



Commissioner for Children and Young People
Western Australia

Speaking Out About Family Separation

The views of children and young people with experience of separation and the family law system in WA

April 2019

Recognising Aboriginal and Torres Strait Islander people

The Commissioner for Children and Young People WA acknowledges the unique contribution of Aboriginal people's culture and heritage to Western Australian society. For the purposes of this report, the term 'Aboriginal' encompasses Western Australia's diverse language groups and also recognises those of Torres Strait Islander descent. The use of the term 'Aboriginal' in this way is not intended to imply equivalence between Aboriginal and Torres Strait Islander cultures, though similarities do exist.

Disclaimer

This report has been prepared by the Commissioner for Children and Young People and is intended to provide the views of the young people who participated in the consultation. Any errors of omission or commission are the responsibility of the Commissioner for Children and Young People.

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Message from the Commissioner

Over the last ten years, my office has consulted with over 10,000 children and young people on issues that impact their wellbeing. What has shone through all of these consultations is that WA children and young people value a loving and supportive family above all else.

Family separation is not uncommon and while it can be time of great stress for all involved, research indicates that the majority of children and young people who experience family separation adjust well. However, for some children, family separation can have a profound and negative impact on their wellbeing.

The mental health of children undergoing separation and family law proceedings requires very close attention and they need to be adequately supported at all times throughout the process.

Our family law system encourages parents to try to agree on the arrangements for their children during separation and divorce without going to court. Where there are complex issues or conflict, the system aims to help people resolve the legal aspects of family relationship issues.

Children are central to many of these disputes and despite the intentions of the system, they do not always have a meaningful opportunity to express their views and perspectives on all of the issues and decisions being made.

All children and young people have the right to be heard on the issues that affect them, as outlined in the United Nations Convention on the Rights of the Child. The Family Court's role in assessing the best interests of children when making orders is very important, so these children and young people need to be well supported to have a say.

The national discussion around changes to the family law system, led by the Australian Law Reform Commission review, was an opportune time to seek input from children and young people themselves on what they found helpful during family separation and any ideas they have to improve the experience.

My aim in preparing this report is to ensure that Western Australian young people are a part of this national discussion. The views of children and young people expressed through this consultation have been shared with the Australian Law Reform Commission and also provided to the Family Court of WA.

I would like to thank the young people who shared their experiences and views so openly for this consultation, and I also acknowledge the family members who supported them in doing so.

Colin Pettit

Commissioner for Children and Young People

Role of the Commissioner

The Commissioner for Children and Young People works closely with children and young people, their families, community and government to improve the wellbeing of children and young people up to the age of 18 years across Western Australia. To do this, the Commissioner undertakes consultations, projects and research and publishes reports and resources to positively influence legislation, policy, services and attitudes impacting children and young people.

The work of the office is guided by a set of principles as outlined in the *Commissioner for Children and Young People Act (the Act) 2006*, which state that:

- children and young people are entitled to live in a caring and nurturing environment and to be protected from harm and exploitation
- the contributions made by children and young people to the community should be recognised for their value and merit
- the views of children and young people on all matters affecting them should be given serious consideration and taken into account
- parents, families and communities have the primary role in safeguarding and promoting the wellbeing of their children and young people and should be supported in carrying out their role.

The Commissioner must have regard to the United Nations Convention on the Rights of the Child (UNCRC) and give special consideration to children who are Aboriginal or Torres Strait Islander and who are vulnerable or disadvantaged for any reason. One of the key functions of the office is to ensure that all children and young people have the opportunity to participate in the making of decisions that affect their lives, and to encourage government and non-government agencies to seek the participation of children and young people appropriate to their age and maturity. The Commissioner also has roles in monitoring the way in which government agencies investigate or otherwise deal with a complaint made by a young person, and in monitoring and reviewing written or draft laws, policies, practices and services that affect the wellbeing of children and young people.

The current review of the family law system, being undertaken by the Australian Law Reform Commission (ALRC), represents a valuable opportunity to review and improve this system and the support services for children and young people who need them.

