

The Senate

Community Affairs
References Committee

Grandparents who take primary responsibility
for raising their grandchildren

October 2014

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44th Parliament

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ABBREVIATIONS

AASW	Australian Association of Social Workers
ABS	Australian Bureau of Statistics
AFCA	Australian Foster Care Association
AFVPLS Vic	Aboriginal Family Violence Prevention and Legal Service Victoria
AHRC	Australian Human Rights Commission
AIFS	Australian Institute of Family Studies
AIHW	Australian Institute of Health and Welfare
ALS	Aboriginal Legal Service
AMA	Australian Medical Association
ATSILS Qld	Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd.
Blue Care	Blue Care Multicultural Services
CALD	culturally and linguistically diverse
Census	Census of Population and Housing
Centre for Excellence	Centre for Excellence in Child and Family Welfare Inc.
COAG	Council of Australian Governments
committee	Senate Community Affairs References Committee
COTA	COTA Australia
Council	Family Law Council
Department	Department of Human Services
Federal Circuit Court	Federal Circuit Court of Australia
Framework	National Framework for Protecting Australia's Children 2009-2020
FRSA	Family and Relationship Services Australia

Gosnells	Gosnells Community Legal Centre Inc.
GRG WA	Grandparents Rearing Grandchildren WA (Inc.)
ICT	information and communication technologies
LAC	Legal Aid Commission
LCA	Law Council of Australia
NAAJA	North Australian Aboriginal Justice Agency
NATSEM	National Centre for Social and Economic Modelling
NDIS	National Disability Insurance Scheme
NLA	National Legal Aid
Principle	Aboriginal Child Placement Principle
Shoalcoast CLC	Shoalcoast Community Legal Centre Inc.
SNAICC	Secretariat of National Aboriginal and Torres Strait Islander Child Care
SPRC	Social Policy Research Centre
TARS	The Aged-care Rights Service Inc.
TSA	The Salvation Army
WA Commissioner	Commissioner for Children and Young People, Western Australia
Victorian Commission	Victorian Commission for Children and Young People
VCOSS	Victorian Council of Social Service
Wanslea	Wanslea Family Services Inc.
Winangay	Winangay Resources Inc.
WLS NSW	Women's Legal Services NSW

LIST OF RECOMMENDATIONS

Recommendation 1

8.7 The committee recommends that:

- **the Department of Social Services and the Department of Human Services initiate a comprehensive review of support provided to grandparents raising grandchildren. As part of the review:**
 - **the Department of Human Services establish a sub-committee within the Older Australian Working Group to enable ongoing engagement with grandparents raising grandchildren;**
 - **the Department of Human Services puts in place and maintains processes to more accurately collect and review data received from the Grandparent Adviser 1800 telephone number;**
- **the Department of Social Services' Children's and Families Secretaries' Group, as the primary platform for jurisdictions to collaborate on innovative approaches to child and family issues, makes grandparents raising grandchildren a priority topic for discussion at a meeting to be specifically convened to address this issue or at its next meeting; and**
- **the Department of Social Services' Children's and Families Secretaries' Group, using an appropriate model, undertake a trial programme that makes available to grandparents vouchers to assist meeting the cost of educational tutorial expenses, including the cost of ICT training for grandparents raising teenage grandchildren.**

Recommendation 2

8.9 The committee recommends that the Department of Human Services investigate means of identifying kinship care arrangements in applications for Commonwealth benefits, with a view to better identifying grandparent-headed families to whom financial support(s) should be provided, subject to any eligibility criteria.

Recommendation 3

8.11 The committee recommends that the Department of Human Services review the number and geographical allocation of grandparent advisor positions, with a view to ensuring:

- **that needs are being met in high-demand service areas;**
- **the specific needs of grandparents raising grandchildren in rural and regional Australia are being adequately met; and**

- if required, increasing the number of grandparent advisors employed under the Grandparent Advisor Program.

Recommendation 4

8.13 The committee recommends that the Australian Government considers:

- providing dedicated funding for community legal centres and Aboriginal and Torres Strait Islander Legal Services, to enable the better provision of legal assistance to grandparents who have taken on the primary care of their grandchildren; and
- funding for relationship supports and services, to assist grandparents raising grandchildren to better manage intra-family relationships which are complicated by the assumption of primary care responsibilities.

Recommendation 5

8.15 The committee recommends that the Australian Government, in consultation with relevant stakeholders, investigate how access to and the availability of professional counselling services can be enhanced for grandparent-headed families.

Recommendation 6

8.17 The committee recommends that the Australian Bureau of Statistics:

- include a question, or set of questions, in the Census of Population and Housing, commencing in 2016, to identify those households in which kinship carers have primary responsibility for children or young people, and the carer's relationship to that person; and
- begin compilation of a longitudinal dataset for grandparent-headed families, with a view to identifying relevant support and service needs, including for grandparents caring for grandchildren with disability and Aboriginal and Torres Strait Islander grandparents raising grandchildren.

Recommendation 7

8.18 The committee recommends that the Australian Institute of Family Studies:

- include a longitudinal study in its Research Directions 2015-18 for endorsement by its Advisory Council and the Australian Government; or
- alternatively, conduct:
 - a national, cross-sectional, probability telephone survey of grandparents, including a nested sample of former and current grandparents raising grandchildren; and

- a separate qualitative study of Aboriginal and Torres Strait Islander grandparents raising grandchildren, to better inform government policies and practices which support grandparent-headed families.

Recommendation 8

8.20 The committee recommends that, the Australian Government, through the COAG process:

- convene a national forum specifically for grandparents raising grandchildren and their local support groups, non-government organisations and representatives from the Commonwealth, state and territory governments, and that this forum:
 - investigate a means of recognising the role and contribution of grandparents raising their grandchildren throughout Australia; and
 - consider effective avenues for raising community awareness and understanding of the role and contribution of grandparents who have the primary responsibility for raising their grandchildren.

Recommendation 9

8.22 The committee recommends that state and territory governments consider:

- extending foster care allowances to grandparents who are raising their grandchildren without orders from a court exercising family law jurisdiction or care and protection jurisdiction; and
- investigating means of facilitating contact arrangements between children in grandparent-headed families and their birth parents.

Recommendation 10

8.23 The committee recommends that state and territory governments consider:

- reviewing the rates of financial assistance paid to grandparents as out-of-home carers, with particular consideration to addressing the disparity in financial support between foster carers and grandparents raising grandchildren;
- the provision of training to grandparents raising their grandchildren, to better support them in their daily parenting roles;
- the provision of respite services to grandparents raising their grandchildren, with a focus on enhancing and extending those services to all grandparents raising grandchildren;

- the formal assessment of kinship care placements within six months of the commencement of a placement, with a view to ascertaining the specific supports and services required by a grandparent raising grandchildren; and
- existing policies and practices relating to the priority allocation of public housing, with a view to expediting accommodation suitable to the needs of grandparent-headed families.

Recommendation 11

8.25 The committee recommends that the Australian Government, in co-operation with state and territory governments, examine increased and more certain funding for voluntary support groups which provide peer support to grandparents raising grandchildren to better facilitate the establishment, maintenance and operations of such groups.

Recommendation 12

8.27 The committee recommends that the COAG give attention to:

- collaborating on the development of guidelines, protocols and templates to ensure consistent implementation of Standard 4 of the *National Standards for Out-of-home Care*, which provides for each child and young person to have an individualised education plan; and
- considering facilitating education and awareness training within each jurisdiction on the special circumstances and needs of grandparents raising grandchildren.

Recommendation 13

8.28 The committee recommends that the COAG Education Council initiates a review into the practical supports and services that could be provided to children in out-of-home care (including grandparents raising grandchildren), to promote positive outcomes in education.

Recommendation 14

8.30 The committee recommends that the COAG, in conjunction with state-based community service providers:

- review the information currently available to grandparents raising grandchildren in relation to government and non-government supports and services;
- develop, and update as required, a comprehensive guide to the supports and services available to grandparents raising grandchildren in each jurisdiction;

- **make the comprehensive supports and services guide widely available across a range of mediums and in a variety of formats, including for Aboriginal and Torres Strait Islander grandparents raising grandchildren;**
- **review, and develop if necessary, in consultation with the relevant courts, information materials that:**
 - **identify and explain potential pathways for grandparents raising grandchildren who wish to formalise care arrangements for their grandchildren; and**
 - **identify specific sources of potential legal assistance in each jurisdiction.**

Recommendation 15

8.32 The committee recommends that, through the COAG Health Council, governments consider enhancing the provision of mental health services for grandparent-headed families, with special attention given to grandchildren affected by trauma.

Recommendation 16

8.34 The committee recommends that:

- **the Third Action Plan 2015-2018 elevates the strategic and policy areas associated with grandparents raising grandchildren;**
- **as an initiative under the National Framework, governments explore options to improve mental health services for all family members, to support the family unit and prevent children from entering the out-of-home care system; and**
- **governments recognise the special needs of and costs associated with raising children with disability, in determining eligibility for, and the extent of, supports and services provided to grandparents raising grandchildren.**

Recommendation 17

8.36 The committee recommends that the COAG:

- **explores options for providing informal grandparents raising grandchildren with access to legal assistance (including legal representation) in relation to the care arrangements for the grandchildren;**
- **affirms support for the Commonwealth's Informal Relative Caregiver's Statutory Declaration, with a view to implementing a consistent means of recognising informal grandparents raising grandchildren within and across jurisdictions; and**

- **investigates means of supporting informal grandparents raising grandchildren who initiate proceedings in the family law jurisdiction and the care and protection jurisdiction, including a more active role for child protection authorities and an enhanced role for mediation.**

Recommendation 18

8.37 The committee recommends that state and territory governments reconsider Recommendation 19-3 of the Australian Law Reform Commission and New South Wales Law Reform Commission's joint report *Family Violence—a National Legal Response*, to enhance the assistance provided by child protection authorities to grandparents rearing grandchildren in the family law jurisdiction.

Chapter 1

Introduction

1.1 In late 2013, the Australian Government asked the Productivity Commission to inquire into childcare and early childhood learning.¹ The inquiry highlighted the role played by grandparents in the provision of informal childcare.² Far less visible, however, is the significant role and contribution of grandparents who take on the primary responsibility for raising their grandchildren.

1.2 Throughout Australia, there are tens of thousands of children being raised by their grandparents. These arrangements often result from a combination of adverse circumstances and produce challenges which are unique to the family situation. Although some issues have previously been examined,³ the challenges remain despite an upward trend in grandparent provided care.

1.3 This inquiry focuses on the unmet support needs of grandparents who raise their grandchildren and how to address those needs.

Terms of Reference

1.4 On 9 December 2013, the Senate referred the following matters to the Senate Community Affairs References Committee (committee) for inquiry and report by 30 September 2014:

Grandparents who take on the primary responsibility for raising their grandchildren when parents are unable or unwilling to do so, through a formal or informal care arrangement, including:

- (a) the practical challenges facing grandparents raising their grandchildren, and their support needs;
- (b) the role and contribution of grandparents raising their grandchildren, and how this should be recognised;
- (c) other challenges that grandparents raising their grandchildren face in undertaking their role, including in circumstances complicated by family conflict, mental illness, substance abuse, homelessness, child abuse or neglect, or family violence;
- (d) the barriers that grandparents raising their grandchildren face in acquiring legal recognition of their family arrangements, including Legal

1 See: <http://pc.gov.au/projects/inquiry/childcare>.

2 Productivity Commission 2014, *Childcare and Early Childhood Learning*, Draft Report, Canberra, p. 94, available at: http://pc.gov.au/data/assets/pdf_file/0008/138383/childcare-draft.pdf (accessed 25 September 2014).

3 For example: COTA National Seniors, *Grandparents Raising Grandchildren, A Report of the project commissioned by The Hon Larry Anthony, Minister for Children and Youth Affairs*, July 2003; Parliament of Tasmania, Joint Standing Committee on Community Development, *Report on Issues Relating to Custodial Grandparents*, Report No. 2, 2003.

Aid entitlements for grandparents seeking to formalise their custodial arrangements through the Family Law Courts;

(e) the practical measures that can be implemented by the Commonwealth, state and territory governments and the community sector to better support grandparents raising their grandchildren, including key priorities for action;

(f) the specific needs of particular groups within the caring population, including Aboriginal and Torres Strait Islander grandparent carers, grandparents caring for grandchildren with disability, grandparents from culturally and linguistically diverse backgrounds, grandparents with mental health needs, and grandparents with an informal care arrangement for their grandchildren; and

(g) other related matters.⁴

1.5 On 30 September 2014, the Senate extended the reporting date to 29 October 2014, to allow the committee further time to consider the submissions and evidence received throughout the inquiry.⁵

Conduct of the inquiry

1.6 The committee advertised the inquiry in *The Australian* on 5 February 2014. Details of the inquiry were placed on the committee's website and the committee wrote to over 130 organisations, inviting submissions by 14 March 2014. Submissions continued to be accepted after that date.

1.7 The committee received 176 submissions from a diverse range of individuals and organisations, including grandparents and their families, support groups, community service providers, legal professionals, the Federal Circuit Court of Australia, independent statutory authorities and the Tasmanian Government. A list of the individuals and organisations who made submissions is provided at Appendix 1.

1.8 Public hearings were held throughout Australia: Melbourne on 10 June 2014; Sydney on 13 June 2014; Canberra on 20 June 2014; Darwin on 5 August 2014; Perth on 6 August 2014; Albany on 7 August 2014; and Hobart on 19 September 2014. Transcripts of the hearings are available on the committee's website,⁶ and a list of the witnesses who gave public evidence at the hearings is provided at Appendix 2.

Acknowledgements

1.9 At the outset, the committee recognised the importance of engaging grandparents who are raising their grandchildren and those children in the inquiry. In addition to the receipt of submissions and evidence, the committee held a number of roundtable discussions in Perth, Albany and Hobart, as well as visiting the Larrakia Nation Bagot Community in Darwin. The committee appreciates how difficult it can

4 *Journals of the Senate*, No. 8–9 December 2013, p. 282.

5 *Journals of the Senate*, No.57–30 September 2014, p. 1550.

6 See: http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs.

be to discuss private family matters and is grateful to all the grandparents and their grandchildren for courageously sharing their experiences with the committee.

1.10 The committee thanks also those individuals and organisations who facilitated the committee's inquiry. In particular, the committee wishes to acknowledge: the Centre for Excellence in Child and Family Welfare Inc. and CREATE Foundation for organising the appearance of grandchildren at the Melbourne and Sydney public hearings; the Larrakia Nation Aboriginal Corporation for kindly arranging the committee's visit to the Larrakia Nation Bagot Community; Grandparents Rearing Grandchildren WA (Inc.) and Ms Christine Jeffries for their assistance in organising the appearance of grandparents raising grandchildren at the Perth and Hobart public hearings; and Ms Meredith Kiraly for the provision of background reading material in the early stages of the inquiry.

Key concepts

1.11 For the purposes of this report, the committee uses two key concepts in relation to grandparents who have assumed the primary care of their grandchildren:

- formal care—grandparents who are raising their grandchildren as a result of:
 - Parenting Orders made by the Family Court of Australia or the Federal Circuit Court of Australia, pursuant to Commonwealth legislation; or
 - child protection orders made by a Children's Court, Youth Court or Magistrates Court, pursuant to state and territory legislation; and
- informal care—grandparents who are raising their grandchildren through private arrangements, which may or may not be known to child protection authorities.⁷

1.12 In addition, the term 'kinship carers' is used intermittently and should be understood to include grandparents raising grandchildren as a subgroup of all relatives who care for family members.

Statistical incidence of grandparents raising grandchildren in Australia

1.13 The Australian Bureau of Statistics (ABS) conducts a comprehensive program of social data collections, and provides statistics on a range of matters relating to family and care responsibilities.⁸ However, the existing data does not easily allow for the identification and enumeration of grandparents raising grandchildren in Australia. The Social Policy Research Centre (SPRC) described this task as:

...methodologically and conceptually complex, particularly because of the range of formal and informal arrangements that characterise grandparent care. Existing data on the number of grandparent carers, their characteristics

7 Brennan, D., Cass, B., Flaxman, S., Hill, T., Jenkins, B., McHugh, M., Purcal, C., & valentine, k. (2013), *Grandparents raising grandchildren: Towards recognition, respect and reward (Grandparents raising grandchildren)* (SPRC Report 14/13), Social Policy Research Centre, University of New South Wales, p. 14.

8 *Submission 93*, p. [1].

and circumstances have resulted in divergent and fluctuating estimates. An important reason for these differences and fluctuations is that the surveys they are based upon are not actually designed to capture grandparents' responsibility for grandchildren.⁹

1.14 In 2013, the SPRC reported analysing data from the 2006 Census of Population and Housing, which sought for the first time to identify grandparent-grandchild relationships within a household for children aged under 15 years. The SPRC concluded that there were (then) 8,050 to 35,926 families where grandparents may have had the primary responsibility for raising their grandchildren. A further 27,594 families were identified, where the household included a grandchild's lone parent who may have exercised parental responsibility.¹⁰

1.15 According to the Australian Institute of Family Studies (AIFS), data from the 2011 Census of Population and Housing indicates that there was (then) a total of 46,680 'grandparent families', that is, households where there were grandparent-grandchild relationships in the absence of parent-child relationships.¹¹

1.16 In its submission, the ABS cautioned that 'the value of census data is in identifying family structure and it is not necessarily able to define caring responsibilities between various family members'.¹²

Enhanced data collection

1.17 Submitters suggested that the ABS should further develop its data collection, particularly in relation to informal grandparents raising grandchildren.¹³ Wanslea Family Services Inc., a Western Australia-based community service provider, argued that a strong evidence base would allow for the provision of targeted supports and services:

The number, profile and needs of both informal and formal grandparent carers are underrepresented in government statistics and data, as well as Australian and state-based research. The needs of grandparent carers and the evaluation of services to support them need to be a priority in the Commonwealth Government's research agenda and associated funding priorities.¹⁴

1.18 Participants highlighted the Census of Population and Housing (Census) and the Australian Census Longitudinal Dataset as two data sources which the ABS could

9 Brennan et al, *Grandparents raising grandchildren*, pp 1-2.

10 Brennan et al, *Grandparents raising grandchildren*, p. 65.

11 *Submission 99*, p. 6.

12 *Submission 93*, p. [4].

13 For example: Dr Marilyn McHugh, *Submission 17*, p. 1; Victorian Council of Social Service, *Submission 96*, p. 5; Children's Commissioner, Northern Territory, *Submission 111*, p. 1; Centre for Excellence in Child and Family Welfare Inc. (Centre for Excellence), *Submission 169*, p. 9.

14 *Submission 150*, p. 10. Also see: Australian Medical Association, *Submission 82*, p. 4.

enhance, to provide more comprehensive information on the incidence and circumstances of grandparent care in Australia.¹⁵

1.19 In relation to the Census, for example, the Australian Human Rights Commission (AHRC) suggested the inclusion of a question which identifies the 'caring relationship' in grandparent-headed families. By way of example, the AHRC referred to a question contained in the 'long' form 2000 United States Federal Census:

Question 19, United States Census 2000

(a) Does this person have any of his/her own grandchildren under the age of 18 living in this house or apartment?

Yes / No–skip

(b) Is this grandparent currently responsible for most of the basic needs of any grandchild(ren) under the age of 18 who live(s) in this house or apartment?

Yes / No–skip

(c) How long has this grandparent been responsible for the(se) grandchild(ren)? If the grandparent is financially responsible for more than one grandchild, answer the question for the grandchild for whom the grandparent has been responsible for the longest period of time.

Less than 6 months / 6-11 months / 1-2 years / 3-4 years / 5 years or more¹⁶

1.20 In relation to the Australian Census Longitudinal Dataset, the Australian Institute of Health and Welfare (AIHW) and the AIFS supported the conduct of a longitudinal study.¹⁷ According to the AIFS:

[In addition to enumeration], such a study could also derive estimates on the circumstances that lead to these arrangements, the psycho-social and cultural characteristics of these families, the physical and emotional health of both the grandparents and the children, the stability of such arrangements, and the strengths and vulnerabilities that the grandparents bring to the task. These data are needed if a well-informed policy or service framework is to be developed.¹⁸

1.21 Professor Alan Hayes, Director of the AIFS, advised that the AIFS would like to place a longitudinal study on the agenda for future research: 'as a family type [grandparent provided care] is an increasingly important area that we do not have

15 For example: National Seniors, *Submission 131*, p. 6.

16 *Submission 133*, p. 21. Also see: Australian Institute of Family Studies (AIFS), *Submission 99*, p. 13.

17 Dr Pamela Kinnear, Head, Continuing and Specialised Care Group, Australian Institute of Health and Welfare (AIHW), *Committee Hansard*, Canberra, 20 June 2014, p. 8; AIFS, *Submission 99*, p. 12.

18 *Submission 99*, p. 12. The submission indicated also the need for nested studies with respect to particular groups, for example, Aboriginal and Torres Strait Islander families, as well as the need to include children's perspectives.

sufficient information about at the moment'.¹⁹ The AIFS elaborated that the ideal approach would be a broad longitudinal study of ageing:

Within such a study, a large number of grandparents and a smaller number of grandparent families would be identified. Placing a study of grandparents within a broader study of ageing would provide a comparative frame of reference within which to evaluate the wellbeing and circumstances of grandparents and grandparent families. Adding a longitudinal dimension would enable an accurate tracking of the effects of grandparenting and grandparent family care on their wellbeing over time.²⁰

1.22 However, the AIFS proposed a 'more modest solution at this point'. The AIFS explained that a longitudinal study would require the construction of an unbiased sampling frame, including an expensive large-scale screening stage to locate grandparent-headed families which are 'relatively rare'.²¹ Instead, a national, cross-sectional, probability telephone survey, including a sample of grandparents raising grandchildren, would be a more 'cost-effective and more timely solution to the need to understand grandparent families better'.²² In addition, the AIFS recommended:

...a separate qualitative study of Indigenous grandparents in which the role of grandparents in providing care for grandchildren is investigated.²³

1.23 Dr Pamela Kinnear from the AIHW noted that Commonwealth, state and territory governments have recognised the importance of enhancing the evidence base,²⁴ with a broad commitment toward improving the Child Protection National Minimum Dataset:

Collecting data that can be compared across jurisdictions is...a priority. We have commissioned improvements in the Child Protection National Minimum Dataset...that collects data on children and family demographics, children's pathways into the child protection system, the type of abuse or neglect children experience, and demographic information about their carers. This data will include information on [Aboriginal and Torres Strait Islander], disability and culturally and linguistically diverse status, where possible.²⁵

19 *Committee Hansard*, Melbourne, 10 June 2014, p. 37. Also see: AIFS, answers to questions on notice, received 22 September 2014, pp 7-8.

20 Answers to questions on notice, received 22 September 2014, p. 3.

21 Answers to questions on notice, received 22 September 2014, pp 2-6.

22 Answers to questions on notice, received 22 September 2014, p. 6.

23 Answers to questions on notice, received 22 September 2014, p. 2.

24 *Committee Hansard*, Canberra, 20 June 2014, pp 7-8.

25 Commonwealth of Australia, *Protecting Children is Everyone's Business, National Framework for Protecting Australia's Children 2009-2020, Second three-year action plan 2012-2015*, 2012, p. 30, available at: <http://www.dss.gov.au/our-responsibilities/families-and-children/publications-articles/protecting-children-is-everyone-s-business-national-framework-for-protecting-australia-s-children-2009-2020-second-action-plan-2012-2015> (accessed 4 September 2014).

1.24 In addition to a longitudinal study, Dr Kinnear suggested that it would be beneficial to make better use of administrative datasets:

We could certainly get a better view using administrative data collections were we able to get the datasets sufficiently well enhanced to actually get some good specifications and then link it. To give you an example, if the Child Protection National Minimum Dataset was the gold standard of the datasets...you would be able to link that dataset to some other dataset—for example, the National Disability Services Dataset, or some of the housing datasets—and you actually get another view of the grandparent carer children in the child protection system who might also have disabilities, who might also have housing problems, et cetera.

By linking datasets, you can start adding dimensions...There [are] all kinds of methodological and feasibility challenges with linking, but if you have actually got a good linkage key and you can do it, then it can be an incredibly powerful tool.²⁶

Growth in kinship care

1.25 Each year, the AIHW collaborates with the states and territories to manage the national collection of child protection data. This collection provides comprehensive statistical information on child protection and support services, and some of the characteristics of children within these systems. The child protection sub-collections include data on out-of-home care, foster carers and kinship carers.²⁷

1.26 At 30 June 2013, the AIHW reported that 40,549 children were in out-of-home care (a rate of 7.8 per 1,000 children).²⁸ The majority of these children (93 per cent) were in home-based care: 43 per cent in foster care; 48 per cent in kinship care; and 3 per cent in other types of home-based care.²⁹

1.27 Australian researchers have reported that kinship care is 'the fastest growing form of out-of-home care'.³⁰ The multiple reasons for this growth include:

26 *Committee Hansard*, Canberra, 20 June 2014, pp 8-9. The Child Protection National Minimum Dataset collects information on the relationship between a kinship carer and the child or young person in care. However, its use is currently restricted by an ongoing assessment of the data quality and its scope, which does not encompass informal care arrangements: see Dr Pamela Kinnear, *Committee Hansard*, Canberra, 20 June 2014, p. 6.

27 AIHW, *Child Protection*, available at: <http://www.aihw.gov.au/child-protection/#collect> (accessed 4 September 2014).

28 Child protection Australia 2012-13, Child Welfare Series No. 58, Cat. No. CWS 49, Canberra: AIHW, p. 45.

29 Child protection Australia 2012-13, Child Welfare Series No. 58, Cat. No. CWS 49, Canberra: AIHW, p. 48. The proportion of children placed with kin varied across jurisdictions, ranging from 2.6% in the Northern Territory to 55.8% in New South Wales: see Table A28.

30 Smyth, C. and T. Eardley (2008), *Out of Home Care for Children in Australia: A Review of Literature and Policy*, SPRC Report No. 3/08, prepared for the Department of Families, Housing, Community Services and Indigenous Affairs, Social Policy Research Centre, University of New South Wales, Sydney, p. 9.

recognition of kinship care 'as having many advantages within the formal structures of child protection' (such as the preservation of family, promotion of cultural identity and reduced separation trauma); increased demand for out-of-home care placements; insufficient supply of foster carers; and relative expense for governments.³¹

1.28 Participants in the inquiry noted the growing trend toward kinship care.³² Dr Marilyn McHugh, a researcher based at the SPRC, expressed alarm with the trend, due to the high level of disadvantage experienced by grandparents raising grandchildren and their 'different (ie lesser) treatment' in some jurisdictions, compared with foster carers:

While Australian research is improving in the area of kinship care, specifically focussing on grandparent care, international studies note the vulnerability of kinship carers, often single grandmothers. Compared to foster carers, they are usually older, in poorer health, on lower incomes, and more reliant on income support payments. Compared to foster carers they are less likely to be employed or have university degrees or to receive training, case planning or supervision. [Aboriginal and Torres Strait Islander] kinship carers are particularly vulnerable: most in strained financial circumstances have generally high levels of material disadvantage, including poor or inadequate housing. Many have sibling groups in their care.³³

1.29 The Australian Foster Care Association (AFCA) remarked that there is also a new trend emerging within kinship care:

We have grandparents who now are so old that they are starting to age out of the system or are finding themselves in a situation where they are unable to look after the grandchildren on an ongoing basis. There is now a need to start looking around at other kin from the next generation down—aunts, uncles or possibly even older siblings.³⁴

Reasons for grandparent provided care

1.30 Grandparents raising grandchildren often assume the primary responsibility for raising their grandchildren when the birth parents are unable or unwilling to do so. This inability or unwillingness occurs for a variety of reasons, including due to

31 Boetto, H. (2010), 'Kinship care: a review of issues', *Australian Institute of Family Studies*, p. 61.

32 For example: Australian Association of Social Workers, *Submission 132*, p. 4; Ms Meredith Kiraly, Member, Expert Reference Group, Australian Psychological Society, *Committee Hansard*, Melbourne, 10 June 2014, p. 11.

33 *Submission 17*, p. 2. Also see, for example: Winangay Resources Inc., *Submission 107*, p. 3; Centre for Excellence, *Submission 169*, p. 10.

34 Mrs Beverely Orr OAM, President, *Committee Hansard*, Melbourne, 10 June 2014, p. 48. Also see: Ms Meredith Kiraly, Kinship Care Researcher and Consultant, Centre for Excellence, *Committee Hansard*, Melbourne, 10 June 2014, p. 58; Ms Mary D'Elia, State Operations Manager, Bapcare, *Committee Hansard*, Hobart, 19 September 2014, pp 25-26.

substance abuse, risk of child abuse or neglect, death, incarceration, mental or physical illness, and disability.³⁵

1.31 National and international literature demonstrates consistently that the main reason for grandparents raising grandchildren is parental drug or alcohol misuse, combined with socio-emotional, family disruption and violence, mental illness and financial problems, resulting in child neglect and, less frequently, child abuse.³⁶

1.32 Ms Meredith Kiraly from the Australian Psychological Society confirmed that in Australia 'substance abuse is a big driver' of children being placed in kinship care,³⁷ to which Mission Australia added 'the substance misuse is interconnected with domestic violence, incarceration and mental health'.³⁸ A representative from Mission Australia shared the following experience of two grandparents raising grandchildren, who have participated in its support program (Grandparents Raising Grandchildren) for many years:

Paul and Leanne's eldest daughter Kerry left home at 15. She became involved with drugs and prostitution. Sixteen years later, Paul and Leanne have full parental responsibility for one of Kerry's six children, and they have had her for the last 14 years. They have shared the care of three of the other children with a minister for the last four years. The other two children are in separate foster homes, so they are not even in the same foster home together.

Six months ago, their daughter Kerry died from a heroin overdose, and the children's biological father has been incarcerated. While the five youngest children were in the care of their parents, they were sexually abused. They were exposed to domestic violence and were severely emotionally and physically neglected. As a result of the trauma, the children are all presenting with different challenges. The oldest daughter, who is 16, has commenced self-harming and is showing signs of poor mental health. The three grandchildren who are in Paul and Leanne's care have developmental delays due to exposure to heroin and trauma whilst in the womb. They display violent and sexualised behaviours at school and are all behind academically.³⁹

1.33 Grandparents also illustrated the manner in which their grandchildren had come into their care. Mr Eugene Hinkley told the committee, 'in early 2009, because

35 Families Australia, 'Grandparenting: Present & Future', *Family Issues Series No. 2*, January 2007, p. 19.

36 Brennan et al, *Grandparents raising grandchildren*, p. 90.

37 *Committee Hansard*, Melbourne, 10 June 2014, p. 11.

38 Mr Brett Fahey, Area Manager, New South Wales South Coast, *Committee Hansard*, Sydney, 13 June 2014, p. 44. Also see: Dr Katrina Stratton, Co-ordinator, Research and Evaluation, Wanslea Family Services Inc., *Committee Hansard*, Perth, 6 August 2014, p. 22.

39 Mr Brett Fahey, *Committee Hansard*, Sydney, 13 June 2014, p. 42 (the names have been changed to protect the family's privacy).

of alcohol and drugs, our son-in-law and [daughter] went out one night and we have not laid eyes on either since'.⁴⁰ Ms Diane Robinson similarly stated:

When I got my grandchildren, it was informal because my daughter went into rehab. It was for a three-month period. I was happy to do that, but that three months has now been four years.⁴¹

1.34 Ms Jan Standen gave the following evidence:

My daughter abandoned her children in 2005. The little guy was only 18 months old. He will be 11 tomorrow. She has not been in their lives much over the past nine years; she comes in and out. She has borderline personality disorder, bulimia, drug and alcohol addiction and constant self-harming issues. I have not seen her for two years and neither have the kids.⁴²

1.35 As part of a 2010 study, the SPRC undertook the first national survey of grandparents raising their grandchildren in Australia. Over 300 grandparents participated in the survey, identifying parent behaviour and emotional issues as the predominant reasons for their having taken on the care of grandchildren.

Table 1.1 – Reasons for raising grandchildren

	N (grandchild 1) ^a	% of respondents ^b
Parent's drug or alcohol problems	207	67.2
Child neglect	99	32.1
Parent's mental illness	96	31.2
Domestic violence	70	22.7
Other (<i>please describe</i>)	53	17.2
Child abandonment	31	10.1
Mother's death	29	9.4
Parent's imprisonment	19	6.2
Father's death	16	5.2
Parent's physical illness	13	4.2

40 *Committee Hansard*, Perth, 6 August 2014, p. 35

41 *Committee Hansard*, Perth, 6 August 2014, p. 38.

42 *Committee Hansard*, Perth, 6 August 2014, p. 41.

Parent's employment commitments	8	2.6
Parent's unemployment	6	1.9
Total number of respondents	308	
^a Up to three responses per survey		
^b Adds up to more than 100 per cent due to multiple responses		

Source: Brennan, D., Cass, B., Flaxman, S., Hill, T., Jenkins, B., McHugh, M., Purcal, C., & valentine, k. (2013), *Grandparents raising grandchildren: Towards recognition, respect and reward (SPRC Report 14/13)*, Social Policy Research Centre, University of New South Wales, p. 91.

1.36 The SPRC also interviewed 20 Aboriginal and Torres Strait Islander grandparents raising grandchildren from New South Wales, South Australia and the Northern Territory. Again, the interviewees identified a range of reasons for the care, with drug or alcohol misuse, socio-emotional and financial problems featuring most prominently.⁴³

1.37 Although grandparents raising grandchildren assume the primary responsibility for raising their grandchildren due to factors relevant to the birth parents, one of the most significant motivations for a grandparent is his/her love for the grandchild. This love is often combined with a desire to keep the grandchild out of the foster care system, in contact with his/her siblings and within the extended family.⁴⁴

National Framework for Protecting Australia's Children 2009-2020

1.38 In April 2009, the Council of Australian Governments (COAG) endorsed the *National Framework for Protecting Australia's Children 2009-2020* (Framework). The Framework aims to ensure the safety and well-being of Australia's children and young people, by achieving a substantial and sustained reduction in child abuse and neglect over time.⁴⁵

1.39 The Framework is being implemented through a series of three-year action plans. The First Action Plan (2009-2012) created the foundation for the Framework (including performance indicators),⁴⁶ and the Second Action Plan (2012–2015)

43 Brennan et al, *Grandparents raising grandchildren*, p. 142.

44 Brennan et al, *Grandparents raising grandchildren*, p. 91.

45 Commonwealth of Australia, *Protecting Children is Everyone's Business, National Framework for Protecting Australia's Children 2009-2020*, 2009, p. 11, available at: http://www.dss.gov.au/sites/default/files/documents/child_protection_framework.pdf (accessed 4 September 2014).

46 The performance indicators are located in Appendix B of the Second Action Plan.

outlines how all governments, the non-government sector and the community will progress actions to ensure that Australia's children grow up safe and well.⁴⁷

1.40 Outcome 4 of the Framework addresses the need for children and young people who have been abused or neglected to receive timely, appropriate, high-quality child protection and other support services. More specifically, Outcome 4.2 recognises that grandparents raising grandchildren need to be supported across a range of areas (including financial and non-financial supports and services).⁴⁸

1.41 As noted in the Second Action Plan:

All jurisdictions are experiencing difficulties in recruiting and retaining carers. Australia's diverse kinship carers are now the fastest growing demographic of carers, and it is important for governments and non-government organisations and the community to support them in their valuable role. As a society, we need to acknowledge and recognise the carers of our most vulnerable children and young people.⁴⁹

1.42 Mrs Beverley Orr OAM, President of AFCA and member of the implementation working group, advised that the Second Action Plan has progressed, albeit slowly:

It has been extremely difficult and challenging to get some commonality in understanding across some areas...[W]hat we have sitting around that table is all of the COAG agendas; then we have the non-government agendas as well. There has had to be some very strong negotiation...There has also had to be some pragmatic decision-making around what can be achieved immediately, what will take longer and what will take quite a bit longer.⁵⁰

1.43 A Western Australian Government representative agreed that work within the Framework is slow but 'we are getting some traction', for example, in relation to interstate liaison processes:

We have worked through those committees to establish interstate liaison officers, individual staff, in each of those departments, who meet regularly

47 Department of Social Services, *Protecting Australia's Children 2009-2020—Second Action Plan 2012-2015*, available at: <http://www.dss.gov.au/our-responsibilities/families-and-children/publications-articles/protecting-children-is-everyone-s-business-national-framework-for-protecting-australia-s-children-2009-2020-second-action-plan-2012-2015> (accessed 4 September 2014).

48 Commonwealth of Australia, *Protecting Children is Everyone's Business, National Framework for Protecting Australia's Children 2009-2020*, 2009, p. 26. The Second Action Plan targets improved supports for grandparents raising grandchildren.

49 Department of Families, Housing, Community Services and Indigenous Affairs, *Protecting Children is Everyone's Business, National Framework for Protecting Australia's Children 2009-2020*, 2012, p. 23.

50 *Committee Hansard*, Melbourne, 10 June 2014, p. 50.

and have a range of protocols and operational guidelines...[T]hose officers take the lead within the individual agencies[.]⁵¹

Committee view

1.44 The committee is concerned that nationally it is not known how many grandparents have the primary care of their grandchildren and the circumstances in which those children are being raised. Without a sound evidence base, it cannot be possible for governments and community service providers to properly plan appropriate supports and services for grandparents raising grandchildren.

1.45 Accordingly, the committee considers it essential for the ABS to enhance its data collections and for the AIFS to conduct further studies, to more accurately identify the number and circumstances of grandparents raising grandchildren. In particular, the committee notes that the AIHW and AIFS support enhancing the Census and the Australian Census Longitudinal Dataset.

Structure of the report

1.46 The committee's report is structured in the following way:

- chapter 2 examines the role and contribution of grandparents raising grandchildren;
- chapters 3 and 4 discuss the financial and non-financial challenges experienced by grandparents raising grandchildren and the practical supports which could address these needs;
- chapter 5 examines other challenges arising as a result of the care arrangement, including due to complex family circumstances;
- chapter 6 considers the barriers encountered by informal grandparents raising grandchildren who seek to formalise the care arrangement;
- chapter 7 enquires into the specific needs of Aboriginal and Torres Strait Islander grandparents raising grandchildren; and
- chapter 8 presents the committee's conclusion and recommendations.

