: human capital, physical capital, financial capital, and social capital (Brown et al., 2016). Human capital is the sum of work by both paid staff and volunteers. Physical capital entails assets that are tangible, such as plant and equipment. Financial capital refers to funding sources. Social capital encompasses external and internal relationships that impact the success of an organisation. Figure 8 highlights aspects of each resource that are anticipated to be impacted from implementing changes based on proposed recommendations from the ALRC 2019 Report and JSC.

4.3.1 Human capital

The data indicates three key themes: hiring, training, and leveraging existing skills and knowledge. The greatest costs within the human capital resource were related to staffing. The hiring of additional staff was noted as a key need to increase organisational capacity. Upskilling and training of staff, specifically case managers and financial counsellors, was reported by participants. However, it was noted that “*it’s great now because from a human services perspective, there are people who do a diploma in case management, but not necessarily a tertiary bachelor’s, so it’s a specialised skill that they do other jobs and more.*” Participants identified that there may be internal opportunities “*something along the lines of a buddy system or internal mentoring or something like that*” that they “*be able to leverage off the existing skills of the TRAMS team*”. Additional hiring and training of staff is beneficial for the community because individuals can receive more services from CatholicCare.



Figure 8. Resource Portfolio Implications

Human Capital

- Training for case managers
- Training for financial counsellors
- Leverage skills and knowledge from the Toowoomba Refugee and Migrant Services team and community
- Hiring additional staff

Financial Capital

- Additional funding required for investing into new services and additional staff
- Cost of servicing large geographical region
- Draw upon existing knowledge and skills to train people from other organisations

Physical Capital

- Data management and storage may require upgrading
- Motor vehicle(s) for travelling large distances

Social Capital

- Further develop reputation and awareness in the community so Family Relationship Centre is first stop of people experiencing family related challenges
- Privacy and confidentiality to be considered for internal relationships regarding case management



4.3.2 Physical capital

Two key themes for physical resources were identified: data management and storage, and motor vehicles for travelling large distances. Case management raised concerns about data because of consent and the various services (e.g., issuing certificates) that may request or require access to confidential information. For example:

It raises some interesting questions as to how we would manage the information across those two programmes, particularly if something like, say, child safety or something has to be involved, then you know, what does that mean for if certificates have been issued or they haven't been issued?



Motor vehicles are an associated cost of servicing a large geographical area, such as the 500,000 km² Southwest Queensland that CatholicCare services. It was noted that *“there’s a huge cost in the car. But the driving out is someone being paid to sit in the car to drive eight hours. That’s a whole day just driving to get to a location”*. CatholicCare is aware of the physical implications that servicing a client base that is both large in terms of numbers and geographical area. This is important to provide safe and secure services to individuals that may otherwise not receive services given the remoteness of their location.

4.3.3 Financial capital

Three themes related to financial capital were expressed by participants: funding, cost of servicing a large geographical area, and drawing upon existing skills to train people from other organisations. All participants were aware of the need for more funding to be able to implement recommendations as exemplified by a participant, *“I think the biggest issue will be in terms of that space, it’s actually that funding”*. Given that case managers would need to be hired and this would require additional resourcing, participants were acutely aware that these resources would need to come from somewhere, *“I suppose my question in the first instance is that any discussions we have about it would be based on the assumption we’re going to get more funding.”* Another potential source of funding identified from CatholicCare’s LADR service was training and helping other organisations develop LADR services.

A key financial concern with all not-for-profit organisations are indirect costs (i.e., costs that cannot be directly and easily attributed to a project; Social Ventures Australia & Centre for Social Impact, 2022). According to Social Ventures Australia & Centre for Social Impact (2022), not-for-profits are unable to invest as much (i.e., half) for each employee as corporate organisations because of insufficient funding and reputational concerns. This concern was evident for CatholicCare as they seek to achieve outcomes within increasing regulations, *“so the government at the moment just doesn’t recognise it. It’s an indirect cost that an organisation has to absorb themselves”*. Funding is an ongoing concern for not-for-profit organisations. CatholicCare is aware of the importance of funding and have already started to think innovatively for potential non-traditional sources of funding. Additional funding can be used across all resources categories to help the community.

4.3.4 Social capital

Social capital was discussed across two themes: further develop reputation and awareness in the community, and privacy and confidentiality to be considered for internal relationships regarding case management. A participant describes what they would like to happen when people separate, *“in an ideal world, if someone in the family has recently separated, their first thought is I will go to the FRC. That’s their first call”*. However, this is not the case because



“at the moment, there’s still a lot of people who separate and say I’m calling a lawyer”. This suggests that for some individuals, they are unaware about and/or the impact of services provided by CatholicCare. It is necessary to increase awareness and highlight how services have help separated individuals in the community to move closer to the ideal world expressed by the participant.

Case management raised concerns about data because of consent and the various services (e.g., issuing certificates) that may request or require access to confidential information. This is partly because it is currently unclear about how the service would be developed and echoes previous concerns about the providing the service. For example:

It raises some interesting questions as to how we would manage the information across those two programmes⁶, particularly if something like, say, child safety or something has to be involved, then you know, what does that mean for if certificates have been issued or they haven’t been issued?

Social capital is a resource that can be expanded to benefit both the community and CatholicCare. Greater visibility in the community can help separated parents potentially have their family law needs met at CatholicCare rather than through solicitors. This can save the individual financial costs and if their exposure to the family court system is reduced, then potentially the distress that is associated with court is reduced too.

4.4 Chapter Summary

CatholicCare’s level of readiness for developing and implementing LADR services and additional training for family law professionals are rated as well-informed about the need and implications of the services and proactively adapting alongside the services. That is, these services are currently being provided but the organisation is aware that ongoing evaluation and improvement is critical for continuing to provide these services. Case management, and secondary interventions of children contact services and financial counselling were rated as understanding the need for and implications of proposed changes. These services are being considered by CatholicCare and will require a shift in thinking together with careful planning if these recommendations are to be implemented.

⁶ Mediation and counselling

Implementing recommendations will impact organisational resources and capacity. Human capital is expected to be impacted with additional employees and upskilling of current employees required. Data management is a key concern within physical capital, particularly with regards to case management given the sensitive nature of clients' data. Financial capital focuses are additional funding to provide additional services and expand current services, especially because of the large geographical area that CatholicCare services. Further developing reputation and awareness within the community is an opportunity for CatholicCare to increase their social capital and attract more individuals to the organisation. Additional and expansion of services may contribute to an increase in social capital.