The Commissioner consulted with WA children and young people about their experiences of family separation and their ideas on how to improve support for young people and to improve services and the family law system. This report summarises their insights and feedback and has been submitted to the ALRC review and to the Family Court of Western Australia to inform system reform and improvements to professional practice from the viewpoint of children and young people.

Project overview

In March 2018, the ALRC released an Issues Paper¹ and called for submissions to their review. The Commissioner commenced discussions with the local stakeholders and the ALRC to plan a consultation with children and young people who had experience of family separation and the family law system in WA.

The aims of the project were to:

- ensure the voices of Western Australian young people are considered in the ALRC review
- provide the views of young people to the Family Court of WA and its service providers/stakeholders.

The consultation was promoted widely throughout August and September 2018 via the Commissioner's newsletter which is sent to more than 4000 subscribers; on the Commissioner's website; through direct contact with relevant stakeholders seeking their promotion of the opportunity; and through local media, local government youth advisory networks, social media and TAFEs/universities.

Consultation strategies, ethical considerations and strategies for vulnerable participants, and ensuring cultural security were informed by recent research methodologies² to align with good practice in seeking input from children with experience of separation. The eligibility criteria stated that young people could be aged between 12 and 20 years, and that any parental orders/court processes should be concluded for more than three months at the time of participation.

An information sheet for children and young people was produced, outlining various ways in which children and young people could choose to be involved. A total of 15 young people expressed interest in the consultation with 12 young people from 12 to 20 years taking part.

The participation rate was consistent with similar consultations elsewhere with equally low numbers, including research by the Australian Institute of Family Studies³ (61 children from Victoria, Queensland, New South Wales and South Australia) and the Office of the Commissioner for Children and Young People in South Australia⁴ (20 children and young people with and without a lived experience of the family law system).

The Commissioner's consultation questions focused on the support young people received during and after their parents' separation – from family members, friends, school, or the wider community; the efficacy and quality of support provided by family law and other professionals; feedback about what was particularly helpful or challenging throughout the process of their parents' separation; and their views on the various consultation mechanisms that were offered to them.

Feedback was gathered throughout September and October 2018, with the Commissioner's staff conducting face-to-face and phone interviews as well as receiving written submissions and online survey responses.

Western Australian context

There are currently over a million Australian children affected by family separation.⁵ The number of Australian children involved in divorces in 2016 was 40,202, a decrease from 42,303 in 2015. This does not include those who experience the separation of de facto parents. Where children are involved, the average number of children per divorce has

remained relatively unchanged over the past four years, at 1.8 children. In 2016, Western Australia had the second highest proportion (48.3%) nationally of divorces involving children, equating to 2,663 children and young people.⁶

Western Australia is in a unique position, being the only state to establish its own state family court, the Family Court of Western Australia (FCWA), upon commencement of the *Family Court Act* (WA) in 1976. In WA the FCWA and Family Law Magistrates exercise both state and federal legislation. They deal primarily with disputes arising from relationship breakdowns and are supported by a specialist team of family consultants in the Family Court Counselling and Consultancy Service (FCCCS).⁷

The FCWA reports on the workload of the court annually, and in 2017 stated

"Last year's Annual Review recorded an unprecedented increase in the Court's workload. For example, it was noted that there had been a 7.3% increase in applications for parenting orders, bringing the growth in the last five years to 27.6%. Fortunately, there was a decrease in the filing of such applications during 2017, but the Court continues to struggle with the backlog of work built up by higher than usual filings in recent years.

The high proportion of parenting orders has a significant impact on the court system, as additional time and resources are necessarily dedicated to assessing the best interests of the child when making orders.

Notwithstanding the considerable increase in workload in recent years, the clearance ratio increased significantly in 2017 – with a clearance rate of 100.1% achieved. On the other hand, wait times also returned to levels that are not acceptable to us and those who use our services."⁸

During their work with families, a family consultant identifies and assesses some of the risks posed to children within the family. In 2017, the following risks were identified in families working with family consultants:

- family and domestic violence – 85%
- alcohol and/or substance abuse – 73.3%
- child abuse – 68.1%
- mental health – 64%⁹.