51 Ms Emma White, Acting Director General, Department for Child Protection and Family Services (WA), *Committee Hansard*, Perth, 6 August 2014, pp 16-17.

Chapter 2

Recognising the role and contribution of grandparents raising grandchildren

2.1 Participants in the inquiry considered that the role and contribution of grandparents raising grandchildren is under-appreciated by governments and the community. Accordingly, participants argued that there is scope for better recognition of carers.

2.2 This chapter examines the following topics:

- the role and contribution of grandparents raising grandchildren; and
- how to better recognise grandparents raising grandchildren.

Role and contribution of grandparents raising grandchildren

2.3 The role and contribution of grandparents raising grandchildren was discussed in terms of the grandchildren in care and its value to society.

Role and contribution to children

2.4 Grandparents raising grandchildren play a significant role in the lives of the grandchildren for whom they care. In addition to raising the children in a safe and secure environment,¹ grandparents provide 'familial connection, usually warmth and love, and a desire for the best future for their grandchildren'.²

2.5 Some participants argued that this family connection and higher level of emotional investment makes the care provided by grandparents unique from other forms of out-of-home care (in particular, foster care), resulting in greater placement stability.³ Dr Marilyn McHugh, for example, submitted:

International studies tell us of the many advantages for children in kinship placements. They feel loved and wanted. Compared to foster care, their placements are more stable and longer lasting; children have a better sense of identity and belonging; and are able to maintain contact with family and friends. Recent Australian research found kinship carers deeply committed to raising their grandchildren, providing them with security and the chance to live happy and fulfilling lives.⁴

2.6 Wanslea Family Services Inc. (Wanslea) similarly commented:

1 The Salvation Army (TSA), *Submission 108*, p. 3.

2 Relationships Australia, *Submission 58*, p. 1.

3 See, for example: Centre for Excellence in Child and Family Welfare Inc., *Submission 169*, p. 10; Ms Jenni Perkins, Acting Commissioner, Commissioner for Children and Young People, Western Australia (WA Commissioner), *Committee Hansard*, Perth, 6 August 2014, p. 1.

4 *Submission 17*, p. 2. Also see, for example: Gosnells Community Legal Centre Inc., *Submission 37*, p. 2; UnitingCare Children, Young People and Families, *Submission 85*, Attachment 1, p. 3; TSA, *Submission 108*, p. 3; Mrs Anne McLeish, Director, Grandparents Victoria and Kinship Carers, Victoria, *Committee Hansard*, Melbourne, 10 June 2014, p. 17.

Grandparents provide their grandchildren with care that has emotional and social benefits to the community and their grandchildren. There is often already an attachment relationship, meaning the child enters the care of someone who already knows and loves him or her. The importance of family history and identity can therefore be respected. Grandchildren can be kept in ready contact with cousins and other relatives, depending on family circumstances. Often such access is difficult to achieve in formal foster care arrangements. Grandchildren being cared for by their grandparents have the opportunity to experience a stable, consistent and loving home and family.⁵

2.7 For some submitters, the ability of grandparents to ensure their grandchildren's connection to spiritual and cultural identity was critical.⁶ The circumstances of Aboriginal and Torres Strait Islander grandparents is discussed further in Chapter 7.

Context of the care placement

2.8 While the evidence suggested many positive outcomes for grandchildren, it also highlighted that grandparents often undertake the role of raising their grandchildren in very difficult circumstances. In addition to practical challenges (see Chapters 3-7), participants described the complex context of the placement and the emotional burden borne by grandparents.

2.9 Dr Jan Backhouse, a social researcher based at the Centre for Children and Young People, Southern Cross University, explained, for example:

The grandparent-as-parent experience is marked by both deep pain and pleasure. The many challenges faced by grandparents who take on the primary care of their grandchildren include financial issues, legal battles, physical and emotional health problems (their own, as well as those of their grandchildren), social isolation and lifestyle changes, parenting problems and conflict with the children's parents.

Nevertheless, grandparents are totally committed to the care, safety and happiness of their grandchildren, often at the expense of their own lives. They routinely place their grandchildren's financial needs before their own, often drawing on very meagre income to provide for the children's health, education, out of school/sporting activities etc. in an attempt to give their grandchildren the same opportunities available to other children.

Research also reveals the significant loss of the traditional grandparent role by grandparent carers. Instead of the 'mythical' grandparent role involving 'pleasure without responsibility', they must now take on the parenting roles of disciplinarian, provider and authority figure. This shift to the grandparent-as-parent role has impacted on grandparents in a number of different ways, including provoking feelings of being unrecognized,

5 *Submission 150*, p. 5.

6 For example: Tangentyere Council, *Submission 112*, p. 2; Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd. (ATSILS Qld), *Submission 134*, p. [16].

disadvantaged, misunderstood and isolated within the community, together with a strong sense of injustice in relation to their experience.⁷

2.10 A few participants presented the views of grandchildren, who are, or who have been, in the care of their grandparents. Notwithstanding the numerous difficulties associated with the arrangement, the children and young people generally expressed a preference for kinship care.⁸

Role and contribution to society

2.11 Some participants argued that grandparents raising grandchildren make a substantial economic contribution to society, by preventing future costs to the social welfare, education and health budgets.⁹ Other participants focussed on short-term savings achieved through the lack of financial support to grandparents who provide care through informal arrangements (see Chapter 3),¹⁰ and the decreased need for alternate out-of-home care options (in particular, foster care).¹¹

2.12 Dr Backhouse submitted 'many grandparents believe that they are 'saving the government money' by raising their grandchildren'¹² and COTA Australia (COTA) explained:

Grandparents and other kinship carers are providing a service that would otherwise have to be paid for with the children being in foster care or possibly some form of institutional care. Given the difficulty we have in getting an accurate estimate of how many grandparent carers there are, it is hard to estimate the savings to community service budgets[.]¹³

Comparison with foster carers

2.13 At the Melbourne public hearing, Mrs Nicole Patton from The Mirabel Foundation advised that there is a 'massive' difference in the supports and services provided to foster carers and kinship carers:

A big part of that is access to carer payments, ongoing financial support, but with that financial support also comes practical support that is often available too. There is orthodontic work that children might need—just all the practical things that you come across when you are raising a child.

7 *Submission 51*, pp 1-2.

8 For example: CREATE Foundation, *Submission 136*, p. 5.

9 See, for example: Relationships Australia, *Submission 58*, p. [2]; UnitingCare Tasmania, *Submission 65*, p. 14; Mr Moray McSevich, Manager, Albany Branch, Wanslea Family Services Inc., *Committee Hansard*, Albany, 7 August 2014, pp 1-2.

10 For example: Grandparents Rearing Grandchildren WA (Inc.), *Submission 50*, p. [2]; Family and Relationship Services Australia, *Submission 81*, p. 2.

11 For example: TSA, *Submission 108*, p. 3.

12 Dr Jan Backhouse, *Submission 51*, p. 2. Also see: Mr Bernie Geary, Principal Commissioner, Victorian Commission for Children and Young People (Victorian Commission), *Committee Hansard*, Melbourne, 10 June 2014, p. 28.

13 *Submission 113*, p. 7. Also see: Mr Michael Tugwell, grandparent, *Committee Hansard*, Albany, 7 August 2014, p. 2.

They are not available to grandparents. Foster carers have access to some limited resources.¹⁴

2.14 By way of example, Mr Bernie Geary, Principal Commissioner for the Victorian Commission for Children and Young People, referred to a funding disparity in his jurisdiction, where the Foster Care Association of Victoria receives annual funding of \$400,000, compared with Kinship Carers Victoria which receives \$50,000 per annum:

Clearly this level of funding for [kinship carers] cannot begin to meet the existing and impending growing need. We are happy to make [kinship care] a growth industry, but we are also not funding it. This is despite how...the majority of carers are kinship carers and the trend and rapid growth is obvious. Foster care is a shrinking type of care. The equation is surely inverted.¹⁵

2.15 Witnesses suggested that the differential treatment in supports and services might be due to various factors, such as governments not being aware of the extent of grandparent provided care and cost considerations.¹⁶ In relation to the latter view, Ms Meredith Kiraly from the Australian Psychological Society indicated that there is a struggle to shift attitudes away from the traditional view of 'it is their family; why do you pay your own family to look after children'?¹⁷ Ms Heather Gridley countered that there is now recognition that:

...the system is bigger than the family...[and] the family is in an environment that is bigger than itself and, while some of the problems certainly come from the family, some of the solutions can be in there also, if they can be supported to support the child or the parent.¹⁸

2.16 Throughout the inquiry, participants remarked on the contrast in recognition, supports and services provided to grandparents raising grandchildren.¹⁹ Several witnesses expanded on Ms Kiraly's comment, stating that there is an expectation that grandparents will fulfil the role,²⁰ regardless of the availability of supports and services, as the children involved are family. For example, Mission Australia stated:

The perception around the grandparents is that it is that way because grandparents will take the children anyway. The grandparents think,

14 Manager, Kinship Care and Research, *Committee Hansard*, Melbourne, 10 June 2014, p. 8.

15 *Committee Hansard*, Melbourne, 10 June 2014, p. 28.

16 For example: Ms Meredith Kiraly and Ms Cynthia Mifsud, Member, Expert Reference Group, and Ms Heather Gridley, Fellow and Manager of Public Interest, Australian Psychological Society, *Committee Hansard*, Melbourne, 10 June 2014, pp 11-12.

17 *Committee Hansard*, Melbourne, 10 June 2014, p. 12.

18 *Committee Hansard*, Melbourne, 10 June 2014, p. 12.

19 For example: Mr Roy Cox, grandparent, *Committee Hansard*, Albany, 7 August 2014, p. 23 (citing as an example the provision of a motor vehicle).

20 See, for example: Professor Gillian Triggs, President, Australian Human Rights Commission (AHRC), *Committee Hansard*, Sydney, 13 June 2014, p. 63.

'No-one will give us these things, because it is not like we are going to leave the children on the doorstep somewhere'.²¹

2.17 Dr Backhouse told the committee:

There is...a belief that foster carers are 'appreciated' for the job they do, however, grandparent caregivers are 'expected' to do the same job without any recognition. Foster carers are also viewed as being able to avail themselves of ongoing support from welfare agencies in raising foster children, whereas when children are placed with grandparents it is assumed that 'they're okay, they're with family' and no further support is required.²²

2.18 The Aged-care Rights Service Inc. argued that grandparents raising grandchildren should have access to the best available supports and services,²³ and the Commissioner for Children and Young People, Western Australia considered that these could be provided by redirecting the current cost savings:

Providing such services and supports is, in itself, an important recognition of the contribution [grandparents raising grandchildren] make and acknowledgment of the challenges that come with being the primary carer for their grandchildren. For those with informal care arrangements providing access to the same services and supports would also provide such recognition.²⁴

How to better recognise grandparents raising grandchildren

2.19 Participants highlighted that grandparents do not always want to be identified as carers for their grandchildren.²⁵ The Salvation Army identified as one example the situation in which there has been parental dysfunction: some grandparents 'live with a sense of shame, as though the actions/inactions of their children are reflective of themselves'.²⁶ The evidence of Mrs Helen Hinkley typified another comment heard from some grandparents as the committee held public hearings across the country:

Sometimes you think: 'Where did I go wrong? I ended up with these beautiful grandchildren. I had five children of my own. One went wrong. Why? What did we do? For a long time there we were punishing ourselves for that, thinking we must have done something wrong, but it does not work that way.'²⁷

21 Mr Brett Fahey, *Committee Hansard*, Sydney, 13 June 2014, p. 45.

22 *Submission 51*, p. 2.

23 *Submission 64*, p. 5.

24 *Submission 34*, p. 4.

25 See, for example: Mr Brett Fahey, Mission Australia, *Committee Hansard*, Sydney, 13 June 2014, p. 46.

26 *Submission 108*, pp 2-3. Also see: Dr Jan Backhouse, *Submission 51*, p. 2; UnitingCare Tasmania, *Submission 65*, pp 6-7; Dr Caroline O'Neill, Board Member and Founder, Permanent Care and Adoptive Families, *Committee Hansard*, Melbourne, 10 June 2014, p. 53.

27 *Committee Hansard*, Perth, 6 August 2014, p. 37.

2.20 Further, the committee heard that some grandparents raising grandchildren believe the role is stigmatised:

Many grandparents report...feeling fearful of people's reactions, being accused of being bad parents, and that their grandchildren get teased and bullied about being cared for by "their oldies". Sometimes this fear means they do not access services that are available, including financial assistance, and often withdraw from social networks.²⁸

2.21 Many submitters and witnesses stated however that, rather than remain invisible, grandparents raising grandchildren want to be recognised for the role they have assumed and for there to be better recognition of its value to society.²⁹

Dr Bridget Jenkins, a research associate at the Centre for Social Impact, explained:

[Grandparent raising their grandchildren] feel invisible, really. And it grates...They want recognition that what they are doing is valuable and worthwhile, that they are a legitimate family and that they can give love and affection and meet the needs of their grandchildren.³⁰

2.22 Evidence to the committee offered numerous suggestions for the practical recognition of grandparents raising grandchildren (see Chapters 3-7) but also suggestions aimed at enhancing the legal, social and political recognition of the grandparents. The topics discussed included: identification of the needs of grandparents; recognition of informal care arrangements; recognition of Aboriginal and Torres Strait Islander kinship arrangements: more explicit recognition from governments; respect and consideration from authorities; and increased levels of public awareness.

Identification of the needs of grandparents raising their grandchildren

2.23 As discussed in Chapter 1, participants supported enhancing the Australian Bureau of Statistics' data collections, to better identify the number and circumstances of grandparents raising grandchildren in Australia. Wanslea, for example, submitted:

[B]y having their profile evident in Census statistics [grandparents raising grandchildren] shift from being an invisible to visible family form, which can then be recognised, provided and planned for in service delivery. When services are planned and provided according to their needs, the practical challenges...are not only recognised but managed.³¹

28 COTA Australia (COTA), *Submission 113*, p. 4. Also see: Mrs Nicole Patton, Manager, Kinship Care and Research, The Mirabel Foundation, *Committee Hansard*, Melbourne, 10 June 2014, p. 7.

29 For example: Dr Marilyn McHugh, *Submission 17*, p. 4; Relationships Australia, *Submission 58*, p. [5]; COTA, *Submission 113*, p. 4; Dr Stephen Nicholson, President, Grandparent and Kinship Carers Association Inc., Mid North Coast New South Wales, *Committee Hansard*, Sydney, 13 June 2014, p. 10; Dr Jan Backhouse, *Committee Hansard*, Sydney, 13 June 2014, p. 19.

30 *Committee Hansard*, Sydney, 13 June 2014, p. 3.

31 *Submission 150*, p. 5.

2.24 Family and Relationship Services Australia (FRSA) argued that, if appropriately recognised, the grandparents could be supported with more 'imaginative' shared care arrangements:

For example, in the Northern Territory, Kinship Carer assessments made by the Department of Children and Families (DCF) take into account the health of the carer and the ability of the carer to provide support to children in the long term...[T]he DCF has refused grandparents the role of carer for their grandchildren on the basis of their health status. In some cases this is an unfortunate decision and results in the child being removed from family and placed in foster care. Shared care arrangements could, on the other hand, seek to balance the physical health demands of the carer role while still recognising the strengths of grandparents.³²

Recognition of informal care arrangements

2.25 Participants in the inquiry contended that there is a need to recognise informal care arrangements, to facilitate grandparents' access to supports and services,³³ and to enable them to sign consents on behalf of their grandchildren. Witnesses described the many difficulties they have experienced in signing permission forms for school activities, making medical and dental appointments, and applying for birth certificates and passports.³⁴

2.26 Women's Legal Services NSW (WLS NSW) referred to the Commonwealth's Informal Relative Caregiver's Statutory Declaration, a version of which has been implemented in South Australia, Victoria, New South Wales and the Australian Capital Territory. The statutory declaration provides certain people—including grandparents—with a means of proving that they have the primary care of a child.³⁵

2.27 The committee heard that the statutory declaration may be of limited use due to: few grandparents being aware of its availability; and variable acceptance among state and federal agencies.³⁶ Ms Janet Loughman from WLS NSW noted also that the statutory declaration does not affect legal responsibility for the child (and cannot therefore be used in conjunction with passport applications):

It is primarily a document that...assists with access to Centrelink benefits or access to a Medicare card [or] for decisions such as serious medical

32 *Submission 81*, p. 2.

33 See, for example: Dr Marilyn McHugh, *Submission 17*, p. 4; AHRC, *Submission 133*, p. 12.

34 For example: Ms Pam Cox, *Committee Hansard*, Melbourne, 10 June 2014, p. 20. Also see: Relationships Australia, *Submission 58*, p. [4].

35 See, for example: NSW Government, Justice and Attorney General, *NSW Statutory Declaration for Informal Relative Caregivers, Frequently Asked Questions*, p. 1, available at: <http://www.lpclrd.lawlink.nsw.gov.au/agdbasev7wr/lpclrd/documents/pdf/statdecfaqs.pdf> (accessed 4 September 2014).

36 Women's Legal Services NSW (WLS NSW), *Submission 138*, pp 3-4; Mr Bernie Geary, Victorian Commission, *Committee Hansard*, Melbourne, 10 June 2014, p. 32; Ms Josephine Root, National Policy Manager, COTA, *Committee Hansard*, Canberra, 20 June 2014, p. 21. Family and Relationship Services Australia noted also different practices between federal and state agencies: see *Submission 81*, p. 3.

interventions for a child or enrolling a child in school. Those sorts of decisions can require parental responsibility. These declarations do not transfer parental responsibility, they just acknowledge who has the day-to-day care of a child.³⁷

2.28 A representative from the Department of Social Services indicated that the statutory declaration by itself is not sufficient proof of the day-to-day care responsibility.³⁸ In this regard, WLS NSW suggested that it would be beneficial to promulgate the 'kind of evidence required and when it is best to collect such evidence', perhaps through a community awareness program.³⁹

Recognition of Aboriginal and Torres Strait Islander kinship arrangements

2.29 In 2004, the Family Law Council (Council) acknowledged the need for functional recognition of particular child rearing and kinship-based parenting practices within Aboriginal and Torres Strait Islander communities:

[I]t is important to recognise in law that a relative who is not a parent may actually be exercising the primary parental responsibility for the child, in order to determine specific legal and administrative questions. For example, this is required to ascertain whether a person is entitled to:

- Receive Family Tax Benefit A
- Receive child support
- Consent to medical treatment on behalf of a child, and
- Enrol a child in school.

It is for this reason that Council sees the need to develop special processes for that recognition in relation to Aboriginal and Torres Strait Islander children. In short, Council sees merit in considering easier ways of recognising the parental responsibilities of non-biological parents in Aboriginal and Torres Strait Islander communities. The aim would be to devise processes which do not in most cases require a full scale court application with its attendant costs and difficulties.⁴⁰

2.30 Ten years later, some participants in the inquiry expressed the view that out-of-home care systems still do not adequately recognise the concept of kinship care arrangements in Aboriginal and Torres Strait Islander communities.⁴¹

2.31 WLS NSW, for example, called for greater recognition of Aboriginal and Torres Strait Islander kinship practices, and supported the creation of a special procedure to recognise non-biological parents as having parental responsibility:

37 Principal Solicitor, *Committee Hansard*, Canberra, 20 June 2014, p. 3.

38 Ms Elizabeth Hefren-Webb, Acting Group Manager, Families, *Committee Hansard*, Canberra, 20 June 2014, p. 26.

39 *Submission 138*, p. 4.

40 Cited in Family Law Council, *Improving the Family Law System for Aboriginal and Torres Strait Islander Clients*, February 2012, p. 90.

41 For example: ATSILS Qld, *Submission 134*, p. [5].

This legislation would allow an appropriate person under Aboriginal and Torres Strait Islander customary law to be recognised as having parental responsibility for the purposes of Federal [and State] law where both biological parents indicate their consent without having to go through a complex and court-based process. Simple registration with a Government agency familiar to Aboriginal and Torres Strait Islander people such as Centrelink would be all that is required.⁴²

More explicit acknowledgement from government

2.32 A few participants suggested ways in which governments could explicitly recognise grandparents who are raising their grandchildren. Grandparents Rearing Grandchildren WA (Inc.), for example, proposed the creation of a 'special category in Centrelink', which would expedite grandparents' interactions with the agency.⁴³ Relationships Australia suggested 'a letter from a state authority to thank grandparents for the role they have undertaken'.⁴⁴ COTA referred to the *Carer Recognition Act 2010* (Cth), which defines a 'carer' as:

...an individual who provides personal care, support and assistance to another individual who needs it because that other individual:

- (a) has a disability; or
- (b) has a medical condition (including a terminal or chronic illness); or
- (c) has a mental illness; or
- (d) is frail and aged.⁴⁵

2.33 COTA argued that grandparents raising grandchildren should be included within the definition of 'carer' as 'their role is equivalent to that of people caring for frail elderly relatives or children with a disability'[.]⁴⁶ Ms Josephine Root, National Policy Manager for COTA, emphasised that the role played by grandparents is not within 'normal family caring responsibilities':

They are actually...saving the community money and hassle and they believe providing a better outcome for their grandchildren. For most of them it was about that and it was seen as something that was not the normal family structure in Australia...that it was different from raising your own children or providing some child care to your grandchildren on a one, two, three days a week or overnight basis when your adult children want to go somewhere for a holiday and so on.⁴⁷

42 Cited in Family Law Council, *Improving the Family Law System for Aboriginal and Torres Strait Islander Clients*, February 2012, pp 90-91. WLS NSW suggested that a non-government agency should be the repository of registrations: *Submission 138*, p. 6.

43 Ms Kaye Bendle, President, *Committee Hansard*, Perth, 6 August 2014, p. 29.

44 *Submission 58*, p. [5].

45 Section 5 of the *Carer Recognition Act 2010* (Cth).

46 *Submission 113*, p. 4.

47 *Committee Hansard*, Canberra, 20 June 2014, p. 21.

Respect and consideration from authorities

2.34 Across Australia, witnesses reflected on the perception of grandparents raising their grandchildren within departments and agencies, and called for a cultural change where grandparents are given non-judgemental understanding and support. Mr Tom Cowen from the Aged-care Rights Service Inc. told the committee:

[Staff] need to recognise the situations that grandparents are in and the stresses and onerous nature of the tasks they face, and, having come to that recognition, are then able to help them with whatever resources are available.⁴⁸

2.35 Similarly, the Australian Human Rights Commission suggested that:

...people in the government agencies be trained to work with grandparents so that it could be a more user-friendly, pleasant environment in which the staff would not be seen as social-welfare police who were going to challenge what the grandparents were doing or question why the parents were not looking after the children or interfering too much in the family arrangements. So you would have people who were trained to be sensitive and trained to understand what sort of support a grandparent really needs.⁴⁹

2.36 Other participants commented on the need for child protection authorities to better involve grandparents raising their grandchildren in decision-making processes.⁵⁰ Mr Bernie Geary from the Victorian Commission for Children and Young People, stated, for example:

[Kinship carers'] views are not given suitable weight and they are not included in planning and decision-making about the child, and this is inconsistent with the legislative requirements...under the *Children, Youth and Families Act 2005* [Vic]...But this never attracts significant attention or acknowledgement. In fact, this aspect of the legislation appears to be disregarded by many within the [Department of Human Services (Vic)].⁵¹

2.37 Mr Andrew Jackamos, Commissioner for Aboriginal Children and Young People, agreed, stating that Koori kinship carers feel that they have 'no voice with decision-makers and no direct line to raise their concerns and advocate for change about their grandchildren'. Where family-led decision-making occurs, which is often subsequent to a placement and infrequent, 'the right family members [are not included]'.⁵²

2.38 At the Sydney public hearing, Ms Merilyn O'Neill, Policy Officer for the Grandparent and Kinship Carers Association Inc., Mid North Coast New South Wales,

48 Manager, Legal Services, *Committee Hansard*, Sydney, 13 June 2014, p. 45.

49 Professor Gillian Triggs, *Committee Hansard*, Sydney, 13 June 2014, p. 60.

50 WA Commissioner, *Submission 34*, p. 4. Also see: Ms Kelly Bucknall, *Committee Hansard*, Sydney, 13 June 2014, p. 28; Mr James Pilkington, General Manager, Larrakia Nation Aboriginal Corporation, *Committee Hansard*, Darwin, 5 August 2014, p. 15.

51 *Committee Hansard*, Melbourne, 10 June 2014, p. 28.

52 *Committee Hansard*, Melbourne, 10 June 2014, pp 29-30.

referred to a recent New South Wales Government initiative (Carer Reference Group), which aims to give carers a voice in the out-of-home care system.⁵³

Increased levels of public awareness

2.39 Submitters and witnesses argued that there is a general need for heightened awareness of the role and contribution of grandparents raising their grandchildren.⁵⁴ COTA and the AHRC supported:

...an education campaign that challenges stereotypes and entrenched norms about caring roles and grandparent carers...to enable Australian society to recognise a diversity of caring structures, households and relationships for women and men of all ages.⁵⁵

2.40 Professor Gillian Triggs, President of the AHRC, referred to the commission's publication *Your Rights at Retirement* as an example of a successful means of providing information to the community:

That would be one way to go in making sure that people are more aware of grandparent carer needs and support and what their rights and responsibilities are.⁵⁶

Committee view

2.41 A complex set of circumstances often results in grandparents assuming the primary responsibility for raising their grandchildren at a time in life when such a role may be neither contemplated nor planned. The decision to raise these children has consequences, many of which are adverse (see Chapters 3-7). In the circumstances, there is a strong argument in favour of recognising grandparents raising their grandchildren for the difficult role they have voluntarily undertaken and the significant contribution made by these grandparents to the lives of their grandchildren and to the community generally.

2.42 The committee considers that the Australian Government, through the Council of Australian Governments process, should investigate a means of recognising the role and contribution of grandparents raising grandchildren throughout Australia.

2.43 During the inquiry, submitters and witnesses described a stigma associated with grandparents raising grandchildren, citing this negative attitude as a reason why grandparents might choose not to identify themselves as carers for the children or to avail themselves of available supports and services. The committee considers that stigmatisation of the care provided by grandparents needs to be addressed, to better identify and support grandparent-headed families.

2.44 The committee agrees with COTA and the AHRC that a campaign would inform attitudes about the role and contribution of grandparents raising grandchildren. In certain circumstances (see Chapter 3), the committee sees merit in the production of

53 *Committee Hansard*, Sydney, 13 June 2014, p. 13.

54 For example: Dr Jan Backhouse, *Submission 51*, p. 3; TSA, *Submission 108*, p. 4.

55 *Submission 133*, p. 17. Also see: COTA, *Submission 113*, p. 4.

56 *Committee Hansard*, Sydney, 13 June 2014, p. 59.

a single comprehensive publication. However, in the context of broader education, the committee considers that the Australian Government should consider effective avenues for raising community awareness and understanding of the role and contribution of grandparents who have the primary responsibility for raising their grandchildren.

2.45 As a related issue, the committee acknowledges that some governments have adopted the Commonwealth's Informal Relative Caregiver's Statutory Declaration, to enable grandparents (among others) to identify themselves as the primary carer for their grandchildren. The committee considers this to be a highly useful mechanism, and recommends that all governments affirm support for the statutory declaration, with a view to implementing a consistent means of recognising informal care arrangements across all departments and agencies.

Chapter 3

Financial challenges and supports

3.1 One of the greatest practical challenges for grandparents raising grandchildren is the costs associated with that care.¹ The financial circumstances of grandparents and the costs incurred in raising the children create multiple difficulties, which affect many aspects of families' day-to-day lives. Government financial assistance is available to some grandparents, with most grandparents who raise their grandchildren in informal care arrangements financially supporting the children without assistance.

3.2 An inter-related issue is that grandparents frequently choose not to claim Commonwealth financial assistance, despite a clear entitlement to the payment(s). The committee consistently heard that the grandparents often fear repercussions from the birth parents, if payments to the parents were to cease.² Potential repercussions include intimidation, violence and the removal of grandchildren in informal care arrangements.³ For example, Wanslea Family Services Inc. (Wanslea) submitted:

The children's parents will often still be claiming Family Tax Benefit...and in order to 'keep the peace' and avoid conflict grandparents will not challenge this. Keeping the peace means of course that grandparents don't threaten their grandchildren's place in their home and therefore ensure their ongoing care and protection.⁴

3.3 In this chapter, the committee examines:

- the financial circumstances of grandparents raising grandchildren;
- the financial challenges of raising grandchildren;
- Commonwealth, state and territory financial assistance;
- access to government financial assistance;
- improved financial assistance for grandparents raising grandchildren; and

1 See, for example: Relationships Australia, *Submission 58*, p. [2]; COTA Australia (COTA), *Submission 113*, p. 6; Wanslea Family Services Inc. (Wanslea), *Submission 150*, p. 3.

2 The Department of Human Services (Department) noted that it is normal practice for the department to contact the person receiving a payment upon receipt of an application for alternate payment: see Mr Matt McNeil, Director, Families Division, *Committee Hansard*, Canberra, 20 June 2014, p. 25.

3 For example: Grandparents For Grandchildren SA Inc., *Submission 55*, p. 2; Relationships Australia, *Submission 58*, p. [2]; Australian Human Rights Commission (AHRC), *Submission 133*, p. 10; Ms Julie Argeros, Service Co-Ordinator, Time for Grandparents Program, Uniting Care Community, *Committee Hansard*, Sydney, 13 June 2014, pp 32-33; Ms Patricia Kurnoth, Larrakia Nation Aboriginal Corporation, *Committee Hansard*, Darwin, 5 August 2014, p. 16.

4 *Submission 150*, pp 3-4. Also see: North West Grandparents Raising Grandchildren Tasmania, *Submission 100*, p. 4; Children's Commissioner, Northern Territory, *Submission 111*, pp 1-2.

- jurisdictional issues.

Financial circumstances of grandparents raising grandchildren

3.4 According to Australian researchers, grandparent-headed families exhibit characteristics which are more likely to result in financial disadvantage, compared with other family types.⁵ For example, in the areas of employment, where grandparents often change their employment arrangements as a result of taking on the care of their grandchildren,⁶ and income, where average incomes are relatively low.⁷

Table 3.1–Average gross household weekly income

	Total	Kin	Foster	Both
	114	57	49	8
	%(n)	%(n)	%(n)	%(n)
None	6.1 (7)	8.8 (5)	2.0 (1)	12.5 (1)
\$80 to < \$500	28.9 (33)	35.1 (20)	18.4 (9)	50.0 (4)
\$500 to < \$1,000	32.5 (37)	38.6 (22)	26.5 (13)	25.0 (2)
\$1,000 or more	32.5 (37)	17.5 (10)	53.1 (26)	12.5 (1)

Source: Yardley, A., Mason, J. and E. Watson (2009), *Kinship Care in NSW: Finding a way forward*, Social Justice and Social Change Research Centre, University of Western Sydney, Sydney, p. 33.

3.5 COTA Australia (COTA) summarised the position of many grandparents raising grandchildren:

Many grandparents have already left work before taking on the caring role and are struggling on fixed low incomes which have to be stretched to meet the needs of children. Others cut back their hours or gave up work so that they could care for their grandchildren, which put them under more financial pressure at times when their expenses increased.⁸

3.6 A lack of, or diminished, paid employment can also affect long-term financial circumstances. In addition to the immediate loss of, or reduction in, wages,

5 Brennan, D., Cass, B., Flaxman, S., Hill, T., Jenkins, B., McHugh, M., Purcal, C. and valentine, k. (2013), *Grandparents raising grandchildren: Towards recognition, respect and reward* (SPRC Report 14/13) (*Grandparents raising grandchildren*), Social Policy Research Centre, University of New South Wales, p. 2.

6 Brennan et al, *Grandparents raising grandchildren*, p. 3.

7 For example: Brandon, D., 'Identifying the diversity in Australian children's living arrangements', *Journal of Sociology*, June 2004, Vol. 40 No. 2, pp 179-192.

8 *Submission 113*, p. 6. Also see: Gosnells Community Legal Centre Inc. (Gosnells), *Submission 37*, p. 1; National Seniors, *Submission 131*, p. 9.

career prospects, superannuation and workplace entitlements (such as personal/carer's leave and long service leave) are affected.⁹

3.7 The Australian Human Rights Commission (AHRC) commented that these impacts are highly gendered, as women normally undertake the greater share of care responsibility.¹⁰ In support of this comment, Mrs Kim Killey noted, 'Women of my generation worked part time, had little jobs and made up for things...[my husband] was the main breadwinner. That was the generation'.¹¹

3.8 In respect of superannuation, National Seniors noted figures reported by the National Centre for Social and Economic Modelling (NATSEM) in 2010, showing that the average superannuation balance for men aged 55-64 years is \$113,200 and \$54,500 for women in the same age bracket.¹² National Seniors concluded:

The high costs of raising grandchildren...will inevitably lead to the rapid erosion of retirement savings and a higher reliance on government income support over time. This is especially so when grandparents are raising more than one child.¹³

3.9 Economic disadvantage may also result from other factors, such as: a lack of knowledge regarding government financial assistance, or an inability or unwillingness to access available entitlements.¹⁴

Financial challenges in raising grandchildren

3.10 For many grandparents, taking on the primary care of grandchildren can lead to extreme financial stress or poverty,¹⁵ with the grandparents incurring a number of potentially long-term expenditures, including:

- initial establishment costs (such as clothing, personal items, medications, furniture, linen, special equipment—prams, car seats, personal aids);

9 Brennan et al, *Grandparents raising grandchildren*, p. 107; AHRC, *Submission 133*, p. 8.

10 *Submission 133*, p. 8. Also see: The Aged-care Rights Service Inc. (TARS), *Submission 64*, pp 3-4. The AHRC recently identified a number of reforms to recognise and value unpaid care work: AHRC (2013), *Investing in care: Recognising and valuing those who care*, Volume 1 Research Report, 2013.

11 Grandparent, *Committee Hansard*, Albany, 7 August 2014, p. 11.

12 AMP.NATSEM Income and Wealth Report, *Don't stop thinking about tomorrow, The changing face of retirement – the past, the present and the future*, Issue 24, November 2009, p. 18.

13 *Submission 131*, p. 9.

14 AHRC, *Submission 133*, p. 7.

15 For example: TARS, *Submission 64*, p. 4; Ms Meredith Kiraly, Australian Psychological Society, *Committee Hansard*, Melbourne, 10 June 2014, p. 9; Dr Jan Backhouse, *Committee Hansard*, Sydney, 13 June 2014, p. 20; Mrs Gillian Bonser, Board Member, Co-founder and Developer, Winangay Resources Inc., *Committee Hansard*, Sydney, 13 June 2014, p. 56.

- day-to-day living expenses (such as food, clothing, school uniforms and equipment, transport, special events—birthdays, Christmas); and
- medical expenses for complex health needs.¹⁶

3.11 National Seniors has previously reported:

Many grandparents struggle with the cost of raising their grandchildren. Apart from the normal day to day costs that families usually have, these grandchildren often involve greater expense than other children because of their psychological, emotional and physical health care needs.¹⁷

3.12 Participants in the inquiry commented on how the poor financial circumstances of grandparent-headed families affects both grandparents and grandchildren. Grandparents For Grandchildren SA Inc., for example, submitted:

As the children grow, their needs increase—keeping up with their peers is difficult as they are unable to form worthwhile friendships, often due to the lack of finance to "do the same things others can afford to do" e.g. they only make friends with "like" children, thereby hindering their emotional progress.¹⁸

3.13 One grandchild stated:

[Nana] got a carer's pension, I was on disability too because I was sick for a long time...I realise how hard now that really was for her, and that I took it all for granted. I always wanted things and I was like, 'Why can't I have that?'...There was times she would take me down to the community house to get food vouchers. But she'd always make me stay in the waiting room because she didn't want me to come in to know what she was actually doing. I always knew it but she would never actually admit it to me and probably herself as well.

I think they need to put in for Centrelink, a special thing for grandparents. A lot of grandparents will be on pensions, and that just doesn't cover living costs of two people, it barely covers one person. So I think that, because my Nana's had to use a lot of her own savings to bring me up, she's done that willingly, and she's done that, she's given me a lot of really good experiences in my childhood, but she's had to use her own money to do a lot of the looking after. So she hasn't got much.¹⁹

16 For example: Central Australian Women's Legal Service, *Submission 104*, p. 2; Australian Association of Social Workers (AASW), *Submission 132*, p. 5; Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd. (ATSILS Qld), *Submission 134*, pp [12-13].

17 *Grandparents Raising Grandchildren*, July 2003, p. 29. Also see: AASW, *Submission 132*, p. 5.

18 *Submission 55*, p. 2.

19 The Centre for Excellence in Child and Family Welfare Inc., *Submission 169.1*, p. 8. Also see: Ms Kelly Bucknall, Community Facilitator, CREATE Foundation, *Committee Hansard*, Sydney, 13 June 2014, p. 26.

Commonwealth, state and territory financial assistance

3.14 The Commonwealth, state and territory governments currently provide financial assistance to some grandparents who are raising their grandchildren. The type and extent of this assistance depends on a range of factors, such as: the type of care arrangement (formal/informal); characteristics of the placement; and family income.

Commonwealth financial assistance

3.15 Commonwealth financial assistance is based on the full-time care of a child. Accordingly, the legal status of a care arrangement (formal/informal) does not affect a grandparent's entitlement to Commonwealth assistance.²⁰ Further, state or territory government financial assistance is not considered taxable income for the purposes of Commonwealth entitlements.²¹

3.16 The Department of Human Services (Department) administers several financial supports, including:

- Family Tax Benefit (Part A and Part B) and Parenting Payment (family allowances)—to help with the cost of raising children;
- Child Care Benefit, Grandparent Child Care Benefit and Child Care Rebate—to help with the cost of using child care services; and
- Carer Payment and Carer Allowance—income support payments for people who care for someone with a disability, medical condition or who is frail aged.²²

3.17 Grandparents raising grandchildren might also be entitled to receive child support from a grandchild's birth parents. The grandparents can apply to the Child Support Agency for a child support assessment and must then apply to receive child support from the parents, except in limited circumstances.²³

20 Ms Elizabeth Hefren-Webb, Department of Social Services, *Committee Hansard*, Canberra, 20 June 2014, p. 25.

21 Ms Donna Dei-Rossi, Grandparent Adviser, Department, *Committee Hansard*, Perth, 6 August 2014, p. 54.

22 See: Department of Human Services, *Support for non-parent carers*, available at: <http://www.humanservices.gov.au/customer/subjects/support-for-non-parent-carers> (accessed 6 September 2014). The Department also administers the Double Orphan Pension, Carer Supplement, Child Disability Assistance Payment, Carer Adjustment Payment, and Assistance for Isolated Children Scheme.