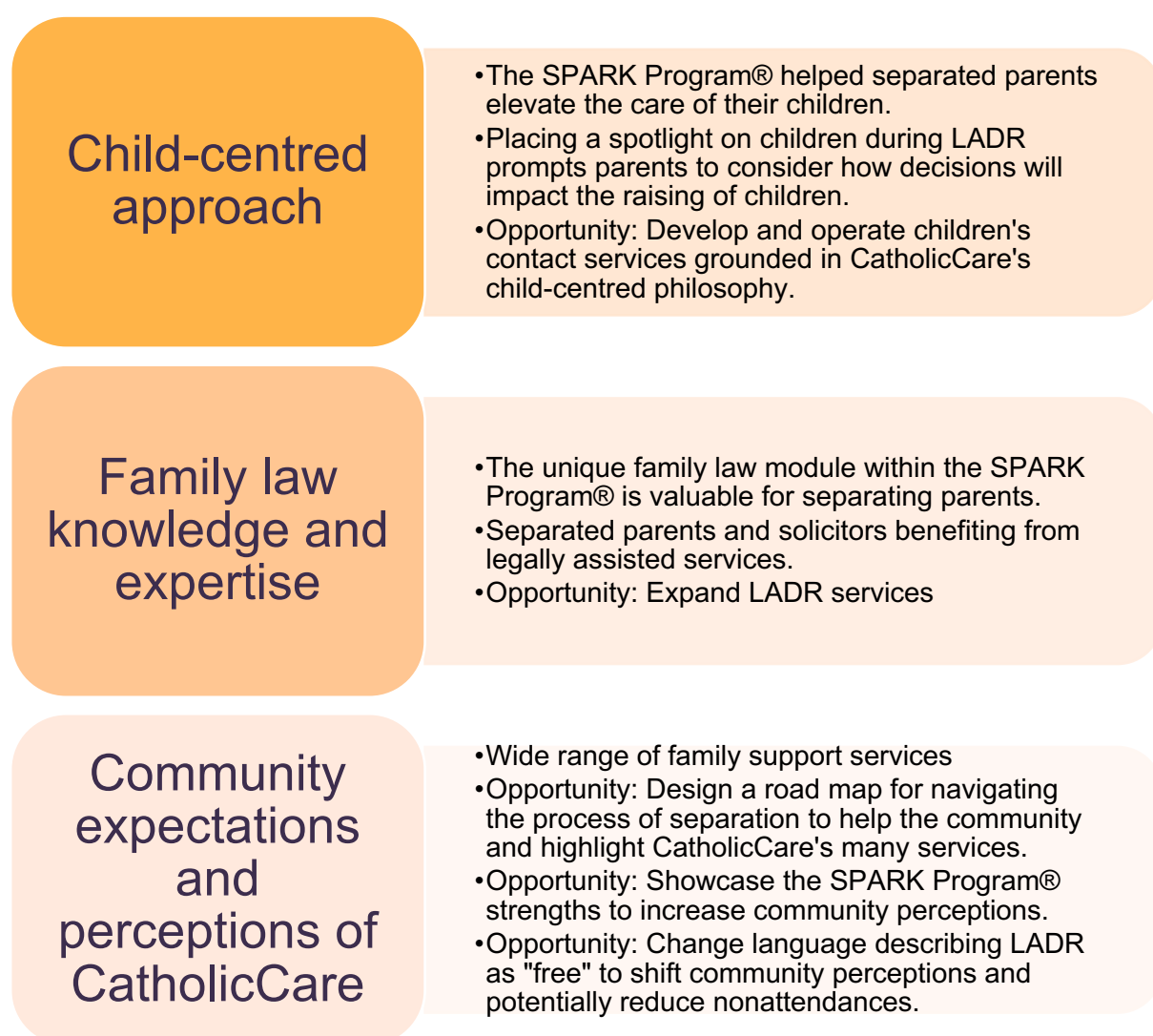
Chapter 5

Key Findings

Chapter 5: Key Findings

This section of the report summarises findings from three programs of research. The purpose of this program of research was to identify current family support service strengths, key community outcomes of these services, and pinpoint opportunities for fast tracking community benefits from potential reforms based on recommendations from the ALRC 2019 Report and JSC displayed in **Table 1**. Recommended Areas for Reform. Three different but often overlapping programs of research were conducted. First, CatholicCare's post-separation parenting program, the SPARK Program®, was evaluated. Second, the legally assisted services provided by CatholicCare was explored from a multi-stakeholder perspective. Finally, organisational readiness was investigated. Results from program and organisation levels focused on three key aspects displayed below in Figure 9.

Figure 9. Key Findings and Opportunities for Fast Tracking Community Benefits



5.1 Child-Centred Approach

We found children's wellbeing is central to CatholicCare's service philosophy and delivery. Whether parents attended the SPARK Program® or legally assisted dispute resolution (LADR), there was a general appreciation that children were being advocated for by CatholicCare. Advocating on behalf of parents' children was also identified as a key strength of the SPARK Program®, from both solicitors and parents involved in LADR, and at the forefront of current and future service delivery for CatholicCare staff.

5.1.1 The SPARK program®

Parents who had attended the SPARK Program® reported that the child-centred approach of the program helped them to focus their attention on their children. This was noted as a fundamental difference from other parenting-related programs they had previously attended. Separation is a challenging and distressful process, so parents expressing that the SPARK Program® helped them elevate the care of their children is a key finding and community benefit. Specifically, it was found that educating parents about children's developmental and social needs contributed to this increased awareness about caring for their children. Therefore, these training elements appear to be an important strength of the child-centred approach within the SPARK Program®.

5.1.2 LADR

There was consensus from the LADR interviews comprising service users, solicitors who participate in the service, and CatholicCare mediators that children were at the core of CatholicCare LADR services. This can be seen from the outset of mediations with mediators framing sessions and reminding separated parents they are attending mediation for the benefit of their children. Mediators continually refer to the children throughout mediation sessions and this anchor helps separated parents make decisions with their children's needs considered. This is important for contextualising mediation and working towards for the best possible outcome for the children. Reiterating the mediators' focus on the children during the sessions are solicitors who provide guidance to separated parents. Again, guidance for decisions is provided through the lens of how decisions will impact the raising of children. The impact of mediators and solicitors repeatedly placing a spotlight on children was recognised and appreciated by service users, as it reminded them that their kids are also experiencing distress that accompanies separation. This is a key finding because decisions that are made with children's needs considered are more likely to be sustainable during the separation process.



5.1.3 Children contact centres

CatholicCare's clearly established child-centred approach was evident when considering the recommendation regarding the development of children's contact services. Two opportunities that were identified by CatholicCare stakeholders both placed children at the centre. First, there is a service gap for children within Toowoomba and the wider Western Queensland communities, given the lack of children's contact services. Second, CatholicCare can guide, implement, and advise best practice for children's contact centres, potentially helping children in other communities. CatholicCare's child-centred approach has already helped families through the SPARK Program® and LADR services. The identified opportunity for fast-tracking community benefits are children's contact services.

5.2 Family Law Knowledge and Expertise

Family law is often encountered for the first time during the process of separation, which is a distressing and challenging time. Therefore, it is essential that an organisation who helps individuals during separation has extensive knowledge about family law and can communicate that knowledge clearly and helpfully. Separated parents and solicitors from the program level research programs expressed benefits they received from CatholicCare's extensive knowledge and clear communications regarding family law.

5.2.1 The SPARK program®

Increasing knowledge and learning what to expect when attending court for family related matters is a short-term outcome specified in the SPARK Program® logic model.

Encouragingly, the family law module within the program was helpful for parents who had not yet engaged with the family court system, individuals who were frequenting the courts, and individuals who were not born in Australia. This is a key finding because the module is unique to the SPARK Program® within the context of the programs evaluated in the Martindale (2020) literature review. Further, this finding demonstrates that the module is helpful and valued by individuals at different stages of their separation process. Thus, the module is a community benefit that should be retained.

5.2.2 LADR

Interviews with LADR service users further reflected CatholicCare's understanding that family law is typically encountered by individuals for the first-time during separation. Participants expressed appreciation for CatholicCare involvement organising phone calls with solicitors and providing comfort during distressing times. Solicitors themselves benefited from CatholicCare's LADR service as they saved time because of the confidence and trust they had in CatholicCare given the experience and training of CatholicCare staff. Importantly,



solicitors gained greater skills and knowledge about working with separated individuals. These are key findings because it demonstrates that both solicitors and separated individuals are benefiting from CatholicCare LADR services and therefore the service should be retained or expanded if possible.

5.3 Community Expectations and Perceptions of CatholicCare

This section highlights the key findings and presents them as opportunities and threats to aid future decision-making. First, the data indicates an opportunity to streamline the documentation with the aim of fast-tracking community benefit and increase awareness in the community, an outcome that will also benefit reputation. Building on a participant's suggestion, the opportunity is to design a road map of services available for navigating family law during the process of separation as part of CatholicCare's resources.

5.3.1 Design a road map of services for navigating family law during the process of separation

As stated throughout this report, many individuals encounter family law for the first time in their life during what is one of the most distressing and challenging times of their life. While there is an abundant of information on the internet regarding services available when separating, individuals may not know specific search terms to find required information, may not have the time, or alternatively may prefer to have something like the road map instead. Therefore, a clear and simple map with information that is straight to the point may help separating individuals find what they need easily. Information does not need to be complex and is suggested to be as simple as the following example: if you are experiencing child alienation then this service or these services can help you. In addition to helping separating individuals find the services they need; the road map can be utilised to enhance external relationships through referrals for services that CatholicCare does not offer at this point in time. Further, the road map can potentially be placed in other organisations to increase CatholicCare reputation and awareness in the community.