The workload and statistics are concerning: the increasing number of applications to the FCWA of people who are unable to agree on the parenting arrangements for the children; and the level of risk within some of these families places the system under great pressure to achieve positive outcomes for vulnerable children and young people and their families in a timely manner.

Proceedings within the FCWA can be very protracted and complex. In 2017, the median time to non-trial finalisation of parenting orders was 45 weeks and the median time to trial in parenting only matters increased to 100 weeks.¹⁰ The volume of applications and complexity of family issues directly impacts the timeliness of court processes and decision-making, as well as the children and young people about who the decisions are being made.

Australian Law Reform Commission (ALRC) review

In May 2017 the Australian Government announced its intent to direct the ALRC to conduct a comprehensive review of the family law system.¹¹ The ALRC received Terms of Reference in September 2017, with the ALRC to provide its report to the Attorney General by 31 March 2019.

In March 2018, the ALRC released an issues paper and call for submissions. The issues paper (IP 48) contained 47 questions relating to a range of aspects of the family court system in Australia:

- objective and principles
- access and engagement
- legal principles in relation to parenting and property
- resolution and adjudication processes
- integration and collaboration
- children's experiences and perspectives
- professional skills and wellbeing
- governance and accountability.

Submissions addressing questions raised in the issues paper closed in May 2018, with nearly 240 received from individuals and organisations across the country.

Based on feedback received during the first round of consultation, the ALRC released a discussion paper in October 2018. The discussion paper (DP 86) asks 33 questions and makes 124 proposals for change to the family law system. These changes focus on support for children and young people, improving public understanding of the family law system, accessible and coordinated service delivery and enhanced oversight of the family law system and its workforce.

These areas of focus, particularly the proposals contained in chapters 7, 8, 10 and 12 of DP 86¹² are relevant to the work of the Commissioner and the views of children and young people with experience of the family law system in WA.

Commissioner's consultation in WA

The twelve participants in the consultation ranged in age from 12 to 20 years. They used various methods to share their views with the office, with seven taking part in interviews and the others completing written responses. The feedback from young people about the consultation was that they appreciated being able to choose a way to participate that respected their individual needs and experiences.

"I was going to do the survey but thought it might not give enough information. Over the phone is good because I might get quite nervous face to face."

"It's a pretty unique thing for me to have done this, I haven't really done anything like this before."

"I really appreciate this opportunity, as it has allowed me to tell my story!"

The young people in Western Australia expressed concerns and issues about their experiences that were consistent with the views of children and young people in other states. The issues that were important to them in making post-separation parenting arrangements included:

- ongoing, open and respectful communication with parents during and after separation
- being listened to by parents and service providers
- being treated fairly and as a person of value in their own right
- professionals who had a good rapport with children; were respectful, competent and capable of taking action
- education, awareness and understanding at a community level of issues surrounding parental separation and the family court system.

Ongoing, open and respectful communication with parents during and after separation

This includes discussing (in an age-appropriate way) the reasons for the separation, proposed parenting arrangements, and how children will be supported by extended family and others, as well as maintaining a respectful relationship with each parent.

"I think it's really important for kids to have a say in what happens to them and what goes on."

"My parents were highly open and frank about the state of their relationship...and maintained a relationship for the sake of my sister and I. It was very healthy to see them interacting in spite of their differences, as it taught us a valuable lesson about respect and conflict management."

"Things that helped me understand, it was like both my parents are really good at explaining, like they didn't shock me with it all at one time. They just gradually over the years told me..."

Being informed and listened to by parents and service providers

It is important for children and young people to be kept informed throughout family law proceedings, and for their ideas and concerns to be taken seriously and acted on, particularly when safety concerns were raised.

"I knew it wasn't safe with dad. Because it was very continuous [the drinking] and he's very unpredictable... how we felt, [our views] were taken quite lightly, and in some cases it felt like they wanted to give dad more chances. Which in our view wasn't the best idea, because it kept on ending up with him drinking..."

"No, that didn't really happen. I feel like what we didn't want to happen always happened. We didn't want sleepovers, sleepovers happened. We didn't want to meet up, and then supervised visits started up."