23 Department of Human Services, *Non-parent carer applying for Child Support*, available at: <http://www.humanservices.gov.au/customer/enablers/child-support/child-support-assessment/non-parent-carer-applying-for-child-support> (accessed 6 September 2014). The difficulties experienced by grandparents raising grandchildren in accessing Commonwealth financial assistance apply also to child support payments. The committee's report does not duplicate or further refer to the evidence received in relation to child support entitlements. See: Gosnells, *Submission 37*, p. 2; UnitingCare Tasmania, *Submission 65*, p. 13; Women's Legal Service NSW (WLS NSW), *Submission 138*, pp 8-9.

3.18 Evidence received throughout the inquiry referred primarily to Family Tax Benefit Part A and Family Tax Benefit Part B, the rates of which are presented in Table 3.2 and Table 3.3 below.

Table 3.2–Family Tax Benefit Part A–Maximum rates²⁴

For each child	Per fortnight	Per year
Aged under 13 years	\$176.82	\$5,336.30
Aged 13–15 years	\$230.02	\$6,723.30
Aged 16–19 years, secondary student, or exempt from requirement	\$230.02	\$6,723.30
In an approved care organisation aged 0–19 years	\$56.70	\$1,478.25

Source: Centrelink, *A guide to Australian Government payments: 20 September-31 December 2014, 2014*, p. 3.

Table 3.3–Maximum rate of Family Tax Benefit Part B

Age of youngest child	Per fortnight	Per year
Under 5 years	\$150.36	\$4,274.15
5–15 years (or until the end of the calendar year the child turns 18 years if a full-time secondary student)	\$105.00	\$3,091.55

Source: Centrelink, *A guide to Australian Government payments: 20 September-31 December 2014, 2014*, p. 6.

3.19 Submitters and witnesses also referred to the Parenting Payment, which has a base rate of \$720.30 per fortnight (for single parents) and \$465.50 per fortnight (for partnered parents). A range of supplements, payments and allowances are also available.²⁵

State and territory financial assistance

3.20 State and territory governments provide financial assistance to some grandparents raising grandchildren. A 2010 report commissioned by the Department

24 Family Tax Benefit Part A includes a supplement, which is worth up to \$726.35 per child per annum. A range of other supplements are also available.

25 Department of Human Services, *A guide to Australian Government payments, 20 September- 31 December 2014*, p. 12, available at: <http://www.humanservices.gov.au/spw/corporate/publications-and-resources/resources/co029/co029-1409.pdf> (accessed 26 September 2014).

of Social Services (formerly the Department of Families, Housing, Community Services and Indigenous Affairs) outlined broad similarities and differences in the provision of this assistance between and within jurisdictions:

- foster carers and formal kinship carers receive the same payments within each jurisdiction but most states and territories do not provide financial support to informal kinship carers;
- each jurisdiction graduates payments according to the age and needs of the child, with a base rate of allowances which is supplemented for children and young people with additional needs. There are large differences in the base rates, as well as the age and needs-based graduations; and
- payments are generally discontinued after the child turns 18 years of age, unless the child is in school and subject to further conditions in some jurisdictions.²⁶

3.21 The Parliamentary Library of the Commonwealth of Australia recently published a comparative table, showing the nationwide differences between the base rate of allowances (in the lowest age and needs band) and the supplemented rate (in the highest age and needs band). Table 3.4 below replicates and updates this information.

Table 3.4—State and territory fortnightly carer payments

	Lowest age band/needs (formal care)	Highest age band/needs (formal care)	Payments to informal carers
ACT (2013-14)	\$475.58	\$1,700.52	None
NSW (March 2013)	\$436.00	\$1,084.00	Supported Care Allowance
NT (July 2013)	\$438.00	\$906.75	None
Queensland (January 2014)	\$451.60	\$616.92	None
SA (October 2013)	\$301.60	\$1,792.40	None

26 McHugh, M. and valentine, k. (2010), *Financial and Non-Financial Support to Formal and Informal Out of Home Carers*, Social Policy Research Centre, Final Report for the Department of Families, Housing, Community Services and Indigenous Affairs, p. vii.

Tasmania (July 2011)	\$359.00	\$1,508.00	Supported Extended Family Placement Program and Relatives Allowance Package
Victoria (2013-14)	\$279.90	\$905.02- \$1,415.00	None
WA (July 2013)	\$353.43	\$957.76	Grandcarers Support Scheme

Source: Parliamentary Library, *FlagPost, Financial support to grandparents raising grandchildren*, 24 March 2014, p. 2, available at: http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/FlagPost/2014/March/Grandparent_carers (accessed 6 September 2014).

3.22 As shown in Table 3.4, three states provide some financial assistance to grandparents raising grandchildren under informal care arrangements:

- in New South Wales, the Supported Care Allowance is paid at the same rates as formal care allowances, subject to an assessment that a child is in need of care and protection, and is not able to remain safely with one or both birth parents;²⁷
- in Tasmania, the Supported Extended Family Placement Program provides foster care reimbursements to 150 carers and the Relatives Care Allowance provides 59 carers with \$1,696.00 per annum, subject to conditions;²⁸ and
- in Western Australia, the Grandcarers Support Scheme entitles carers to a \$400 payment for the first child aged under 16 years and \$250 for each additional grandchild, subject to conditions.²⁹

27 NSW Government, Department of Family and Community Services, *Carer Allowances*, available at: http://www.community.nsw.gov.au/docswr/assets/main/documents/fostercare_allowances_fac_t.pdf (accessed 8 September 2014).

28 Department of Health and Human Services, Tasmania, *Submission 32*, p. 1. From 12 July 2011, support for informal grandparents raising grandchildren was provided by the Gateways Supporting Grandparent Carers Program, meaning that the Relatives Care Allowance ceased taking new applications.

29 Government of Western Australia, Department of Regional Development, *Grandcarers Support Scheme Launched*, November 2013, available at: <http://www.rrr.wa.gov.au/newsandevents/Pages/Grandcarers-support-scheme-launched---November-2013.aspx> (accessed 13 May 2014). According to Wanslea, the Grandparent Support Scheme terminates in 2014: see *Submission 150*, p. 9.

New South Wales, Western Australia and Tasmania

3.23 As noted by the AHRC,³⁰ there is considerable variation in the financial assistance provided to grandparents raising grandchildren by state and territory governments, based on the grandparents' legal status. Within jurisdictions where some assistance is provided to grandparents raising grandchildren under informal care arrangements, submitters and witnesses described mixed results in the grandparents' access to financial supports.

3.24 In New South Wales, Dr Bridget Jenkins advised that:

...the vast majority of grandparents are not eligible [for the Supported Care Allowance due to child protection authorities deeming children in the care of grandparents as not in need of care and protection], and in fact the vast majority of grandparents raising grandchildren under informal arrangements are not known to child protection authorities.³¹

3.25 In Western Australia, Wanslea, which administers the Grandcarers Support Scheme, stated that over 450 grandparents have accessed the payment(s) since the scheme's launch in November 2013.³² Evidence to the committee suggested that the application rate might be affected by the conduct of a risk assessment by the Department for Child Protection and Family Support (WA), which can take place at the time of application.³³

3.26 In Tasmania, financial supports are available to formal and some informal carers, as is the Gateways Supporting Grandparent Carers Program (delivered by Mission Australia and Baptcare), which provides 'financial assistance to cover the cost of essential items'.³⁴

Access to government financial assistance

3.27 Although government financial assistance may be available, submitters and witnesses stated that grandparents raising grandchildren experience multiple difficulties in accessing these supports. Access difficulties described to the committee included: knowledge of the available supports and services; eligibility requirements; and interactions with government departments and agencies.

Knowledge of available supports and services

3.28 Participants in the inquiry stated that grandparents do not have sufficient access to current and reliable information about government supports and services (financial and non-financial). For some grandparents, this is due to the information not

30 *Submission 133*, p. 10.

31 *Committee Hansard*, Sydney, 13 June 2014, p. 4. Also see: Gosnells, *Submission 37*, p. 2; Ms Meredith McLaine, Solicitor, Southcoast Community Legal Centre Inc., *Committee Hansard*, Sydney, 13 June 2014, p. 46.

32 Ms Patricia Murray, Chief Executive Officer, *Committee Hansard*, Perth, 6 August 2014, p. 24.

33 Ms Emma White, *Committee Hansard*, Perth, 6 August 2014, p. 12.

34 Department of Health and Human Services, Tasmania, *Submission 32*, p. 2.

being presented in an appropriate language³⁵ or in a culturally sensitive manner.³⁶ For other carers, the manner in which information is delivered—such as through online services—can be an issue.³⁷ Blue Care, Multicultural Services submitted:

Accurate and complete information and advice, available in community languages, and advocacy support for [culturally and linguistically diverse (CALD)] grandparents should be accessible. Phone, computer and print material need to be complemented by face-to-face advice, as well as information sessions for those who are less literate. A One-Stop-Shop at Centrelink with a 'Seniors Worker' who cannot only provide information and referral, but individual advocacy with the help of interpreters could be considered.³⁸

3.29 Blue Care, Multicultural Services noted the importance of this information for CALD grandparents raising grandchildren, who might come from countries where the system is different, non-existent or less restrictive in terms of compliance.³⁹

3.30 However, the committee heard that, for many grandparents, simply knowing where to find information is problematic. As one grandparent told UnitingCare Tasmania, 'I didn't know who to turn to or where to go'.⁴⁰ Another grandparent, Mrs Ann Robertson, similarly stated:

[I]nformation about what support services are available is out in the ether. I know that Gateway provides some sort of support for grandparents when people come into care—when kids come into care. I found that out about two or three years after I got my grandkids. Two years after my eldest granddaughter started school I found out that we were entitled to a subsidy from the state government towards school fees. We now get it but we did not for the first few years, because there is no central place to find out what you can get and where you can get it. One of the first places you go to as a grandparent is Centrelink. The next place you go to is Medicare. Why is there not a nice little pamphlet there that says: 'You're a grandparent. Here are some things you need to know. These are all the people you need to contact to find out what you can get'. It is not hard and it would solve so many problems really quickly and really easily.⁴¹

3.31 The SPRC has previously reported:

35 Blue Care Multicultural Services (Bluecare), *Submission 88*, p. 3.

36 Mr Andrew Jackomos, Commissioner for Aboriginal Children and Young People, *Committee Hansard*, Melbourne, 10 June 2014, p. 30.

37 The Salvation Army (TSA), *Submission 108*, p. 5.

38 *Submission 88*, p. 3.

39 *Submission 88*, p. 2. Also see: Ms Wendy Frayne, Social Worker and Team Leader, Kinship Care, AASW, *Committee Hansard*, Melbourne, 10 June 2014, p. 46.

40 UnitingCare Tasmania, *Submission 65*, p. 7 (quoting a grandparent).

41 *Committee Hansard*, Hobart, 19 September 2014, p. 18.

Given the difficulties that grandparents have in negotiating service systems, and the complexity of these systems—with family payments from Commonwealth governments, kinship care payments from state/territory governments, and support groups and other services provided by state, local and [non-government organisations]—the importance of improving the accessibility of these systems was consistently identified.⁴²

3.32 Some submitters proposed solutions to improve the accessibility of information for grandparents raising grandchildren. Wanslea, for example, endorsed the establishment of telephone help lines, indicating that this is the best way in which to expeditiously deliver personalised and comprehensive information to grandparents:

In times of emergency or crisis, it is difficult to obtain and/or retain large amounts of information, therefore access to a 'one stop shop' phone number is very helpful for grandparent carers. Wanslea's Grandcare Information Line receives approximately 100 calls a month. Many grandparent carers don't have the skills or interest to successfully access web-based information, so accessible written or oral communication is most suited to their needs.⁴³

3.33 The Australian Association of Social Workers agreed that targeted written communication would better support the information needs of grandparents raising grandchildren:

All potential and existing kinship carers [should be] provided with "Resource Kits" that include detailed and localised information on relevant and available financial, legal and support services. This should include information on which allowances and benefits they may be entitled to and how to access these; and information on formal and informal support networks such as kinship carer support groups.⁴⁴

3.34 The AHRC similarly argued that there is a 'strong case' to consolidate information into one easily accessible publication, suggesting:

That an appropriate [non-government organisation] or government body be funded and tasked to write a national resource consolidating all information and practical support that may be required by grandparent carers—including their entitlements, access to respite, childcare, and contact details for peer to peer support groups.⁴⁵

3.35 Participants also suggested that, in addition to the provision of information by non-government organisations (such as support groups and community service

42 Brennan et al, *Grandparents raising grandchildren*, p. 73. Also see: WLS NSW, *Submission 138*, p. 5.

43 *Submission 150*, pp 5-6. Also see: Australian Medical Association, *Submission 82*, p. 6; TSA, *Submission 108*, p. 56.

44 *Submission 132*, p. 8.

45 *Submission 133*, p. 13.

providers), governments should take a more proactive role in this regard, by working toward the establishment of a peak body.⁴⁶ COTA submitted:

Clearly there is a need for the states and territories to improve the information services. The Commonwealth could assist by looking at ways it could support a national peak body for grandparent carers that could have an emphasis on information and public awareness. There have been discussions about this at various times that have been inconclusive and the funding may need to be for a network of organisations rather than one single entity, at least initially.⁴⁷

3.36 The Aged-care Rights Service Inc. extended COTA's proposal, arguing that a national support service could also offer independent and confidential advice to grandparents raising grandchildren across a number of specialist areas:

[A Grandparents Support Service] could be staffed by social workers experienced in child care and protection, doctors, emergency housing referees, legal practitioners and access to appropriate support workers for Aboriginal and CALD grandparents. The service would have to be funded so that it can provide **real** assistance. If it was established as a statewide service it should have outreach services that can assist in rural, regional and remote areas.⁴⁸

Eligibility requirements

3.37 Submitters and witnesses noted the variable financial supports provided to grandparents raising grandchildren by state and territory governments, including, in most cases, the lack of financial support provided to grandparents raising the children under informal care arrangements. The committee heard that all grandparents should receive financial support similar to that provided to foster carers.⁴⁹ The Mirabel Foundation considered:

This would make a real difference to families and ease some of the financial strain that they experience in unexpectedly taking on the care of their grandchildren.⁵⁰

3.38 The SPRC has noted that, as the care responsibilities are identical, the differential treatment between foster carers and grandparents raising grandchildren

46 For example: North West Grandparents Raising Grandchildren Tasmania, *Submission 100*, p. 5.

47 *Submission 113*, p. 6. Also see: Sutherland Shire Grandparents' Support Group, *Submission 36*, p. 1; Blue Care, *Submission 88*, p. 3; TSA, *Submission 108*, p. 6.

48 *Submission 64*, p. 8 (emphasis in the original).

49 For example: Grandparents Rearing Grandchildren WA (Inc.) (GRG WA), *Submission 50*, p. [8]; Grandparents For Grandchildren SA Inc., *Submission 55*, p. 3; Blue Care, *Submission 88*, p. 3; Victorian Council of Social Service (VCOSS), *Submission 96*, p. 5; TSA, *Submission 108*, p. 5; AASW, *Submission 132*, p. 8; CREATE Foundation, *Submission 136*, p. 8; Ms Lorraine Taylor, Solicitor, Gosnells, *Committee Hansard*, Perth, 6 August 2014, p. 59.

50 Mrs Nicole Patton, *Committee Hansard*, Melbourne, 10 June 2014, p. 1.

strikes many of the latter as 'extremely unjust'[,]⁵¹ The National Council of Women of Australia agreed:

Grandparents should receive the same benefits as a fostering couple when taking responsibility for the upbringing of their grandchildren. There is no difference between the two—they undertake the same job.⁵²

3.39 Participants described how foster and kinship carer payments vary across and within jurisdictions. For example, Mr Andrew Jackomos, Commissioner for Aboriginal Children and Young People (Vic) gave the following evidence in Melbourne:

[T]here is discrimination between caregiver reimbursements to foster carers and kinship carers. The highest rate for kinship care is \$11,454 in Victoria compared to \$36,187 for foster carers. Tailored care packages for children with complex needs receive a similar reimbursement of \$36,000. I suggest that most Koori kids in care will have multiple and complex needs, and the payment to kinship carers is inadequate in Victoria.⁵³

3.40 Mr Graham Benporath in Albany reflected on the financial assistance he has received as an informal grandparent raising grandchildren (\$400 from the Grandcarers Support Scheme, Family Tax Benefit Part B and the Schoolkids Bonus),⁵⁴ contrasting this amount with that paid to foster carers:

I have got a paper here that looks at foster carers and the remuneration that they get. This is for a 12-year-old child. They get a basic subsidy of \$416.16 a fortnight. The kids get \$8 a fortnight for pocket money. They get \$235.28 every four months for clothing, and then the [grandparents] are entitled to five days a month of respite. Adding all that up—and there is a lot more to that—it comes to around \$20,000 for one child. If you look at the next bracket up, which is for children from 13 to 17, it goes up by another \$2,000. So you can see the help that we get from the governments—the state and the federal governments—is a pittance compared to what they are getting there.⁵⁵

3.41 At the Hobart public hearing, Mr John Ward described the allowances which informal grandparents raising grandchildren have been entitled to receive: \$28 under the Relatives Care Allowance (which has now closed for new applications) and a clothing allowance:

We had a clothing allowance in the south. It was \$150 with \$15 GST, which made it \$165. That was never paid in the north or the north-west.

51 Brennan et al, *Grandparents raising grandchildren*, p. 70.

52 *Submission 97*, Appendix, p. 2.

53 *Committee Hansard*, Melbourne, 10 June 2014, p. 30. Also see: Ms Diane Robinson, grandparent, *Committee Hansard*, Perth, 6 August 2014, p. 38.

54 The Schoolkids Bonus is a yearly payment of \$422.00 for each eligible child in primary study and \$842.00 for each eligible child in secondary study.

55 Grandparent, *Committee Hansard*, Albany, 7 August 2014, p. 16.

Don't kids get cold in the north or north-west? Where do they cut it off? They cut it off at Oatlands [?]. You cannot get it any further than Oatlands. I said to the minister, 'Come on, be fair. Why don't they get it up there?' Anyway, I said, 'I'll tell you what I'll do. I'll give you a month to provide the clothing allowance money to the north and the north-west; otherwise I'll bring a busload of grandparents down here and [we'll] go before the discrimination board'. He said, 'You can't—but you will'. I said, 'Definitely'...I got it.⁵⁶

Interactions with government departments and agencies

3.42 Throughout the inquiry, participants related their interactions with government departments and agencies. In addition to a perceived lack of understanding and support (see Chapter 2), the committee heard that grandparents raising grandchildren experience problems with paperwork, due to volume, complexity and a lack of supporting documentation (such as birth certificates, immunisation records, et cetera), as well as administrative delays.⁵⁷ Mrs Kathleen Hall gave the following example of an experience with Centrelink and Medicare:

It was not until I had to take my granddaughter to the doctor that [the doctor] said, 'You will have to pay for her because she's not on your Medicare card'. So I had to go back to Centrelink and they said, 'No, you have to go to Medicare', which was such a pest. They do not tell you this. I had to make four trips to Centrelink about different things and they said, 'Well, you've got to fill in this form; you've got to fill in that form'. Why is there not somebody there that can say, 'You need this form, this form and this form', and take them all back. It would make life a whole lot easier.⁵⁸

3.43 Witnesses particularly described the problem in claiming benefits when grandparents were not able to prove that they had the primary care of the grandchildren.⁵⁹ For example, Ms Annette Nicholson stated:

A lot of people do not get any help because they cannot really prove that the kids are in their care. They might have children who are not prepared to let the benefit from Centrelink go and so will not go in with the grandparents and tell the truth: 'The kids are living with my parents, and I'm not looking after them'.⁶⁰

3.44 By way of example, Mr David Killey narrated his experience in claiming benefits:

The five kids were living in a car and they turned up at our place. I was at work and my wife said [to the parents], 'Just go away and leave the kids

56 Grandparent, *Committee Hansard*, Hobart, 19 September 2014, p. 2.

57 For example: Wanslea, *Submission 150*, pp 3-4.

58 *Committee Hansard*, Hobart, 19 September 2014, p. 14.

59 UnitingCare Tasmania, *Submission 65*, p. 5 (quoting two grandparents).

60 Committee Member and Public Officer, Grandparent and Kinship Carers Association Inc., Mid North Coast New South Wales, *Committee Hansard*, Sydney, 13 June 2014, p. 12.

here with us and we'll look after them.' Even then, to get the benefits—the family tax benefit and whatever—[my wife] did an awful lot. We had to prove that we were looking after those kids, even though [the Department for Child Protection and Family Support] were not the guardians; [we] were the guardians. My daughter wanted to keep the child payment and we said, 'No, you're not entitled. We're looking after the children.' So [my wife] had to go down to Centrelink. There was the amount of paperwork just to get the family benefit, otherwise they were going to do whatever they do with it, and we had nothing.⁶¹

3.45 Officers from the Department of Social Services and the Department clarified that Centrelink accepts a wide range of evidence to prove the existence of a care relationship. While a formal court order is not necessary, one of the officers acknowledged:

I have been told a number of situations where the grandparents are quite reluctant to make a claim because they do not want to exacerbate whatever family tension exists...[I]t is inherently very difficult. I have particularly heard in remote [Aboriginal and Torres Strait Islander] contexts that grandparents are quite reluctant to talk to Centrelink and disturb payment arrangements when there have been violence and threats made, so we are very conscious that it is an issue.⁶²

3.46 Centrelink's customer service practices were also criticised (see Chapter 4). Dr Jan Backhouse, for example, described a grandparent's typical first contact with Centrelink:

[Y]our first port of call is going to be Centrelink. Then, when you walk in, somebody tells you that you have to go and sit down and either get on the computer—and most of the grandparents I know are not very computer literate—or get on the phone. I have seen grandparents who are in tears—they have been sitting in a Centrelink office on the phone for 1½ hours, just crying and waiting to talk to somebody, or trying to get it sorted out and being transferred from person to person.⁶³

3.47 Submitters generally supported making government processes and payments more accessible to grandparents raising their grandchildren, by simplifying the paperwork; increasing the number of grandparent advisors (see Chapter 4); and training customer service staff to better understand and meet the needs of grandparents (see Chapter 4).⁶⁴ For example, Dr Backhouse suggested:

Training [should] be supplied to all Centrelink/Family Assistance officers to improve the service delivery to grandparents who are raising their

61 Grandparent, *Committee Hansard*, Albany, 7 August 2014, p. 12.

62 Ms Elizabeth Hefren-Webb, Department of Social Services, *Committee Hansard*, Canberra, 20 June 2014, p. 25. Also see: Mr Matt McNeill at p. 25.

63 *Committee Hansard*, Sydney, 13 June 2014, p. 21.

64 See, for example: COTA, *Submission 113*, p. 7; Wanslea, *Submission 150*, p. 9.

grandchildren in every area of Australia, rather than the [six] Grandparent Advisers presently appointed in selected States.⁶⁵

Effect of complex family relationships and personal considerations

3.48 In addition to issues relating to access, the committee heard that complex family relationships often affect grandparents' choice whether to apply for Commonwealth financial assistance. Dr Jenkins acknowledged that this issue:

...is a hard one to solve because, ultimately, the grandparent is concerned about the wellbeing of the child and they are going to continue to care for the child even in the absence of payments and benefits...But, obviously, there is serious financial stress involved in that.⁶⁶

3.49 The Social Policy Research Centre (SPRC) has previously suggested:

Given that barriers to applying for payments are thought to come from complex family relationships, [perhaps] solutions need to come from changing and simplifying the process of initial application for a range of family-related payments for grandparents caring for their grandchildren, so as to provide grandparents with payments in such a way that the conflict with their children is avoided.⁶⁷

3.50 As well as reviewing application processes, submitters suggested skilling the Centrelink-based grandparent advisors to assist grandparents raising grandchildren in dealing with complex family relationships,⁶⁸ and the creation of a care-based payment. For example, Grandparents Victoria and Kinship Care, Victoria proposed the creation of 'kinship carer payments',⁶⁹ an idea similar to Wanslea's call for a National Carer Payment:

A model to identify and track children, and who has their primary care would benefit both carers and children whose financial support would not be compromised due to changing or conflictual family circumstances. A carer payment better reflects the nature of the care relationship and recognises and supports the role of grandparent carers in caring for their grandchildren.⁷⁰

3.51 Personal considerations also influence the decision whether to claim financial assistance, such as: a sense of shame; a desire not to involve authorities; and a desire to maintain privacy.⁷¹ For example, in relation to informal care arrangements,

65 *Submission 51*, p. 3. Also see: VCOSS, *Submission 96*, p. 5.

66 *Committee Hansard*, Sydney, 13 June 2014, p. 2.

67 Brennan, *Grandparents raising grandchildren*, p. 70.

68 For example: Department of Health and Human Services, Tasmania, *Submission 32*, p. 4; Central Australian Women's Legal Service, *Submission 104*, p. 2; COTA, *Submission 113*, pp 7-8; AHRC, *Submission 133*, p. 10.

69 Mrs Anne McLeish, *Committee Hansard*, Melbourne, 10 June 2014, p. 23.

70 *Submission 150*, p. 9. Also see: Family and Relationship Services Australia, *Submission 81*, p. 3.

71 Brennan et al, *Grandparents raising grandchildren*, p. 69.

Relationships Australia explained 'some [grandparents] do not want to draw attention to themselves by applying for social security benefits'.⁷²

Committee view

3.52 Grandparents should not be expected to bear the full financial costs of raising their grandchildren, particularly when governments would otherwise most likely have to provide for the children through the foster care system. The committee believes that financial assistance—in the form of existing foster care payments—should be extended to grandparents who are raising their grandchildren under informal care arrangements. Further, a review of the rates of financial assistance paid to grandparents would be useful in aligning fortnightly payments with the current costs of raising children. Together, these measures will help to lift grandparent-headed families' standard of living above the poverty line.

3.53 The availability of financial assistance is a moot point for some grandparents raising grandchildren, many of whom do not access certain Commonwealth supports which the birth parent(s) continue to claim. The committee recognises that this is a real issue for the grandparents who require the financial support but who do not wish to jeopardise otherwise amicable relationships with the parent(s).

3.54 The committee considers that this is an issue best dealt with by the Australian Government, which provides the financial assistance and determines the conditions under which it is offered. In particular, the application process should require the identification of a primary carer, together with satisfactory supporting evidence, to whom the financial support should be provided. The committee recommends that the Australian Government should investigate means of identifying kinship care arrangements in applications for Commonwealth benefits, to better enable the provision of financial assistance to grandparents raising grandchildren.

3.55 A corollary to access to financial assistance is the knowledge that such assistance is available. The committee acknowledges the identified need for current and reliable information which advises grandparents raising grandchildren of their potential entitlements. As proposed by the AHRC, there should be a comprehensive national resource in relation to the government and non-government financial assistance in each jurisdiction. This resource should be made available across a range of mediums and in a variety of formats through government departments and agencies, as well as community service providers.

Improved financial assistance for grandparents raising grandchildren

3.56 Overwhelmingly, submitters and witnesses indicated that Commonwealth, state and territory governments need to improve the available financial assistance. The committee heard many accounts of grandparents raising grandchildren in

72 *Submission 58*, p. [4].

desperate financial circumstances due not only to a lack of financial support but also the payment amounts received from governments.⁷³

Costs of raising children

3.57 National Seniors submitted that the cost of raising children has significantly increased in the past 10 years.⁷⁴ According to NATSEM, the cost of raising two children for a typical middle-income family was \$448,000 in 2002, \$537,000 in 2007 and \$812,000 in 2012.⁷⁵

3.58 NATSEM has reported also that 'the lower a family's income, the greater proportion of it is taken up by the costs of a child'.⁷⁶ Figures published in 2013 show that raising older children is more expensive than raising younger children (see Table 3.5 below).

Table 3.5—Estimated average costs of a single child per week, by age of child and family income, December 2013

Gross income quintile	Average income (\$pw)	Age of child				
		0-4 (\$pw)	5-9 (\$pw)	10-14 (\$pw)	15-17 \$pw)	18-24 (\$pw)
Low income	1,160	86	132	153	285	483
Quintile 2	1,755	112	168	194	356	590
Middle income	2,274	133	198	228	414	678
Quintile 4	2,886	158	232	267	479	776
High income	4,984	231	331	380	668	1,059
Average	2,612	144	212	244	440	717

73 For example: Women's Legal Service Tasmania, *Submission 66*, p. [2]; National Seniors, *Submission 131*, p. 10; ATSILS Qld, *Submission 134*, p. [21].

74 *Submission 131*, p. 8.

75 AMP.NATSEM Income and Wealth Report, *Cost of Kids, The cost of raising children in Australia*, Issue 33, May 2013, Foreword.

76 AMP.NATSEM Income and Wealth Report, *Cost of Kids, The cost of raising children in Australia*, Issue 33, May 2013, p. 8.

Source: AMP.NATSEM *Income and Wealth Report, Cost of Kids, The cost of raising children in Australia, Issue 33, May 2013, p. 5.*

Main income source for grandparents raising grandchildren

3.59 Mr Michael Tugwell gave evidence that many grandparents raising grandchildren are on the Age Pension, as compulsory superannuation was not introduced in Australia until the grandparents had left the workforce.⁷⁷ The current payment rates of the Age Pension are set out in Table 3.6 below.

Table 3.6—Age Pension⁷⁸

Status	Base pension rate per fortnight
Single	\$776.70
Member of a Couple	\$585.50

Source: Centrelink, *A guide to Australian Government payments: 20 September-31 December 2014, 2014, p. 14.*

3.60 Comparing the Age Pension and the estimated average weekly cost of raising a child, National Seniors concluded that 'child care and caring for oneself [has] become considerably difficult and unaffordable'.⁷⁹ The Aged-care Rights Service Inc. concurred:

[M]any of the carers are living close to or below the poverty line and yet they are willing to become carers for their grandchildren if necessity requires. Even if they receive allowances and benefits in relation to their grandchildren it is unlikely to be sufficient and will need to be supplemented by their own meagre income.⁸⁰

3.61 Dr Stephen Nicholson reinforced and illustrated this point:

A lot of us are on pensions—on fixed incomes—or are self-funded retirees, and we do not have the funds to suddenly do this. You usually organise your life into your retirement around the fact that it is going to be just the two of you, and suddenly you have these kids. In our situation, we got four of them, which is a huge burden...We recently had to take one of them to the [ear nose throat] surgeon for a hearing problem. It cost us \$200 to see the [ear nose throat] surgeon, and we got \$76 back from Medicare.⁸¹

77 Grandparent, *Committee Hansard*, Albany, 7 August 2014, pp 8-9.

78 The Age Pension includes a supplement, which is worth \$63.50 per fortnight (for singles) and \$95.80 per fortnight (for couples).

79 *Submission 131*, p. 9.

80 *Submission 64*, p. 4.

81 President, Grandparent and Kinship Carers Association Inc., Mid North Coast New South Wales, *Committee Hansard*, Sydney, 13 June 2014, p. 11. Also see: Mr Ron Richards, grandparent, *Committee Hansard*, Albany, 7 August 2014, p. 25, who was 'not in a corner with financial matters' but expressed sympathy for those grandparents who are.

3.62 Ms Suzette Evans, a grandparent in receipt of a Disability Support Pension, testified that her own financial challenges were reflected in the NATSEM report, meaning:

I am forced, by limited financial means, taking into consideration existing government subsidies, to spend almost 50 per cent less raising my grandchildren today compared to what I was using to raise my own children in the areas of health, transport, education and recreation.⁸²

3.63 The Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd. (ATSILS Qld) also remarked on the average weekly cost of raising children for low income families, citing NATSEM which reported the figure of \$320 per week per child, compared to the average government benefit of \$274 per week (a net cost of \$46 per week).⁸³ ATSILS Qld submitted:

Given that a majority of the grandparents we interviewed fell within the low income group and are not in a position to add to their earnings in any way, it is proposed that extended financial assistance be considered for grandparents factoring in the costs of raising a child as well additional costs associated with raising a child with special needs.⁸⁴

3.64 For self-funded retirees, Commonwealth financial assistance may not be available due to the application of income and assets tests for various payments. For example, Mrs Kaye Bendle, President of Grandparents Rearing Grandchildren WA (Inc.) (GRG WA), stated:

If the grandparents are self-funded retirees or still in the workforce, their income and assets are taken into consideration and they may not be eligible for payments. There is no category for grandparents and no recognition of grandparents' status or circumstances, [and] they are treated as if they are the parents...Grandparents raising their grandchildren full time should not have their income and assets means tested. Many grandparents fall through the cracks in government policy and support.⁸⁵

3.65 Mrs Beverley Orr OAM from the Australian Foster Care Association concurred:

We have some grandparents at the moment—in fact, a lot—who are already receiving some sort of Centrelink benefit. But it does not include those who may still be in the workforce, whether full-time or part-time; nor does it

82 *Committee Hansard*, Perth, 6 August 2014, p. 44.

83 AMP.NATSEM Income and Wealth Report, *Cost of Kids, The cost of raising children in Australia*, Issue 33, May 2013, p. 7.

84 *Submission 134*, p. [13].

85 *Committee Hansard*, Perth, 6 August 2014, p. 29. Also see: Mrs Nicki Pratt, grandparent, *Committee Hansard*, Albany, 7 August 2014, pp 17-18 and Mr Ross Henderson, grandparent, *Committee Hansard*, Hobart, 19 September 2014, p. 6, who argued that activity tests are not practical given grandparents' age.

include self-funded retirees, who often fall in the gap between those who are employed and the Centrelink-recipient grandparent carers.⁸⁶

3.66 Representatives from The Mirabel Foundation estimated that half of all grandparents raising grandchildren are self-funded retirees,⁸⁷ meaning that there may be a significant number of grandparents who do not qualify for Commonwealth financial assistance regardless of their legal status.

3.67 Mrs Wendy Roberts highlighted that not having access to Commonwealth financial assistance can affect access to other supports and services—most importantly, the Foster Child Health Care Card (see Chapter 4).⁸⁸ Ms Evans stated that this support should be available to all grandparents and the grandchildren in their care.⁸⁹

Committee view

3.68 The committee is concerned that there is disparity in the provision of financial assistance to grandparents raising grandchildren and, for those who do receive assistance, support payments do not necessarily cover the costs associated with raising the children. It is not in the best interests of grandparent-headed families to be under financial pressure such that there is a constant lack of funds for day-to-day living expenses, as well as the additional costs of raising children with complex health needs or even for large and unexpected expenses.

Jurisdictional issues

3.69 Participants stated that the variable financial assistance provided to grandparents raising grandchildren across Australia causes confusion and frustration. A similar concern was identified in respect of non-financial supports and services across government departments and agencies, as well as community service providers. The committee heard that these systems need to be simplified so that they are better understood by and more user-friendly for the grandparents.

3.70 GRG WA, for example, submitted that the present system is too complex, with different legislation, protocols, policies and procedures, and little co-ordination between governments, departments and states.⁹⁰

3.71 Grandparents For Grandchildren SA Inc. argued that there should be national policies and practices, including in relation to the judiciary and children and young peoples' commissioners.⁹¹

3.72 Particularly in the context of grandchildren's health, the Commissioner for Children and Young People, Western Australia submitted:

86 *Committee Hansard*, Melbourne, 10 June 2014, p. 49.

87 Ms Elizabeth McCrea, Advocacy and Family Support, and Mrs Nicole Patton, *Committee Hansard*, Melbourne, 10 June 2014, p. 4.

88 Grandparent, *Committee Hansard*, Hobart, 19 September 2014, p. 7.

89 *Committee Hansard*, Perth, 6 August 2014, p. 44.

90 *Submission 52*, p. [1]. Also see: UnitingCare Tasmania, *Submission 65*, p. 12.

91 *Submission 55*, p. 3.

Importantly a collaborative and coordinated approach should be undertaken by services and agencies involved with the different parties to ensure that complementary and effective strategies are employed. Case management or other mechanisms to provide a central point for the grandcarer to seek assistance, access information and coordinate care decisions as appropriate could be considered.⁹²

3.73 The Commissioner for Children and Young People, Western Australia suggested that improved coordination and collaboration between the jurisdictions and the establishment of clear pathways to access supports and services could be central considerations for future developments.⁹³ Ms Jenni Perkins, Acting Commissioner, considered that pathways should be developed at federal, state and local levels,⁹⁴ an idea which resonated with Professor Gillian Triggs, President of the AHRC:

There are pockets where there are some times local government or local community projects which meet a lot of the things your inquiry is considering...but it is very fragmented and piecemeal. One community is not talking to the other and it is being done in a very ad hoc fashion.⁹⁵

3.74 Dr Backhouse suggested:

Australian state and federal governments must work together to provide a full range of services, including financial and social support, respite, advice and information, to all grandparents-as-parents, regardless of whether the grandchildren have come into their care through a formal or informal arrangement.⁹⁶

3.75 However, the Department for Child Protection and Family Services (WA) gave evidence that federal/state government interactions primarily relate to financial assistance.⁹⁷ In evidence, a departmental representative noted that child protection authorities 'come together in a series of subgroups to focus on a range of joint concerns captured in the national framework'.⁹⁸

Committee view

3.76 The committee notes the current Council of Australian Governments' initiative implementing the *National Framework for Protecting Australia's Children 2009-2020* (Framework). The committee understands that the Framework aims to ensure the safety and well-being of Australia's children and young people, including

92 *Submission 34*, p. 5.