5.3.2 Underrepresented program strengths

We found a threat at the program level that underrepresented program strengths. One threat was a lack of expectations when attending the SPARK Program®. Service users of the SPARK Program® often viewed the program as a tick-box exercise. This suggests that participants had little expectations about how the program could help them develop greater parenting skills and increased knowledge about children. However, results from our discussions with service users found the program was personally transformative and contributed to adjustments in communication, emotions, and attitude. This is a key finding



because it reveals that separated parents benefited from attending the program and presents an opportunity for extending the current reach of the program. Therefore, an opportunity is present. That is, findings can be conveyed via mediums such as the organisation's website and/or advertisements to showcase demonstrated outcomes from attending the SPARK Program®. This will potentially benefit the community as more separated parents attend the program.

A second threat identified was the perception of “free” legally assisted services despite legally assisted mediations saving the community approximately \$245,000. Potential implications of this perception are nonattendances from pre-arranged sessions with solicitors. This is important because it impacts solicitors who may be less willing to provide their time in the future and as seen in Chapter 4, there is significant time and effort required from the CatholicCare administration team when organising these sessions. So, when an individual does not attend a session, there are both internal and external impacts. Language describing LADR services, such as “free” appears to be critical for community perceptions of the services. Encouragingly, there has been a shift in the language used by CatholicCare staff to highlight the fact that it is not free and is a subsidised service.

5.4 Chapter Summary

This program of research found that key strengths of CatholicCare family support service programs were a child-centred approach and extensive family law knowledge and expertise. Community benefits of these services include substantial financial savings, children developmental and social needs considered when making decisions, and parenting agreements more likely to be sustainable due to legal expertise guiding separated parents through the process of separation. These program strengths help towards addressing the expensive and complex aspects of the family law system noted in the ALRC 2019 Report. However, program strengths are underrepresented thus providing an opportunity to showcase strengths, specifically from the SPARK Program® and legally assisted services. A road map of services available for individuals navigating family law during the process of separation is a key opportunity to provide community benefit and further display the wide range of services offered by CatholicCare. Such a road map would further reduce complexities of the family law system and guide separated parents towards secondary interventions provided by the CatholicCare FRC as recommended in the ALRC 2019 Report.



Chapter 6

Conclusion

Chapter 6: Conclusion

The program of research led by the School of Psychology and Wellbeing at the University of Southern Queensland aimed to achieve two outcomes: first, identify service strengths and community benefits, and second, pinpoint opportunities for fast-tracking community benefits from proposed reforms identified through recommendations from the ALRC 2019 Report and JSC as seen in **Table 1**. Recommended Areas for Reform. These recommendations were suggested to help improve the Australian family law system and are pertinent to family support service providers such as CatholicCare. The family support services investigated were the SPARK Program® and legally assisted suite of services. This report recommends that they be retained and potentially expanded because of the following service strengths and user benefits:

- Child-centred philosophy and service delivery that contributed to empowering separated parents to provide more effective child-centred parenting in the midst of separation stress
- Increased knowledge about the court system and family law and what to expect regarding legalities during the process of separation, thus reducing individual concerns and potentially reducing time spent at court
- Normalisation of and improved adjustment during separation that contributed to transformational change helping the separated individual and their child(ren)
- Financial benefits for LADR participants
- Solicitor skill development.

Also included in this program of research was an assessment of organisational readiness regarding key recommendations. Results from the organisational readiness study and the family support services research identified the following key areas of opportunity:

- Provide children's contact service and perhaps consider doing so in partnership to reduce current community service gaps while increasing revenue
- Design road map of services for individuals in the process of separation to potentially increase reputation and community awareness and external relationships
- Communicate findings of this program of research to the community to increase awareness about successes from individuals who have benefited from CatholicCare thus growing brand recognition and potential revenue sources.



Overall, CatholicCare has an established foundation of service strengths developed through a child-centred philosophy. Cross-team planning, development, and evaluation will be paramount for successful introduction of new service(s) and the ongoing improvement of existing services. If the proposed recommendations are implemented, CatholicCare's minimum level of readiness is that the organisation is cognisant of the need for and implications of proposed changes. For proposed changes that CatholicCare has already implemented and is operating services to reflect these law review recommendations, the organisation is doing so from a position of need-awareness and proactive adaptation.



References

- Amato, P. R., & Anthony, C. J. (2014). Estimating the effects of parental divorce and death with fixed effects models. *Journal of Marriage and Family*, 76(2), 370-386.
<https://doi.org/10.1111/jomf.12100>
- Australian Bureau of Statistics. (2020). *Marriages and divorces, Australia methodology*.
<https://www.abs.gov.au/methodologies/marriages-and-divorces-australia-methodology/2019#classifications>
- Australian Bureau of Statistics. (2021). *Labour force status of families*.
[https://www.abs.gov.au/statistics/labour/employment-and-unemployment/labour-force-status-families/latest-release#:~:text=All%20families,-In%20June%202021&text=6.1%20million%20\(83.4%25\)%20were,of%20these%20being%20single%20mothers](https://www.abs.gov.au/statistics/labour/employment-and-unemployment/labour-force-status-families/latest-release#:~:text=All%20families,-In%20June%202021&text=6.1%20million%20(83.4%25)%20were,of%20these%20being%20single%20mothers)
- Australian Institute of Family Studies. (2021). *Divorce rates in Australia*.
<https://aifs.gov.au/facts-and-figures/divorce-rates-australia>
- Australian Institute of Health and Welfare. (2021). *Suicide and self-harm monitoring: Psychosocial risk factors and deaths by suicide*. <https://www.aihw.gov.au/suicide-self-harm-monitoring/data/behaviours-risk-factors/psychosocial-risk-factors-suicide>
- Australian Law Reform Commission. (2019a). *Family law for the future – An inquiry into the family law system: Final report*. <https://www.alrc.gov.au/publication/family-law-report/>
- Australian Law Reform Commission. (2019b). *Family law for the future – An inquiry into the family law system: Summary report*. https://www.alrc.gov.au/wp-content/uploads/2019/08/alrc_report_135_summary_report_web_0.pdf
- Barney, J. B., Ketchen Jr, D. J., & Wright, M. (2011). The future of resource-based theory: Revitalization or decline? *Journal of Management*, 37(5), 1299-1315.
<https://doi.org/10.1177/0149206310391805>
- Bayliss, L. T., Christensen, S., Lamont-Mills, A., du Plessis, C. (2022). Suicide capability within the ideation-to-action framework: A systematic scoping review. *PLOS ONE*, 17(10), e0276070. <https://doi.org/10.1371/journal.pone.0276070>
- Becher, E. H., Cronin, S., McCann, E., Olson, K. A., Powell, S., & Marczak, M. S. (2015). Parents forever: Evaluation of an online divorce education program. *Journal of Divorce & Remarriage*, 56(4), 261-276.
<https://doi.org/10.1080/10502556.2015.1025900>

- Berry, L. S., Stoyles, G., & Donovan, M. (2010). Postseparation parenting education in a Family Relationship Centre: A pilot study exploring the impact on perceived parent-child relationship and acrimony. *Journal of Family Studies*, 16(3), 224-236. <https://doi.org/10.5172/jfs.16.3.224>
- Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3(2), 77-101. <https://doi.org/10.1191/1478088706qp063oa>
- Braun, V., & Clarke, V. (2012). Thematic analysis. In H. Cooper, P. M. Camic, D. L. Long, A. T. Panter, D. Rindskopf, & K. J. Sher (Eds.), *APA Handbook of Research Methods in Psychology: Vol. 2. Research Designs* (pp. 57-71). American Psychological Association. <https://doi.org/10.1037/13620-000>
- Brown, T. (2008). An evaluation of a new post-separation and divorce parenting program. *Family Matters*, 78, 44-51. <https://search.informit.com.au/documentSummary;dn=101133489012540;res=IELHSS>
- Brown, W. A., Andersson, F. O., & Jo, S. (2016). Dimensions of capacity in nonprofit human service organizations. *Voluntas: International Journal of Voluntary and Nonprofit Organizations*, 27(6), 2889-2912. <https://doi.org/10.1007/s11266-015-9633-8>
- Campbell, J. (2019). Will de-federation of the Family Court fix fragmentation of family law? An analysis of the ALRC's final report on family law. *Forte Family Lawyers*. <https://fortefamilylawyers.com.au/will-de-federation-of-the-family-court-fix-fragmentation-of-family-law-an-analysis-of-the-alrcs-final-report-on-family-law>
- CatholicCare Social Services Southern Queensland. (2021). *The CatholicCare story*. <https://www.catholiccare.services/strategy>
- Chernaya, K. (2022). [A father doing push ups while his son is on his back]. <https://www.pexels.com/photo/a-father-doing-push-ups-while-his-son-is-on-his-back-7302894>
- Clay, V., Crofts, P., Stuart, G., & Gray, D. (2009). *Evaluation of the keeping kids in mind group-work program*. Family Action Centre, University of Newcastle. https://www.catholiccare.org/documents/68/KKIM_Final_Evaluation_Report_15_07_10.pdf
- Darmel, A. (2021). Three people inside the conference room. <https://www.pexels.com/photo/three-people-inside-the-conference-room-8134019>