"What would have been good was to be involved, to be told what was going on."

"It would be amazing to just know what happens and what's going to occur, because then I can ready myself for what might occur. It's affecting us, it's our health and wellbeing."

Being treated fairly and as a person of value in their own right

Children and young people want to be acknowledged as an expert in their own lives and a critical stakeholder in parenting arrangements and other family-related matters.

"I feel like the biggest thing is, like it becomes quite annoying, they speak to you like you're a little kid, and I feel like I can be spoken to like I'm an adult."

"It just felt as if I wasn't in control at all, and it [family counselling] was just another thing happening around me that I had to deal with."

"We have a child lawyer, but what's annoying is that we've only met him once in the five years we've had him. He did ask us things, but he never really took any action. And so what we felt and how we wanted things to be never really happened, because...he didn't really give too much of a care about what we had to say."

"They [expert witness, ICL] needed to have more meetings. Like having one meeting isn't going to cover everything that's happened. There's been a lot that's happened since, and a lot has happened before we met. We told them, but I think they needed to see for themselves, because I don't think they really knew how bad it was."

"In some cases it feels like it'd just be easier to represent yourself in court... it can feel very frustrating when you say how you feel, what you want to happen and then it kind of just backfires..."

Professionals who had a good rapport with children; were respectful, competent and capable of taking action

Children and young people are highly proficient in gauging whether professionals are genuinely caring and respectful and whether they will take their views seriously and act accordingly. These qualities are critical in terms of relationship and trust-building.

"(xxx) were incredibly helpful and accommodating, with two of the social workers... becoming like aunty-figures to me. They were very sensitive to both my dad and I, and stepped in when I was not feeling comfortable. I think they also really assisted my dad in learning how to be a parent, and how to interact with a small child."

"Lots of my teachers are really supportive...I've got a pastoral care leader who has become really involved, and has helped me out a lot with it. He often just comes and checks in with me and sees how I'm doing."

"I feel like rapport was the biggest thing, she never used our names, didn't really involve us, it was as if we were just there for an hour to fill in the time on the schedule."

"I think you have to be really gradual, like not in their face, and try to relate to them a bit...get close to them a bit before you ask them all these questions and stuff."

Education, awareness and understanding at a community level of issues surrounding parental separation and the family court system

Children and young people identified schools in particular as having an important role to play in providing more education and resources, as well as other support services, not only for children directly impacted by family separation but also for the wider school community.

"I believe that a stigma still remains around parental separation. Despite it being common in many families, the lack of understanding from my friends was noticeable."

"I would have liked a bit more support through my school. I was very, very shy and I didn't feel comfortable to go and talk to her [chaplain] myself, so if the school had made more of an effort to reach out, that would have been helpful."

"Educate more children, especially from a young age (perhaps in primary school) about separation, divorce and different families. That would help ease the stigma around parental separation."

"My parents...involved the school and they were highly supportive of us both and provided an in-school program. It was an effective, active step by the school to support students like myself."

Summary

Despite having a separate family court in WA, the issues raised by children and young people are the same nation-wide. Whilst the number of participants in the WA consultation was small, their views should be respected, heard and valued as these young people are speaking up from a population of many others.

Their views highlight the need for more effective mechanisms for children and young people to give their feedback, share concerns and be involved in decision-making within the family court structure, both at the time of proceedings and after they have left the system.

"I saw the little window pop up on the university portal, and just thought, yeah, it was probably the worst experience of my life, if I can improve that for other people that would be great."

"I think it's really important to be sensitive, because there's a lot going on.... what would have been so good was to be involved, to be told what was going on."

"It's always helpful to speak to kids as if they're intelligent and they want to know what's going on. A lot of the time, when I did want to find out details, talk to someone about it, it was really brushed aside, and I was talked to as if I was really little."

"Separation is not a closed and confined experience but rather something that can affect children in infinite and long-reaching ways. It's important to view it as such. My sister and I were lucky that we had the right relationships with our parents, community and school, enabling us to progress past the trauma of the situation in a constructive and positive manner, many children do not receive that support."