93 *Submission 34*, p. 6. Also see: Gosnells, *Submission 37*, p. 3; AASW, *Submission 132*, p. 8; Wanslea, *Submission 150*, p. 10.

94 *Committee Hansard*, Perth, 6 August 2014, pp 2-3.

95 *Committee Hansard*, Sydney, 13 June 2014, pp 60-61.

96 *Submission 51*, p. 3.

97 Ms Emma White, *Committee Hansard*, Perth, 6 August 2014, p. 14.

98 Ms Emma White, *Committee Hansard*, Perth, 6 August 2014, p. 16.

by supporting grandparents raising grandchildren.⁹⁹ It seems logical that this objective should include the establishment of consistent and clear pathways to accessing that support.

3.77 The committee considers that co-ordination and collaboration between and within jurisdictions is necessary to providing a seamless system of supports and services. To the extent that this is not occurring, it should be addressed by all governments.

99 Commonwealth of Australia, *Protecting Children is Everyone's Business, National Framework for Protecting Australia's Children 2009-2020*, 2009, p. 26. The Second Action Plan targets improved supports for grandparents raising grandchildren.

Chapter 4

Non-financial challenges and supports

4.1 Grandparent carers face many practical challenges when they assume the primary responsibility for raising their grandchildren. While financial considerations arguably present the greatest challenge, there are also non-financial matters which affect the grandparents and their ability to best provide for their grandchildren.

4.2 In this chapter, the committee examines:

- support and service needs of grandparents raising grandchildren;
- Commonwealth, state and territory non-financial assistance; and
- funding for community service providers.

Support and service needs of grandparents raising grandchildren

4.3 Kinship care literature reports that access to timely and appropriate supports and services is critical to grandparents raising grandchildren.¹ Throughout the inquiry, participants informed the committee that these needs are not being adequately met. In some cases, grandparents are choosing not to access the supports and services (for example, due to a fear that they will be perceived as incapable of caring for the children).² In other instances, the committee heard that grandparents are not aware of or cannot access existing supports and services.³

4.4 A number of specific supports and services were discussed in evidence provided to the committee, including: staff in government departments and agencies; training for the care role; access to and availability of respite; education support and information; assessment of grandparents raising grandchildren; and support groups.

Staff in government departments and agencies

4.5 UnitingCare Children, Young People and Families identified a need for grandparents raising grandchildren to have ongoing access to support from caseworkers, according to the needs of the families concerned.⁴ Research studies have highlighted that the type of caseworker is equally important:

1 Brennan, D., Cass, B., Flaxman, S., Hill, T., Jenkins, B., McHugh, M., Purcal, C. and valentine, k. (2013), *Grandparents raising grandchildren: Towards recognition, respect and reward* (SPRC Report 14/13) (*Grandparents raising grandchildren*), Social Policy Research Centre, University of New South Wales, p. 24. Also see: National Seniors, *Submission 131*, p. 7.

2 For example: Tweed Valley Kin Care Support Group Inc., *Submission 56*, p. 2; UnitingCare Tasmania, *Submission 65*, p. 13; Grandparents Raising Grandchildren Tasmania, *Submission 100*, p. [2].

3 The issue of grandparents' awareness of existing supports and services is discussed in Chapter 3.

4 *Submission 85*, p. 3. Also see: Australian Association of Social Workers (AASW), *Submission 132*, p. 8.

What carers wanted from workers: maturity, experience, understanding and respect; appreciation of a carer's situation/story; understanding the carer's mixed emotions/divided loyalties with parents and grandchildren; ability to involve extended family in decisions/planning; and an understanding of drug/alcohol addiction.⁵

4.6 Dr Bridget Jenkins described how many grandparents raising grandchildren:

...were a little bit miffed about the fact that the caseworkers and the people they come into contact with at [the Department of Family and Community Services (NSW)] are often young girls who are 50 or 40 years younger than them and cannot really understand what it is like to raise a child and raise a grandchild.

...

So many times, grandparents felt that they were being judged and blamed for the birth parent's behaviours...Being disrespected by people 30, 40 or 50 years younger than you are is not good in any circumstance. We hear a lot of grandparents saying: 'I don't want to enter the system. I know that there is financial [and non-financial] support available and I know I can get all these things, but I do not want [the Department of Family and Community Services (NSW)] to monitor me and to know what I am doing'.⁶

4.7 In Western Australia, the Department for Child Protection and Family Services advised that the average age for its 860 caseworkers ranges from 28.5 to 31 years of age. A representative assured the committee that understanding the circumstances of grandparents raising grandchildren 'is something that is front and centre for our priorities in terms of our learning and development agenda'.⁷

4.8 At the federal level, an officer from the Department of Human Services (Department) stated:

[W]hat we are doing...with the grandparent advisors is making sure that we have in place people with experience to talk to the grandparents in these situations as issues arise. Our grandparent advisors have the experience and understanding to be able to link those people and help them connect to the services we have.⁸

5 McHugh, M. (2009), *A Framework of Practice for Implementing a Kinship Care Program*, Report for the Benevolent Society, Social Policy Research Centre, p. 10. Also see: Yardley, A., Mason, J. and E. Watson (2009), *Kinship Care in NSW: Finding a way forward*, Social Justice and Social Change Research Centre, University of Western Sydney, Sydney, p. 69.

6 Centre for Social Impact, *Committee Hansard*, Sydney, 13 June 2014, pp 7-8.

7 Ms Emma White, *Committee Hansard*, Perth, 6 August 2014, p. 15. Also see: Mr Matthew Strong, Senior Solicitor, Family Law and Child Protection, Civil Section, North Australian Aboriginal Justice Agency, *Committee Hansard*, Darwin, 5 August 2014, p. 3, who remarked on the high turnover and limited training supplied to caseworkers.

8 Mr Bill Volkers, General Manager, Face to Face Service Delivery, *Committee Hansard*, Perth, 6 August 2014, p. 56.

4.9 The Australian Human Rights Commission (AHRC) submitted that cultural change is a crucial element of valuing unpaid care (such as grandparent provided care), recommending:

That Commonwealth and state and territory front line staff interacting with grandparent carers receive appropriate training so that services to grandparent carers are provided with sensitivity to age and culture.⁹

4.10 Women's Legal Services NSW agreed that there is a need for more cultural sensitivity, with the appointment of Aboriginal and Torres Strait Islander caseworkers for matters involving Aboriginal and Torres Strait Islander families:

We hear anecdotally that in mainstream services rather than allocating an Aboriginal and Torres Strait Islander caseworker to work directly with Aboriginal and Torres Strait Islander families, there tend to be Aboriginal and Torres Strait Islander staff appointed to advise the service more generally about culturally appropriate practices.¹⁰

Training for the care role

4.11 Some participants commented on the need for grandparents raising grandchildren to receive training in contemporary parenting practices. The Child and Family Welfare Agencies Association submitted, for example:

Grandparents may hold onto past techniques of parenting that are not viewed as positive by today's standards. This may result in higher levels of conflict within the household. Experience has shown that there are few resources to assist grandparents [to] make the transition to different ways of parenting.¹¹

4.12 National Seniors endorsed evidence-based training programs, such as the Triple P–Positive Parenting Program, which was reported by the University of Queensland to:

...not only improve grandchildren's behaviour but also lower experiences of depression, anxiety and stress and help to create better intergenerational relationships.¹²

4.13 While some grandparents raising grandchildren considered favourably training in contemporary parenting practices,¹³ Uniting Care Community argued that some grandparents fear parenting again as they 'feel that they may have indeed failed the first time and do not want to make the same mistakes'.¹⁴ Further, currently available programs are not appropriately targeted to grandparents' needs, for example:

9 *Submission 133*, p. 17.

10 *Submission 138*, p. 9.

11 *Submission 151*, p. [2].

12 *Submission 131*, pp 12-13.

13 For example: Sutherland Shire Grandparents' Support Group, *Submission 36*, p. 1.

14 Also see: Mrs Anne McLeish, Grandparents Victoria and Kinship Care, Victoria, *Committee Hansard*, Melbourne, 10 June 2014, p. 23.

We have a lot of single grandmothers on our program. Once their grandsons get to teenage years, they also contact us to try and seek mentors but those sorts of programs are few and far between.¹⁵

4.14 Submitters and witnesses commented also on training for the assumption of care responsibilities. Formal grandparents raising grandchildren are provided with training in some jurisdictions but this training is not necessarily mandatory. Participants argued that all grandparents should have access to,¹⁶ or be required to undertake, training which adequately prepares them for their new care responsibilities. Wanslea Family Services Inc. (Wanslea), for example, submitted:

Often children come into the care of their grandparents for serious issues of neglect, parental abandonment and child abuse. Therefore, the children present with particular behavioural and developmental challenges and a history of trauma that require particular parenting and/or therapeutic practices and strategies.¹⁷

4.15 A grandparent in Western Australia recounted his experience and agreed:

You are not equipped. One of the things you realise is, 'Hey, we brought up three children when we were in our young 30s and so forth', but bringing up a child who is a fairly high-need sort of child, with [attention deficit hyperactivity disorder] and dyslexia and so forth, proved to be a big challenge. We were not really equipped to do this. That is how I felt early on. You do not have the skills.¹⁸

4.16 UnitingCare Tasmania remarked that grandparents raising grandchildren 'cannot be expected to respond therapeutically if they have not received robust training in how to respond to such challenges'.¹⁹ The training must also be delivered in a sensitive manner:

Grandparents need to (a) know that [the training] exists and (b) know that they can pick up the phone and the person that they speak to is not going to be judgemental, is going to work with them in a collaborative way and is going to give them the respect that they deserve as people who know these children and who know the issues that their family has experienced more than any professional, any programmer or any worker does.²⁰

15 Ms Julie Argeros, *Committee Hansard*, Sydney, 13 June 2014, p. 33. Also see: Grandparents Rearing Grandchildren WA (Inc.) (GRG WA), *Submission 50*, p. [5].

16 For example: Ms Sue Rouch, Social Policy Officer, AASW, *Committee Hansard*, Melbourne, 10 June 2014, p. 40.

17 *Submission 150*, p. 6. Also see: Relationships Australia, *Submission 58*, p. [3]; GRG WA, *Submission 50*, p. [5].

18 Mr Ron Richards, *Committee Hansard*, Albany, 7 August 2014, p. 21.

19 *Submission 65*, p. 11. Also see: Mr Bernie Geary, Victorian Commission for Children and Young People, *Committee Hansard*, Melbourne, 10 June 2014, p. 27.

20 Ms Sue Rouch, AASW, *Committee Hansard*, Melbourne, 10 June 2014, p. 40. Also see: Mrs Anne McLeish, Grandparents Victoria and Kinship Care, Victoria, *Committee Hansard*, Melbourne, 10 June 2014, p. 22.

4.17 The Department of Health and Human Services, Tasmania argued that the training provided to grandparents raising grandchildren should be identical, or at least similar, to that provided to foster carers.²¹ However, Winangay Resources contended that kinship carers' training needs are unique due to unresolved grief, loss and intergenerational trauma:

Kinship carers' previous experience of trauma and mental health issues can adversely affect the quality of care provided and has been identified as a factor in placement breakdown..."Brave Faces, Hidden Tears" a trauma informed training information/session was developed in response to many kinship carer stories...The Brave Faces, Hidden Tears session has been incorporated into the Strong People Strong Ways: Yarning and Sharing Sessions which can be adapted to meet the needs of non-Aboriginal carers.²²

Access to and availability of respite

4.18 In the Australian Capital Territory, South Australia and Queensland, informal grandparents raising grandchildren have access to respite.²³ In Tasmania and Victoria, the provision of such respite depends on the capacity of community service providers. In Western Australia, the Northern Territory and New South Wales, grandparents with the care of their grandchildren under informal arrangements are not provided with respite.²⁴

4.19 Participants argued that all jurisdictions should offer unqualified respite to informal grandparents raising grandchildren, as well as formal grandparents raising grandchildren (who have variable entitlements to respite).²⁵ The Salvation Army, for example, submitted:

[One] significant area of need is for respite care to be available for grandparents who care full time for their grandchildren. Many grandparents experience their own fatigue, health concerns and social isolation, and the consideration of this support is essential for many grandparents to be able to continue to provide care for their grandchildren.²⁶

21 *Submission 32*, p. 4.

22 *Submission 107*, p. 12. Also see: Dr Stephen Nicholson, Grandparent and Kinship Carers Association Inc., Mid North Coast New South Wales, *Committee Hansard*, Sydney, 13 June 2014, p. 13.

23 See, for example: Uniting Care Community, *Time for Grandparents program*, additional documents, received 29 August 2014.

24 See: Ms Emma White, Department for Child Protection and Family Services (WA), *Committee Hansard*, Perth, 6 August 2014, p. 15, who stated that some respite is provided to informal grandparents raising grandchildren to facilitate medical treatment and recovery.

25 For example: The Aged-care Rights Service Inc. (TARS), *Submission 64*, p. 6.

26 *Submission 108*, p. 5. Also see: Women's Legal Services NSW, *Submission 138*, p. 10; Wanslea Family Services Inc. (Wanslea), *Submission 150*, p. 10.

4.20 The committee heard also that existing respite services are inadequate due to: not enough carers being available to meet the demand; and carers sometimes not having enough training to provide quality care (including for children with complex needs).²⁷ Mrs Anne McLeish, President of Grandparents Victoria and Kinship Care, Victoria, advised that the provision of respite is 'very much a hit and miss thing':

The issue of respite where the children go away from the grandparents for a while is fraught and it is hardly available to anyone—largely because the children can be quite difficult, particularly in the first 2½ to three years before they settle down, and the number of people who are willing to put up with that is diminishing. So it is a real pressure point.²⁸

4.21 Some submitters highlighted the particular need for respite in sub-groups of the grandparents raising grandchildren population, including: older grandparents; grandparents based in rural and remote areas; and grandparents with multiple grandchildren in their care.²⁹ Dr Marilyn McHugh noted, for example:

All carers need a break from constant caring, but older, more vulnerable kinship carers are at higher risk of placement instability, when respite is unavailable. Without agency support for kinship placements, carer need for respite is unrecognised and unmet.³⁰

4.22 National Seniors similarly submitted:

The need for [respite services] is critical for those grandparent families who live remotely and who may not have friends or family in close proximity and also during emergency situations.³¹

4.23 In the absence of respite and minimal, if any, family support, Mission Australia and The Mirabel Foundation highlighted the need for school holiday programs, particularly over the long Christmas/New Year's break.³²

4.24 The Central Australian Women's Legal Service agreed that holiday programs are much needed, as well as general programs and activities, for children in Aboriginal and Torres Strait Islander communities:

Many grandparents expressed concern that their grandchildren would 'get up to trouble' as they are unable to supervise them all of the time...Grandparents encouraged the idea of a support group, a Youth centre or dedicated after school/holiday programs...This would enable

27 For example: Department of Health and Human Services, Tasmania, *Submission 32*, p. 4; GRG WA, *Submission 50*, p. [2]; UnitingCare Tasmania, *Submission 65*, p. 7.

28 *Committee Hansard*, Melbourne, 10 June 2014, p. 22.

29 For example: Aboriginal and Torres Strait Islander Legal Services (Qld) Ltd. (ATSILS Qld), *Submission 134*, p. [10].

30 *Submission 17*, p. 3.

31 *Submission 131*, p. 12 (quoting one grandparent).

32 Mr Brett Fahey, Mission Australia, *Committee Hansard*, Sydney, 13 June 2014, p. 43; Mrs Nicole Patton, The Mirabel Foundation, *Committee Hansard*, Melbourne, 10 June 2014, p. 2, respectively.

grandparents to enjoy some respite and thus make for a more sustainable care arrangement[.]³³

Education support and information

4.25 Many participants called for grandparents raising grandchildren to receive assistance in helping grandchildren with their educational needs. In this regard, several submitters and witnesses identified challenges attributable to generational issues (for example, modern curricula and teaching methodologies,³⁴ as well as information and communication technologies (ICT)).³⁵ One grandchild stated, for example:

Because our grandparents were taught a lot of different things. Like I would ask for help in maths and they don't know half the stuff I'm doing...Just having to deal with issues that go on in schools, it's a lot different to back in their day.³⁶

4.26 In relation to ICT, the AHRC provided the following illustration of grandparents' limited experience in online communications:

While internet usage is increasing for older people, less than half of over 65s are online, with merely 37 per cent going online in 2010-11. That leaves a total of 1,790,000 Australians over 65 who are not online. In comparison, in June 2010, young people aged 14 -17 years old had the highest rate of internet use in Australia with 91 per cent spending time online every week.³⁷

4.27 At public hearings, community service providers highlighted also the challenges associated with the circumstances leading to the care arrangement, where grandchildren may be behind in their schooling, underperforming or have learning difficulties. The Mirabel Foundation explained:

Many of the children that we see have fallen behind in their schooling while living with their parents. Unfortunately, they are not eligible for in-school support, because their IQ is above 70 per cent. In Victoria they need to be seen as below that or assessed as below that to be eligible. These children have absolutely the potential to succeed at school but have fallen behind and unfortunately there is no support available to them. So access to tutoring, homework help and support for the grandparents as well to be able

33 *Submission 104*, p. 4. Note that this issue might not be relevant to all Aboriginal and Torres Strait Islander communities.

34 For example: Wanslea, *Submission 150*, p. 4.

35 For example: North West Grandparents Raising Grandchildren Tasmania, *Submission 100*, p. [3].

36 The Centre for Excellence in Child and Family Welfare Inc., *Submission 169.1*, p. 4. Also see: Ms Julie Argeros, Uniting Care Community, *Committee Hansard*, Sydney, 13 June 2014, p. 33.

37 *Submission 133*, p. 13.

to assist the grandchildren would enable the children to live up to their full educational potential and obviously broaden their options for their future.³⁸

4.28 Mr Brett Fahey from Mission Australia described an initiative conducted in partnership with The Smith Family through the Grandparents Raising Grandchildren program: the 'homework club'. Mr Fahey indicated that this initiative is achieving positive results:

One of the grandchildren actually asked his teacher whether he could have extra homework so that he had an excuse to come on the two afternoons instead of just coming to one. This was a child that was two years behind in schooling, who had never read a book, let alone a chapter book, and is now doing those things with the help of the homework club.³⁹

4.29 Grandparents Victoria and Kinship Carers Victoria referred to their longstanding efforts with 'government authorities to structure cross-portfolio agreements [to tackle the issue of under achievement]'.⁴⁰

4.30 Standard 4 of the *National Standards for Out-of-home Care*, developed as a priority project for the *National Framework for Protecting Australia's Children 2009-2020*, provides that 'each child and young person has an individualised plan that details their health, education and other needs'.⁴¹ Mrs McLeish stated:

We see that as the key to [success in] schools. Just the fact that you sit down with your teachers and carers, and in some cases [with] the child, and certainly the administration of the school, and have a conversation about the specific needs of this child, then document them and turn that into a plan is really important...The individual learning plan, if it operates well, would be accompanied by regular meetings between all the stakeholders where everybody shares the responsibility for the education of the child...We struggle...to get the system to even highlight to the schools that this commitment exists.⁴²

4.31 Submitters suggested a range of other measures to assist grandchildren with their education, including: access to computers;⁴³ funding the delivery of homework classes;⁴⁴ and education subsidies.⁴⁵ The AHRC proposed that programs (such as

38 Mrs Nicole Patton, *Committee Hansard*, Melbourne, 10 June 2014, pp 1-2. Also see: Ms Julie Argeros, Uniting Care Community, *Committee Hansard*, Sydney, 13 June 2014, p. 33.

39 *Committee Hansard*, Sydney, 13 June 2014, p. 43.

40 Mrs Anne McLeish, *Committee Hansard*, Melbourne, 10 June 2014, p. 18.

41 Department of Families, Housing, Community Services and Indigenous Affairs together with the National Framework Implementation Working Group, *An outline of National Standards for out-of-home care, A Priority Project under the National Framework for Protecting Australia's Children 2009-2020*, July 2011, p. 7, available at: http://www.dss.gov.au/sites/default/files/documents/pac_national_standard.pdf (accessed 11 September 2014).

42 Mrs Anne McLeish, *Committee Hansard*, Melbourne, 10 June 2014, p. 24.

43 Grandparents For Grandchildren SA Inc., *Submission 55*, p. 3.

44 Wanslea, *Submission 150*, p. 4.

Broadband for Seniors) be linked to support groups, to assist and encourage grandparent carers to use the internet.⁴⁶

Assessment of grandparents raising grandchildren

4.32 Foster carers are generally required to undertake formal assessment prior to the placement of children in their care. In contrast, grandparents raising grandchildren are subject to a less rigorous assessment process, which often occurs after commencement of a placement.⁴⁷ Dr McHugh expressed concern with such assessments, noting:

Placements where no assessment, or a minimal assessment, is conducted on carer family appropriateness, presents a risk not only to stability, but also to child safety...Because the majority of placements are monitored infrequently, little is known about quality of care in some placements. Risks to stability must surely arise for carers lacking financial resources and appropriate information, and for whom support is not provided, either initially or on an ongoing basis.⁴⁸

4.33 Mr Bernie Geary from the Victorian Commission for Children and Young People emphasised the need for high quality assessment of kinship care placements, as well as support and supervision, to ensure the best outcomes for children and their families.⁴⁹

4.34 Several participants—such as CREATE Foundation—contended that, in some instances, kinship care is not the most suitable form of placement for children and young people.⁵⁰ Mr Geary concurred:

Kinship care placements frequently commence at a time of crisis and a relative can seem to be a safe and familiar option for a child...Highly skilled assessment is required to ensure that the best option for the child is identified, not just the quickest or the most convenient.⁵¹

45 For example: GRG WA, *Submission 50*, p. [4]; UnitingCare Tasmania, *Submission 65*, p. 15.

46 *Submission 133*, p. 14.

47 AASW, *Submission 132*, p. 6.

48 *Submission 17*, p. 3. Also see: Ms Meredith Kiraly, Australian Psychological Society, *Committee Hansard*, Melbourne, 10 June 2014, p. 12; Ms Kelly Bucknall, CREATE Foundation, *Committee Hansard*, Sydney, 13 June 2014, p. 27 (referring also to the potential for further traumatisation).

49 *Committee Hansard*, Melbourne, 10 June 2014, p. 26. Also see: Miss Kathleen, *Committee Hansard*, Sydney, 13 June 2014, p. 30 (in relation to supervision).

50 For example: Family and Relationship Services Australia, *Submission 81*, p. 4; Tangentyere Council, *Submission 112*, p. 1; CREATE Foundation, *Submission 136*, p. 6; National Legal Aid, *Submission 141*, p. 4; Ms Trish Heath, Principal Policy Officer, Commissioner for Children and Young People, Western Australia, *Committee Hansard*, Perth, 6 August 2014, pp 6-7.

51 *Committee Hansard*, Melbourne, 10 June 2014, p. 26.

4.35 Representatives from the Australian Association of Social Workers confirmed the need for skilled assessment which engages the grandparents, as 'you are going to have to talk about things that grandparents are not necessarily going to want to talk about'.⁵²

4.36 Two assessment options identified by participants included: comprehensive assessment identical to that required of foster carers (although this would entail delays in grandparent care placements);⁵³ and development of care plans subsequent to grandparent care placements (as is occurring in Victoria).⁵⁴

Support groups

4.37 Throughout the inquiry, the committee heard evidence regarding the need for better resourcing of support groups for grandparents raising grandchildren.⁵⁵ Grandparents Rearing Grandchildren WA (Inc.) explained the multiple reasons why grandparents have found the groups 'invaluable':

They give a wealth of information and personal support. Grandparents feel safe, relaxed and can gain confidence in raising their grandchildren. Many of these grandchildren can often be extreme, violent and exhausting all in one day. The support group can help grandparents with skills to better cope, [and] regain their social and emotional well-being. Grandparents come to rely on grandparent support groups for friendship, advice, [the] understanding that each member can offer and the group keeps the grandparent "going" and keeps their "sanity".⁵⁶

4.38 Participants referred to the social isolation experienced by grandparents when their care responsibilities clash with their pre-existing social networks and activities.⁵⁷ In this context, submitters emphasised the value of support groups as a source of friendship. Wanslea, for example, submitted:

The friendships and connections grandparent carers make at Wanslea's support groups do contribute to alleviating [social isolation], and they often will interact socially beyond the group setting. This broader social interaction gives grandparent carers a sense of belonging and community.

52 Ms Sue Rouch and Ms Wendy Frayne, *Committee Hansard*, Melbourne, 10 June 2014, p. 44.

53 AASW, *Submission 132*, p. 7.

54 Mrs Anne McLeish, Grandparents Victoria and Kinship Care, Victoria, *Committee Hansard*, Melbourne, 10 June 2014, p. 22.

55 For example: Dr Marilyn McHugh, *Submission 17*, p. 3.

56 *Submission 50*, p. [5]. Also see: Mrs Nicole Patton, The Mirabel Foundation, *Committee Hansard*, Melbourne, 10 June 2014, p. 7; Ms Wendy Frayne, AASW, *Committee Hansard*, Melbourne, 10 June 2014, p. 44; Dr Bridget Jenkins, Centre for Social Impact, *Committee Hansard*, Sydney, 13 June 2014, p. 2.

57 For example: North West Grandparents Raising Grandchildren Tasmania, *Submission 100*, p. [3].

It contributes to 'normalising' their complex circumstances and they nurture one another through whatever difficulties they choose to disclose.⁵⁸

4.39 However, submitters and witnesses indicated that non-ongoing and limited funding is jeopardising the continued operation of existing support groups, as well as the supports and services that are available to group members. Further, there is a lack of suitable support groups for Aboriginal and Torres Strait Islander grandparents raising grandchildren.

4.40 At the Melbourne public hearing, Mr Andrew Jackomos, Commissioner for Aboriginal Children and Young People, advised that mainstream service providers:

...would not be the first place that a Koori carer would go [for support]. It would be their local Aboriginal organisation [as] Koori carers do not have access to a Victorian Aboriginal peak body[.]⁵⁹

4.41 In Western Australia, Wanslea advised that it is strongly committed to increasing its outreach to regional areas, particularly for Aboriginal and Torres Strait Islander grandparents, by assisting local agencies to address local needs:

As a result of our engagement efforts in Narrogin, for example, we have managed to instigate an associate grandcare group in that town, with a group comprising 15 Indigenous grandfamilies at the moment. This group is coordinated by a local Indigenous support agency, named [Kaata-Koorliny Employment and Enterprise Development Aboriginal Corporation]. Distance factors [prevent] Wanslea facilitating this group, but we also believe that they are better served by having a local culturally appropriate facilitator. That seems to be working fairly well...Wanslea would like to expand this service to other regional areas as we see this...as the tip of the iceberg but are faced with budgetary and resourcing challenges which make such expansion not possible.⁶⁰

4.42 In New South Wales, Mission Australia provides a program for grandparents with the primary care for raising Aboriginal and Torres Strait Islander grandchildren, however, 'that program may cease...due to changes in Commonwealth government funding'.⁶¹

4.43 Also in New South Wales, the Grandparent and Kinship Carers Association Inc., Mid North Coast New South Wales, which covers a geographical area of approximately 200 kilometres, informed the committee that 'it is a job to keep this group going':

We are reliant upon doing barbecues at Bunnings to finance us, to pay the insurance and the other ongoing costs...The big problem with all of the

58 *Submission 150*, p. 6. Also see: Brennan et al, *Grandparents raising grandchildren*, p. 152, which noted the cultural importance of kinship to Aboriginal and Torres Strait Islander grandparents raising grandchildren.

59 *Committee Hansard*, Melbourne, 10 June 2014, p. 29.

60 Mr Moray McSevich, Albany Branch, *Committee Hansard*, Albany, 7 August 2014, p. 3.

61 Mr Brett Fahey, *Committee Hansard*, Sydney, 13 June 2014, p. 42.

groups like ours is to be able to survive. They come and go at quite a rapid rate because we are all stressed out; we are tired; and there is the financial cost of just getting to meetings.⁶²

4.44 Ms Emma White from the Department for Child Protection and Family Services (WA) observed that there is a continuum of support groups, where some groups 'need input from a range of services and community supports to support them in delivering that care'.⁶³

4.45 Submitters stated that governments should continue to establish and extend grandparents raising grandchildren support groups, with the provision of ongoing funding,⁶⁴ including funding for follow up services,⁶⁵ social activities and regular camps.⁶⁶

Committee view

4.46 The committee acknowledges that state and territory governments are largely responsible for the provision of non-financial supports and services to grandparents raising grandchildren. Bearing this in mind, the committee makes the following comments with respect to the evidence received regarding unmet needs:

Staff in government departments and agencies

4.47 The committee recognises that some grandparents raising grandchildren are not comfortable when interacting with government departments and agencies. For this reason, it is important that customer service staff receive education and training on the special circumstances and needs of grandparents, as well as the supports and services which are available within each jurisdiction or where to go for such information.

4.48 The committee heard evidence indicating that some departments are conscious of these issues and are taking, or have taken, steps to provide more informed and sensitive services to grandparents raising grandchildren.⁶⁷ However, grandparents across the country argued there are still problems, and the committee is persuaded that a consistent and systemic change is required.

Training for the care role

4.49 If grandparents raising grandchildren would like to refresh their parenting knowledge and skills, as the evidence suggests, then the committee supports grandparents having access to the appropriate courses, particularly where this will

62 Dr Stephen Nicholson, *Committee Hansard*, Sydney, 13 June 2014, pp 10 and 12. Also see: Dr Jan Backhouse, *Committee Hansard*, Sydney, 13 June 2014, p. 20; Ms Julie Argeros, Uniting Care Community, *Committee Hansard*, Sydney, 13 June 2014, p. 35.

63 *Committee Hansard*, Perth, 6 August 2014, p. 14.

64 For example: GRG WA, *Submission 50*, p. [6]; Shoalcoast Community Legal Centre Inc., *Submission 87*, p. [3]; Central Australian Women's Legal Service, *Submission 104*, p. 3.

65 The Child and Family Welfare Agencies Association, *Submission 151*, p. [3].

66 Dr Jan Backhouse, *Submission 51*, p. 3.

67 Ms Emma White, *Committee Hansard*, Perth, 6 August 2014, p. 15.

enhance family relationships. The desire, or need, to attend parenting courses should not be construed as a failure on anyone's part but as a positive and proactive acknowledgement of the potential familial benefit.

4.50 The committee believes that training should be made available to all grandparents raising grandchildren on an 'as needed' basis. In this regard, the committee notes the significant potential for grandparents to require training in relation to the complex needs of children in their care. The committee considers that discrete subject areas should be identified for the development of training modules which are specifically targeted toward the needs of grandparent-headed families.

Access to and availability of respite

4.51 The committee accepts that respite is a fundamental support for grandparents raising grandchildren, to promote health and wellbeing (by providing time out and an opportunity to attend to personal needs),⁶⁸ and to help ensure placement stability. However, the provision of respite is variable and, according to the evidence received, there is not enough respite available to those who need it (particularly grandparents in rural and remote areas or with negligible family support). The committee urges governments to consider extending and enhancing respite services for all grandparents raising grandchildren.

Education support and information

4.52 It is difficult to understate the importance of education and it is highly commendable that grandparents wish to do more to ensure that their grandchildren receive an education which sets them up for life. The committee heard evidence regarding local, state and federal initiatives that similarly recognise and support this objective.

4.53 The committee endorses Standard 4 of the National Standards for Out-of-home Care, which provides for each child and young person to have an individualised education plan. The committee considers that this national priority will advance each child's education outcomes. Noting the concern expressed by some participants regarding implementation of the new standard, the committee suggests that governments collaboratively develop guidelines, protocols and templates for use within each jurisdiction.

4.54 Further, there is significant merit in equipping children with the necessary tools and supports to achieve their full educational potential. Whether this be through the direct provision of equipment or the funding of supports and services, consideration should be directed toward improving the educational outcomes of children in grandparent provided care by whatever means possible.

Assessment of grandparents raising grandchildren

4.55 The safety of children in out-of-home care arrangements must always be paramount. The committee recognises that there is not enough information available

68 For example: TARS, *Submission 64*, p. 6; GRANDS Raising Kids NSW Inc., *Submission 74*, p. 2.

regarding grandparent-headed families, to assess the proportion of households where child safety is a live issue. The committee considers that this is one of the many areas which would benefit from further research. However, in the interim and primarily as a means of determining the suitability of a placement, as well as necessary supports and services, the committee believes that some form of assessment should take place within six months of the commencement of a placement.

Support groups

4.56 The commitment of support groups to improving the circumstances of grandparents raising grandchildren was evident in their high level of involvement with the inquiry. Numerous other participants spoke well of various groups, acknowledging the benefits provided to grandparents at a most difficult time in the grandparents' lives.

4.57 While specific groups participated in, or were mentioned during, the inquiry, the committee recognises that there are many support groups throughout Australia, quietly and diligently assisting grandparents raising their grandchildren. The committee acknowledges and commends the altruistic efforts of all support groups, and encourages them in their endeavours.

4.58 Against this backdrop, it was encouraging to hear of the funding provided by governments in support of the groups. It was likewise discouraging to hear of funding uncertainties and the potential impact of budget cuts on support groups. The committee considers that it would be extremely unfortunate for these groups to cease or limit their activities: there is merit in considering funding options to facilitate the establishment, maintenance and operations of peer support groups which provide invaluable assistance to grandparents raising grandchildren.

Commonwealth, state and territory non-financial assistance

4.59 The Commonwealth, state and territory governments provide non-financial assistance to some grandparents raising grandchildren. The type and extent of this assistance depends on a range of factors, including: the grandparents' geographic location; the type of care arrangement (formal/informal); and characteristics of the placement.

Commonwealth non-financial assistance

4.60 The Commonwealth provides non-financial assistance to grandparents through the Foster Child Health Care Card, the MyTime for Grandparents initiative and with the provision of Centrelink-based grandparent advisors in some states. These supports and services are available to grandparents regardless of the legal status of the care arrangement (formal/informal).

4.61 The Foster Child Health Care Card enables card holders to access cheaper Pharmaceutical Benefits Scheme medications for children in care, as well as other

concessions offered by state and territory organisations. The card is issued to the grandparent but only the child is named on and covered by the card.⁶⁹

4.62 MyTime for Grandparents is a national network of peer support groups for kinship carers with the full-time care of children aged up to 18 years. The groups aim to reduce carers' social isolation, increase carers' knowledge about available payments, services and resources, and improve family functioning and wellbeing. According to the Department of Social Services, there are 25 peer support groups across Australia.⁷⁰

4.63 The Department of Human Services (Department) advises that there are six grandparent advisors across Australia, with two advisors based in New South Wales, one in Victoria (covering Tasmania), one in Queensland, one in Western Australia (covering the Northern Territory) and one in South Australia.⁷¹

4.64 The role of the grandparent advisers is to assist grandparents raising grandchildren by:

- understanding family circumstances, to provide tailored information about payments and services;
- arranging appointments with Centrelink's specialist staff (such as social workers); and
- arranging referrals to other federal, state and community service providers.⁷²

4.65 The responsibilities of the grandparent advisers also include, for example: collaborating with other government and non-government agencies (to achieve optimum outcomes for grandparent carers); raising the awareness, skills and competency of departmental customer service employees; and identifying trends and developing proactive strategies to assist the grandparents.⁷³

4.66 Each grandparent advisor reports monthly on the number of inquiries received from an 1800 telephone service (approximately 30-40).⁷⁴ A departmental officer explained that this data focusses on 'the delivery and co-ordination of a service',

69 Department of Human Services, *Foster Child Health Care Card*, available at: <http://www.humanservices.gov.au/customer/services/centrelink/foster-child-health-care-card> (accessed 9 September 2014).

70 Department of Social Services, *MyTime for Grandparents (peer support groups)*, available at: <http://www.dss.gov.au/our-responsibilities/families-and-children/programs-services/family-support-program/family-and-children-s-services/mytime-for-grandparents-peer-support-groups> (accessed 9 September 2014).

71 Answers to questions on notice, received 15 August 2014, p. 2.

72 Department of Human Services, *Grandparent advisers*, available at: <http://www.humanservices.gov.au/customer/services/centrelink/grandparent-advisers> (accessed 9 September 2014).

73 Department, answers to questions on notice, received 15 August 2014, p. 4.

74 Ms Pene Fatcher, Operational Manager, Grandparent Adviser Program Delivery, Department, *Committee Hansard*, Perth, 6 August 2014, p. 52. Also see: Ms Donna Dei-Rossi and Ms Susan Thornton, Grandparent Advisers, Department, p. 55.

rather than providing qualitative data, such as access issues experienced by grandparents using the Centrelink service.⁷⁵

4.67 In relation to policy development, the grandparent advisors meet regularly to discuss issues affecting grandparents raising grandchildren. Policy proposals are then forwarded to various program counterparts within the Department for decision-making at a higher level.⁷⁶ The Department provided two examples of policy proposals received from the community which have been actioned (relating to the Foster Child Health Care Card form and claims for child support).⁷⁷

Specific issues relating to the Grandparent Advisors Program

4.68 Submitters and witnesses commented particularly on the grandparent advisors, generally praising the advisors for their assistance to grandparents raising grandchildren in navigating Centrelink systems.⁷⁸ Ms Geraldine Burke described her experience with the Victorian advisor:

It was just the whole muddle of Centrelink and what you were able to receive through them and to help you through those forms that you cannot deal with due to your emotional state. You just cannot deal with it. They actually helped do that and sent out things that were partially filled in. You just needed to fill out the rest of the thing and sign them and take them in rather than going to wait in a queue for hours, being given a form, and then queuing again for hours—which you cannot do when you have a child that has all of a sudden come into your care.⁷⁹

4.69 Grandparents Victoria and Kinship Care, Victoria informed the committee that assistance with the paperwork was an unexpected benefit: 'what we wanted out of the advisors was consistent and correct information, and we have certainly got that'.⁸⁰

4.70 At the Perth public hearing, the committee heard from the Perth and Adelaide-based grandparent advisors, who gave evidence regarding their further role in progressing claims lodged by grandparents:

- one advisor described directing claims to the relevant processing centres for prompt attention (particularly for claims involving hardship);⁸¹ and

75 Mr Bill Volkers, *Committee Hansard*, Perth, 6 August 2014, p. 53.

76 Ms Pene Fatcher, Department, *Committee Hansard*, Perth, 6 August 2014, p. 56. Ms Thornton provided one example involving questions asked on the claim form for the Foster Child Health Care Card: see p. 57.