- Darmel, A. (2022). *A family having fun with frames*. <https://www.pexels.com/photo/a-family-having-fun-with-frames-7322366>
- DeGarmo, D. S., & Jones, J. A. (2019). Fathering Through Change (FTC) intervention for single fathers: Preventing coercive parenting and child problem behaviors. *Development & Psychopathology*, 31(5), 1801-1811. <https://doi.org/10.1017/S0954579419001019>
- D'Onofrio, B., & Emery, R. (2019). Parental divorce or separation and children's mental health. *World Psychiatry*, 18(1), 100-101. <https://doi.org/10.1002/wps.20590>
- Dunstan, D. A., Talbot, C. J., & Del Pozo de Bolger, A. (2017). Supporting children's well-being: Outcomes of a rural child-focused education program for separating or divorced parents. *Australian Journal of Rural Health*, 25(2), 132-133. <https://doi.org/10.1111/ajr.12250>
- Emery, R. E. (1982). *Marital discord and child behaviour problems* [Unpublished doctoral dissertation]. SUNY at Stony brook.
- Fairytale, E. (2022). [Woman playing with her children]. <https://www.pexels.com/photo/woman-playing-with-her-children-3806973>
- Fortunato, W. (2022). *Happy mother and baby sitting on the floor*. <https://www.pexels.com/photo/happy-mother-and-baby-sitting-on-the-floor-6393152>
- Hald, G. M., Ciprić, A., Sander, S., & Strizzi, J. M. (2020). Anxiety, depression and associated factors among recently divorced individuals. *Journal of Mental Health*, 1-9. <https://doi.org/10.1080/09638237.2020.1755022>
- Herrero, M., Martínez-Pampliega, A., & Alvarez, I. (2020). Family communication, adaptation to divorce and children's maladjustment: The moderating role of coparenting. *Journal of Family Communication*, 20(2), 114-128. <https://doi.org/10.1080/15267431.2020.1723592>
- Howarth, S. H., & Caruana, C. (2017). Appendix A: Mandatory mediation in family law – a review of the literature. https://csrcm.cass.anu.edu.au/sites/default/files/docs/CSRM_60ICERT_APPENDIX_A.pdf
- Hsieh, H-F., & Shannon, S. E. (2005). Three approaches to qualitative content analysis. *Qualitative Health Research*, 15(9), 1277-1288. <https://doi.org/10.1177/1049732305276687>



- Kampus Production. (2022a). *A happy family playing on the grassy field*.
<https://www.pexels.com/photo/a-happy-family-playing-on-the-grassy-field-7669179>
- Kampus Production. (2022b). *Elderly woman holding on another woman while walking at the beach*. <https://www.pexels.com/photo/elderly-woman-holding-on-another-woman-while-walking-at-the-beach-8829174>
- Keating, A., Sharpy, J., Murphy, M., Rooney, B., & Carr, A. (2016). An evaluation of the Parents Plus – Parenting When Separated programme. *Clinical Child Psychology and Psychiatry*, 21(2), 240-254. <https://doi.org/10.1177/1359104515581717>
- Kuzma, A. (2022). [Photo of man and child reading book during daytime].
<https://www.pexels.com/photo/photo-of-man-and-child-reading-book-during-daytime-2801567>
- Martindale, R. (2020). A scoping review of post-separation parenting programs evaluated in Australia and internationally. [Master of Counselling thesis, University of Southern Queensland].
- McArthur, M., Thomson, L., Woodward, M., Barker, J., Layton, M., & Winkworth, G. (2011). Evaluation of the supporting children after separation program and post separation cooperative parenting programs. *Institute of Child Protection Studies*. Canberra, Australia.
https://researchbank.acu.edu.au/cgi/viewcontent.cgi?article=4098&context=fea_pub
- McCoy, C. A., & Castner, J. (2020). Logic models for program evaluation in emergency nursing. *Journal of Emergency Nursing*, 46(1), 12-15.
<https://doi.org/10.1016/j.jen.2019.11.005>
- McIntosh, J. E., & Tan, E. S. (2017). Young children in divorce and separation: Pilot study of a mediation-based co-parenting intervention. *Family Court Review*, 55(3), 329-344.
<https://doi.org/10.1111/fcre.12291>
- Mediations Australia. (2022). *Our fees*. <https://mediationsaustralia.com.au/our-fees>
- Mollà Cusí, L., Günther-Bel, C., Vilaregut Puigdesens, A., Campreciós Orriols, M., & Matalí Costa, J. L. (2020). Instruments for the Assessment of Coparenting: A Systematic Review. *Journal of Child and Family Studies*, 29(9), 2487-2506.
<https://doi.org/10.1007/s10826-020-01769-3>
- Morrison, S. (2019, 17 September). Joint parliamentary inquiry into family law and child support [Media release]. <https://www.pm.gov.au/media/joint-parliamentary-inquiry-family-law-and-child-support>



- Parliament of Australia. (2021a). *Joint Select Committee on Australia's family law system*.
https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Family_Law_System/FamilyLaw
- Parliament of Australia. (2021b). *Joint Select Committee on Australia's family law system: Improvements in family law proceedings: Second interim report*.
https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Family_Law_System/FamilyLaw/Second_Interim_Report
- Perry, A., Pyle, D., Lamont-Mills, A., du Plessis, C., & du Preez, J. (2021). Suicidal behaviours and moderator support in online health communities: a scoping review. *BMJ Open*, 11:e047905. <https://doi.org/10.1136/bmjopen-2020-047905>
- Peyton, D. J., & Scicchitano, M. (2017). Devil is in the details: Using logic models to investigate program process. *Evaluation and Program Planning*, 65, 156-162. <https://doi.org/10.1016/j.evalprogplan.2017.08.012>
- Piacquadio, A. (2022). [Woman in gray sweater carrying toddler in white button-up shirt]. <https://www.pexels.com/photo/woman-in-gray-sweater-carrying-toddler-in-white-button-up-shirt-755049>
- Poppitt, A. F. (2020). How effective are divorce education programs at improving parents stress and well-being? A systematic review of randomised control trials. [Bachelor of Science (Honours), majoring in Psychology thesis, University of Southern Queensland].
- Prahalad, C. K., & Hamel, G. (1990, May-June). The core competence of the corporation. *Harvard Business Review*, 68(3), 79-91. <https://hbr.org/1990/05/the-core-competence-of-the-corporation>
- Pyle, D., Perry, A., Lamont-Mills, A., Tehan, G., & Chambers, S. K. (2021). A scoping review of the characteristics and benefits of online prostate cancer communities. *Psycho-Oncology*, 30(5), 659-668. <https://doi.org/10.1002/pon.5618>
- Rahimullah, R. H., Sanri, C., Halford, W. K., Lohan, A., & Petch, J. F. (2020). Brief Acrimony Scale-8 (BACS-8) for Separated Parents-Development and Validation. *Journal of Divorce & Remarriage*, 61(8), 574-581. <https://doi.org/10.1080/10502556.2020.1799309>
- Roseclay, D. (2022). [Photo of man in raising baby under blue sky]. <https://www.pexels.com/photo/photo-of-man-in-raising-baby-under-blue-sky-1166990>