77 Answers to question on notice, received 24 September 2014, p. 2.

78 For example: Sutherland Shire Grandparents' Support Group, *Submission 36*, p. 1; UnitingCare Tasmania, *Submission 65*, p. 7; Wanslea, *Submission 150*, p. 3; Child and Family Welfare Agencies Association, *Submission 151*, p. [2]; Mrs Nicole Patton, The Mirabel Foundation, *Committee Hansard*, Melbourne, 10 June 2014, p. 1; Ms Marilyn O'Neill, Grandparent and Kinship Carers Association Inc., Mid North Coast New South Wales, *Committee Hansard*, Sydney, 13 June 2014, p. 11.

79 *Committee Hansard*, Melbourne, 10 June 2014, p. 20.

80 Mrs Anne McLeish, *Committee Hansard*, Melbourne, 10 June 2014, p. 21.

- the other advised that she 'case manages' the file until the claim is granted (potentially four to six weeks):

I monitor to make sure that at each stage the claim has been granted. I keep in close touch with the relevant processing team. When all the claims have been granted and all the payments run out, then I let the grandparent know that everything that they could access from Centrelink has been successful and that their payments are up and running.⁸²

4.71 In addition to these positive comments, participants described shortcomings in grandparents raising grandchildren's experiences with Centrelink and the Grandparent Advisor Program. Concerns were expressed with regard to, for example, the manner in which Centrelink interacts with grandparents and the high demand for assistance from the advisors.

Manner in which Centrelink interacts with grandparents raising grandchildren

4.72 Participants argued that grandparents raising grandchildren prefer to deal with a person when interacting with Centrelink. Dr Bridget Jenkins stated, for example:

[Grandparents] prefer to speak to someone rather than read information on the internet. Although this is not face to face for most grandparents, who will not be able to [travel to a grandparent advisor], certainly having someone to speak to over the phone, having that relationship with someone, is really positive.⁸³

4.73 The Grandparent and Kinship Carers Association Inc., Mid North Coast New South Wales agreed that grandparents have an aversion to electronic interactions:

We are all nearly elderly people and we have to deal with modern technology, which we were not brought up with...In dealing with government services, we deal with Centrelink, which is now going to, primarily, an online organisation; Medicare is doing the same; and on and on it goes, with most government services.⁸⁴

4.74 A representative from COTA Australia suggested that online processing and phone servicing may be limiting grandparents' access to entitlements:

The colocation of Centrelink and Medicare has exacerbated the problem in terms of waiting times and people feeling alienated from an office. Often you are directed to sit at a computer and do your processing, not with a person. Some of that model of service delivery for Centrelink really does work against people who are not familiar with the system and are uncomfortable with it. If they have language difficulties, if they come from

81 Ms Donna Dei-Rossi, Department, *Committee Hansard*, Perth, 6 August 2014, p. 51.

82 Ms Susan Thornton, Department, *Committee Hansard*, Perth, 6 August 2014, p. 52.

83 Centre for Social Impact, *Committee Hansard*, Sydney, 13 June 2014, p. 7. Also see: Dr Jan Backhouse, *Committee Hansard*, Sydney, 13 June 2014, p. 19.

84 Dr Stephen Nicholson, *Committee Hansard*, Sydney 13 June 2014, p. 10. Also see: Mr James Pilkington, Larrakia Nation Aboriginal Corporation, *Committee Hansard*, Darwin, 5 August 2014, p. 14.

a non-English speaking background or they have cultural differences, all of that needs to be taken into account[.]⁸⁵

4.75 Mrs Elizabeth Burton outlined her overall frustration dealing with Centrelink offices:

One of the biggest and most frustrating issues for me has been dealing with Centrelink...On one visit to Centrelink, the temperature was 40 degrees Celsius, the queue inside for checking in was approximately 20 to 30 people long and even extended outside into the heat at times. There were also approximately—I counted—100 people seated inside waiting up to 2½ hours for their appointment. There were small children running around, babies crying in prams plus many elderly patiently awaiting their turn, and I dread having to go through this each time I have to deal with Centrelink.⁸⁶

4.76 According to the Department's evidence, the grandparent advisors endeavour to assist grandparents raising grandchildren who cannot attend the local Centrelink office (by conducting home visits, if practical, and outreach services), as well as helping with online claims.⁸⁷

High demand for assistance from grandparent advisors

4.77 COTA Australia noted that two grandparent advisors have responsibility for providing services in more than one jurisdiction. However, in all jurisdictions, COTA Australia argued that there are not enough advisors, resulting in a diminished service to grandparents raising grandchildren:

When the adviser positions were announced, they were going to provide one on one support to grandparents who needed it. Obviously, with only six positions nationally, this is not provided to the majority on a face to face basis and is usually via a telephone conversation...There are sometimes long waiting times to speak with an advisor; as much as two to three weeks for a detailed discussion...People also reported feeling rushed and not having enough time with the adviser to go through all the issues they needed to address. Grandparent advisers have heavy workloads and often have other responsibilities as well[.]⁸⁸

4.78 COTA Australia contended that the number of grandparent advisors should be increased, to ensure timely access and to allow for the provision of 'in depth' support.⁸⁹

4.79 The Department of Social Services acknowledged previous feedback from the community on this issue, leading to recent discussions with the Department regarding 'the level of demand placed on those grandparent advisers [and] whether the current

85 Ms Josephine Root, *Committee Hansard*, Canberra, 20 June 2014, p. 21.

86 Grandparent, *Committee Hansard*, Perth, 6 August 2014, p. 40.

87 Mr Matt McNeil, *Committee Hansard*, Canberra, 20 June 2014, p. 27; Ms Donna Dei-Rossi and Ms Susan Thornton, *Committee Hansard*, Perth, 6 August 2014, pp 50-51.

88 *Submission 113*, p. 5.

89 *Submission 113*, p. 6.

number meets the demand'. However, 'the Department has not made any systemic changes to accommodate increasing demand for grandparent advisors'.⁹⁰ In evidence, a representative stated:

[T]here seem to be sufficient grandparent advisers to meet the demand. I think it is back to that face-to-face issue...People think [the advisers] are a really good service and they get them on the phone but they then want to sit down and talk through their documents and that quite often is not possible. I would say that has been an area of focus and interest for us...[W]e are conscious of...the desire and interest in a greater face-to-face presence of the advisers ...That is an issue that has been raised with us consistently.⁹¹

Committee view

4.80 The committee commends the Grandparent Advisor Program administered by the Department, and the individual efforts of the grandparent advisors. Most participants spoke very highly of the advisors, with concerns expressed in relation to the program and Centrelink's general capacity to facilitate face-to-face dealings with grandparents raising grandchildren.

4.81 The committee acknowledges grandparents' preference for people-based interactions, due to variable information technology knowledge and skills, as well as the personal and traumatic circumstances in which grandparents interact with the system. In addition, the committee recognises the need for grandparents to fully engage with Centrelink through the advisors, to access all supports and services to which the grandparents might be entitled. Clearly, if there are more advisors available, then they will have more time for each client.

4.82 Noting that the grandparent advisors are responsible for 14 Service Zones (rather than jurisdictions),⁹² the committee considers that the Department should review its Grandparent Advisor Program, with a view to ensuring that need is being met in high-demand service areas and, if required, increasing the number of grandparent advisors employed under the Grandparent Advisor Program.

State and territory non-financial assistance

4.83 Most non-financial government assistance for grandparents raising grandchildren is provided by the states and territories. There are four primary forms of non-financial supports and services, with variable provision to grandparents across Australia:

- all jurisdictions offer case management to formal carers, but the Northern Territory only offers case management to informal carers;
- most jurisdictions offer non-mandatory training to formal carers, but the Australian Capital Territory and South Australia only provide access to training for informal carers, dependent on service providers;

90 Answers to question on notice, received 23 September 2014, p. 2.

91 Ms Elizabeth Hefren-Webb, *Committee Hansard*, Canberra, 20 June 2014, pp 29 and 32.

92 Department, answers to questions on notice, received 15 August 2014, p. 2.

- some jurisdictions offer respite to formal carers, with New South Wales, Victoria and the Northern Territory offering respite if it is articulated in individual case plans. The Australian Capital Territory, Queensland and South Australia provide respite to informal carers, with respite in Tasmania and Victoria dependent on the presence and capacity of service providers; and
- most jurisdictions have a foster care peak body that provides advocacy for formal carers, with peak kinship care bodies providing advocacy in other jurisdictions (including for informal carers).⁹³

4.84 Social researchers Dr McHugh and Dr kylie valentine have noted that most jurisdictions provide information to grandparents raising grandchildren on other supports and services, including: support groups; government liaison officers; telephone helplines; and printed resources.⁹⁴ For example, the Department of Communities, Child Safety and Disability Services (Qld) provides online resources, brochures and fact sheets (such as Carer Fact Sheet 3: Providing Foster and Kinship Care, Support for carers).⁹⁵

4.85 Submitters and witnesses noted the variation in non-financial assistance offered to grandparents by state and territory governments.⁹⁶ For many, there was an inequitable contrast with other out-of-home carers,⁹⁷ leading participants to call for parity with foster carers in the provision of supports and services.⁹⁸

4.86 The Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd. (ATSILS Qld) argued that these supports and services should be available to

93 McHugh, M. and valentine, k. (2010), *Financial and Non-Financial Support to Formal and Informal Out of Home Carers*, Social Policy Research Centre, Final Report for the Department of Families, Housing, Community Services and Indigenous Affairs, Tables 3.1-3.8 at pp 41-44. A summary of the supports available by jurisdiction is provided at pp 45-49.

94 McHugh, M. and valentine, k. (2010), *Financial and Non-Financial Support to Formal and Informal Out of Home Carers*, Social Policy Research Centre, Final Report for the Department of Families, Housing, Community Services and Indigenous Affairs, p. 41.

95 Department of Communities, Child Safety and Disability Services (Qld), *Carer information and fact sheets*, available at: <http://www.communities.qld.gov.au/childsafety/foster-care/resources-and-publications/carers-information-and-fact-sheets> (accessed 10 September 2014).

96 For example: Department of Health and Human Services, Tasmania, *Submission 32*, p. 4; COTA Australia, *Submission 113*, p. 6; Dr Caroline O'Neill, Board Member and Founder, Permanent Care and Adoptive Families, *Committee Hansard*, Melbourne, 10 June 2014, p. 53.

97 For example: Tweed Valley Kin Care Support Group Inc., *Submission 56*, pp 1-2; North West Grandparents Raising Grandchildren Tasmania, *Submission 100*, p. [2]; ATSILS Qld, *Submission 134*, p. [9].

98 For example: GRG WA, *Submission 50*, p. [2]. Also see: Brennan et al, *Grandparents raising grandchildren*, p. 68.

grandparents raising grandchildren on commencement of the care arrangement (due to the potential need to assist grandchildren with complex health needs).⁹⁹

4.87 The Australian Medical Association added:

[A] stocktake of services available to both grandparents and foster parents in each State and Territory should be undertaken in order to identify any significant inconsistencies across the jurisdictions, as well as gaps in services, that aim to support children whose parents are not their primary care givers.¹⁰⁰

Committee view

4.88 Consistent with earlier comments, the committee questions the rationale for distinguishing between foster carers and kinship carers—especially informal grandparents raising grandchildren who are the majority of grandparent carers—in the provision of non-financial assistance. This distinction might be based on a more traditional view of the role of family or be attributable to cost considerations. However, the question of supports and services for grandparents is essentially an issue of what supports and services are to be provided to the family unit, which is often significantly disadvantaged. In this context, it is fundamental that governments consider implementing a range of measures to support grandparent-headed families.

Funding for community service providers

4.89 Community service providers operate alongside government departments and agencies to provide supports and services to grandparents raising grandchildren, which are funded through non-recurrent grants (via a tender process) and other funding programs (such as the Communities for Children initiative administered by the Department of Social Services). Evidence presented to the inquiry indicated that some of these existing supports and services may be threatened by funding uncertainties. Examples drawn from New South Wales, Western Australia and Tasmania appear below.¹⁰¹

4.90 In New South Wales, Mission Australia advised that its \$150,000 per annum Grandparents Raising Grandchildren program, partially funded by the Commonwealth through Communities for Children Direct, closed for tenders on 21 July 2014.¹⁰²

4.91 In Western Australia, Wanslea provides the Grandcare Program to informal grandparents raising grandchildren in 10 southern locations (for example: Perth,

99 *Submission 134*, pp [9-10]. The ATSILS Qld contended also that these supports and services should be delivered by 'culturally appropriate and Aboriginal and Torres Strait Islander community controlled support services'.

100 *Submission 82*, p. 6.

101 Also see: UnitingCare Children, Young People and Families, *Submission 85*, p. 3; Mrs Nicole Patton, The Mirabel Foundation, *Committee Hansard*, Melbourne, 10 June 2014, p. 4; Ms Kellie Booth, Indigenous Programs, Child Australia, *Committee Hansard*, Darwin, 5 August 2014, p. 17.

102 Mr Brett Fahey, Mission Australia, *Committee Hansard*, Sydney, 13 June 2014, p. 49.

Albany and Narrogin): 'we have 507 grandcarers and 667 grandchildren registered with the Grandcare program. Of those 507 grandcarers...94 are within the regions'.¹⁰³ Wanslea emphasised that government services are not accessible, or desirable, to all grandparents:

It is essential that funding be made available for current support group services to continue their services, but also gaps in service delivery identified and services established or expanded where necessary. As not all grandparent carers are involved with state based child protection services – and some fear such involvement due to the nature of their family relationships – it is recommended that this service be provided through the not-for-profit community sector.¹⁰⁴

4.92 UnitingCare Tasmania provides the Grandparents Raising Grandchildren program in the southern and north-western regions of Tasmania. This program was initially funded by the Commonwealth, then by the Tasmanian Government from 2011-2012:

...however, the [state] funding was non-recurrent, and at the conclusion of the funding, [the program] has seen a reduction in capacity...leaving grandparenting families in the northern region unsupported.¹⁰⁵

4.93 UnitingCare Tasmania contended that there is a critical need for the provision of ongoing funding to support the multiple and complex needs of grandparents raising grandchildren, which are not being met by current support services:

Grandparents are able to access initial support in some circumstances via the Tasmania Gateway Referral Service [Gateway Services], but this is short term, and doesn't offer the specialist support required to navigate the complex needs of grandparent families.¹⁰⁶

4.94 The Department of Health and Human Services, Tasmania acknowledged that the Gateway Services offer 'brief and short intervention' (including provision of information and financial assistance to cover the cost of essential items),¹⁰⁷ which could be extended to cover the duration of the care arrangement:

It would be good if there was an organisation that wrapped support services around grandparents on a 'needs basis' over the time that the grandparents are raising their grandchildren. Tasmania's Gateway service only provides an initial (15 hour) support when a grandchild starts living with their grandparents (within the first three months), and this is not available to grandparents who are caring for grandchildren under orders. Support needs

103 Mr Moray McSevich, *Committee Hansard*, Albany, 7 August 2014, p. 2.

104 *Submission 150*, p. 9.

105 *Submission 65*, p. 2.

106 *Submission 65*, p. 2. Also see p. 13.

107 *Submission 32*, p. 2.

to be present as children develop, this shouldn't stop at a point in time, or not be applicable to some grandparents.¹⁰⁸

4.95 North West Grandparents Raising Grandchildren Tasmania endorsed the need for long-term assistance, preferably from a dedicated agency where grandparents raising grandchildren can build rapport with support workers.¹⁰⁹

4.96 As noted earlier in this report and in addition to these concerns, the committee heard that there is disparity in the funding provided to foster care and kinship care peak bodies. In Victoria, Mr Geary referenced a ratio of 8:1:

Clearly this level of funding for [kinship carers] cannot begin to meet the existing and impending growing need. We are happy to make it a growth industry, but we are also not funding it. This is despite how...the majority of carers are kinship carers and the trend and rapid growth is obvious. Foster care is a shrinking type of care. The equation is surely inverted.¹¹⁰

Committee view

4.97 Community service providers play an important role in the delivery of supports and services to grandparents raising grandchildren. As noted by Wanslea, grandparents would not necessarily be able, or choose, to access these direct from the government, and it would be impossible to predict when or for how long services are required. For those reasons, the committee agrees with the Department of Health and Human Services, Tasmania that support should be provided on a needs basis to all grandparent carers.

108 *Submission 32*, p. 4.

109 *Submission 100*, pp [1-2].

110 *Committee Hansard*, Melbourne, 10 June 2014, p. 28.

Chapter 5

Other challenges encountered by grandparents raising grandchildren

5.1 Grandparents experience a number of physical and emotional challenges when they assume the primary care of their grandchildren. In some instances, these challenges directly relate to the grandparents, whereas in other cases the challenges arise from circumstances affecting either the birth parent(s) or the grandchildren. This chapter discusses:

- the health and well-being of grandparents raising grandchildren;
- physical, emotional and financial abuse;
- the health and well-being of the grandchildren; and
- grandparents' familial relationships.

Health and well-being of grandparents raising grandchildren

5.2 Grandparents raising grandchildren are not a homogeneous group but the grandparents share a number of common characteristics: compared with foster carers, grandparents raising grandchildren are more likely to be older, single, female, have lower incomes, have completed lower levels of education and experience poorer health.¹

Physical health and well-being

5.3 In this context, participants expressed concern about the impact that raising grandchildren has on the physical and mental health of grandparents. The Australian Association of Social Workers (AASW), for example, submitted:

The combination of age, health and income status alongside the fact that many grandparent kinship caregivers are single women raises concerns about the impact of the demands of kinship care on wellbeing. Indeed, several studies have suggested that the health and wellbeing of kinship caregivers may be negatively impacted by the stress of caring for a child with specific health or behavioural challenges, not to mention the exhaustion associated with caring for children more generally and the potential impact on extended family relationships.²

1 Boetto, H. (2010), 'Kinship care: A review of the issues', *Family Matters 2010 No. 85*, Australian Institute of Family Studies, p. 62.

2 *Submission 132*, p. 5. Also see: Brennan, D., Cass, B., Flaxman, S., Hill, T., Jenkins, B., McHugh, M., Purcal, C. and valentine, k. (2013), *Grandparents raising grandchildren: Towards recognition, respect and reward* (SPRC Report 14/13) (*Grandparents raising grandchildren*), Social Policy Research Centre, University of New South Wales, pp 109 and 111, reporting widespread (45 per cent) health problems among the surveyed grandparents, which many (61.5 per cent) considered had been exacerbated by the care arrangement.

5.4 Several participants noted the issue of fatigue,³ with one grandparent providing the following example of how raising her grandchildren physically affected her on a daily basis:

Looking after my grandchildren gives me pleasure and keeps me going but it is very demanding at the same time given their age range. The baby wakes up 2 or 3 times a night and I have to settle him/change his nappies and give him his bottle. He is teething and needs more attention. I might have a few hours sleep at night to clean the house and do the washing. I am tired all the time. I have to get lunches for the older two, iron their uniforms, organise their breakfasts and take them to school. I take the little girl to school every day and back. The older boy sometimes goes by himself. I take the baby with me wherever I go unless my youngest daughter is able to watch her. Sometimes I get very tired but have to carry on. Weekends are hardest with all the children at home and the little girl demanding attention. My daughter is working part time and can help a bit. I get so worn out I sometimes get depressed and anxious and see a doctor.⁴

5.5 Dr Marilyn McHugh summarised:

Not having energy and feeling tired was an issue for many. It [is] not difficult to imagine the increased stress and strain on carers from lacking energy and continuously feeling tired, and the risk to stability when, due to age and health issues, it all becomes 'too hard'.⁵

Mental health and well-being

5.6 Grandparents may also experience a decline in mental health and wellbeing as a result of raising their grandchildren. There are many reasons for this decline, such as: financial and practical concerns; the grandchildren's health and well-being (including children with disability); concerns regarding the future care of the grandchildren; and intra-family relationships.

Housing arrangements

5.7 Housing arrangements are a key factor in providing stable and suitable living environments for children and young people. When grandparents become carers for their grandchildren, it might be necessary to alter their housing arrangements (for example, by relocating or by modifying existing accommodation).⁶

5.8 Not all grandparents raising grandchildren are able to effect these changes, which can lead to families living in unsuitable accommodations and highly stressful circumstances. In Melbourne, for example, Ms Pam Cox, grandparent for three children, told the committee that 'the [Department of Human Services (Vic)] did not

3 For example: Women's Legal Service Tasmania, *Submission 66*, p. 2; The Centre for Excellence in Child and Family Welfare Inc. (Centre for Excellence), *Submission 169*, p. 12.

4 *Submission 134*, pp [18-19] (quoting the grandparent).

5 *Submission 17*, p. 4.

6 For example: COTA Australia (COTA) *Submission 113*, p. 6; Wanslea, *Submission 150*, p. 3.

understand our needs at all',⁷ explaining that her family's housing arrangements were far too small for five people. Mr Terry Cox elaborated that, although the family is now reduced to three people:

[F]inancially we cannot do anything other than live in a one-bedroom flat. Pam and I are presently sleeping in the lounge room...It is very difficult.⁸

5.9 In Perth, Ms Jan Standen gave the following evidence:

[T]here are four of us living in a two-bedroom unit. My 14½ year old granddaughter shares a bedroom with me. We are on the priority list for a house. The boys sleep in the back room. Sharing a room with my granddaughter, I have sleep apnoea and I keep her awake and it is stressful for both of us.⁹

5.10 Grandparents who live in private rental accommodation might not be able to afford accommodation in their area of choice. Further, there can be lengthy waiting periods for public housing. The Aged-care Rights Service Inc. said:

A single grandparent, who does have public housing, is more than likely to be housed in a small one bed apartment. If they even take in one grandchild the space will be severely compromised. Their chance of being relocated at short notice will be very limited and the likelihood of being reported for having too many people living in the property and being evicted is a real possibility.¹⁰

5.11 The Salvation Army suggested that there should be priority access to public housing when required by grandparents raising grandchildren.¹¹ However, the AASW indicated that, in practice, this may be difficult to achieve:

[I]t is an enormous struggle. We have had kids sleeping in cupboards like Harry Potter. We tell the [Department of Human Services (Vic)] this is not on, and yet even with their own housing department they are not able to effect a move.¹²

Unresolved grief

5.12 Another significant concern identified as a contributing factor to the grandparents' mental health and well-being is unresolved grief in relation to the

7 *Committee Hansard*, Melbourne, 10 June 2014, p. 18.

8 *Committee Hansard*, Melbourne, 10 June 2014, p. 18.

9 Grandparent, *Committee Hansard*, Perth, 6 August 2014, p. 42.

10 *Submission 64*, p. 4. Also see: Women's Legal Services NSW, *Submission 138*, p. 9.

11 *Submission 108*, p. 6.

12 Ms Wendy Frayne, *Committee Hansard*, Melbourne, 10 June 2014, p. 45.

circumstances leading to the care placement.¹³ The Mirabel Foundation, for example, referred to the anguish of losing a child (the birth parent) to substance abuse:

[T]he guilt [grandparent carers] feel—always wondering if they have done something wrong—never leaves them. Many times the grandparents have had several children who have all been brought up in the same way, but only one has chosen to become involved in illicit drugs. And the lives of the whole family have been affected.¹⁴

5.13 Dr Jan Backhouse submitted:

Despite their commitment to the care and protection of their grandchildren, the transition from traditional grandparent to grandparent-as-parent is permeated by grief and loss on many levels - the sadness, disappointment and anger about their adult children's lives and the fact they are unable to look after their own children; the loss of the traditional grandparent/grandchild relationship; the sadness at the impact of their circumstances on other family members, including relationships with other grandchildren; the effect on their wider social life, such as loss of friends, social activities, retirement plans and dreams for the future.¹⁵

5.14 Grandparents Rearing Grandchildren WA (Inc.) (GRG WA) similarly indicated that there is a culmination of factors, both personal and practical, which adversely affects the health of grandparents raising grandchildren:

They have to deal with their own stress and grief at the same time as the grandchildren come to live with grandma and granddad. Grandparents often do not have time to properly grieve for their loss of freedom [and] retirement plans. There is the constant worry about money, feeding more mouths, the normal cost of raising a child as well as the additional costs for these grandchildren's particular needs, the threat and reality of expensive legal action. Parents drop in and out of the children's lives causing major disruptions. Many parents are erratic in their contact and access visits with the children, leaving the children confused and grandparents to pick up the pieces.¹⁶

5.15 Wanslea Family Services Inc. (Wanslea) noted that some grandparents do not attend to their physical and mental health needs due to the 'busyness of caring for children'.¹⁷ Other grandparents do not attend to their personal needs for financial

13 For example: Dr Marilyn McHugh, *Submission 17*, p. 3; Commissioner for Children and Young People, Western Australia (WA Commissioner), *Submission 34*, p. 5; Relationships Australia, *Submission 58*, p. [3]; Ms Meredith Kiraly, Australian Psychological Society, *Committee Hansard*, Melbourne, 10 June 2014, p. 10.

14 Ms Elizabeth McCrea, *Committee Hansard*, Melbourne, 10 June 2014, p. 2.

15 *Submission 51*, p. 2. In relation to this 'disenfranchised grief', also see: Dr Marilyn McHugh, *Submission 17*, p. 3.

16 *Submission 50*, p. [6].

17 *Submission 150*, p. 7.

reasons, often foregoing medical treatment and failing to fill their prescriptions.¹⁸ One witness before the committee, a chronic insulin-dependent diabetic affected by arthritis, testified:

I had to make a choice because I was not getting the money at the time. I dropped my medication to care for this baby—to give her what she needed.¹⁹

5.16 The Australian Medical Association (AMA) observed:

[R]educed financial resources may mean that grandparents are put in a position of needing to prioritise the various health care and other needs of the child (including medications and treatments). Given their lack of health expertise, this is not ideal. It may also mean that grandparents place the health needs of the children they care for above their own needs, which may contribute to declines in their own health and wellbeing, and ultimately reducing their capacity to care for the children.²⁰

Concerns regarding the future care of the grandchildren

5.17 Some submitters expressed concern regarding the future care of grandchildren, if their grandparents are no longer able to care for them (due to their own physical and mental limitations, or because they pass away).²¹ The Central Australian Women's Legal Service, for example, submitted:

All of the grandparents that we consulted with expressed deep concern at what will happen to their grandchildren once they become too old or infirm to care for them. Most of the grandparents said they have to trust that other family members will step in to care for the children, but some had limited family support and feared that once they pass away, their grandchild will have to go into care of the [g]overnment, and may be removed from their home community.²²

5.18 In this context, some grandparents raising grandchildren referred to the challenge of 'living long enough to see the children into adulthood'²³ or being able to institute succession planning which provides for the grandchildren.²⁴ For example, Mr Ron Richards told the committee:

18 Grandparents For Grandchildren SA Inc., *Submission 55*, p.2.

19 Ms Barbara Anderson, *Committee Hansard*, Albany, 7 August 2014, p. 24.

20 *Submission 138*, p. 5

21 For example: Grandparents Rearing Grandchildren WA (Inc.) (GRG WA), *Submission 50*, p. [6]; North West Grandparents Raising Grandchildren Tasmania, *Submission 100*, pp [9-10]; Central Australian Women's Legal Service, *Submission 104*, p. 4; Winangay Resources Inc., *Submission 107*, p. 13. Also see: Brennan et al, *Grandparents raising grandchildren*, p. 150.

22 *Submission 104*, p. 3. Also see: Ms Ann Owen, Foster Carers Association NT Inc., *Committee Hansard*, Darwin, 5 August 2014, p. 8, who noted grandparents' concern regarding the additional trauma that this might cause.

23 For example: Tweed Valley Kin Care Support Group Inc., *Submission 56*, p. 3.

24 Tweed Valley Kin Care Support Group Inc., *Submission 56*, p. 4.

Facing the future, [our grandson] is 10 ½. I do not think the journey will ever finish while we are alive. We certainly have another 10 years or so—it might be shorter—but our aim is to bring this child up so that he has the best possible situation that we can give him for his future. It is a bit of an unknown.²⁵

5.19 A few participants were especially concerned for grandparents raising grandchildren with disability and the future of those grandchildren. The Aged-care Rights Service Inc. (TARS), for example, submitted:

Grandparent carers of grandchildren with disabilities, irrespective of the child's disability, generally take on an enormous task that is more demanding after the child reaches adulthood. Generally whilst the grandchild is a child, special disability services are available that offer respite and assistance. Once the child attains the age of 18 years this ceases. The grandparent is faced with issues of guardianship and financial management, ongoing care and often if the child is a boy, trying to manage a person who may be physically big...whilst still a child. If the child has mental health issues and is inclined to sporadic rage they may not be able to control the child. They also have concerns about who will look after the child once they have gone.²⁶

Mental health services for grandparents raising grandchildren

5.20 UnitingCare Tasmania submitted that the emotional stress experienced by grandparents raising grandchildren is more significant than the practical challenges, with many grandparents requiring assistance to cope with depression, worry and sometimes suicidal thoughts:

I have my own psychologist for depression.

I had suicidal thoughts for about [two] years.

I'm worried sick!

I'm disillusioned with life and institutions.²⁷

5.21 Ms Meredith Kiraly noted that, in some surveys, 'the incidence of anxiety and depression is very high'.²⁸ In another study, Dr McHugh reported that the emotional health of some grandparents was 'tenuous':

[I]t was kinship carers who spoke of feeling, that at times, they would have liked to 'walk away' from their caring responsibilities, 'given children back' to the department, or let children 'go' to another family.²⁹

25 *Committee Hansard*, Albany, 7 August 2014, p. 21.

26 The Aged-care Rights Service Inc., *Submission 64*, p. 9. Also see: Miss Kathleen, *Committee Hansard*, Sydney, 13 June 2014, p. 25.

27 *Submission 65*, p. 4 (quoting four grandparents).

28 Australian Psychological Society, *Committee Hansard*, Melbourne, 10 June 2014, p. 15.

29 *Submission 17*, p. 3.

5.22 Submitters encouraged the provision of mental health services to grandparents, to assist them in managing the multiple stressors and complex issues arising from the care arrangement.³⁰ Grandparents For Grandchildren SA Inc. and GRANDS Raising Kids NSW Inc., for example, called for free counselling services,³¹ with The Salvation Army suggesting:

Access to a reduced rate for professional mental health services, so that it remains a priority rather than becoming a secondary need in the financial burden of raising children.³²

5.23 The AMA indicated that general practitioners and medical specialists could provide better services to grandparents raising grandchildren if provided with an information package, including: information about the types of health problems prevalent in grandparent-headed families; and guidance on how to access Medicare and consent for children in informal care arrangements:

It is also important that the information includes reference to the appropriate contacts for those instances when the treating medical practitioner believes that financial and other difficulties are likely to prevent a child from accessing the appropriate medical care.³³

Committee view

5.24 It is clear that raising grandchildren can affect the physical and mental health and well-being of grandparents. The work involved in raising children is unrelenting and, in the grandparents' circumstances, complicated by many factors. It is concerning therefore that the grandparents' physical and mental health often suffers. Not only does this adversely affect the grandparents but also the children in their care, who cannot be unaware of, and unaffected by, the situation.³⁴

5.25 The committee notes that improved respite services would assist grandparents raising grandchildren to find the time to recharge, and attend to their physical and mental health needs. However, this by itself is not a solution. The committee agrees that a more comprehensive approach will address the various factors which adversely affect grandparents' health and well-being.

5.26 Based on the evidence provided to the inquiry, grandparents raising grandchildren have limited means of accessing understanding and support. Without support, it is not difficult to see how the role could become more difficult, then overwhelming and untenable. This is not in the best interests of the grandparents or their grandchildren. The committee suggests that there is a clear and overwhelming need for the Australian Government to investigate how access to and the availability of professional counselling services can be enhanced for grandparent-headed families.

30 For example: Australian Association of Social Workers, *Submission 132*, p. 9.

31 *Submission 55*, p. 3 and *Submission 74*, p. [2], respectively.

32 *Submission 108*, p. 7.

33 *Submission 82*, pp 6-7.

34 Centre for Excellence, *Submission 169.1*, pp 7-8 and 12.

Physical, emotional and financial abuse

5.27 Evidence received during the inquiry revealed that some grandparents fear for their safety, and that of their grandchildren, when the grandparents become carers for their grandchildren.³⁵ This fear can arise due to the factors leading to the care arrangement (such as: substance abuse; mental ill health; or family violence)³⁶ or due to the circumstances of the arrangement itself (including during contact).

5.28 TARS, for example, submitted:

Family violence can erupt when the child expects to be allowed to return to live in the family home as well and is refused. Apprehended Violence Orders may have to be sought because the grandparents are in fear of their own children.³⁷

5.29 Mrs Shirley Fitzhum agreed:

A lot of grandparent carers have had to take out restraining orders against their own children and their in-laws. I certainly have one against my [grandson's] mother because of the abuse that I am getting as well as him.³⁸

5.30 TARS indicated that such abuse can also be instigated by the children in care:

Put simply the role of principal carer for grandchildren may be a conduit for actions by the grandparents' own children or even their (usually teenaged) grandchildren that fall into the category of elder abuse or financial exploitation.³⁹

5.31 TARS submitted that, while little is known regarding the scope and frequency of elder abuse in Australia, there is a need to create national pathways to deal with such issues:

Such pathways need to expedite a resolution of the elder abuse and financial issues at the lowest level of heat for the older person. Such pathways should be free or at least readily affordable by people already experiencing severe financial constraints.⁴⁰

5.32 According to the Department of Health and Human Services, Tasmania, grandparents raising grandchildren consider that additional supports and/or protections should be made available to grandparents affected by violence resulting from the

35 For example: North West Grandparents Raising Grandchildren Tasmania, *Submission 100*, p. [4]; Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd. (ATSILS Qld), *Submission 134*, p. [14].

36 Relationships Australia, *Submission 58*, p. [4].

37 *Submission 64*, p. 6.

38 Member, GRG WA, *Committee Hansard*, Perth, 6 August 2014, p. 34. Also see: UnitingCare Tasmania, *Submission 65*, p. 9.

39 *Supplementary Submission 64*, p. 1.

40 *Supplementary Submission 64*, p. 1.

assumption of care. The department noted from consultations in relation to its submission:

One grandparent had to relocate to another state with their two grandchildren due to constant threats of violence, leaving the other grandparent living at home in fear for their life.⁴¹

Health and well-being of the grandchildren

5.33 As noted in Chapter 1, the reasons for grandparent care are varied, such as: substance abuse by the birth parent(s); child abuse or neglect; and the death or physical illness of a birth parent.⁴² As a result of these factors, grandchildren who are being raised by their grandparents are likely to have complex needs,⁴³ for example, psychological issues and challenging behaviours.⁴⁴ The Women's Legal Service Tasmania submitted, for example:

In many instances where the grandchildren are placed unexpectedly with their grandparents they arrive suffering from some degree of trauma. This is particularly the case where they have been exposed to family violence or substance abuse or where they have been subjected to child abuse, neglect or abandonment.

These are issues that many grandparents are simply not equipped to deal with and whilst the love and security the grandparents can provide will go some way in rectifying these issues, often it will not be enough and additional intervention and support will be needed.⁴⁵

5.34 The AASW agreed that grandparents require expert assistance to care for grandchildren with complex mental health needs:

[A] significant minority of children experience complex psychological and behavioural problems emerging from a history of trauma, abuse and neglect...The level of knowledge, skill and support required to understand, assess and respond to the needs of children in care is substantial and crucial

41 *Submission 32*, p. 4.

42 Families Australia, 'Grandparenting: Present & Future', *Family Issues Series No. 2*, January 2007, p. 19.

43 McHugh, M. and k. valentine (2011), *Financial and Non-Financial Support to Formal and Informal Out of Home Care*, Occasional Paper No. 38, Department of Families, Housing, Community Services and Indigenous Affairs, Canberra, p. 5; Dunne, G. and L. Kettler (2006), 'Social and Emotional Issues of Children in Kinship Foster Care and Stressors on Kinship Carers: A Review of the Australian and International Literature', *Children Australia*, 31(2) p. 23.

44 Smyth, C. and T. Eardley (2008), *Out of Home Care for Children in Australia: A Review of Literature and Policy*, Social Policy Research Centre Report No. 3/08, prepared for the Department of Families, Housing, Community Services and Indigenous Affairs, Social Policy Research Centre, University of New South Wales, Sydney, p. 4.

45 *Submission 6*, p. [3]. Also see: Ms Elizabeth McCrea, The Mirabel Foundation, *Committee Hansard*, Melbourne, 10 June 2014, p. 2.

to positive and long-term outcomes. Caring for these children presents challenges, which are difficult even for skilled and experienced carers.⁴⁶

5.35 The AASW described the range of challenges for children in the out-of-home care system: attachment and interpersonal difficulties; developmental disorders; issues which affect regulation, disassociation and behavioural control, and issues with cognition.⁴⁷

5.36 In submissions and evidence, grandparents raising grandchildren provided some vivid illustrations of the children's challenging behaviours:

They go from calm to full blown in a second so there's no time even to do de-escalation talk. They trash their rooms, run away, have unreasonable fears and withdrawal at school, they have an unreal need for control.

They threaten self-harm to get what they want or [the grandson] says he will punch his brother.⁴⁸

5.37 Witnesses told the committee that some grandparents feel compelled to relinquish the care of their teenage grandchildren due to behavioural difficulties (including physical assaults).⁴⁹

Access to supports and services

5.38 Participants in the inquiry said that there is a need for grandparents to access supports and services, to manage the complex needs of grandchildren in their care.⁵⁰ COTA Australia and the Mirabel Foundation indicated that there is variable provision based on the legal status of grandparents raising grandchildren.⁵¹ Other participants argued that access is impeded by the affordability of multiple and ongoing treatments, the high demand for available supports and services, and geographical considerations.

5.39 For example, Ms Aishya Mason shared the following experience:

I have one grandchild who I believe has [attention deficit hyperactivity disorder (ADHD)] and who threatens to stab me in the face with a knife. [She] is eight years old. I have been to [the Department for Child Protection (WA)] and I have pushed and pushed. I cannot afford to take her to a private paediatrician. There is a 12-month waiting list to see a paediatrician. This little girl is already two years behind at school, and her self-esteem is

46 *Submission 132*, p. 4.

47 *Submission 132*, p. 4.

48 *Submission 65*, p. 10 (quoting two grandparents).

49 For example: Ms Meredith McLaine, Shoalcoast Community Legal Centre Inc., *Committee Hansard*, Sydney, 13 June 2014, p. 40; Ms Trish Heath, WA Commissioner, *Committee Hansard*, Perth, 6 August 2014, p. 8.

50 For example: Department of Health and Human Services, Tasmania, *Submission 32*, p. 4; Australian Human Rights Commission, *Submission 133*, p. 14; Ms Jenni Perkins, WA Commissioner, *Committee Hansard*, Perth, 6 August 2014, pp 1-2.

51 *Submission 113*, pp 8-9 and Ms Elizabeth McCrea, *Committee Hansard*, Melbourne, 10 June 2014, p. 7, respectively.

getting lower and lower every single day. If she does have ADHD and if this could be fixed, how much more simple would that make her life?⁵²

5.40 In Western Australia, Mr Moray McSevich from Wanslea gave evidence that there are very few specialist, regional services for children affected by trauma:

Even when I was working in [the Department for Child Protection (WA)], we had 1.5 [full time employed] psychologists for that particular purpose across the Great Southern region, which went out to Manjimup, Bremer Bay et cetera. Trying to access private consultants is very expensive, and a lot of them do not specialise in child trauma. It is a real issue, a real gap.⁵³

5.41 Ms Brenda Carmen from Permanent Care and Adoptive Families similarly observed:

[One grandparent] said to me, 'Our nine-year-old is actually depressed...How do I...deal with this—a depressed nine-year-old?' We know there are really limited mental health services, both in metro and regional country Victoria. If you had a child under 15 years with a mental health crisis after hours, you would be very lucky if you got to see a service.⁵⁴

5.42 Dr Stephen Nicholson, representing the Grandparent and Kinship Carers Association Inc., Mid North Coast New South Wales, emphasised the need for immediate access to medical and psychological services for traumatised children:

What happens is you suddenly get these children on your doorstep and you are asked to take them and, usually, [you] have to make an on-the-spot decision with no idea of what you are getting yourself into. Then [the Department of Community Services (NSW)] will say to you, 'You will need to access these services through the public health system,' and so they then put you onto waiting lists for six to nine months. No-one can wait that long with these children who come into your care. They have such ongoing, immediate problems that need to be dealt with. So what do we do? We then have to access these things privately. In some cases the gap payment is huge. We have one child in our care and the gap is over \$100 each time he goes to the psychologist.⁵⁵

52 Grandparent, *Committee Hansard*, Albany, 7 August 2014, p. 17.

53 *Committee Hansard*, Albany, 7 August 2014, p. 5.

54 *Committee Hansard*, Melbourne, 10 June 2014, p. 55. Also see: Women's Legal Service Tasmania, *Submission 66*, p. [3], which noted that delays in accessing supports and services can compound trauma; Ms Julie Argeros, Uniting Care Community, *Committee Hansard*, Sydney, 13 June 2014, p. 33.

55 *Committee Hansard*, Sydney, 13 June 2014, p. 11.

5.43 In submissions and evidence, the committee heard that there is an urgent need for both physical and mental health supports and services⁵⁶ for children in grandparent provided care.

Mental health supports and services

5.44 As noted earlier in this chapter, the circumstances leading to care placements frequently result in psychological and behavioural challenges which require specialist intervention.⁵⁷ GRG WA explained the necessity for mental health supports and services, to enable the grandchildren to develop into healthy young adults:

[Exposure to parental drug abuse] affects the way these grandchildren interact, think, and feel about themselves, others and society. If help is not found, such thoughts and feelings can escalate into obstacles preventing the development of healthy adults. These grandchildren may develop anti-social [behaviour], depression, hostility and many more [stress] related difficulties later in life.⁵⁸

5.45 Inquiry participants proposed various approaches to improving the mental health and well-being of grandchildren in care, including: priority and enhanced access to services; co-ordinated early intervention programs for families at risk; and extending the Commonwealth disability allowance.

5.46 At the Melbourne public hearing, Mr Bernie Geary argued in favour of a 'gold card [for priority access] in services' for children and young people in care:

We should not be talking about access to so many of these normal services like health, education and housing. These kids should have a gold card in services because they are in the situation they are in through no fault of their own.⁵⁹

5.47 The Psychologists Association (SA Branch) suggested that Medicare should allow for an increased number of subsidised services per year, to enable psychologists to provide adequate therapy for families with complex needs.⁶⁰ Further, that accessible early intervention services should target vulnerable families to prevent the placement of children in out-of-home care:

A national scheme could be introduced where parents in vulnerable families, where risk to children is moderate, are encouraged to participate in therapy for about one year before steps are taken to remove children from the care of the parent. This scheme would avoid a situation where

56 See, for example: WA Commissioner, *Submission 34*, p. 5; UnitingCare Tasmania, *Submission 65*, p. 18.

57 For example: Wanslea Family Services Inc. (Wanslea), *Submission 150*, pp 6-7.

58 *Submission 50*, p. [6].

59 *Committee Hansard*, Melbourne, 10 June 2014, p. 27.

60 *Submission 18*, p. 1. Also see: Tweed Valley Kin Care Support Group Inc., *Submission 56*, p. 3.

grandparents are suddenly asked to care for their grandchildren because a parent has unexpectedly been declared an unfit parent.⁶¹

5.48 GRG WA called for governments and community service providers to work together to provide evidence-based early intervention programs which 'include adequate services for individual children and families, especially emotional and psychological services and therapies' [.]⁶²

5.49 The Children's Commissioner, Northern Territory indicated that parenting education programs targeting vulnerable mothers—such as teenage mothers—would be beneficial, with the programs covering a range of topics (such as: behaviour problems, relationships, discipline and sleep):

Continuing to support and enhance the capacity of evidence-based parenting programs such as the Australian Nurse-Family Partnership Program (as operated by Congress in Central Australia) will provide real outcomes for young mothers and their children. Such initiatives should also ease the burden on grandparents looking after their grandchildren.⁶³

Physical health supports and services

5.50 While participants identified a general need for physical health supports and services, the committee heard that grandchildren with disability are in special need. Mrs Shirley Fitzhum explained:

Often these children have never received Early Intervention, Better Start, or similar government programs. By the time they come to their grandparents the children are often too old for such involvement, and life becomes a constant round of medical and allied health professionals to try to get effective diagnosis and treatment...[D]aily tasks such as feeding, toilet training and getting them to sleep can be even more challenging. Additionally, developmental disability can make it more difficult for the child to learn appropriate behaviours. And then there is the disheartening task of dealing with government departments, many of whom seem to think that disability is a word and not a real condition. As the majority of grandcarers in this position are usually widowed women, these problems must be faced alone[.]⁶⁴

5.51 The Commissioner for Children and Young People, Western Australia agreed that it is essential to meet additional care requirements and ensure 'adequate supports

61 *Submission 18*, p. 3. The National Framework for Protecting Australia's Children 2009-2020, Second Action Plan, prioritises the mental health of vulnerable and at-risk children, and identifies, as future work, exploration of options to better meet these needs for children and young people in out-of-home care: Department of Social Services, *Protecting Australia's Children 2009-2020—Second Action Plan 2012-2015*, p. 27, available at: http://www.dss.gov.au/sites/default/files/documents/07_2014/facs_42647_nfpac_action_plan_t_ext.pdf (accessed 23 September 2014).

62 *Submission 50*, p. [6].

63 *Submission 111*, p. 2.

64 GRG WA, *Committee Hansard*, Perth, 6 August 2014, p. 31.

are available to grandparents caring for a child with disability'[.] Further, personalised supports and services should be provided:

Systems of support need to cater for the variety of needs and provide a flexible service that is guided by the needs of the carers and the children and young people [for whom] they are caring.⁶⁵

5.52 The Australian Human Rights Commission submitted that supports and services for children with disability have been improving (for example, the Better Start for Children with Disability initiative⁶⁶ and the National Disability Insurance Scheme (NDIS)):

As new support mechanisms for children with disabilities are expanded and resources are allocated to them and their carers to direct towards supports, it will be important to ensure that grandparents who care for children with disabilities have access to the funding. For example, through recognition of their "parental responsibility" pursuant to the *National Disability Insurance Act 2013* (Cth) and the NDIS Rules.⁶⁷

Committee view

5.53 Evidence presented to the committee suggests that grandparents are caring for a significant number of Australian children who, through no fault of their own, have complex physical and mental health needs, which cannot be addressed without skilled intervention. It is in these children's best interests (short and long-term) that their grandparents are adequately supported to access the services and supports which meet each child's individual needs.

5.54 The committee heard that there are various impediments to such access, some of which are more readily resolved than others. It is concerning—and has been for some time—that there remains a paucity of mental health services throughout metropolitan, rural and remote areas, including in the specialty area of child trauma. This gap in service provision should be addressed.

5.55 Children with complex health needs should have timely access to supports and services. The committee particularly empathises with the circumstances of grandparents raising grandchildren with disability, for this care arrangement entails challenges above and beyond those experienced by grandparents raising grandchildren generally. Noting that pro-active measures are currently underway, the committee encourages all governments to additionally recognise the special needs of, and costs associated with, raising children with disability, in determining eligibility for, and the extent of, supports and services provided to grandparents raising grandchildren.

65 *Submission 34*, p. 4.

66 Department of Social Services, *Better Start for Children with Disability initiative*, available at: <http://www.dss.gov.au/our-responsibilities/disability-and-carers/program-services/for-people-with-disability/better-start-for-children-with-disability-initiative> (accessed 17 September 2014).

67 *Submission 133*, p. 15.

5.56 A prominent feature of the National Framework for Protecting Australia's Children 2009-2020 is its focus on early intervention. Consistent with this approach, some participants in the inquiry argued in favour of evidence-based early intervention supports and services for vulnerable families. The committee agrees that programs of this nature might assist in managing the circumstances which lead to children being placed in out-of-home care. The committee therefore supports the collaborative efforts of the Commonwealth, state and territory governments, and urges all governments to consider exploring options to improve mental health services for all family members (not just the birth mother), to support the family unit and prevent children from entering the out-of-home care system.

Grandparents' familial relationships

5.57 In 2010, Ms Heather Boetto, an expert in social work and human services at Charles Sturt University, published the following summation of the effect of care arrangements on grandparents' familial relationships:

Kinship carers are also confronted with circumstances unique to their experience, which creates further disadvantage and hardship. These circumstances involve the changing nature of their relationships—mostly changing from the role of grandparent to parent. Kinship carers often feel torn between the child's parents (usually their own child) and the needs of their grandchild...as well as the relationships they have with their other grandchildren who do not live with them...Kinship carers may experience harassment and abuse from the child's parents as a result of working with the child protection agency, and struggle with contact arrangements due to a conflict in loyalties between the child's parents and their grandchild...Further to this, many kinship carers need to formalise their kinship care through legal proceedings in order to receive financial support, which further exacerbates conflict with other family members[.]⁶⁸

5.58 Some participants in the inquiry commented on the intra-familial relationships of grandparents raising grandchildren (excluding the birth parent and grandchildren in care).⁶⁹ Relationships Australia, for example, noted that the care arrangement can affect these relationships either positively or negatively:

Many grandparents are strongly supported by their other children, but some have to deal with the anger of their other children who think an unfair burden has been placed on their parents and, in some cases, resent the time taken up by the grandchildren and feel that their own children are not

68 Boetto, H. (2010), 'Kinship care: a review of issues', *Australian Institute of Family Studies*, pp 62-63. Also see, for example: Grandparents For Grandchildren SA Inc., *Submission 55*, p. 2; Relationships Australia, *Submission 58*, p. [4].

69 The Social Policy Research Centre has reported that marital (and other intimate) relationships can be adversely affected by the commencement of a care arrangement, particularly where one grandparent is not biologically related to the children in care: see Brennan et al, *Grandparents raising grandchildren*, pp 115 and 117. However, participants did not generally raise this issue for consideration.

receiving sufficient attention from their grandparents, or fear their inheritance being spent on these grandchildren.⁷⁰

5.59 Most submitters and witnesses focussed however on a specific source of tension between the grandparents and the birth parent (their child), that is, managing contact arrangements.⁷¹

Managing contact arrangements

5.60 Participants said that grandparents raising grandchildren face significant challenges in attempting to maintain a relationship between the birth parent(s) and their grandchildren.⁷² Wanslea indicated that the grandparents facilitate this relationship to ensure the safety of grandchildren:

Grandparents report to Wanslea [that] they take great care to manage relationships with their children so that they do not remove the grandchildren from their care. That is, they manage or avoid the conflict[.]⁷³

5.61 In contrast, the Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd. (ATSILS Qld) submitted that most grandparents raising grandchildren wish to reunite the grandchildren with their parents 'on the basis that it 'is only right for the children to be with their parents':

Parents with drug, alcohol, anger management, or criminal justice issues need extensive support and assistance to be able to establish a safe home for their children to return to. Meanwhile, unless the parents pose a risk of harm to the children, contact needs to be organised.⁷⁴

5.62 The AASW noted that child protection authorities sometimes manage the contact arrangements instead of the grandparents:

Where contact is fraught or impossible, [formal grandparent] carers are provided the option... wherein the relevant authority attends and coordinates visits rather than requiring the grandparent to do so. This might be appropriate where, for example, a child has been removed due to violence or significant drug, alcohol or mental health issues and the child and grandparent may be at risk of harm.⁷⁵

5.63 The Women's Legal Service Tasmania noted that, in these situations, contact between the birth parent and their child may undermine the relationship and leave the child feeling unloved: 'the grandparents are then left to pick up the pieces,

70 *Submission 58*, pp [4-5]. Also see: UnitingCare Tasmania, *Submission 65*, p. 9; North West Grandparents Raising Grandchildren Tasmania, *Submission 100*, p. [3]; Wanslea, *Submission 150*, p. 7, which noted the loss of the 'normal' family experience.

71 For example: Tangentyere Council, *Submission 112*, p. 2.

72 For example: Women's Legal Service Tasmania, *Submission 66*, p. 3.

73 *Submission 150*, p. 7.

74 *Submission 134*, p. [14].

75 *Submission 132*, p. 8.

which also harms their own relationship with their children further'.⁷⁶ The AASW noted that court-ordered contact, against the wishes of the birth parent and their child, can have similar adverse results.⁷⁷

5.64 When supervision by child protection authorities is not required, grandparents raising grandchildren (formal/informal) must manage the contact between the birth parents and the grandchildren. ATSILS Qld said that 'grandparents express the greatest level of difficulty with such arrangements and seek assistance from family or support services for this purpose'.⁷⁸ One grandchild submitted:

I think the burden needs to be taken off the grandparents...it was always Nan's responsibility when my Mum didn't show up. Like I didn't have a social worker to organise visitation and it was just like Nan was the one that would tell me she wasn't coming. It was like Nan was always the bad guy and she always had to deal with that. Whereas if we had have had a middle person....⁷⁹

Committee view

5.65 The committee consistently heard that grandparent provided care is fraught with conflicting emotions. It is not difficult to comprehend the difficulties associated with altered relationships and loyalties, in particular where there are many complicating factors involved (such as: grief and loss; financial stress; physical and mental health concerns; legal proceedings). The committee considers that relationship supports and services could benefit grandparents raising grandchildren, by helping to manage intra-family relationships.

5.66 Specifically in relation to one source of tension and conflict, the committee does not believe that it is helpful for some grandparents to manage contact arrangements between the birth parents and the grandchildren. The committee suggests that the Australian Governments investigate alternate means of facilitating these arrangements (for example, through community service providers), where requested.

76 *Submission 66*, p. [3].

77 *Submission 132*, pp 5-6.

78 *Submission 134*, p. [14].

79 Quoted in Centre for Excellence, *Submission 169.1*, p. 10.

Chapter 6

Barriers in acquiring legal recognition

6.1 There is no data on the number of informal grandparents raising grandchildren in Australia. One research study has estimated that the ratio of informal to formal kinship carers is about three to one.¹ However, witnesses who gave evidence to the inquiry considered that the ratio is four to one or higher.² In either case, there are a significant number of grandparents raising their grandchildren without legal recognition.

6.2 The legal status of grandparents raising grandchildren is important for a number of reasons, including: to facilitate the return of children to their grandparents care (when removed by the birth parent(s)); the ability to exercise parental responsibilities (decision-making in relation to education, health or travel issues); and as a determinant of the grandparents' ability to access supports and services.³ Wanslea Family Services Inc. (Wanslea) submitted, for example:

[The inability to sign consents] can present significant issues when attempting to access health services. It also means that the grandchildren cannot be included on their grandparents' Medicare card or private health insurance, representing a further barrier to accessing health services...[T]hese children often arrive with additional health and support needs due to their early experiences, and not being able to access health services increases their vulnerability and poor long-term outcomes.⁴

6.3 COTA Australia similarly submitted:

[A lack of formal status] means that grandparents are not eligible for financial assistance and children do not have the security of knowing they are in a permanent relationship. The lack of a formal order can also restrict [grandparents'] access to other support services[.]⁵

1 Smyth, C. and T. Eardley (2008), *Out of Home Care for Children in Australia: A Review of Literature and Policy*, SPRC Report No. 3/08, prepared for the Department of Families, Housing, Community Services and Indigenous Affairs, Social Policy Research Centre, University of New South Wales, Sydney, p. vi.

2 For example: Dr Caroline O'Neill, Permanent Care and Adoptive Families, *Committee Hansard*, Melbourne, 10 June 2014, p. 53; Ms Meredith Kiraly, Kinship Care Researcher and Consultant, The Centre for Excellence in Child and Family Welfare Inc. (Centre for Excellence), *Committee Hansard*, Melbourne, 10 June 2014, p. 58.

3 For example: Federal Circuit Court of Australia, *Submission 91*, p. 2; North West Grandparents Raising Grandchildren Tasmania, *Submission 100*, p. [3]; Women's Legal Services NSW (WLS NSW), *Submission 138*, p. 8; National Legal Aid (NLA), *Submission 141*, p. 3; Law Council of Australia (LCA), *Submission 148*, p. 1.

4 *Submission 150*, p. 8.

5 *Submission 113*, p. 8.

6.4 For various reasons, however, many grandparents cannot, or choose not to, formalise care arrangements for their grandchildren.⁶ For example, Dr Caroline O'Neill from Permanent Care and Adoptive Families gave the following evidence:

[A] fairly typical scenario for how people get into non-statutory care is that the police or some other organisation will ring a grandparent or other relative or neighbour or friend or whoever and say, 'We have these kids here, can you come and take them?' Of course you are going to take them. In that moment of taking them, you usually lose any possibility of statutory status. In Victoria, for instance, the [Department of Human Services (Vic)] will say the children are now safe so we do not need to go to court; we do not need to register these people formally and therefore they will not get any support at all.⁷

6.5 The three barriers to acquiring legal recognition examined in this chapter are:

- financial constraints, particularly where the grandparents do not receive Legal Aid;
- lack of knowledge regarding legal rights and the legal system; and
- an unwillingness to exacerbate family tensions by initiating legal proceedings.

6.6 Participants in the inquiry commented on these three themes, focussing on the Family Court of Australia, Family Court of Western Australia and the Federal Circuit Court of Australia (family law courts) jurisdiction, as well as the state and territory courts which are empowered to grant care and protection orders (Children's Courts, Youth Courts and Magistrates Courts).

Financial constraints

6.7 Submitters and witnesses argued that financial constraints prevent some grandparents from formalising care arrangements for their grandchildren, particularly where the grandparents cannot access Legal Aid or afford other legal assistance and representation.

6.8 National Legal Aid (NLA) and Gosnells Community Legal Centre Inc. (Gosnells) highlighted two primary reasons why these grandparents require professional legal services:

6 For example: Dr Marilyn McHugh, *Submission 17*, p. 2; The Salvation Army, *Submission 108*, p. 5; Tangentyere Council, *Submission 112*, p. 2; Australian Human Rights Commission (AHRC), *Submission 133*, p. 11. Other barriers which are referred to throughout this report include: distrust of formal processes and bodies; reluctance to involve child protection authorities; and intrusion into family affairs.

7 *Committee Hansard*, Melbourne, 10 June 2014, pp 53-54.

- for advice regarding whether a care and protection order or a Parenting Order/Parenting Plan⁸ is in the best interests of their grandchildren (especially where the children have complex needs); and
- for general information, advice and representation.⁹

6.9 Further, the Federal Circuit Court of Australia (Federal Circuit Court), which deals with the vast majority of family law parenting disputes, noted that grandparents raising grandchildren might:

...have difficulty in securing an order in the Court, [particularly] if they have to make an application without assistance or legal representation.¹⁰

Legal Aid

6.10 Participants stated that grandparents raising grandchildren cannot access the professional services provided by state and territory Legal Aid Commissions (LACs) due to prohibitive eligibility criteria and the prioritisation of birth parents' grant applications.¹¹

Eligibility criteria

6.11 LACs provide legal assistance to disadvantaged people but, to qualify for legal representation, an applicant must first satisfy a means and merits test, as well as meet the relevant commission's guidelines.¹²

6.12 Submitters and witnesses maintained that grandparents often fail the means test 'because of the assets that they have, for example a family home against which they could borrow'.¹³ NLA noted that, in such circumstances, the grandparents can still access the LAC's free services (such as the Family Law Duty Lawyer Scheme,

8 A 'Parenting Order' is an order, by consent or judicially determined, that may specify the person(s) with whom a child is to live and allocate 'parental responsibility' for that child: sections 61B and 64B of the *Family Law Act 1975* (Cth) (Act). A 'Parenting Plan' is a written agreement made by the birth parents and dealing with certain matters, such as where a child is to live and who is to exercise 'parental responsibility' for the child: section 63C of the Act.

9 NLA, *Submission 141*, p. 4; Gosnells Community Legal Centre Inc. (Gosnells), *Submission 37*, p. 3.

10 *Submission 91*, p. 2.

11 North Australian Aboriginal Justice Agency (NAAJA) noted also that the ability of Aboriginal and Torres Strait Islander grandparents raising grandchildren to apply for Legal Aid is compromised by geographic and language considerations: Mr Matthew Strong, *Committee Hansard*, Darwin, 5 August 2014, pp 4-5.

12 Attorney-General's Department, *Legal Aid*, available at: <http://www.ag.gov.au/LegalSystem/Legalaidprogrammes/Pages/Legalaid.aspx> (accessed 18 September 2014).

13 NLA, *Submission 141*, p. 2. Also see, for example: Relationships Australia, *Submission 58*, p. [4]; Mrs Nicole Patton, The Mirabel Foundation, *Committee Hansard*, Melbourne, 10 June 2014, p. 4.

and advice or minor assistance from an LAC office or outreach service).¹⁴ The Department for Child Protection and Family Support (WA) advised that it also exercises a role in supporting grandparents who have not obtained a grant of Legal Aid:

[T]he department's role at times is to support grandparents and other carers to access and apply for parenting orders through the Family Court. We would step in quite formally there, write to the Family Court, confirm our support of that arrangement or not and we would stay involved in a case management sense, facilitate access to some practical and emotional support [for] those carers. But we are not funded—and we are not a legal provider—to facilitate access to legal representation.¹⁵

6.13 Grandparents For Grandchildren SA Inc. described the means test as 'harsh', submitting that grandparents raising grandchildren must sometimes liquidate assets to finance legal proceedings. Further:

The period for finalisation of a custody case can take as long as [two] years or more and may result in destitution for the grandparents, with no funds remaining to purchase [the] necessities of life.¹⁶

6.14 The Mirabel Foundation similarly commented on how a LAC's decision not to make a grant of Legal Aid adversely affects grandparents who raise their grandchildren:

[It] means re-mortgaging their home. It means downsizing. It means going back to work. It means sometimes hundreds of thousands of dollars in legal representation costs, which is something that of course [the carers] have not planned for but which obviously impacts their ability to then parent their grandchildren.¹⁷

6.15 The Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd (ATSILS Qld) opposed compelling grandparents to use their income or savings on legal services:

Assistance should be available to grandparents across the board—or at the very least (for those above the means test) with minimal financial contribution required.¹⁸

6.16 Community Legal Centres NSW and The Aged-care Rights Service Inc. (TARS) indicated that contributions toward the cost of legal proceedings could still render those proceedings unaffordable for some grandparents raising grandchildren

14 *Submission 141*, p. 2 and Attachments C-D. Ms Julie Jackson, Legal Aid Western Australia Representative, Family Law Working Group, noted 'one could not expect that one would be able to manage the whole of their Family Court proceedings with the assistance of the duty lawyer scheme': *Committee Hansard*, Canberra, 20 June 2014, p. 15.

15 Ms Emma White, *Committee Hansard*, Perth, 6 August 2014, p. 13.

16 *Submission 55*, p. 3.

17 Mrs Nicole Patton, *Committee Hansard*, Melbourne, 10 June 2014, p. 4.

18 *Submission 134*, p. [6].

(particularly when Legal Aid grants are exhausted).¹⁹ A representative from TARS added:

We have had desperate calls from people whose funding grant has run out, and so [has] the solicitor, because they cannot afford to pay for the rest of it. And that is usually [at] the most critical time.²⁰

6.17 Participants called for state and territory governments to review the eligibility criteria for Legal Aid,²¹ with the Commonwealth assisting where possible,²² to enable grandparents to access professional legal services when seeking to formalise care arrangements for their grandchildren.

Prioritisation of birth parents' grant applications

6.18 In addition to eligibility criteria, participants indicated that grandparents raising grandchildren are prevented from accessing Legal Aid by the prioritisation of birth parents' grant applications. UnitingCare Tasmania reported that some grandparents:

...noted the unfairness of a system that provides Legal Aid to parents with addictions or mental illness to regain custody or access while the [grandparent], who in their own opinion, is 'saving' the grandchild/ren from harm, is deemed ineligible for Legal Aid.²³

6.19 A few organisations—The Centre for Excellence in Child and Family Welfare Inc. and Mission Australia—remarked on the behaviour of birth parents who receive Legal Aid and who intentionally prolong the legal process at great expense to the grandparents.²⁴

6.20 NLA acknowledged that 'decisions about whether or not to make a grant of aid are...made in the context of competing priorities for limited funds'.²⁵ Acknowledging this situation, the Shoalcoast Community Legal Centre Inc. (Shoalcoast CLC) noted that there are no easy solutions to address the demand for, or allocation of, limited Legal Aid funding.²⁶

6.21 However, a NLA representative indicated that the merit of ongoing funding will be reviewed at all stages in the proceedings: 'so, although it may well be the case

19 *Submission 139*, p. 10 and *Submission 64*, p. 7, respectively. Also see: Mr Roy Cox, *Committee Hansard*, Albany, 7 August 2014, p. 25.

20 Mrs Margaret Small, Solicitor, Older Persons Legal Service, *Committee Hansard*, Sydney, 13 June 2014, p. 44.

21 For example: AHRC, *Submission 133*, p. 11.

22 COTA Australia (COTA), *Submission 113*, p. 8.

23 *Submission 65*, p. 12.

24 *Submission 169.1*, pp 11-12; Mr Brett Fahey, Mission Australia, *Committee Hansard*, Sydney, 13 June 2014, p. 45.

25 *Submission 141*, p. 2.

26 *Submission 87*, p. 4.

that a parent is funded at the outset, over time Legal Aid will continue to consider the appropriateness of that funding'.²⁷

6.22 In relation to Aboriginal and Torres Strait Islander families, ATSILS Qld advised that it too is sometimes constrained in the provision of legal services by a conflict of interests. However, similar to the North Australian Aboriginal Justice Agency (NAAJA) in the Northern Territory,²⁸ there are few alternate providers. ATSILS Qld highlighted the effects of a lack of access to legal services, including: birth parents not agreeing to consent orders, or agreeing without fully understanding the implications of the orders; and the need for grandparents raising grandchildren to pursue contested Parenting Orders.²⁹

Legal assistance and representation

6.23 Submitters and witnesses argued that the affordability of legal assistance and representation is a key barrier preventing some grandparents from formalising care arrangements. Without a grant of Legal Aid, these costs can be significant and/or prohibitive.³⁰ Mr John Ward, grandparent, described legal costs ranging from \$3,000 to \$165,000 and the example of one grandparent who could not afford to take on the care of a grandchild for such reasons:

One gentleman rang me one night from up on the north-west coast in tears. He had another grandchild who wanted to come and live with him, but he said he could not afford the court costs. I said, 'Just fill out your paperwork, and you'll get the large sum of \$28 per week', which was the same as the rest of [the] grandparents were received at that particular time.³¹

6.24 Wanslea submitted:

Even though [the grandparents] might own some key assets, such as their home, they do not necessarily have ready access to cash. Further, caring for their grandchildren has already placed a significant burden on their finances. The result is that legal services are unaffordable and inaccessible to grandparent carers in attempting to secure the long-term safety and care of their grandchildren.³²

6.25 In one submission, a grandchild observed that some grandparents raising grandchildren pursue legal proceedings despite the immense cost:

[G]randparents have had to go into large amounts of debt, who were in a good position going into retirement, but have then had to go into debt, sell

27 Ms Julie Jackson, *Committee Hansard*, Canberra, 20 June 2014, p. 12.

28 Mr Matthew Strong, *Committee Hansard*, Darwin, 5 August 2014, pp 2-3.

29 *Submission 134*, pp [5-6].

30 For example: Tweed Valley Kin Care Support Group Inc., *Submission 56*, p. 5; COTA, *Submission 113*, p. 8; LCA, *Submission 148*, p. 1.

31 *Committee Hansard*, Hobart, 19 September 2014, p. 2.

32 *Submission 150*, pp 7-8. Also see: Aboriginal Family Violence Prevention and Legal Service Victoria, *Submission 140*, p. 5.

businesses, mortgage houses to be able to pay for the legal fees... Yeah my Nana's had to do that.³³

6.26 An officer from the Department for Child Protection and Family Services (WA) noted that there is a wide continuum of experiences where some grandparents raising grandchildren incur greater legal costs than other grandparents who provide care to their grandchildren:

[W]e have a combination of experiences. There are some that are quite smooth, they are quite quick and they are not contested. We have other scenarios where, with what starts as a clear direction around a parenting order, as the family become more involved in that process, our department or other services become more involved in the family and other factors come into play and, in fact, the parenting order might not be the right strategy. It might be that care and protection orders may need to be considered and therefore the Family Court would cease and we would come into the Children's Court around a care and protection matter. There are a range of reasons that that process for a parenting order can be delayed and take considerable time.³⁴

Lack of knowledge regarding legal rights and the legal system

6.27 Participants in the inquiry argued that grandparents are also prevented from formalising care arrangements by a lack of knowledge regarding their legal rights and the legal system. Submitters and witness indicated that grandparents require access to information and advice to successfully navigate the system(s),³⁵ especially where grandparents self-represent in proceedings,³⁶ proceedings involve child protection authorities or proceedings involve more than one jurisdiction.

Self-representation

6.28 The inability to afford professional services can result in grandparents raising grandchildren acting as self-represented litigants in legal proceedings. Self-representation involves many challenges which, the committee heard, can disadvantage the grandparents and, ultimately, the children for whom they care. Gosnells considered that self-representation by grandparents raising grandchildren is unjust:

These clients are often stressed from the responsibility of raising young children and dealing with ongoing conflict in their family. They are

33 Centre for Excellence, *Submission 169.1*, pp 11-12 (quoting a grandchild). Also see: The Aged-care Rights Service Inc., *Submission 64*, p. 7, which noted the adverse effect of legal costs on grandparents raising grandchildren's financial security at a time when income and assets are finite.

34 Ms Emma White, *Committee Hansard*, Perth, 6 August 2014, p. 13.

35 For example: Mrs Gabrielle Heuft, Blue Care Multicultural Services, *Committee Hansard*, Sydney, 13 June 2014, p. 37; Ms Meredith McLaine, Shoalcoast Community Legal Centre Inc. (Shoalcoast CLC), *Committee Hansard*, Sydney, 13 June 2014, p. 41.

36 Ms Elizabeth McCrea, The Mirabel Foundation, *Committee Hansard*, Melbourne, 10 June 2014, p. 4.

physically exhausted from caring for children while often dealing with their own health problems associated with advancing age. It is unjust that they should also have to initiate [family law court] proceedings without legal assistance and representation.³⁷

6.29 NLA highlighted that self-represented litigants must 'prepare, file, and negotiate complex and/or daunting legal proceedings either on their own or with very limited legal assistance'.³⁸

6.30 Mr Patrick Mungar from Gosnells considered that community legal centres provide the most cost effective way to support grandparents raising grandchildren who commence proceedings in the family law courts:

In most cases the application will not be opposed. We are not talking about something which will result in a full-blown trial, but it would require some expert knowledge to draw the documentation in a way which would be acceptable to the court.³⁹

6.31 A legal practitioner representing Shoalcoast CLC gave evidence regarding the assistance she currently provides to grandparents, to draw documentation in the care and protection jurisdiction:

I am particularly focusing on the care and protection [jurisdiction] at the moment, so that is advising family members who are not parents how to fill in an application for leave to be a party to the case and how to do an affidavit to go along with that and so forth. It is not ideal; representation is better. But it is something. There is not necessarily a lot of free legal advice services out there that would even be particularly familiar enough with the Children's Court to be able to give that advice.⁴⁰

6.32 The Aboriginal Family Violence Prevention and Legal Service Victoria (AFVPLS Vic) suggested that self-represented grandparents raising grandchildren might not be presenting the best evidence to the courts:

It is difficult for the Family Court of Australia to discharge its duty to make decisions in the best interests of the child (particularly Aboriginal children) when it is limited to the evidence raised by unrepresented parties. The court's role is also hampered where it is unable to avail itself of the evidence and input from grandparents who have key cultural knowledge because grandparents are unaware of their right to participate in proceedings, or are forced to appear without legal representation due to legal aid funding limitations.⁴¹

6.33 Both Tangentyere Council and the AFVPLS Vic advocated the need for courts to better recognise Aboriginal and Torres Strait Islander grandparents raising

37 *Submission 37*, p. 4.

38 *Submission 141*, p. 4.

39 *Committee Hansard*, Perth, 6 August 2014, p. 60.

40 Ms Meredith McLaine, Shoalcoast CLC, *Committee Hansard*, Sydney, 13 June 2014, p. 49.

41 *Submission 140*, p. 5.

grandchildren, with the latter suggesting the implementation of culturally appropriate court procedures: 'there is no Aboriginal specific list in the Children's Court of Victoria (Family Division) or the Family Court of Australia'.⁴²

Proceedings involving child protection authorities

6.34 Participants described specific barriers to acquiring legal recognition, which arise from proceedings involving child protection authorities, such as obtaining standing as a third party. The Mirabel Foundation explained that grandparents raising grandchildren become involved in the care and protection jurisdiction:

...when the department has a perspective, the parents have a perspective and the grandparents feel that the magistrate is not hearing the whole story...So they become a party to proceedings, if they are aware of the fact that they can do that.⁴³

6.35 However, Shoalcoast CLC noted that becoming a party to proceedings generally requires the leave of the court, an application for which might or might not be covered by a grant of Legal Aid. Consequently:

Many grandparents...remain non-parties or unrepresented in these proceedings, despite having a genuine concern for the welfare of the child, and are hence essentially reliant on the hope the [Department of Family and Community Services (NSW)] will support and recommend them to be the child's carer.⁴⁴

6.36 The Law Council of Australia noted that the involvement of child protection authorities generally renders grandparents 'eligible for legal assistance funded by the relevant state welfare authority when in court', so:

Financially disadvantaged grandparents may have no choice but to wait for departmental intervention before they can seek appropriate orders to effectively care for their grandchildren.⁴⁵

6.37 However, participants stated that grandparents in informal care arrangements are often influenced by child protection authorities to formalise the arrangements in the family law courts.⁴⁶ Gosnells explained that this occurs when the authorities decide not to continue with proceedings in the care and protection jurisdiction:

We have seen a number of situations where [the Department for Child Protection and Family Support (CPFS) has] been involved with the family and where child protection orders have been in place for some time.

42 *Submission 140*, p. 6. Also see: Tangentyere Council, *Submission 112*, p. 2.

43 Ms Elizabeth McCrea, *Committee Hansard*, Melbourne, 10 June 2014, p. 4.

44 *Submission 87*, p. [4]. Also see: Mr Matthew Strong, NAAJA, *Committee Hansard*, Darwin, 5 August 2014, pp 3 and 5-6.

45 *Submission 148*, p. 2. The LCA acknowledged that this alternative to self-representation 'may have a negative and significantly detrimental effect on the child or young person': Attachment A (contributed by the Queensland Law Society).

46 For example: NLA, *Submission 141*, p. 3.

The grandparents are told by the CPFS that they no longer consider the children to be in need of protection. The grandparents are then referred for legal advice and assistance to apply for Parenting Orders in the Family Court of WA. Sometimes there is pressure on the grandparents to commence proceedings in the Family Court as CPFS wish to withdraw from the Children's Court matter but insist that Parenting Orders be obtained so that the status quo continues. Grandparents can find [the] transition from one jurisdiction to another...quite confusing. They are often not aware that there are two separate pieces of legislation and two courts which can make decisions about children.⁴⁷

6.38 Gosnells highlighted that the formalisation of care arrangements can affect grandparents' entitlement to financial supports and services:

In some instances where child protection orders are in place, grandparents do receive financial support from the state government. But when CPFS forms the view that the children are no longer in need of protection and propose to withdraw from the legal proceedings by not pursuing further protection orders, there is a negative impact for the grandparents because the financial support is withdrawn upon the grandparents assuming full parental responsibility for the children.⁴⁸

6.39 More broadly, Mrs Shirley Fitzthum made the same point:

My child came to me through [CPFS] and I had him for six months under their ruling. I also had his sister at the time. The [CPFS] then came to me and said, 'Look, things are going really good. I think you should apply to the Family Court and get a parenting order, and we will support you to do that.' I did—I got the order—and then the [CPFS] said, 'You're nothing to do with us anymore.' None of their support was available after that; we were off their books.⁴⁹

6.40 Ms Kiraly highlighted that regardless of the supports and services available to formal grandparents raising grandchildren, some grandparents prefer to remain in informal care arrangements:

The vast majority that are outside the statutory system have the same characteristics—parents with substance dependency, mental health issues and so on. Whether all would want to be inside the statutory system is another question. I have heard one or two say, 'Life would have been a lot easier with a proper allowance,' when they are living in poverty. On the other hand, they also say, 'From what I hear about going in and out of the courts and fighting through the courts, I am glad I did not have to deal with that.'⁵⁰

47 *Submission 37*, p. 3. Also see: Australian Association of Social Workers, *Submission 132*, p. 10.