- Rudd, B. N., Holtzworth-Munroe, A., Reyome, J. G., Applegate, A. G., apos, & Onofrio, B. M. (2015). Randomized control trial: Online parent program and waiting period for unmarried parents in Title IV-D court. *Journal of Family Psychology*, 29(5), 679-686. <https://doi.org/10.1037/fam0000106>
- Rudd, B. N., Poladian, A. R., Holtzworth-Munroe, A., Applegate, A. G., & D'Onofrio, B. M. (2017). Randomized control trial follow-up: Online program and waiting period for unmarried parents in Title IV-D Court. *Journal of Family Psychology*, 31(3), 381- 386. <https://doi.org/10.1037/fam0000255>
- Sandler, I., Gunn, H., Mazza, G., Tein, J. Y., Wolchik, S., Berkel, C., . . . Porter, M. (2018). Effects of a program to promote high quality parenting by divorced and separated fathers. *Prevention Science*, 19(4), 538-548. <https://doi.org/10.1007/s11121-017-0841-x>
- Sandler, I., Wolchik, S., Mazza, G., Gunn, H., Tein, J. Y., Berkel, C., . . . Porter, M. (2020). Randomized effectiveness trial of the New Beginnings Program for divorced families with children and adolescents. *Journal of Clinical Child & Adolescent Psychology*, 49(1), 60-78. <https://doi.org/10.1080/15374416.2018.1540008>
- Samkov, I. (2020). *Two men studying together*. <https://www.pexels.com/photo/two-men-studying-together-5676678>
- Schramm, D. G., & McCaulley, G. (2012). Divorce education for parents: A comparison of online and in-person delivery methods. *Journal of Divorce & Remarriage*, 53(8), 602-617. <https://doi.org/10.1080/10502556.2012.721301>
- Schramm, D. G., Kanter, J. B., Brotherson, S. E., & Kranzler, B. (2018). An empirically based framework for content selection and management in divorce education programs. *Journal of Divorce & Remarriage*, 59(3), 195-221. <https://doi.org/10.1080/10502556.2017.1402656>
- Social Ventures Australia and Centre for Social Impact. (2022). Paying what it takes: Funding indirect costs to create long-term impact. <https://www.socialventures.com.au/assets/Paying-what-it-takes.pdf>
- Stallman, H., & Sanders, M. (2014). A randomized controlled trial of family transitions triple p: A group-administered parenting program to minimize the adverse effects of parental divorce on children. *Journal of Divorce & Remarriage*, 55(1), 33-48. <https://doi.org/10.1080/10502556.2013.862091>



- Sweeper, S., & Halford, K. (2006). Assessing adult adjustment to relationship separation: The Psychological Adjustment to Separation Test (PAST). *Journal of Family Psychology*, 20(4), 632-640. <https://doi.org/10.1037/0893-3200.20.4.632>
- Syrikova, T. (2022). [Anonymous man with baby on shoulders walking away]. <https://www.pexels.com/photo/anonymous-man-with-baby-on-shoulders-walking-away-3932687>
- Tai, F. (2021). *Colleagues having a Discussion*. <https://www.pexels.com/photo/colleagues-having-a-discussion-7964227>
- Tricco, A.C., Lillie, E., Zarin, W., O'Brien, K.K., Colquhoun, H., Levac, D., Moher, D., Peters, M.D., Horsley, T., Weeks, L., & Hempel, S. (2018). PRISMA extension for scoping reviews (PRISMA-ScR): checklist and explanation. *Annals of Internal Medicine*, 169(7), p.467-473. <https://doi.org/10.7326/M18-0850>
- Van Dijk, R., Van Der Valk, I. E., Deković, M., & Branje, S. (2020). A meta-analysis on interparental conflict, parenting, and child adjustment in divorced families: Examining mediation using meta-analytic structural equation models. *Clinical Psychology Review*, 79, 101861. <https://doi.org/10.1016/j.cpr.2020.101861>
- Wernerfelt, B. (1984). A resource-based view of the firm. *Strategic Management Journal*, 5(2), 171-180. <https://www.jstor.org/stable/2486175>
- Zhang, Y., Hou, Z., Yang, F., Yang, M. M., & Wang, Z. (2021). Discovering the evolution of resource-based theory: Science mapping based on bibliometric analysis. *Journal of Business Research*, 137, 500-516. <https://doi.org/10.1016/j.jbusres.2021.08.055>

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Appendices

APPENDIX A – Australian Law Reform Commission Inquiry into Australia’s Family Law System

A broad overview of the 60 recommendations across 11 topic areas from Australia’s most comprehensive inquiry into the Family Law system that was completed in 2019 is presented below.

The 11 areas of family law from the 2019 inquiry

1. Closing the jurisdictional gap.

Three recommendations are about the Australian Government working with the State Governments. Recommendations include establishing State and Territory family courts and developing a national information-sharing framework.

2. Children’s matters.

The seven recommendations focus on either repealing or amending sections of the *Family Law Act 1975* (Cth) and courts working together. Two relate to First Nations Peoples and giving their children opportunities to connect to their culture and country, and re-defining “member of the family” to greater reflect First Nations Peoples concept of family member.

Another recommendation calls for repealing the requirement to consider the child spending equal, substantial, or significant time with each parent. Also, “equal shared parental responsibility” should be amended to “joint decision making about long-term issues”.

Of note, factors to consider when determining parenting arrangements are those that are in a child’s best interests. These include safety from family violence, views expressed by the child, maintaining relationships with both parents and other significant people where it is safe to do so, the developmental, psychological, and emotional needs of the child, and the capacity for of each proposed carer to attend to those needs.

3. A simplified approach to property division

There are ten recommendations related to property division. This includes simplifying the list of matters the court is to take into account when considering property division, presuming equality of contributions and superannuation during the relationship, developing a protocol for dealing with debts and subsequent credit reports incurred during the relationship, and including a statutory tort of family violence. This is more about legislation changes and what the court considers when making decisions regarding the division of property.

4. Encouraging amicable resolution



Two of the five recommendations are pertinent to CatholicCare and are discussed further in the recommendations section. Recommendation 23, that Family Dispute Resolution Providers provide a certificate to the parties in all matters where issues in dispute have not been resolved. Recommendation 24 recommends that confidentiality and inadmissibility of discussions and materials be extended from parenting matters to also include property and financial matters. However, it should also be provided that a sworn statement in relation to income, assets, superannuation balances, and liabilities that each party signs at the start of Family Dispute Resolution be admissible.

Other recommendations include financial consequences for failure to make genuine efforts to resolve matters, changing the wording to reflect imbalance of knowledge about financial arrangements, and amending legislation to make explicit disclosure obligations of each party and consequences for breaching those.

5. Arbitration

Four recommendations focus on the scope of arbitration matters, removing the opportunity to object to registration of an arbitral award, and giving the court the power to make directions regarding the direction of arbitration, including termination.

6. Family law case management: Efficiency and accountability

The family courts should consider promulgating a joint Practice Note for Case Management which describes the courts' approaches to the family law practice and procedure provisions. One recommendation is to include in legislation that the purpose of family law and practice is to resolve disputes as efficiently as possible with the least amount of acrimony to minimise harm to families and children. Additionally, a statutory duty should be imposed on parties, lawyers, and third parties to cooperate to achieve said purpose. The proposed modifications specific to family law case management are:

- including as an element of the overarching purpose to facilitate the just resolution of disputes with the least acrimony;
- including as an objective of the overarching purpose the consideration of the best interests of any child involved in the proceedings when considering how proceedings are being conducted;
- including FDR within the scope of the obligation; and
- requiring any person who provides financial assistance or other assistance to any party in so far as that person exercises any direct control, indirect control, or any influence over the conduct of a family law proceeding before the court (including negotiations for



settlement) to take account of the duty imposed on the party and/or the party's lawyer and assist the party and/or lawyer to comply with their duties.

The need to include FDR is because of the current requirement for parties to engage in FDR before filing proceedings in relation to parenting matters. Parties and practitioners will need to consider their compliance with the overarching purpose of the least amount of acrimony when seeking a certificate, or certifying how FDR has been attempted and, in particular, the content of any 60I certificate issued in relation to that process.