48 *Submission 37*, p. 2. Also see: Ms Kaye Bendle, Grandparents Rearing Grandchildren WA (Inc.) (GRG WA), *Committee Hansard*, Perth, 6 August, 2014, pp 29-30.

49 *Committee Hansard*, Perth, 6 August 2014, p. 33.

50 *Committee Hansard*, Melbourne, 10 June 2014, p. 58.

6.41 In addition to these matters, Mr Matthew Strong from the NAAJA indicated that child protection authorities might not be amenable to resolving care arrangements independent of the legal process:

Senator MOORE:...[T]here is no process in the Northern Territory where that can be worked out in a face-to-face discussion? I just want to see whether we could cut through the legal aspects, whether, on an issue such as this, there is any ability for a conciliation as opposed to an arbitration.

Mr Strong: There is some room for that in the Act, but it has not been enacted, I understand. That would be preferable. We do try and have meetings with the [Department of Children and Families (NT)] and the family, but ultimately the say as to whether that goes ahead is the department's. With its strict guidelines it is difficult, sometimes, to get around that.⁵¹

Proceedings involving more than one jurisdiction

6.42 In evidence, legal representatives indicated that one challenge for grandparents formalising care arrangements is navigating the complexities of the legal system. Ms Meredith McLaine from the Shoalcoast CLC explained that a key cause of this complexity is the 'interplay between...the federal family law and the state care and protection jurisdictions'.⁵²

6.43 In its submission, NLA illustrated how inter-related legal proceedings can take place in both federal and state/territory jurisdictions, as well as multiple courts:

[I]n the family law court for "live with" orders; in the state/territory local court for personal protection orders; in the state/territory care and protection jurisdiction court; and in a state/territory court with criminal jurisdiction if charges have been brought as a result of an alleged incident relevant to the issue of whom the child should live with.⁵³

6.44 Shoalcoast CLC noted:

There are no easy solutions to this complexity, which arises partly from the nature of our existing federal system (which separates the relevant laws for children between the Commonwealth family law and State child protection regimes), and partly from the inherent reality that each family and each case is distinct.⁵⁴

6.45 In addition, the NAAJA highlighted that there is a degree of complexity incurred in cross-state matters, where two or more sets of child protection laws apply:

Senator MOORE:...[Case] law is exacerbated by being between two states, so you have got the added complexity of Western Australian and Northern Territory jurisdictions.

51 *Committee Hansard*, Darwin, 5 August 2014, p. 4.

52 *Committee Hansard*, Sydney, 13 June 2014, p. 41.

53 *Submission 141*, p. 3.

54 Shoalcoast CLC, *Submission 87*, pp [3-4].

Mr Strong: Yes, that is correct.

Senator MOORE: Do you have many of those in your service because of the nature of your geography?

Mr Strong: We have matters with issues like that with family law being a federal service with relocation. So, with the Northern Territory being quite remote, people like to relocate fairly regularly which causes issues with children. We have some cross-border child protection matters with Western Australia where people are coming from, say, Broome to Darwin.

Senator MOORE: Do you have issues with Queensland with that area down on the border: Tennant Creek across the border in Queensland?

Mr Strong: I have only had the one matter that has had an issue with Queensland.⁵⁵

6.46 In recent years, there have been a number of research projects and inquiries directed toward enhancing the family law and related systems' responses to various issues (such as: child abuse, family violence and family breakdown). NLA noted that identified issues are the subject of ongoing collaborative work between the Commonwealth, states and territories.⁵⁶

6.47 In particular, in August 2009 the Standing Committee of Attorneys-General (now the Standing Council on Law and Justice) agreed to explore options to improve co-operation between the federal family courts and the state/territory child protection authorities.⁵⁷ NLA submitted:

The current collaboration between the federal family law system and the state and territory based child protection/child welfare authorities about sharing information such as experts reports, and streamlining processes across the systems, can be expected to ultimately benefit the children caught up in the family law and child protection systems and those who are endeavouring to provide care for them including grandparents.⁵⁸

Proposed solutions to remove financial and knowledge barriers

6.48 Submitters proposed a range of solutions to remove the financial and knowledge barriers which inhibit or prevent grandparents from formalising care arrangements, such as: amending the Legal Aid eligibility criteria;⁵⁹ and funding a dedicated seniors' lawyer in each LAC.⁶⁰ Other participants focussed on alternate

55 Mr Matthew Strong, *Committee Hansard*, Darwin, 5 August 2014, p. 2. Also see: Ms Julie Jackson, NLA, *Committee Hansard*, Canberra, 20 June 2014, p. 16.

56 *Submission 141*, p. 4.

57 Communiqué, 6-7 August 2009, p. 6, available at: http://www.lccsc.gov.au/sclj/archive/former_sclj/communiques/2009_communiques.html (accessed 20 October 2014).

58 *Submission 141*, p. 4.

59 For example: GRG WA, *Submission 50*, p. [3]; Country Women's Association of NSW, *Submission 19*, p. 2 (aligning the means test with the aged pension).

60 For example: Wanslea Family Services Inc., *Submission 150*, p. 9.

solutions: a greater role for community legal centres and enhanced assistance in navigating current systems.

Community legal centres

6.49 Community legal centres and Aboriginal and Torres Strait Islander legal services described their current programs, which enable, or are targeted toward, the provision of legal assistance to grandparents raising grandchildren. At the same time, the committee heard that these programs do not have long-term financial security.⁶¹

6.50 NAAJA, whose practice comprises approximately 40 per cent civil law (including family and child protection law), gave the following evidence:

Our entire family law practice is reliant on additional funding [beyond core operation funding]. At this stage the additional funding ceases on 30 June 2015. That will mean that we will need to cease our family law service entirely...[W]e will have to make drastic changes to the delivery of our legal services to Aboriginal people. This will be disastrous in terms of the ability of Aboriginal people in the Top End to access justice. There is nobody else who can fill the gap. NAAJA is the only general civil law service that is available to people living in remote communities.⁶²

6.51 Ms Priscilla Collins, Chief Executive Officer, noted that, in 2013-2014, NAAJA delivered family law and child protection legal services to over 620 Aboriginal and Torres Strait Islander people (including grandparents raising grandchildren), adding:

The impact of [the] cuts also needs to be understood in light of increasing demand for our services. The volume of work required of NAAJA to meet the legal needs of Aboriginal people in the Top End continues to grow, in part by virtue of demographics, but also because of changes to law and policy that impact particularly on Aboriginal people.⁶³

6.52 Ms McLaine from the Shoalcoast CLC stated that its special program funding, for the provision of family law services to Aboriginal and Torres Strait Islander communities, is not certain beyond 2015:

[W]ithout me and another solicitor also in a part-time role focused on this, and without the new Aboriginal family law support worker position we created...and if the funding goes on top of all the generalist legal work the service does for the whole South Coast, it will be extremely hard to maintain that level of help and special knowledge.⁶⁴

61 For example: Ms Shannon Williams, Senior Community Access Officer, Indigenous Women's Legal Program, WLS NSW, *Committee Hansard*, Canberra, 20 June 2014, p. 3.

62 Mr Matthew Strong, *Committee Hansard*, Darwin, 5 August 2014, p. 1. In 2015-16, NAAJA's operational budget will be reduced to \$6.036 million: see NAAJA, answers to questions on notice, received 27 August 2014, pp 1-2.

63 Answers to questions on notice, received 27 August 2014, p. 3.

64 *Committee Hansard*, Sydney, 13 June 2014, p. 48.

6.53 In Perth, Gosnells told the committee that it has already lost the federal funding which it used to assist its grandparents raising grandchildren clients:

All we are able to do at present is give legal advice to them. Previously, we often provided more time than was funded as we knew the clients could not get legal aid, so we assisted them with preparing consent orders or applications to the Family Court. We are not aware of how many other community legal centres are able to assist with these matters, but we understand that it would only be minor assistance and not include court representation.⁶⁵

6.54 NLA commented:

It is very often the initial paperwork that is the huge challenge for grandparents. If there were some way for there to be exploration of the potential, for example, for warm referrals into legal aid commissions and other agencies like community legal centres for the purpose of at least that initial preparation, I feel confident that would make a beneficial difference to grandparents.⁶⁶

6.55 Mrs Sue Brooks concurred that the assistance provided to her by a local community legal centre was 'marvellous':

I got legal support because we were not sure what to do. I wanted to make it so that my grandson was safe so that his mother could not go to school, drugged out of her brain or whatever, and say, 'That's my son and I'm taking him,' because I would not know where he is. So I went and saw [the community legal centre] and I simply told the man the situation. I asked, 'What do I do? Where do we go? How do we do it?' He gave me all the information I needed. It was marvellous. He wrote all that was required.⁶⁷

Enhanced assistance in navigating current systems

6.56 Shoalcoast CLC submitted that formalising care arrangements in New South Wales is not practicable for grandparents however, the relevant systems and authorities—schools, medical providers, Centrelink and other government agencies—have adapted their policies to recognise informal care arrangements. In its view, attention should focus on assisting informal grandparents raising grandchildren to navigate these systems:

The necessary official policies and supports do exist, but the process of finding these can be problematic. Therefore there may be a need for better streamlining of inter-agency services for grandparents and other informal carers, and perhaps a central contact point or service which can coordinate the necessary affairs on a carer's behalf.⁶⁸

65 Ms Lorraine Taylor, *Committee Hansard*, Perth, 6 August 2014, p. 59.

66 Ms Julie Jackson, *Committee Hansard*, Canberra, 20 June 2014, p. 13.

67 Grandparent, *Committee Hansard*, Albany, 7 August 2014, p. 13.

68 *Submission 87*, pp [2-3].

6.57 A member of the Aboriginal Advisory Group of Community Legal Centres NSW stated that informal care arrangements are often functional, and questioned why there should be any need for grandparents to alter their legal status.⁶⁹ Other members of the group denounced the need to exchange informal care status for government financial assistance, arguing that the current system discriminates against Aboriginal and Torres Strait Islander grandparents raising grandchildren:

Most 'grandparent raising grandchildren' arrangements, in Aboriginal communities, are informal...For many families, formalizing care arrangements is simply not worth the complications.⁷⁰

Unwillingness to exacerbate family tensions by initiating legal proceedings

6.58 As previously discussed, commencing or even joining legal proceedings against the birth parent(s) can generate family conflict.⁷¹ The removal of a grandchild from his/her parent(s) by the grandparents and the prospective loss of entitlement to government financial assistance, for example, can also create, or exacerbate, this tension.

6.59 Some participants suggested ways in which this aspect of intra-family relations could be better managed, to assist grandparents to formalise care arrangements, primarily through a more active role for child protection authorities.

6.60 The Federal Circuit Court referred⁷² to a report published jointly by the Australian Law Reform Commission and New South Wales Law Reform Commission, which acknowledged 'the powerful case for child protection services having more involvement in family court proceedings where they investigate allegations of child abuse and refer grandparents to family courts for orders'.⁷³ Consistent with this view, the commissions recommended:

Recommendation 19–3 Where a child protection agency investigates child abuse, locates a viable and protective carer and refers that carer to a family court to apply for a parenting order, the agency should, in appropriate cases:

- (a) provide written information to a family court about the reasons for the referral;
- (b) provide reports and other evidence; or
- (c) intervene in the proceedings.⁷⁴

69 *Submission 139*, p. 9.

70 *Submission 139*, p. 11.

71 For example: Gosnells, *Submission 37*, p. 3; Centre for Excellence, *Submission 169.1*, p. 6.

72 *Submission 91*, p. 2.

73 *Family Violence—A National Legal Response* (ALRC Report 114, NSWLRC Report 128), October 2010, p. 926.

74 *Family Violence—A National Legal Response* (ALRC Report 114, NSWLRC Report 128), October 2010, p. 928.

6.61 NLA submitted that, where child protection authorities are involved, it would be beneficial to the grandparents 'to be able to say that [the] child protection authority is responsible for the decision-making and the action being taken'.⁷⁵ Further, where the child protection authority concludes that someone other than the birth parents should have the primary care of children, the child protection authority should pursue Parenting Orders in favour of that person:

Such a response would:

- i. Overcome the need for grandparents to initiate proceedings against their own child in the federal family law courts jurisdiction/s.
- ii. Obviate the need for representation of the grandparent in the child protection proceedings;
- iii. Remove or reduce the potential for further damage to the grandparent/parent/child relationship because of any perception that the grandparent was responsible for the removal of the child from the parent and associated proceedings.⁷⁶

6.62 Both NLA and the Women's Legal Service Tasmania added that, if this approach were adopted, child protection authorities would need to be funded for their additional role.⁷⁷ Alternatively, as is the practice in New Zealand, child protection authorities could fund the legal representation of informal grandparents raising grandchildren who seek Parenting Orders.⁷⁸

6.63 Ms Meredith Kiraly commented on the need for courts to adopt a more inquisitorial approach 'where grandparents and parents are not pitted against each other in the process'.⁷⁹

Committee view

6.64 The legal status of grandparents raising grandchildren carers is important, particularly for the recognition of grandparents' parental rights in relation to grandchildren in care. For grandparents who seek formal recognition, access to the family law and care and protection jurisdictions should be guaranteed. However, the ability to access the courts can be hampered by financial considerations.

6.65 The committee accepts that the provision of Legal Aid is necessarily limited and subject to strict criteria but, as highlighted throughout the inquiry, grandparents raising grandchildren are significantly disadvantaged. The committee believes that the grandparents should receive legal assistance to manage the care arrangements for their grandchildren (including information, advice and representation in proceedings to formalise the arrangement). Such assistance would have many benefits to the

75 *Submission 141*, p. 4.

76 *Submission 141*, p. 5.

77 *Submission 141*, p. 5 and *Submission 66*, p. [5], respectively.

78 NLA, *Submission 141*, p. 5; Women's Legal Service Tasmania, *Submission 66*, p. [5].

79 Australian Psychological Society, *Committee Hansard*, Melbourne, 10 June 2014, p. 12.

grandparents, such as helping to preserve their limited income and assets for the raising of their grandchildren. Accordingly, there is merit in governments exploring options for the provision of legal assistance to informal grandparents raising grandchildren.

6.66 Evidence presented to the committee highlighted that some community legal centres and Aboriginal and Torres Strait Islander Legal Services (ATSILS) are currently providing assistance to grandparents (in the form of information, advice and document preparation). NLA acknowledged the value of this assistance. The committee suggests that governments collaboratively consider dedicated funding for community legal centres and ATSILS, to enable the better provision of legal assistance to grandparents who have taken on the primary care of their grandchildren.

6.67 Submitters and witnesses informed the committee that grandparents raising grandchildren have difficulty navigating the legal system. This is partially due to a lack of knowledge and also the complexity of the system. It appears that this complexity particularly increases when matters involve cross-jurisdictional issues. As noted by Shoalcoast CLC, this is an inherent aspect of Australia's federal system with no easy solution. The committee notes the current collaboration between Commonwealth, state and territory governments to improve the interface between family law and child protection systems. As part of this initiative, the committee suggests that consideration should be given to reviewing, and developing if necessary, information materials which identify and explain potential pathways for grandparents who wish to formalise care arrangements for their grandchildren.

6.68 In recognition of the role, responsibilities and expertise of child protection authorities, the committee considers that there is potential for these authorities to exercise a greater role in the formalisation of care arrangements for children who are being raised by their grandparents. It would be useful for governments to investigate means by which grandparents could be better supported in the family law jurisdiction, as well as in the care and protection jurisdiction, including potentially an enhanced role for mediation.

6.69 In this regard, the committee notes also Recommendation 19-3 of the Australian Law Reform Commission and New South Wales Law Reform Commission, which endorses intervention by child protection authorities as a means of eliminating, or reducing, one source of intra-family conflict. The committee suggests that governments re-consider this recommendation.

Chapter 7

Specific needs of particular groups

7.1 Particular grandparents raising grandchildren have needs additional to those experienced by all grandparents with the primary care of their grandchildren. In this chapter, the specific needs of Aboriginal and Torres Strait Islander grandparents are examined.

Aboriginal and Torres Strait Islander grandparents raising grandchildren

7.2 Aboriginal and Torres Strait Islander children are over-represented in out-of-home care placements, compared to non-Aboriginal and Torres Strait Islander children. According to the Australian Institute of Health and Welfare (AIHW), in 2012-13, Aboriginal and Torres Strait Islander children were 10.6 times more likely to be in out-of-home care, at the rate of 57.1 per 1,000 children.¹ It is therefore likely that there is a large number of Aboriginal and Torres Strait Islander children in the primary care of their grandparents.

7.3 Further, according to witnesses, a significant proportion of Aboriginal and Torres Strait Islander grandparent provided care is likely to be informal. For example, Mrs Gillian Bonser said 'there are as many kids in informal arrangements with grandparents as there are in formal ones'.² Mr James Pilkington from the Larrakia Nation Aboriginal Corporation gave the following evidence:

Most of the people we talked to were informal...These grandparents become primary carers mainly because parents—'choose' is a funny word, but—choose it or are unable to care for their children. That is due to a number of reasons. Often it is a relationship breakdown, the parent is in a new relationship with new kids or the old kids are not welcome in the home anymore. Often alcohol or drugs are involved. The parents might have a problem with some of those substances. Mental health also is a significant reason; parents may have mental health issues, and the grandparents often end up being informal carers.³

7.4 Women's Legal Services NSW explained the children rearing and kinship practices in Aboriginal and Torres Strait Islander communities, together with grandparents' role in the lives of their grandchildren, as follows:

Grandmothers, grandfathers, aunts, uncles and any other significant family member play significant roles in the parenting of grandchildren, so even when they are not the primary carer of the grandchildren they always have a significant role in the child rearing practices of children

1 Child protection Australia: 2012-13, Child Welfare Series No. 58, Cat. No. CWS 49, Canberra: AIHW, p. 51. Rates across Australia varied widely from 22.2 per 1,000 in the Northern Territory to 85.5 per 1,000 in New South Wales: see Table 5.4.

2 Winangay Resources Inc. (Winangay), *Committee Hansard*, Sydney, 13 June 2014, p. 56.

3 *Committee Hansard*, Darwin, 5 August 2014, p. 13.

within those family groups, but this also extends to great grandparents and, as I said before, aunts and uncles, and it can even be extended further into relatives that are not blood relatives but still within that kinship group.⁴

7.5 Data published by the AIHW shows also that the rate of Aboriginal and Torres Strait Islander children placed in out-of-home care has steadily increased since 2009 from 44.8 to 57.1 per 1,000 children, compared with a slight increase in the non-Aboriginal and Torres Strait Islander rate for the same period (from 4.9 to 5.4 per 1,000 children).⁵

7.6 There are long-standing and complex reasons for the number of Aboriginal and Torres Strait Islander children in out-of-home care, including: the inter-generational effects of previous separations from family and culture; poor socio-economic status; and systemic racism in broader society. The Human Rights and Equal Opportunity Commission (now the Australian Human Rights Commission (AHRC)) has previously explained:

These causes combine to produce cultural differences between welfare departments and Indigenous communities, substance abuse, violence, poor nutrition, alienation from social institutions including the education system, family services and the criminal justice system, limited and poor housing options and a loss of hope, particularly among younger people.⁶

7.7 Participants in the inquiry referred to these factors, with particular reference to their effect on Aboriginal and Torres Strait Islander grandparents raising grandchildren, including fostering a distrust of government and non-government organisations which provide supports and services. The Central Australian Women's Legal Service, for example, stated:

It is important to acknowledge the ongoing impact of the Stolen Generation within remote Indigenous communities, and the negative first hand experiences that some grandparents may have had with welfare-associated organisations at that time. These experiences have created widespread reluctance and distrust, regarding the involvement of both government and non-government organisations within domestic life. This context needs to be considered in the development of appropriate support networks. Investment in community-owned, localised support initiatives would go some way towards alleviating these barriers.⁷

4 Ms Shannon Williams, Senior Community Access Officer, Indigenous Women's Legal Program, *Committee Hansard*, Canberra, 20 June 2014, p. 23.

5 Child protection Australia: 2012-13, Child Welfare Series No. 58, Cat. No. CWS 49, Canberra: AIHW, p. 55 and Figure 5.6.

6 Human Rights and Equal Opportunity Commission (1997), *Bringing them Home Report: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Sydney, p. 432.

7 *Submission 104*, pp 4-5. Also see: Ms Paula Hayden, Public Officer, Winangay, *Committee Hansard*, Sydney, 13 June 2014, p. 52.

Aboriginal Child Placement Principle

7.8 Submitters and witnesses referred to the Aboriginal Child Placement Principle (Principle), which outlines a preference for the placement of Aboriginal and Torres Strait Islander children who have been removed from their birth parents:

That in the foster placement of an Aboriginal child, a preference be given, in the absence of good cause to the contrary, to a placement with:

- a member of the child's extended family;
- other members of the child's Aboriginal community who have the correct relationship with the child in accordance with Aboriginal customary law;
- other Aboriginal families living in close proximity.⁸

7.9 The Secretariat of National Aboriginal and Torres Strait Islander Child Care (SNAICC) has noted that the Principle aims to ensure that government intervention into family life does not disconnect children from their family and culture:

The [Principle] establishes the basis for keeping children within their families and communities to provide the link between the past and the future for Aboriginal and Torres Strait Islander cultures and the assurance that if separation or removal is necessary, the child's links with their family, community, and culture are actively maintained.⁹

7.10 The Larrakia Nation Aboriginal Corporation¹⁰ and the Aboriginal Family Violence Prevention and Legal Service Victoria (AFVPLS Vic) endorsed the objectives of the Principle, with the latter explaining:

Aboriginal culture conceptualises family differently from non-Aboriginal cultural understandings which prioritise the nuclear family unit. Children are the responsibility of the entire family rather than the biological parents alone...[G]randparents hold significant cultural knowledge that may not have been passed on to the younger generations. This is largely due to intergenerational trauma and the multiple forms of disadvantage that lead to disconnection from cultures and communities. Kinship care by grandparents is very important for Aboriginal children who have special rights to access and maintain cultural and traditional practices.¹¹

8 Lock, J.A (1997), *The Aboriginal child placement principle: Research Report 7*, NSW Law Reform Commission, Sydney, p. 60. An Aboriginal and Torres Strait Islander child can only be placed with a non-Aboriginal and Torres Strait Islander carer if an appropriate placement cannot be found from the three preferred groups: see p. 50.

9 *Aboriginal and Torres Strait Islander Child Placement Principle: Aims and Core Elements*, June 2013, pp 3-4.

10 Mr James Pilkington, *Committee Hansard*, Darwin, 5 August 2014, p. 14.

11 *Submission 140*, pp 3-4.

Implementation of the Principle

7.11 The Principle has been adopted throughout Australia,¹² and its impact is reflected in the relatively high proportion (67.9 per cent) of Aboriginal and Torres Strait Islander children placed with relatives or Aboriginal and Torres Strait Islander carers in many jurisdictions.¹³ The AIHW noted however:

The Principle is just one of the many considerations taken into account when making decisions on placements for Aboriginal and Torres Strait Islander children. Where placement options outlined in the Principle are not optimal for a child's safety and wellbeing, the child may be placed in an alternative care arrangement; this is usually only done after extensive consultation with Aboriginal and Torres Strait Islander individuals and/or organisations.¹⁴

7.12 Participants in the inquiry expressed some concerns with the general implementation of the Principle. The CREATE Foundation, for example, noted that Aboriginal and Torres Strait Islander children in out-of home care are more likely not to be placed with Aboriginal and Torres Strait Islander carers in Tasmania and the Northern Territory, compared to other jurisdictions.¹⁵

7.13 According to the Department of Health and Human Services, Tasmania, it is difficult to find Aboriginal and Torres Strait Islander placements.¹⁶ A representative from the Foster Carers Association NT Inc. gave evidence that the Principle is:

...not always available or not always reasonable—no-one steps up or family cannot be found. There are quite a number of reasons [why the Department of Children and Families (NT)] places children where they do. In the interim, while they are looking for family, they are quite often placed with non-Indigenous carers.¹⁷

7.14 The AHRC urged the full implementation of the Principle,¹⁸ noting that the United Nations Committee on the Rights of the Child has expressed concern about:

12 See: *Children and Young Person's (Care and Protection) Act 1998* (NSW); *Children, Youth and Families Act 2005* (Vic); *Child Protection Act 1999* (Qld); *Children and Community Services Act 2004* (WA); *Children's Protection Act 1993* (SA); *Children, Young Persons and their Families Act 1997* (Tas); *Care and Protection of Children Act 2007* (NT); *Children and Young People Act 2008* (ACT).

13 Australian Institute of Health and Welfare 2014, *Child protection Australia: 2012-13*, Child Welfare Series No. 58, Cat. No. CWS 49, Canberra: AIHW, p. 52 and Table A32. Rates across Australia varied widely from 40 per cent in Tasmania to 81.7 per cent in New South Wales.

14 *Child protection Australia: 2012-13*, Child Welfare Series No. 58, Cat. No. CWS 49, Canberra: AIHW, p. 52.

15 *Submission 136*, p. 5. Also see: Australian Institute of Health and Welfare 2014, *Child protection Australia: 2012-13*, Child Welfare Series No. 58, Cat. No. CWS 49, Canberra: AIHW, Table A32.

16 *Submission 32*, p. 4.

17 Ms Ann Owen, Executive Director, *Committee Hansard*, Darwin, 5 August 2014, p. 11.

18 *Submission 133*, p. 16.

...the large numbers of Aboriginal and Torres Strait Islander children being separated from their homes and communities and placed into care that, inter alia, does not adequately facilitate the preservation of their cultural and linguistic identity.¹⁹

7.15 Comments from a few participants reflected this concern, narrating case examples of children placed in the care of non-Aboriginal and Torres Strait Islander grandparents.²⁰

The Winangay Kinship Care Tool

7.16 As discussed in Chapter 4, Winangay Resources Inc. (Winangay) contended that the difficulty in placing Aboriginal and Torres Strait Islander children in kinship care is attributable to the 'paucity of specific Aboriginal kinship carer assessment tools',²¹ where carers' suitability is assessed using Anglocentric tools which are not culturally appropriate or sensitive. Consequently, and in conjunction with the continuing effect of intergenerational trauma, potential carers are alienated:

Current practice paradigms and culturally inappropriate tools are a major barrier to many grandparents, particularly Aboriginal and Torres Strait grandparents, having the opportunity to raise their grandchildren. This not only results in loss and grief for the grandparents and families but also trauma for the children removed from all that is familiar to them. At such a stressful time, when support is required, grandparents and children alike are often left feeling alienated and excluded.²²

7.17 In evidence, Ms Paula Hayden, Public Officer for Winangay, warned:

If we do not do something, when you look at the number of Aboriginal children being born and the rate of Aboriginal children coming into care, we are facing an avalanche of children being disconnected and removed from family and kin like we have never seen before. We are seeing another stolen generation, but much more. That is an absolute disaster for Aboriginal people and communities.²³

7.18 In view of its concerns, Winangay developed an assessment tool known as the WINANGAY Kinship Care Tool:

19 Sixtieth session 29 May-15 June 2012, Consideration of reports submitted by States parties under article 44 of the Convention, Concluding observations: Australia, CRC/C/AUS/CO/4, August 2012, p. 9, available at: http://www2.ohchr.org/english/bodies/crc/docs/co/CRC_C_AUS_CO_4.pdf (accessed 12 September 2014).

20 For example: Community Legal Centres NSW, *Submission 139*, pp 4-6 and 10; Mr Brett Fahey, Area Manager, New South Wales South Coast, Mission Australia, *Committee Hansard*, Sydney, 13 June 2014, p. 42.

21 *Submission 107*, p. 2.

22 *Submission 107*, p. 6.

23 *Committee Hansard*, Sydney, 13 June 2014, p. 56.

[The WINANGAY Kinship Care Tool] is a collaborative, transparent, trauma informed assessment tool which involves carers and workers using a conversational yarning interview format to assess key aspects of kinship care. The WINANGAY Kinship Care Tool uses plain English questions that focus on strengths of the carer, safety for the child, and strategies for meeting needs.²⁴

7.19 The WINANGAY Kinship Care Tool has been widely endorsed, including by SNAICC.²⁵ Subsequent to its launch in late 2011, the tool has been adapted for use as a non-Aboriginal kin specific tool, which is currently in use by Bernardos Australia, The Benevolent Society, UnitingCare, CareSouth and Anglicare, and is being further developed for use by grandparents raising grandchildren with disability.²⁶ Further:

[W]e have written an emergency tool for...Queensland, because the Queensland Government has asked us [for that]...It is being evaluated now by the Australian Centre for Child Protection in Queensland...We are working in partnership with the [Department of Communities, Child Safety and Disability Services (Qld)] and [Queensland Aboriginal and Torres Strait Islander Child Protection Peak].²⁷

Culture and kinship awareness

7.20 In addition to culturally sensitive and kin specific assessment tools, Winangay advocated the need for specialist training for people working with Aboriginal and Torres Strait Islander communities:

A new practice paradigm is required if we are to adequately meet the needs of kinship carers and the children they are raising, one which captures the complexities of kinship care and is responsive to kinship carers' strengths and needs.²⁸

7.21 Other participants in the inquiry similarly advocated the need for culturally appropriate supports and services, which are presented in a respectful and collaborative manner.²⁹ For example, the Shoalcoast Community Legal Centre Inc. called for all policies and programs affecting Aboriginal and Torres Strait Islander families to recognise and accommodate the role of kinship carers, and ensure they

24 *Submission 107*, p. 9.

25 'SNAICC Chairperson launches new assessment tool to assist Aboriginal kinship carers', Media Release, 18 November 2011. Also see: Winangay, *Submission 107* pp 10-12.

26 Winangay, *Submission 107*, p 14; Ms Paula Hayden, Winangay, *Committee Hansard*, Sydney, 13 June 2014, p. 53.

27 Ms Paula Hayden, Winangay *Committee Hansard*, Sydney, 13 June 2014, p. 53. Also see: Winangay, *Submission 107*, p 14.

28 *Submission 107*, p. 13. Also see: Tangentyere Council, *Submission 112*, p. 3.

29 For example: Commissioner for Children and Young People, Western Australia (WA Commissioner), *Submission 34*, p. 7; Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd. (ATSILS Qld), *Submission 134*, p. [7].

have the opportunity to access the best possible resources and culturally sensitive support programs.³⁰

7.22 A representative from Uniting Care Community described its efforts in this regard:

We have a senior Indigenous project officer and she needs to work through a community health or some other service in an Indigenous community for us to be able to get access. She is very familiar with the protocols and what she needs to do to build relationships...We run Indigenous-specific camps and those camps have a strong cultural component. We have developed a training manual for workers who work on that camp. It has the key components of our other camps, but it is done in a more culturally appropriate way. We employ a cultural man, usually, who works quite closely with the children, teaches them about respect for their grandparents, teaches them song and dance and talks about culture and how important that is in their lives. We have a couple of indigenous] workers. One is a respected elder who has worked in child, youth and mental health services and works in one of the Murri schools up here who actually runs healing sessions with the grandmothers. We also have cultural food, fire and song and a celebration night on those camps.³¹

Impact of the Principle on grandparents' health and well-being

7.23 Submitters and witnesses stated that there is a cultural expectation in Aboriginal and Torres Strait Islander communities that grandparents will take on the care of their grandchildren.³² However, this expectation can adversely affect the grandparents across a range of variables, such as their financial circumstances, and their physical and emotional health and wellbeing.³³ Family and Relationship Services Australia, for example, submitted:

In Aboriginal communities in the Northern Territory, grandparents often take on significant roles caring for their grandchildren. In fact there is often an expectation amongst the community that grandparents will support their children by caring for their grandchildren. However, parents sometimes leave their children with grandparents for an extended period without any financial support. This is because parents often retain the Centrelink benefits linked to the children. In such cases caring for their grandchildren

30 *Submission 87*, p. [3].

31 Ms Julie Argeros, Service Coordinator, Time for Grandparents Program, *Committee Hansard*, Sydney, 13 June 2014, p. 38. Also see Chapter 4 (in relation to Wanslea Family Services Inc. (Wanslea) and its Narrogin support group).

32 For example: Ms Mary-Jean Kelly, Aboriginal Family Law Support Worker, Shoalcoast Community Legal Centre Inc. (Shoalcoast CLC), *Committee Hansard*, Sydney, 13 June 2014, p. 47.

33 Tangentyere Council, *Submission 112*, p. 1; Ms Julie Argeros, Uniting Care Community, *Committee Hansard*, Sydney, 13 June 2014, p. 36.

can become financially burdensome and can significantly impact grandparents' social and emotional wellbeing.³⁴

7.24 The Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd (ATSILS Qld) added that, although a way of life within Aboriginal and Torres Strait Islander communities, grandparents raising grandchildren do not always have the necessary support:

It is our experience that a majority of these grandparents take on an onerous financial, physical and emotional burden with little or no formal support. Given the exceptionally higher numbers of Aboriginal and Torres Strait Islander children requiring extended family care, we often see these arrangements at risk of breakdown due to lack of financial assistance, legal recognition and dedicated support services.³⁵

7.25 The Victorian Council of Social Service and the AASW suggested that additional assistance might be given to Aboriginal and Torres Strait Islander grandparents raising grandchildren, to better support kinship care placements.³⁶

Enhanced practical challenges for Aboriginal and Torres Strait Islander grandparents raising grandchildren

7.26 The AASW questioned whether the Aboriginal Child Placement Principle disadvantages Aboriginal and Torres Strait Islander grandparents raising grandchildren, particularly in the context of enhanced practical challenges (such as: inter-generational trauma; multiple care responsibilities; severe financial hardship).³⁷ Other participants also remarked on these challenges,³⁸ especially in relation to housing and legal matters involving the child protection jurisdiction.

Housing challenges

7.27 Larrakia Nation Aboriginal Corporation informed the committee that, for Aboriginal and Torres Strait Islander people, housing is a big driver of informal care arrangements:

Parents often do not have secure housing, but their [children's] grandparents may have a secure housing arrangement. Often the grandparents we talk to have been carers for virtually all of the lives of the grandchildren...What is also very common is a multigenerational household with parents,

34 *Submission 81*, p. 3.

35 *Submission 134*, p. [2]. Also see: Dr Marilyn McHugh, who noted that Aboriginal and Torres Strait Islander grandparents raising grandchildren experience higher levels of stress and strain, compared with their non-Aboriginal and Torres Strait Islander counterparts: *Submission 17*, p. 3.

36 *Submission 96*, p. 5 and *Submission 132*, p. 9, respectively.

37 *Submission 132*, p. 9.

38 For example: CREATE Foundation, *Submission 136*, p. 5; Ms Meredith McLaine, Shoalcoast CLC, *Committee Hansard*, Sydney, 13 June 2014, p. 41.

grandparents and grandchildren all under one roof, so who the primary carer is becomes somewhat blurred.³⁹

7.28 As discussed in Chapter 5, grandparents might need to alter their housing arrangements when they take on the primary care of their grandchildren, which can be particularly problematic for grandparents in public housing. In Darwin, the committee heard the following example from Larrakia Nation Aboriginal Corporation:

One of [our] recent clients had five dependants, some formally through the system and some informally through family. She was living in a women's shelter at the time—transitional housing—and we have worked with her to get some bond together for Territory Housing. But she is still waiting for a house and she is in two-bedroom transitional housing with five grandchildren...She has been waiting for months to get a three-bedroom house in Darwin...It is such a big issue.⁴⁰

7.29 ATSIILS Qld agreed:

Grandparents taking on the care of grandchildren should be placed on a priority list for housing allocation. Currently long waiting lists are the norm. One grandparent who took on the care of [six] grandchildren states that she had to put beds on the veranda to accommodate her family members.⁴¹

7.30 Mr Matthew Strong from the North Australian Aboriginal Justice Agency (NAAJA) described how housing issues can affect the placement of Aboriginal and Torres Strait Islander children with their grandparents:

I have a grandmother at the moment who is on the waiting list; she has six grandchildren. She is about nine months away. Once she gets the house her grandchildren will come back with her, so she will be looking after all six grandchildren. She does not smoke, does not drink. She is a senior woman. But because her housing is overcrowded and she does not have locks on the doors—people come and go—the house is not safe for the children. That is the only hurdle.⁴²

Legal matters involving the child protection jurisdiction

7.31 Participants described how assessments conducted by child protection authorities can impede, or prevent, the placement of Aboriginal and Torres Strait Islander children with their Aboriginal and Torres Strait Islander grandparents. The Federal Circuit Court of Australia (Federal Circuit Court), for example, noted that it is often the grandparents who can offer a safe, stable home environment to their grandchildren. However:

Typically the grandparents might live in a household with other family members who have had in the past, or currently have, a criminal conviction.

39 Mr James Pilkington, *Committee Hansard*, Darwin, 5 August 2014, p. 13.

40 Mr James Pilkington, *Committee Hansard*, Darwin, 5 August 2014, p. 15.

41 *Submission 134*, p. [16].

42 *Committee Hansard*, Darwin, 5 August 2014, p. 6.