Other recommendations include providing the court with the powers: to make an order requiring a litigant to seek leave of the court prior to making further applications and serving them to the other party where the court is satisfied that such an order is appropriate for the safety of the other party and/or children; to exercise summary dismissal powers with regard to the purpose; to exclude 'protected confidences'; and articulate the scope of the courts power to award costs. In addition, it is recommended that family courts should promulgate a joint Practice Note for Case Management to describe the courts' approaches.

7. Compliance with children's orders

Five recommendations are provided and two focus on Family Consultants. One recommendation is to require parties to meet with a Family Consultant to help them understand final parenting orders after a contested hearing. Another is that after a final parenting order hearing, the court is to consider making an order for parties to see a Family Consultant to receive post-order case

Other recommendations relate to appealing interim parenting orders (sufficient doubt or substantial injustice), grounds for a new parenting program (significant change in circumstances and in the child's best interests), and redrafting legislation to provide additional powers to provide for a child spending additional time with a person; attending relevant programs; and a presumption of costs for those who contravene an order.

8. Support services in the courts

It is recommended to replace Family Consultants with Court Consultants and redraft s 11A to include a list of functions a court consultant would provide. Independent Children's Lawyers require specific duty guidelines, First Nations Officers suggested for court registries, litigation representative for people with disabilities, and a framework for decision making in cases involving people with disabilities.

9. Building accountability and transparency



These six recommendations focus on expanding the Family Law Council responsibilities, establishing Children and Young People's Advisory Board, developing requirements for legal practitioners, developing a national accreditation scheme for private family report writers, and requiring any organisation offering a Children's Contact Service to be accredited and make it an offence to provide such a service without accreditation.

10. Legislative charity

Two recommendations: one to redraft the *Family Law Act 1975* (Cth) and specifically redraft privacy provisions that restrict publication of family law proceedings to the public.

11. Secondary interventions

The final four recommendations are related to Family Advocacy and Support Services, Legal Aid, and FRCs, such as CatholicCare. Specifically, FRCs should be expanded to provide case management to clients with complex needs who are engaged with the family law system. Services should be developed to include:

- Financial counselling services;
- Mediation in property matters;
- Legal advice and Legally Assisted Dispute Resolution services; and
- Children's Contact Services.

This overview of areas of recommendations was previously presented to CatholicCare in the form of a report in February 2021.

Detailed Recommendations from the ALRC 2019 Report

The following recommendations were identified as those likely to impact CatholicCare's operations and for which CatholicCare can prepare should they be implemented. The identification of recommendations was completed over two steps. First, the research team reviewed the report, reviewed the literature, and prepared a summary report for CatholicCare. Second, recommendations were further refined following stakeholder consultation.

Recommendations 5, 21, 30, and 39 – Amend the Family Law Act 1975 (Cth) The following recommendations are presented verbatim and grouped together as they are all suggested amendments or changes to the *Family Law Act 1975 (Cth)*.

Recommendation 5



It is suggested that Section 60CC of the *Family Law Act 1975 (Cth)* is amended to ensure that the factors to be considered when determining parenting arrangements that promote a child's best interests are:

- what arrangements best promote the safety of the child and the child's carers, including safety from family violence, abuse, or other harm;
- any relevant views expressed by the child;
- the developmental, psychological, and emotional needs of the child;
- the benefit to the child of being able to maintain relationships with each parent and other people who are significant to the child, where it is safe to do so;
- the capacity of each proposed carer of the child to provide for the developmental, psychological, and emotional needs of the child, having regard to the carer's ability and willingness to seek support to assist with caring; and
- anything else that is relevant to the particular circumstances of the child (Australian Law Reform Commission).

Recommendation 21

It is recommended that the *Family Law Act 1975 (Cth)* require that parties take genuine steps to attempt to resolve their property and financial matters prior to filing an application for court orders; and specify that a court must not hear an application unless the parties have lodged a genuine steps statement. A failure to make a genuine effort to resolve a matter should have costs consequences.

Recommendation 30

The *Family Law Act 1975 (Cth)* should include an overarching purpose of family law practice and procedure to facilitate the just resolution of disputes according to law, as quickly, inexpensively, and efficiently as possible, and with the least acrimony so as to minimise harm to children and their families.

Recommendation 39

The *Family Law Act 1975 (Cth)* should be amended to provide that:

- in all parenting proceedings for final orders, the courts must consider whether to make an order requiring the parties to see a Family Consultant for the purposes of receiving post-order case management; and



- that the appointed Family Consultant has the power to seek that the courts place the matter in a contravention list or to recommend that the court make additional orders directing a party to attend a post-separation parenting program.

Recommendation 23 - Certificate for non-resolved issues

This recommendation is expanding on the current certificate awarding process to include a new category specific to property and financial matters. These certificate categories are based on two issues: recording the attendance or non-attendance of the parties for FDR and recording the outcome of the assessment for suitability. Each of these matters comes within the scope of the FDRPs own knowledge and practice obligations. Certificates can be issued for both property and financial and parenting matters for the following reasons:

- One party attended family dispute resolution (FDR) but the other refused/failed to attend;
- That the party did not attend FDR as it was unsuitable with regard to reg 25 of the *Family Law (Family Dispute Resolution Practitioners) Regulations 2008* (Cth), that is, history of family violence; likely safety; equality of bargaining power; child abuse risk; health (emotional, psychological, and physical); any other matter deemed relevant by Family Dispute Resolution Practitioner (FDRP);
- All attendees made a genuine effort;
- One party made a genuine effort and other did not;
- FDR commenced, but was discontinued by the FDRP with regard to reg 25 of the *Family Law (Family Dispute Resolution Practitioners) Regulations 2008* (Cth);
- FDR commenced and concluded with no or partial resolution of the issues in dispute.

A new specific category is proposed applicable to property and financial matters. This new category provides FDRPs who assess FDR as unsuitable because of a concern about an imbalance in knowledge of the parties' financial arrangements. However, this category is not intended to have forensic weight in court. It is there to indicate to the court that it would be counter to engage in FDR on the basis of an imbalance of knowledge of each party's financial circumstances.

Recommendations 59 and 60 – Family Relationship Centres (case management and development of services)

The ALRC 2019 Report envisions FRCs providing a range of co-located services, including family law and family support services. Ideally, a single intake and assessment process would



identify what is needed and clients would then be linked to the service(s) required. For complex needs clients who are already engaged with the legal system, it is highly recommended that case management be provided as suggested below.

Case management services have been identified as an existing service gap within FRCs. If implemented, they could enhance the ability of FRCs to ensure separating families and children connect with the services that may be required. Such services include housing assistance, health services, and gambling help services. The recommendation is to follow a whole-of-family approach modelled on Relationships Australia Victoria's Family Safety Model (see <https://www.relationshipsvictoria.com.au/services/familyviolence/family-safety-model/>). This model includes a specialist Family Safety Practitioner. The Family Safety Practitioner is allocated to clients affected by family violence and prioritises safety by providing key elements to the partners, former partners, children, and family members. This means providing safety elements such as:

- Safety, risk and needs assessment for all family members;
- Identification of when additional support is needed and referrals to other support services listed above;
- Delivery of coordinated services to all members of the family, as required; and
- Referrals to external organisations when required to prevent clients 'falling through the gaps'.

Effectively, the case manager is the Family Safety Practitioner that places safety as the paramount concern and aims to provide services to all family members either together or separately.

Children's Contact Services (CCS) offer supervised contact and changeover services for separated parents with children who are at risk. When required, CCS provide reports to the family courts to provide an objective account of a family's time at service. CCS integrated within FRCs would increase the number of available government-funded CCSs of which there are currently an insufficient amount. Currently, private organisations are offering services to fill the gap. However, those that are not funded by the Australian Government are unregulated and people working in private CCS are not required to have a Police Check or Working With Children Check. To increase the safety of CCS and put an end to the unregulated private practices, it is recommended to establish accreditation for Australian Government funded CCS. Moreover, it is recommended that it should be an offence to provide this service without accreditation. Therefore, if the accreditation recommendation is implemented, it can reasonably be considered that there will be a large increase in demand for CCS in an already



under-resourced market. The inclusion of CCS into FRCs would further increase the integrated social services model, thus providing parents with supervised time orders access to other complementary services.

To prevent service gaps for First Nations People, it is suggested that resources be allocated to Aboriginal Community Controlled Organisations (ACCOs) and culturally specific services. Given that mainstream services are less likely to be trusted in their ability to provide a culturally safe response, the ALRC 2019 Report recommends expanding FRCs to include services such as ACCOs and other specialist services. The ACCOs and specialist services would ideally include First Nations People with lived experience of family violence, provide culturally safe, integrated legal and social support services, including case management.

Another recommendation is to include a financial counselling service. This would support the increased use of FDR to resolve property and financial matters. Moreover, this would create a model whereby a financial counsellor/mediator could provide technical, financial information, such as income support, child support, superannuation splitting.

Other recommendations of the report specific to FRCs include providing parenting support programs, legally assisted dispute resolution, and therapeutic services, such as family counselling and specialised services for children. For FRCs that already provide these services, the recommendation from the report is to retain and expand these services. These final two recommendations are specific to CatholicCare's FRC.



APPENDIX B – Joint Select Committee on Australia’s Family Law System: Improvements in Family Law Proceedings

Following the publication of the ALRC 2019 Report, the then Prime Minister Scott Morrison announced six months later in September 2019 that a Joint Select Committee (JSC) of both the House and Senate will conduct another inquiry into the family law system (Morrison, 2019). In addition to the family law system, the committee looked at the child support system. However, given the research agreement specifically focused on the family law system and therefore the child support system is outside the scope of the agreement, we have focused on the family law system reports. This section highlights recommendations from two reports. First, the second interim report that focused on Australia’s family law system and second, the final report.

Joint Select Committee Second Interim Report Recommendations

The JSC tabled their conclusions and recommendations relating to the family law system in March 2021 (Parliament of Australia, 2021b). The focus of these recommendations is across four areas which are discussed below.

Delays, costs, and other systemic issues

Approximately 7% of family law disputes are finalised by the family courts. These cases are often complex and include issues such as family violence, child safety concerns, substance abuse, and/or mental health problems (Parliament of Australia, 2021b). For the cases that are severe and/or experience significant delays, the impacts can be distressing and long-lasting. The impacts include but are not limited to financial costs, detrimental for the parent-child relationship, and emotional and psychological suffering for parents and children. As such, expediting the process should reduce the negative impacts noted earlier if these cases could be finalised faster.

The committee suggested 11 recommendations. One recommendation was to expand some pilot programs, such as the Lighthouse project being undertaken in the Federal Circuit Court of Australia (subject to positive evaluations). Two recommendations focused on registrars, with one to broaden the role of registrars and another to fund an additional 25-30 registrars. It was also recommended to amend the *Family Law Act 1975* (which includes genuine steps to resolve a dispute) and better utilise the less adversarial approach in Division 12A of Part VII of the Act to make the courts less adversarial. Other recommendations included a single point of entry be established for the family law system, prohibiting the use of disappoint fees, but support the provision of unbundled legal services in family law matters, include the

proportionality of costs within the new harmonised rules of court, establish governance for family consultants and children's contact services, and implement a trial of an inquisitorial tribunal model.

Family violence

Most matters that progress to the courts often involve allegations of family violence (Parliament of Australia, 2021b). However, the States and Territories are responsible for family violence issues and therefore the committee does not advocate for changes to state and territory laws. The committee does recommend some changes given the relevance of family violence to family law proceedings.

Recommendations 12-16 of the interim report focus on family violence. One recommendation was for the Council of Attorneys-General to undertake a review of the state and territory family violence order framework to address various concerns such as requests for or breaches of family violence orders. The Federal Circuit Court and the Family Court were recommended to establish a mechanism for investigating allegations of wilfully misleading a court. The report recommended the Australian Government develop a platform for family law, child protection, and family violence systems to be shared across Commonwealth and State and Territories, and to increase funding to Legal Aid and community legal centres. The final recommendation was for all family law professionals to undertake regular professional training.

Changes to the Family Law Act – Parenting and property

The committee predominately focused on the highly complex family law matters, as it considers this as most pressing issue regarding parenting matters. These cases are the most pressing because it is these cases that are eventually resolved in court (Parliament of Australia, 2021b). Similar to the first area of recommendations, the committee takes the view that parents and their children should avoid protracted court proceedings because of the potential benefits of a cheaper, timelier, and fairer resolution.

Four recommendations that centred on parenting aspects of the Act were offered by the committee. These include amendments to the *Family Law Act 1975* to (1) address the misunderstanding that equal shared parenting equates to equal shared time with the children, (2) improve guidelines for Independent Children's Lawyers, and (3) simplify Division 13A of Part VII and consider penalties for non-compliance to deter contravention of court orders, and an additional recommendation to provide funding for a registrar-driven National Contravention List to deal with parties breaching court orders.



An additional four property-related recommendations were also suggested. Two recommendations include amendments to the *Family Law Act 1975*. The first is to relocate disclosure duties regarding financial circumstances from the Family Court Rules 2004 and Federal Circuit Court Rules 2001 to the *Family Law Act 1975* and amend the Act to include costs consequences for failure to disclose financial information. A second amendment is suggested to reflect the impact (i.e., disproportionate outcomes for victims) of family violence on property settlements. Other recommendations include expand the current information sharing mechanism between the Australian Tax Office and the Federal Circuit Court of Australia, and for the Family Law Council to examine potential enhancements to binding financial agreements and how to encourage parties to enter pre-nuptial agreements.

Family law system – Alternative dispute resolution and support services

The key evidence presented to the committee identified that support services need to be more accessible and effective for people and that a key barrier to accessibility was inadequate funding (Parliament of Australia, 2021b). Services that the committee recommendations focused on are services for men, the Family Advocacy and Support Service (FASS), legally assisted dispute resolution, and family dispute resolution and property matters.

Four of the five final recommendations focus on support services:

- Expand legally assisted family dispute resolution for parties that do not qualify for legal aid and family and domestic violence cases;
- A review of family violence and family law services be completed to ensure adequate legal and non-legal support services are available and funded where there is a demonstrated need;
- Expand the FASS program with case management services within either the FASS or FRCs available;
- Two final recommendations were direction for the Family Law Council to consider how to best document agreements regarding property arrangements following family dispute resolution, and for the Productivity Commission to investigate direct and indirect costs to the individual and society of family dysfunction and divorce or separation.

Notably, there are some recommendations from the JSC that were also suggested in the ALRC 2019 Report. For example, FRCs are expected to offer additional services, such as case management and legally assisted dispute resolution services, for increasingly complex cases.



Joint select committee final report recommendations

There were significant changes throughout the family law system between the March 2021 interim report and the final report published in November 2021 (Parliament of Australia, 2021b). The final report identified development since the interim report. These changes included the merger of the Family Court and the Federal Circuit Court of Australia, a National Contravention List established, expansion of the FASS program, and an increase in funding for children's contact services and additional funding the national Legal Assistance Partnership 2020-25 for legal services.

Only four recommendations were suggested in the final report. Two recommendations are extensions from the interim report. The first recommends the Lighthouse Project be expanded to all Federal Circuit and Family Court of Australia registries. The second recommends that the Priority Property Pools under \$500,000 pilot be expanded to all Federal Circuit and Family Court of Australia registries through additional funding for registrars and other staff (subject to positive evaluation). The third recommendation is dependent on an amendment (Federal Family Violence Orders) Bill 2021 being passed. If the Bill is passed, the committee recommends the Australian Government ensures the courts have sufficient resources to implement and enforce Federal Family Violence Orders. The final recommendation is that the Australian Government considers funding and establishing a national arbitration scheme for property-only disputes when combined net-assets are valued at \$500,000 or less.