Even the grandparents themselves in their younger days may have had involvement with the police. This background and family situation will generally mean that the grandparents cannot obtain a blue card for themselves or alternatively for other members of their household as is required by the child protection authority, before they can place a child with the grandparents...This can result in Aboriginal and Torres Strait Islander children being removed not only from their parents, but unnecessarily removed from their grandparents who may be quite capable of providing the appropriate level of care and protective environment. These children will often be instead placed into foster care in a community and household a significant distance away from their grandparents, their community and extended families, all of whom share their culture.⁴³

7.32 One kinship carer reported the deleterious effect this had on her grandchild:

[Six] grandchildren were placed in my care due to concerns about their parents. Child safety initially split the children into three foster homes when they first intervened. This had a very bad effect on the children. I always had a Blue card and no criminal history but child safety took 4 months to investigate and conclude I was suitable. In the meanwhile the oldest child was traumatised when his foster carers locked him in a shed. He has been having counselling ever since. Another child cries every night and another wets her bed daily.⁴⁴

7.33 As noted in Chapter 6, NAAJA explained that the Northern Territory has a legal process by which grandparent carers can challenge the decision of a child protection authority however, alternative non-legal options—such as conciliation—have not been fully implemented by the Department of Children and Families (NT).⁴⁵

7.34 The Department for Child Protection and Family Services (WA) advised that it is implementing a new approach, whereby the assessment process commences 'the moment we become involved in a family':

The child is still with the parents and you are becoming involved both with the parents and the child's network to see what safety can be enhanced so their wellbeing and safety can be assured, hopefully with the parents but, if not, you are already working with the network. So we are compelling caseworkers to work with families much much earlier to identify, should those children not be able to be cared for by their parents, who else in the family could step into that brief. If they have been identified the assessment starts then....Some of them can be quite quick: on average, six weeks.⁴⁶

7.35 In addition, a few submitters noted that there are additional considerations when a matter involves both the family law (federal) and care and protection (state or

43 *Submission 91*, p. 2. Also see: Mr Matthew Strong, North Australian Aboriginal Justice Agency, *Committee Hansard*, Darwin, 5 August 2014, p. 3.

44 Quoted by ATSILS Qld, *Submission 134*, p. [15].

45 *Committee Hansard*, Darwin, 5 August 2014, p. 4.

46 Ms Emma White, *Committee Hansard*, Perth, 6 August 2014, p. 19.

territory) jurisdictions. For example, the Federal Circuit Court highlighted that there is an advantage to commencing matters at the federal level:

The pathway through a court exercising the jurisdiction of the *Family Law Act 1975* can result in Aboriginal and Torres Strait Islander grandparents being [in] a stronger position to seek and obtain orders for their grandchildren, than through the State Child Protection jurisdiction...The *Family Law Act 1975* has various provisions specifically relating to consideration of the child's Aboriginal or Torres Strait Islander heritage.⁴⁷

7.36 However, the Federal Circuit Court noted that Aboriginal and Torres Strait Islander grandparents raising grandchildren are not always aware of, or directed to, the federal jurisdiction where the family law courts are required to consider the grandchildren's heritage:

[R]aising the awareness of Aboriginal and Torres Strait Islander grandparents [to this pathway] is important to assist in providing an opportunity for Aboriginal and Torres Strait Islander children, whose parents are separated, to remain living with their grandparents. Not knowing that Legal Aid might fund such applications and that there are specific legal centres...who may be able to assist Aboriginal and Torres Strait Islander grandparents by providing funding for legal representation, can be a barrier for the participation of these grandparents to the family law legal system.⁴⁸

7.37 ATSIILS Qld submitted:

In the context of the past history of forced removal of Aboriginal and Torres Strait Islander children and the contemporary extent of non-voluntary engagement with the criminal justice and child protection systems among Aboriginal and Torres Strait Islander peoples, there is significant resistance to voluntary engagement with government and justice system services.

...

There is a critical need for the development of civil and family law community legal education and outreach programs that are developed at the regional level, in response to identified local issues and targeted to the needs of Aboriginal and Torres Strait Islander peoples. Community legal education will meet this need to some extent but more immediate assistance is required.⁴⁹

47 *Submission 91*, p. 3. This pathway includes, for example: the appointment of independent children's lawyers and the commission of family reports, to determine the best interests of the child.

48 *Submission 91*, p. 3. Also see: ATSIILS Qld, *Submission 134*, p. [7], which stated that the lack of understanding in relation to family law matters is exacerbated by resistance to engagement with, and fear of, such legal systems.

49 *Submission 134*, p. [7].

Committee view

7.38 Where supports and services are provided to Aboriginal and Torres Strait Islander grandparents raising grandchildren (most of whom are informal caregivers), it is imperative for these to be delivered in a culturally sensitive manner—whether through targeted training of support workers, delivery by appropriate (local) organisations, a combination of both or other. Otherwise, the grandparents may choose not to access the assistance to which they are entitled.

7.39 Consistent with comments expressed earlier in this report, the committee is particularly concerned about the assistance available to and accessed by Aboriginal and Torres Strait Islander grandparents raising grandchildren. In addition to an over-representation of Aboriginal and Torres Strait Islander children in out-of-home care, the committee heard that these grandparents experience heightened levels of disadvantage.

7.40 A particular factor referred to in the evidence was housing. Grandparent-headed families must be accommodated in suitable housing and, if required, priority should be given to these families: no family member should be without a bed or living in accommodation which is suited only to the needs of a single person or couple. Further, this factor should not prevent grandchildren from being placed with their grandparents in the out-of-home care system. Existing policies and practices relating to the priority allocation of public housing should be reviewed to prevent the deplorable situations described to the committee.

7.41 The committee endorses the intentions of the Aboriginal Child Placement Principle but notes that Aboriginal and Torres Strait Islander children are not always placed in accordance with the Principle. To the extent that assessments could increase the number of children placed with their grandparents, the committee sees merit in the potential use of the WINANGAY Kinship Care Tool, which has been both academically verified and field tested.

7.42 The committee also sees merit in the approach recently adopted by the Department for Community Services and Families (WA) of commencing assessments at the earliest opportunity. The committee suggests that child protection authorities adopt a common sense approach to determining whether the results of the associated police check will affect the safety of children placed in the primary care of their grandparents.

7.43 The high number of Aboriginal and Torres Strait Islander children in out-of-home care is alarming. One witness likened the situation to another stolen generation, 'an absolute disaster for Aboriginal people and communities'.⁵⁰ The committee agrees that this is a matter of the utmost concern and one which requires immediate redress.

50 *Committee Hansard*, Sydney, 13 June 2014, p. 56.

Chapter 8

Conclusion

This road grandparents are on is long, hard, tough, bumpy, painful, soul-destroying and exhausting, but much love, determination and courage is given by grandparents to raise healthy and happy grandchildren. This caring role has been pushed upon them by the inability of their own children to care and take responsibility for their children. Grandparent carers need moral support, emotional support and financial support from everyone in the community to raise these grandchildren so they are not a burden on the taxpayer but become role models in society in their adult lives.¹

8.1 Throughout the inquiry, the committee heard many personal accounts of grandparents who have taken, or are taking, the primary responsibility for raising their grandchildren. For many grandparents, assumption of this responsibility has enormously complicated their lives, yet the grandparents who participated in the inquiry emphasised their love for and commitment to their grandchildren. The committee acknowledges these grandparents for providing their grandchildren with a loving and safe home in which to flourish and achieve their full potential.

8.2 As detailed in the evidence, the circumstances of the grandparents, as well as the grandchildren, entail significant challenges that are severely affecting the quality of life for grandparent-headed families. The desperate circumstances of grandparents raising grandchildren need to be recognised and addressed.

8.3 Commonwealth, state and territory governments have been working together for several years to improve the lives of families involved in the family law, child protection and out-of-home care systems. The committee notes particularly the Council of Australian Governments' (COAG) initiative, the National Framework for Protecting Australia's Children 2009-2020 (Framework).

8.4 Much of what the committee has inquired into is relevant to the COAG's National Framework deliberations and this report contains recommendations which are intended to help shape proposals for consideration by the COAG. The committee considers that a collaborative approach is the best means to address the circumstances of grandparents raising grandchildren and the children for whom they care.

8.5 This chapter draws together a number of recommendations that largely focus on those matters which the committee believes should be brought to the attention of the states and territories, as well as the Australian Government, the Australian Bureau of Statistics and the Australian Institute of Family Studies.

1 Mrs Sharyne De Young, Secretary, Grandparents Rearing Grandchildren WA (Inc.), *Committee Hansard*, Perth, 6 August 2014, p. 31.

Recommendations to the Australian Government

8.6 The committee makes the following recommendations in recognition of the increasing numbers of grandparents raising grandchildren in Australia:²

Recommendation 1

8.7 The committee recommends that:

- **the Department of Social Services and the Department of Human Services initiate a comprehensive review of support provided to grandparents raising grandchildren. As part of the review:**
 - **the Department of Human Services establish a sub-committee within the Older Australian Working Group to enable ongoing engagement with grandparents raising grandchildren;**
 - **the Department of Human Services puts in place and maintains processes to more accurately collect and review data received from the Grandparent Adviser 1800 telephone number;**
- **the Department of Social Services' Children's and Families Secretaries' Group, as the primary platform for jurisdictions to collaborate on innovative approaches to child and family issues, makes grandparents raising grandchildren a priority topic for discussion at a meeting to be specifically convened to address this issue or at its next meeting; and**
- **the Department of Social Services' Children's and Families Secretaries' Group, using an appropriate model, undertake a trial programme that makes available to grandparents vouchers to assist meeting the cost of educational tutorial expenses, including the cost of ICT training for grandparents raising teenage grandchildren.**

8.8 The committee makes the following recommendation to improve grandparents raising grandchildren's access to Commonwealth financial assistance:³

Recommendation 2

8.9 The committee recommends that the Department of Human Services investigate means of identifying kinship care arrangements in applications for Commonwealth benefits, with a view to better identifying grandparent-headed families to whom financial support(s) should be provided, subject to any eligibility criteria.

8.10 The committee makes the following recommendation to ensure that the need for grandparent advisors is being met in high-demand and rural and regional service areas throughout Australia:⁴

2 See Chapter 3.

3 See Chapter 3.

4 See Chapter 4.

Recommendation 3

8.11 The committee recommends that the Department of Human Services review the number and geographical allocation of grandparent advisor positions, with a view to ensuring:

- that needs are being met in high-demand service areas;
- the specific needs of grandparents raising grandchildren in rural and regional Australia are being adequately met; and
- if required, increasing the number of grandparent advisors employed under the Grandparent Advisor Program.

8.12 The following recommendation is made with a view to encouraging increased funding for legal service providers and professional relationship services:⁵

Recommendation 4

8.13 The committee recommends that the Australian Government considers:

- providing dedicated funding for community legal centres and Aboriginal and Torres Strait Islander Legal Services, to enable the better provision of legal assistance to grandparents who have taken on the primary care of their grandchildren; and
- funding for relationship supports and services, to assist grandparents raising grandchildren to better manage intra-family relationships which are complicated by the assumption of primary care responsibilities.

8.14 The committee makes the following recommendation to enhance the provision of mental health services to grandparent-headed families:⁶

Recommendation 5

8.15 The committee recommends that the Australian Government, in consultation with relevant stakeholders, investigate how access to and the availability of professional counselling services can be enhanced for grandparent-headed families.

Enhanced data collection and statistics

8.16 The committee makes the following recommendations to better identify the incidence and circumstances of grandparent-headed families in Australia, and to plan appropriate supports and services for those families:⁷

Recommendation 6

8.17 The committee recommends that the Australian Bureau of Statistics:

5 See Chapters 5 and 6.

6 See Chapter 5.

7 See Chapter 1.

- **include a question, or set of questions, in the Census of Population and Housing, commencing in 2016, to identify those households in which kinship carers have primary responsibility for children or young people, and the carer's relationship to that person; and**
- **begin compilation of a longitudinal dataset for grandparent-headed families, with a view to identifying relevant support and service needs, including for grandparents caring for grandchildren with disability and Aboriginal and Torres Strait Islander grandparents raising grandchildren.**

Recommendation 7

8.18 The committee recommends that the Australian Institute of Family Studies:

- **include a longitudinal study in its Research Directions 2015-18 for endorsement by its Advisory Council and the Australian Government; or**
- **alternatively, conduct:**
 - **a national, cross-sectional, probability telephone survey of grandparents, including a nested sample of former and current grandparents raising grandchildren; and**
 - **a separate qualitative study of Aboriginal and Torres Strait Islander grandparents raising grandchildren,****to better inform government policies and practices which support grandparent-headed families.**

Recommendations for consideration by states and territories

8.19 The committee makes the following recommendation to promote recognition of the role and contribution of grandparents raising grandchildren, and to facilitate greater awareness and understanding of grandparent care:⁸

Recommendation 8

8.20 The committee recommends that, the Australian Government, through the COAG process:

- **convene a national forum specifically for grandparents raising grandchildren and their local support groups, non-government organisations and representatives from the Commonwealth, state and territory governments, and that this forum:**
 - **investigate a means of recognising the role and contribution of grandparents raising their grandchildren throughout Australia; and**

8 See Chapter 2.

-
- **consider effective avenues for raising community awareness and understanding of the role and contribution of grandparents who have the primary responsibility for raising their grandchildren.**

8.21 The committee acknowledges the role and contribution made by foster carers in the out-of-home care system. These carers are supported to varying degrees however, although kinship care is increasing throughout Australia, grandparents raising grandchildren do not receive supports and services equivalent to those provided to foster carers. The committee considers that this distinction should be eradicated on a national level:⁹

Recommendation 9

8.22 The committee recommends that state and territory governments consider:

- **extending foster care allowances to grandparents who are raising their grandchildren without orders from a court exercising family law jurisdiction or care and protection jurisdiction; and**
- **investigating means of facilitating contact arrangements between children in grandparent-headed families and their birth parents.**

Recommendation 10

8.23 The committee recommends that state and territory governments consider:

- **reviewing the rates of financial assistance paid to grandparents as out-of-home carers, with particular consideration to addressing the disparity in financial support between foster carers and grandparents raising grandchildren;**
- **the provision of training to grandparents raising their grandchildren, to better support them in their daily parenting roles;**
- **the provision of respite services to grandparents raising their grandchildren, with a focus on enhancing and extending those services to all grandparents raising grandchildren;**
- **the formal assessment of kinship care placements within six months of the commencement of a placement, with a view to ascertaining the specific supports and services required by a grandparent raising grandchildren; and**
- **existing policies and practices relating to the priority allocation of public housing, with a view to expediting accommodation suitable to the needs of grandparent-headed families.**

9 See Chapters 3-5.

8.24 The following recommendation is made with a view to encouraging increased funding and more certain funding for voluntary support groups:¹⁰

Recommendation 11

8.25 The committee recommends that the Australian Government, in co-operation with state and territory governments, examine increased and more certain funding for voluntary support groups which provide peer support to grandparents raising grandchildren to better facilitate the establishment, maintenance and operations of such groups.

8.26 The committee makes the following two recommendations to improve educational outcomes for children in out-of-home care, and to encourage the provision of informed and sensitive supports and services to grandparents raising grandchildren:¹¹

Recommendation 12

8.27 The committee recommends that the COAG give attention to:

- **collaborating on the development of guidelines, protocols and templates to ensure consistent implementation of Standard 4 of the *National Standards for Out-of-home Care*, which provides for each child and young person to have an individualised education plan; and**
- **considering facilitating education and awareness training within each jurisdiction on the special circumstances and needs of grandparents raising grandchildren.**

Recommendation 13

8.28 The committee recommends that the COAG Education Council initiates a review into the practical supports and services that could be provided to children in out-of-home care (including grandparents raising grandchildren), to promote positive outcomes in education.

8.29 Acknowledging that a lack of knowledge prevents grandparents raising grandchildren from accessing supports and services, and disempowers them, the committee makes the following recommendation:¹²

Recommendation 14

8.30 The committee recommends that the COAG, in conjunction with state-based community service providers:

- **review the information currently available to grandparents raising grandchildren in relation to government and non-government supports and services;**

10 See Chapter 4.

11 See Chapters 2 and 4.

12 See Chapters 3 and 6.

-
- **develop, and update as required, a comprehensive guide to the supports and services available to grandparents raising grandchildren in each jurisdiction;**
 - **make the comprehensive supports and services guide widely available across a range of mediums and in a variety of formats, including for Aboriginal and Torres Strait Islander grandparents raising grandchildren;**
 - **review, and develop if necessary, in consultation with the relevant courts, information materials that:**
 - **identify and explain potential pathways for grandparents raising grandchildren who wish to formalise care arrangements for their grandchildren; and**
 - **identify specific sources of potential legal assistance in each jurisdiction.**

8.31 The committee makes the following recommendation to enhance support for grandparent-headed families with physical and mental health needs:¹³

Recommendation 15

8.32 The committee recommends that, through the COAG Health Council, governments consider enhancing the provision of mental health services for grandparent-headed families, with special attention given to grandchildren affected by trauma.

8.33 The committee makes the following recommendation in regards to the Framework:

Recommendation 16

8.34 The committee recommends that:

- **the Third Action Plan 2015-2018 elevates the strategic and policy areas associated with grandparents raising grandchildren;**
- **as an initiative under the National Framework, governments explore options to improve mental health services for all family members, to support the family unit and prevent children from entering the out-of-home care system; and**
- **governments recognise the special needs of and costs associated with raising children with disability, in determining eligibility for, and the extent of, supports and services provided to grandparents raising grandchildren.**

8.35 To address the specific needs of informal grandparents raising grandchildren, the committee makes the following two recommendations to more consistently

13 See Chapter 5.

recognise informal care status and to improve access to justice (particularly in the federal family law courts):¹⁴

Recommendation 17

8.36 The committee recommends that the COAG:

- **explores options for providing informal grandparents raising grandchildren with access to legal assistance (including legal representation) in relation to the care arrangements for the grandchildren;**
- **affirms support for the Commonwealth's Informal Relative Caregiver's Statutory Declaration, with a view to implementing a consistent means of recognising informal grandparents raising grandchildren within and across jurisdictions; and**
- **investigates means of supporting informal grandparents raising grandchildren who initiate proceedings in the family law jurisdiction and the care and protection jurisdiction, including a more active role for child protection authorities and an enhanced role for mediation.**

Recommendation 18

8.37 The committee recommends that state and territory governments reconsider Recommendation 19-3 of the Australian Law Reform Commission and New South Wales Law Reform Commission's joint report *Family Violence—a National Legal Response*, to enhance the assistance provided by child protection authorities to grandparents rearing grandchildren in the family law jurisdiction.

Senator Rachel Siewert

Chair

14 See Chapters 2 and 6.

APPENDIX 1

Submissions and additional information received by the Committee

Submissions

- 1** Mr Jeff Trudgian
- 2** Ms Nadine Ebb
- 3** Name Withheld
- 4** Name Withheld
- 5** Name Withheld
- 6** Adelaide Psychological Services
- 7** Mr Harold Harvey
- 8** Name Withheld
- 9** Name Withheld (plus an attachment)
- 10** Dr Frank Moloney
- 11** Name Withheld
- 12** Name Withheld (plus a supplementary submission)
- 13** Ms Judy Turner (plus two attachments)
- 14** Ms Noeline Barron
- 15** Mrs Elizabeth Lee
- 16** Mr Michael Borrett
- 17** Dr Marilyn McHugh
- 18** Psychologists Association (SA Branch)
- 19** Country Women's Association of NSW
- 20** Ms Chris Bannah
- 21** Name Withheld
- 22** Confidential
- 23** Ms Jean McLeod
- 24** Ms Theresa Sutton

- 25 Ms Jennifer Hunter
- 26 Name Withheld
- 27 Ms Veronica Joly
- 28 Ms Elly Ferguson
- 29 Confidential
- 30 Confidential
- 31 Ms Rhonda Collins
- 32 Department of Health and Human Services Tasmania
- 33 Name Withheld
- 34 Commissioner for Children and Young People Western Australia
- 35 Ms Susie
- 36 Sutherland Shire Grandparent's Support Group
- 37 Gosnells Community Legal Centre Inc.
- 38 Ms Heather Barbour
- 39 Name Withheld
- 40 Mr Ross Henderson
- 41 Name Withheld
- 42 Name Withheld
- 43 Name Withheld
- 44 Name Withheld
- 45 Name Withheld
- 46 Name Withheld
- 47 Ms Jenny Hipper
- 48 Name Withheld
- 49 Name Withheld
- 50 Grandparents Rearing Grandchildren WA (Inc.) (plus a supplementary submission)
- 51 Dr Jan Backhouse
- 52 The Mirabel Foundation

-
- 53 Mrs Valerie Fitzgerald
- 54 Name Withheld
- 55 Grandparents For Grandchildren SA Inc.
- 56 Tweed Valley Kin Care Support Group Inc
- 57 Ms Maria Spoons
- 58 Relationships Australia
- 59 UnitingCare Community QLD
- 60 Name Withheld
- 61 Australian Institute of Health and Welfare
- 62 Early Childhood Australia
- 63 Ms Alexandra Goldspink
- 64 The Aged-care Rights Service Inc. (plus a supplementary submission)
- 65 UnitingCare Tasmania
- 66 Women's Legal Service Tasmania
- 67 Mr Ty Phillips-Anderton
- 68 Name Withheld
- 69 Grandparents and Carers Protecting Our Grandchildren
- 70 Name Withheld
- 71 Ms Lynette Ramage
- 72 Mrs Peta Pierina Di Fabio
- 73 Name Withheld
- 74 GRANDS Raising Kids NSW Inc
- 75 Mr and Mrs Eugene and Helen Hinkley
- 76 Name Withheld
- 77 Name Withheld
- 78 Ms Wendy Schweitzer
- 79 Grandparent and Kinship Carers Association Inc. Mid North Coast
- 80 Mr and Mrs Daryl and Lynne Thornberry
- 81 Family and Relationship Services Australia

- 82** Australian Medical Association
- 83** Grandparents Australia, Grandparents Victoria and Kinship Carers Victoria
- 84** Dr Sandra Woodbridge, Dr Maged Rofail and Cmdr Tony Townsend
- 85** UnitingCare Children, Young People and Families (plus an attachment)
- 86** Name Withheld
- 87** Shoalcoast Community Legal Centre Inc
- 88** BlueCare Multicultural Services
- 89** Name Withheld
- 90** Ms Irene Rae
- 91** Federal Circuit Court of Australia (plus two attachments)
- 92** Children's Protection Society
- 93** Australian Bureau of Statistics
- 94** Name Withheld
- 95** Melton City Council
- 96** Victorian Council of Social Service
- 97** National Council of Women of Australia
- 98** Ms Helen Savin
- 99** Australian Institute of Family Studies
- 100** North West Grandparents Raising Grandchildren Tasmania
- 101** Permanent Care and Adoptive Families
- 102** Name Withheld
- 103** Queensland Council of Grandparents and KinKare
- 104** Central Australian Women's Legal Service
- 105** Name Withheld
- 106** Ms Leonie O'Brien
- 107** Winangay Resources (plus an attachment)
- 108** The Salvation Army Australia
- 109** The Hon Diana Bryant AO

-
- 110** Commission for Children and Young People
- 111** Children's Commissioner, Northern Territory
- 112** Tangentyere Council
- 113** COTA Australia
- 114** Ms Johanna Evertsen-Mostert
- 115** Ms Lee Ahlers
- 116** Name Withheld
- 117** Name Withheld
- 118** Confidential
- 119** Ms CA Dunsdon
- 120** Ms Beatrice Crain
- 121** Name Withheld
- 122** Name Withheld
- 123** Name Withheld
- 124** Ms Jeanette Hanley-Heath
- 125** Name Withheld
- 126** Name Withheld
- 127** Name Withheld
- 128** Name Withheld
- 129** Name Withheld
- 130** Name Withheld
- 131** National Seniors Australia
- 132** Australian Association of Social Workers
- 133** Australian Human Rights Commission
- 134** Aboriginal and Torres Strait Islander Legal Service (QLD) Ltd
- 135** Confidential
- 136** CREATE Foundation
- 137** Australian Psychological Society
- 138** Women's Legal Services NSW

- 139** Community Legal Centres NSW
- 140** Aboriginal Family Violence Prevention and Legal Service Victoria
- 141** National Legal Aid (plus five attachments)
- 142** Ms Cheryl Dearing
- 143** Confidential
- 144** Confidential
- 145** Mr and Mrs Jeff and Gayle Cowan
- 146** Name Withheld
- 147** Name Withheld
- 148** Law Council of Australia (plus an attachment)
- 149** Mrs Joyce McCloy
- 150** Wanslea Family Services Inc
- 151** Child and Family Welfare Agencies Association
- 152** Confidential
- 153** Confidential
- 154** Name Withheld
- 155** Ms Judith Dandie
- 156** Name Withheld
- 157** Ms Lorraine Fitzgibbons
- 158** Name Withheld
- 159** Confidential
- 160** Ms Susan Baile
- 161** Mr and Mrs Ron and Audrey Austen
- 162** Name Withheld
- 163** Ms Angela Saggars
- 164** Name Withheld
- 165** Name Withheld
- 166** Ms Anne Dyson
- 167** Name Withheld

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- 168 Name Withheld
- 169 Centre for Excellence in Child and Family Welfare Inc. (plus a supplementary submission)
- 170 Ms Robyn Akins
- 171 Australian Foster Care Association
- 172 Berry Street
- 173 Mrs Christine Perham
- 174 Karitane Connecting Carers NSW
- 175 Confidential
- 176 North Australian Aboriginal Justice Agency

Additional Information

- 1 Grandparents raising grandchildren: Towards recognition, respect and reward; report by Social Policy Research Centre, University of New South Wales
- 2 Grandparents Raising Grandchildren; report of the project commissioned by The Hon. Larry Anthony, Minister for Children and Youth Affairs, and carried out by COTA National Seniors; from COTA Australia, received 19 March 2014
- 3 Time for Grandparents Program, by UnitingCare Community, received 29 August 2014

Correspondence

- 1 Correspondence clarifying evidence given at Melbourne public hearing on 10 June, from Australian Institute of Family Studies, received 10 July 2014
- 2 Correspondence clarifying evidence given at Canberra public hearing on 20 June, from Department of Human Services, received 17 July 2014

Tabled Documents

- 1** Statement, tabled by Australian Psychological Society, at Melbourne public hearing 10 June 2014
- 2** Presentation, tabled by Commission for Children and Young People, at Melbourne public hearing 10 June 2014
- 3** Statement, tabled by Australian Foster Care Association, at Melbourne public hearing 10 June 2014
- 4** Information Sheet, tabled by Permanent Care and Adoptive Families, at Melbourne public hearing 10 June 2014
- 5** Further information about Permanent Care and Adoptive Families, tabled by Permanent Care and Adoptive Families, at Melbourne public hearing 10 June 2014
- 6** Kith and Kin Care information, tabled by Permanent Care and Adoptive Families, at Melbourne public hearing 10 June 2014
- 7** Support in Kith and Kin Care: The Experience of Carers, article, tabled by Permanent Care and Adoptive Families, at Melbourne public hearing 10 June 2014
- 8** A new kinship care program model for Victoria, December 2008, tabled by Permanent Care and Adoptive Families, at Melbourne public hearing 10 June 2014
- 9** Kinship Care Policy in Victoria - Green paper, Policy and service design, by Department of Human Services Victoria, November 2007, tabled by Permanent Care and Adoptive Families, at Melbourne public hearing 10 June 2014
- 10** Statement, tabled by Centre for Excellence in Child and Family Welfare, at Melbourne public hearing 10 June 2014
- 11** Report on Issues Relating to Custodial Grandparents, Report No. 2, by Parliament of Tasmania's Joint Standing Committee on Community Development, tabled by Senator the Hon Lin Thorp, at Canberra public hearing 20 June 2014
- 12** Grandparents raising their grandchildren, Snapshot 2007, tabled by Mission Australia, at Hobart public hearing 19 September 2014
- 13** Grandparents raising grandchildren in Tasmanian Government Schools leaflet, tabled by Mission Australia, at Hobart public hearing 19 September 2014

Answers to Questions on Notice

- 1** Answers to Questions taken on Notice during 10 June public hearing, received from Australian Institute of Family Studies, 11 June 2014
- 2** Answers to Questions taken on Notice during 10 June public hearing, received from Tasmanian Department of Health and Human Services, 27 June 2014
- 3** Answers to Questions taken on Notice during 10 June public hearing, received from Australian Institute of Family Studies, 22 September 2014
- 4** Answers to Questions taken on Notice during 20 June public hearing, received from Women's Legal Services NSW, 20 June 2014
- 5** Answers to Questions taken on Notice during 20 June public hearing, received from Department of Social Services, 11 July 2014
- 6** Answers to Questions taken on Notice during 20 June public hearing, received from Australian Institute of Health and Welfare, 14 August 2014
- 7** Answers to Questions taken on Notice during 20 June public hearing, received from Department of Human Services, 15 August 2014
- 8** Answers to Questions taken on Notice during 20 June public hearing, received from National Legal Aid, 16 September 2014
- 9** Answers to Questions taken on Notice during 5 August public hearing, received from North Australian Aboriginal Justice Agency, 27 August 2014
- 10** Answers to Questions taken on Notice during 5 August public hearing, received from North Australian Aboriginal Justice Agency, 28 August 2014
- 11** Answers to Questions taken on Notice during 6 August public hearing, received from Wanslea, 10 September 2014
- 12** Answers to Questions taken on Notice during 6 August public hearing, received from Western Australian Department for Child Protection and Family Support, 15 September 2014
- 13** Answers to Questions taken on Notice during 6 August public hearing, received from Department of Human Services, 23 September 2014
- 14** Answers to Questions taken on Notice during 6 August public hearing, received from Department of Human Services, 24 September 2014

APPENDIX 2

Public hearings

Tuesday, 10 June 2014

Parliament of Victoria, Melbourne

Witnesses

Mirabel Foundation

McCREA, Ms Elizabeth, Advocacy and Family Support

PATTON, Mrs Nicole, Manager Kinship Care and Research

Australian Psychological Society

CICHELO, Mrs Mila, Member, Expert Reference Group Convened for this Submission

GRIDLEY, Ms Heather, Australian Psychological Society Fellow, Manager of Public Interest

KIRALY, Ms Meredith, Member, Expert Reference Group Convened for this Submission

MIFSUD, Ms Cynthia Ann, Member, Expert Reference Group Convened for this Submission

Grandparents Victoria and Kinship Carers, Victoria

BROWN, Mrs Helen, President Grandparents Victoria

BURKE, Ms Geraldine, Committee Member, Kinship Carers, Victoria

McLEISH, Mrs Anne, Director

COX, Mr Terry, Private capacity

COX, Ms Pam, Private capacity

Victorian Commission for Children and Young People

BOAG, Ms Pam, Principal Policy Advisor

CARROLL, Mr Ray, Manager, Monitoring Programs and Services

GEARY, Mr Bernie, Principal Commissioner

JACKOMOS, Mr Andrew, Commissioner for Aboriginal Children and Young People

Australian Institute of Family Studies

HAYES, Professor Alan, Director

MOLONEY, Professor Lawrence John, Senior Research Fellow

WESTON, Ms Ruth, Assistant Director, Research

Australian Association of Social Workers

FRAYNE, Ms Wendy, Social Worker and Team Leader, Kinship Care
ROUCH, Ms Sue, Social Policy Officer

Australian Foster Care Association

EDWARDS, Ms Sue, Committee Member, Kinship Carer and Social Worker
FALCONER, Ms Helen Elizabeth Lynne, Policy Officer and Retired Foster Carer
ORR, Mrs Beverley, OAM, President

Permanent Care and Adoptive Families

CARMEN, Ms Brenda, General Manager
O'NEILL, Dr Caroline, Board Member and Founder

Centre for Excellence in Child and Family Welfare

Ashlee, Ms, Grandchild representative
Jordan, Mr, Grandchild representative
KIRALY, Ms Meredith, Kinship Care Researcher and Consultant
PURTELL, Ms Jade, CREATE Foundation
TSORBARIS, Ms Deborah, Chief Executive Officer

Department of Health and Human Services, Tasmanian Government

DIAMOND, Dr Susan, Director, Strategy, Program Development and Evaluation
GILSON, Ms Nerilie, Manager, Community Services Program, Disability and
Community Services

Friday, 13 June 2014

NSW Parliament, Sydney

Witnesses

JENKINS, Dr Bridget Louise, Research Associate, Centre for Social Impact

Grandparent and Kinship Carers Association Inc., Mid North Coast NSW

NICHOLSON, Ms Annette, Committee Member and Public Officer
NICHOLSON, Dr Stephen, President
O'NEILL, Ms Merylyn, Policy Officer

North West Grandparents Raising Grandchildren Tasmania

LEE, Mr George Anthony, Secretary

BACKHOUSE, Dr Jan, Private Capacity**CREATE Foundation**

BUCKNALL, Ms Kelly, Community Facilitator

Miss Kathleen, Private Capacity**Uniting Care Community**

ARGEROS, Ms Julie, Service Coordinator, Time for Grandparents Program

PROCOPIIS, Ms Christine, Manager, Older Persons Programs

Blue Care Multicultural Service

HEUFT, Mrs Gabriele, Multicultural Adviser

SEPULVEDA, Mrs Mercedes, Multicultural Service Manager

Shoalcoast Community Legal Centre Inc.

FAHEY, Mr Brett, Area Manager, New South Wales South Coast, Mission Australia

KELLY, Ms MaryJean, Aboriginal Family Law Support Worker

McLAINE, Ms Meredith, Solicitor

The Aged-care Rights Service Inc.

COWEN, Mr Tom, Manager, Legal Services

SMALL, Mrs Margaret, Solicitor, Older Persons Legal Service

Winangay Resources Inc.

BLACKLOCK, Aunty Suzanne, Chair

BONSER, Mrs Gillian Patricia, Board Member, Cofounder and Developer

HAYDEN, Ms Paula Marie, Public Officer

Australian Human Rights Commission

TRIGGS, Prof. Gillian, President

Friday, 20 June 2014

Parliament House, Canberra

Witnesses**Women's Legal Services NSW**

LOUGHMAN, Ms Janet, Principal Solicitor

WILLIAMS, Ms Shannon, Senior Community Access Officer, Indigenous Women's Legal Program

Australian Institute of Health and Welfare

KINNEAR, Dr Pamela, Head, Continuing and Specialised Care Group

National Legal Aid

JACKSON, Ms Julie, Legal Aid Western Australia Representative, Family Law Working Group

SCHILD, Mr Derek, Legal Aid ACT Representative, Grants National Statistics Working Group

COTA Australia

ROOT, Ms Josephine, National Policy Manager

Department of Social Services

HEFREN-WEBB, Ms Elizabeth, Acting Group Manager, Families

Department of Human Services

McNEIL, Mr Matt, Director, Families Division

THIVEOS, Mr George, General Manager, Families Division

Tuesday, 5 August 2014

Rydges Airport Resort, Darwin

Witnesses

The North Australian Aboriginal Justice Agency

STRONG, Mr Matthew Benjamin, Senior Solicitor, Family Law and Child Protection, Civil Section

Foster Carers Association NT Incorporated

OWEN, Ms Ann Maree, Executive Director

Child Australia

BOOTH, Ms Kellie, Indigenous Programs

Larrakia Nation Aboriginal Corporation

KURNOTH, Ms Patricia

PILKINGTON, Mr James, General Manager

Wednesday, 6 August 2014

WA Parliament Legislative Council Committee Offices, Perth

Witnesses

Commissioner for Children and Young People, Western Australia

PERKINS, Mrs Jenni, Acting Commissioner

HEATH, Mrs Trish, Principal Policy Officer

Department for Child Protection and Family Support

WHITE, Ms Emma, Acting Director General

Wanslea Family Services Inc

MURRAY, Ms Patricia, Chief Executive Officer

BAILE, Ms Susan, Coordinator, Grandcare

LUND, Mr Stephan John, Executive Manager, Out-of-Home Care and Specialist Services

STRATTON, Dr Katrina, Coordinator, Research and Evaluation

Grandparents Rearing Grandchildren WA (Inc)

BENDLE, Ms Kaye Roslyn, President

DE YOUNG, Mrs Sharyne Ann, Secretary

FITZTHUM, Mrs Shirley, Member

BURTON, Mr Malcolm, Private Capacity

BURTON, Mrs Liz, Private Capacity

EVANS, Ms Susette, Private Capacity

HINKLEY, Mr Eugene, Private Capacity

HINKLEY, Mrs Helen, Private Capacity

ROBINSON, Ms Diane, Private Capacity

STANDEN, Ms Jan, Private Capacity

HOPE, Mrs Elizabeth, Private Capacity

Department of Human Services

DEI-ROSSI, Ms Donna, Grandparent Adviser

FUTCHER, Ms Pene, Operational Manager, Grandparent Adviser Program Delivery

THORNTON, Ms Susan, Grandparent Adviser
VOLKERS, Mr Bill, General Manager, Face to Face Service Delivery

Gosnells Community Legal Centre Inc

MUNGAR, Mr Patrick, Solicitor
TAYLOR, Ms Lorraine, Solicitor

Thursday, 7 August 2014

Senior Citizen's Centre, Albany

Witnesses

Wanslea Family Services Inc.

McSEVICH, Mr Moray, Manger, Albany Branch

BROOKS, Mrs Sue, Private Capacity

KILLEY, Mr David, Private Capacity

KILLEY, Mrs Kim, Private Capacity

TUGWELL, Mr Michael, Private Capacity

BENPORATH, Mr Graham, Private Capacity

MASON, Ms Aishya, Private Capacity

PRATT, Mr Geoffrey, Private Capacity

PRATT, Mrs Nicolette, Private Capacity

ANDERSON, Ms Barbara, Private Capacity

COX, Mr Roy, Private Capacity

RICHARDS, Mrs Patricia, Private Capacity

RICHARDS, Mr Ron, Private Capacity

Friday, 19 September 2014

Parliament of Tasmania, Hobart

Witnesses

FARRELL, Ms Kylie, Private Capacity

HALL, Mrs Kathleen, Private Capacity

HENDERSON, Mr Ross, Private Capacity

ROBERTS, Mrs Wendy, Private Capacity

ROBERTSON, Mrs Ann, Private Capacity

WARD, Mr John, Private Capacity

UnitingCare Tasmania

O'NEILL, Ms Linda, Chief Executive Officer

BEVAN, Ms Anne, Support Worker

JEFFRIES, Mrs Christine, Support Worker, Grandparents Raising Grandchildren Program

Mission Australia

MUNDY, Mr Noel, State Director

Baptcare

D'ELIA, Ms Mary, State Operations Manager, Tasmania

HURST, Ms Cathy, Northern Region Manager