APPENDIX C – Scoping Review Method

A search of electronic databases was conducted identifying studies evaluating the effectiveness of post-separation parenting programs worldwide, reported in English, from 2006 as this allows the inclusion of Australian studies since the legislative change in Australia (*Family Law Amendment [Shared Parental Responsibility] Act 2006*) whilst not repeating studies included in the previous meta-analysis by Fackrell et al. (2011). Earlier studies from outside of the United States of America and Canada were included in this research as they were not covered in the Fackrell et al. earlier meta-analysis.

The search was conducted over a period from February 2020 to April 2020 using a hierarchical approach, searching identified keywords including; post separation parenting course Australia, post-divorce cooperative parenting programs Australia, evaluation of cooperative parenting programs Australia, evaluation of post separation post-divorce cooperative parenting programs, (“divorc* parent* education program or programs or programme or programmes”) and (study or evaluation or review) and (separation or post-separation or post separation).

Using the online University of Southern Queensland library databases a-z, with the parameters of 1990 to 2020, full-text scholarly peer-reviewed studies the following databases produced results: EBSCOhost, including Academic Search Ultimate, APA PsycArticles, APA PsycInfo, APA PsycTests, Australia/New Zealand Reference Centre, CINAHL with Full Text, eBook Collection (EBSCO Host), E-Journals, Health Source – Consumer Edition, Health Source: Nursing/Academic Edition, Psychology and Behavioural Sciences Collection and Sociology Source Ultimate. A search with Google Scholar was also completed. The reference lists of these studies were scanned for further inclusions and finally, a search of information from government departments was conducted. An initial screening of titles and abstracts for relevance was completed and duplicates discarded. Relevance was determined if the study comprised post-separation parenting program information that addressed the research aim. Full articles were then retrieved and screened to ensure they fit the inclusion criteria, as outlined above.

Data Extraction

The full text of all articles included in the scoping review (n = 32) was reviewed, and data extracted and mapped. Relevant details were recorded, including the study authors, year of publication, the program and location, parameters of evaluation, sample, method, limitations and key findings. Using NVivo, the statistical and qualitative data analysis software (QSR International, 2020), the studies were examined to code and organise the data. As there was already an understanding of what the studies were being examined for, a process of

deductive content analysis was used (Elo & Kyngäs, 2008; Liamputtong & Serry, 2017). Overarching categories were identified based on the purpose of the scoping review.

This coding allowed for the identification and examination of themes and characteristics of programs, the method of evaluation, and the limitations of the studies conducted. Codes were then examined to identify the components of current post-separation parenting programs and explore the limitations of the research to illuminate possible gaps. This determined the extent of what is currently known about the effectiveness of post-separation parenting programs worldwide and show how this aligns with what is occurring in Australia



APPENDIX D – Systematic Literature Method

Search Procedure

A systematic literature search was conducted in July 2020 of the following seven electronic databases: PsycArticles, PsycInfo, PubMed, Education Research Complete, Humanities Source Ultimate, Psychology and Behavioral Sciences Collection, Sociology Source Ultimate. Databases were selected based on their interdisciplinary coverage of peer-reviewed journals, primarily within the domains of psychology and education where evaluation studies of divorce education programs were most likely to be located. Search results were limited to studies published between 1/1/2010 – 31/12/2019.

Keywords most commonly found within the literature of relevance to the topic were grouped into three distinct categories and a process of probing searches and elimination identified core words which formed the search string. The search string was designed to be broad enough to locate all relevant papers of interest while also focused on terms specific to the area under investigation. The search terms were:

divorce

AND

education OR parent OR coparenting OR co-parenting

AND

program OR intervention.

Eligibility Criteria

Studies included in this review needed to meet both primary and secondary criteria. Criteria were categorised into primary and secondary groups to facilitate the screening of results. The primary criteria are the main study characteristics which identify the type of research and target population. Secondary criteria were additional study criteria measures used in further screening.

Primary Criteria

Evaluation study of a parent-focused divorce education program. Specifically, this paper defines a divorce education program as an educational intervention or program that focuses on providing parent education in the context of divorce and separation. Interventions that were not parent education programs i.e., parenting coordination programs, therapeutic interventions, and mediation programs were excluded. Study participants were required to be

parents that were either separating/separated or divorcing/divorced. Studies with married participants or where parent relationship status was unclear were excluded. Interventions that targeted children were also excluded. Studies included were not limited by location, method of delivery (online/offline) or whether the program being evaluated was court affiliated.

Secondary Criteria

Studies included were additionally required to: a) use a randomised control trial study design, b) include statistical measures to evaluate the effectiveness of the program with quantitative outcomes, c) not be a literature review or meta-analysis, d) be written in English language, e) have full-text availability, f) be published in a peer-reviewed journal, f) be published between 1/1/2010 – 31/12/2019 inclusive, g) not be a follow-up study of research undertaken prior to 1/1/2010, e.g. studies which assessed the long-term effects of a program previously evaluated more than 10 years ago.

Limiting included studies to peer-reviewed randomised control trials was done to control for differences in research design. Randomised control trials are the most rigorous way of inferring a causal relationship between the intervention and the treatment effect (Sibbald & Roland, 1998). In a randomised control trial, participants are randomised when allocated to groups, which ensures no systematic differences due to participant characteristics between study conditions, although differences can still occur by chance (Schulz & Grimes, 2002).

Data Extraction and Analysis

The program aims, duration, format, attendance, control type, sample size and characteristics, measures assessed, main findings and limitations were tabulated for each of the included articles. One article was a follow-up study of an article already included; therefore its data was consolidated within the table as the study details were the same (Rudd et al., 2017). Articles were reviewed in detail and main results from between-group analyses were collated into their respective outcome categories and reported on. Findings from within-group analyses were not reported on. Effect sizes are reported using the conventions outlined by Cohen (1988) of small ($d = 0.2$), medium ($d = 0.5$), and large ($d = 0.8$).

APPENDIX E – Questionnaires for Revised Spark Program® Survey

Psychological Adjustment to Separation Test (PAST; Sweeper & Halford, 2006)

Rating scale is as follows:

- 1 = Strongly disagree
- 2 = Disagree
- 3 = Neither agree nor disagree
- 4 = Agree
- 5 = Strongly agree

Items

1. I find it hard to do things without a partner.
2. I constantly think about my former partner.
3. I feel isolated.
4. Days that have special meaning for my former partner and I are really difficult.
5. I miss my former partner a lot.
6. I am used to not seeing my former partner anymore. (Reverse scored)
7. I wish my former partner and I could try to make the relationship work.
8. I don't really know why my former partner and I separated.
9. I find it difficult to enjoy myself.
10. It is hard looking at photos and other things that remind me of my former partner.
11. I don't have much time to see my friends.
12. I feel like I'm on a constant emotional roller-coaster ride.
13. I get angry more than I used to.
14. I make an effort to organise social activities. (Reverse scored)
15. I feel desperately lonely.
16. I feel like my life has less purpose in it now.
17. I sometimes have difficulty controlling my emotions.

- 18 I feel rejected by my former partner.
- 19. Little things seem to upset me now.
- 20. My former partner and I agree on the child custody arrangements. (Reverse scored)
- 21. I agree with my former partner on the discipline of my child/children. (Reverse scored)
- 22. My former partner and I avoid speaking to one another.
- 23. When I speak to my former partner we usually fight over the child/children.
- 24. My former partner and I arrange child visitation well. (Reverse scored)
- 25. I fight with my former partner over the well-being of the child/children.
- 26. My former partner and I can talk in front of the child/children without arguing. (Reverse scored)

Brief Acrimony Scale for Separated Parents (Rahimullah et al., 2020)

The rating scale is as follows:

- 1 = Almost never
- 2 = Some of the time
- 3 = Much of the time
- 4 = Almost always

Items

- 1. Do you feel friendly toward your former partner? (reverse scored)
- 2. Do you have friendly talks with your former partner? (reverse scored)
- 3. Is your former partner a good parent? (reverse scored)
- 4. Do you and your former partner agree on discipline for the children? (reverse scored)
- 5. Do you feel hostile toward your former partner?
- 6. Does your former spouse feel hostile toward you?
- 7. Can you talk to your former spouse about problems with the children? (reverse scored)

8. Do you have a friendly divorce or separation? (reverse scored)



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