Other consultations with children and young people

The Australian Institute of Family Studies (AIFS) study released in 2018 is informed by in-depth, semi-structured interviews with 61 children and young people aged between nine and 17 years. Their views were supplemented by interviews with 47 parents of these children.¹³ Participants lived across four states: Victoria (36%), New South Wales (34%), Queensland (19%) and South Australia (11%).

Children and young people in this study highlighted a number of issues that were important to them in making post-separation parenting arrangements:

- listening to and supporting children and young people throughout the separation
- pre and post separation events shaped participation in decision-making about parenting arrangements
- foster communication and relationship development
- allow flexibility to change, ongoing communication and a meaningful say in parenting arrangements.

They also suggested that professionals working with children and young people could improve their practice by:

- giving children and young people more space to speak, and more effectively listening to them
- taking steps to build trust and be more mindful of children and young people's needs
- engaging in open communication by providing information relevant to decision-making processes
- acting protectively and responding to children and young people's concerns, keeping them informed about issues affecting them.

The consultation by the South Australian Commissioner for Children and Young People talked with twenty children and young people aged 7 to 22 years with and without lived experience of the family law system. These young people raised issues that complemented those raised in the AIFS study.

The children and young people in the South Australian consultation wanted:

- more information and much sooner
- the opportunity to choose the extent to which they are involved in the process and the opportunity to attend court
- access to clear and easily understandable information on the family law process and the adults involved in the process
- people in the system to be kind, listen and believe what they say
- someone who is there just for them, from the start
- adults to recognise that siblings are not the same and might need different arrangements
- the opportunity to have decisions reviewed and to monitor outcomes when circumstances changed.¹⁴

The Kids Helpline conducted a national online survey over an eight month period in 2017 with participants recruited via the Kids Helpline website and Facebook accounts and targeted Facebook advertising. They recruited 616 young people aged five to 25 years, including 48 respondents from WA¹⁵. The young people were asked to identify specific

concerns they wished to talk about during the experience of their parents' separation, to whom they want to talk to, and what they hope to gain in support after family separation.

The participants said:

- they want to talk about a wide range of issues, including living arrangements, their mental health and their feelings
- some have not been able to talk about these issues for various reasons, such as being too young at the time or having no one to talk to
- some were concerned about confidentiality and their right to be heard in the legal process
- they were most satisfied with talking to psychologists and counsellors
- they have different preferences for the mode of delivery of support, a "one size fits all" package is not suitable for young people
- there are a range of extended supports that young people should be routinely offered in order to meet their concerns and needs.

The ability of Kids Helpline to directly promote the survey opportunity to children and young people connected to their support service appears to have been advantageous in recruiting a larger number of participants. Participants in the survey were predominately female (78.4%) and English-only speakers (85.9%), were already demonstrating help seeking behaviour (in connecting to the Kids Helpline) and were willing to engage with a survey format. The willingness of these young people, already engaged with a service, to take up the opportunity for having a say is a lesson for service providers and the family law system. Namely that seeking feedback from children and young people in separating families whilst they are connected to a service is potentially the best time to offer them the opportunity to provide feedback on the services they have received and to raise any issues about how the system could have served them better.

Considerations

The Commissioner acknowledges the many proposals outlined in DP 86 and is broadly supportive of the suggestions and intent of the reform process to improving services and outcomes for children and young people in separating families.

Of particular interest are proposals that enhance age-appropriate participation of children and young people in parenting arrangements and the separation process, as well as proposals to improve education and awareness, reduce harm to children and young people, and ensure that all family law professionals are appropriately skilled and resourced to provide critical care and support to children and young people in the family law system.

In addition, an oversight body with functions of monitoring system performance and managing workforce training and accreditation (amongst others), would provide a valuable opportunity to greatly improve outcomes for children and young people and their families involved in the family law system.

The following points are offered for consideration, to the ALRC as part of the review process and to the Family Court of WA:

Training and workforce

The Law Council of Australia's recommendation¹⁶ that training in cultural competency, trauma-informed practice and child development should be core competencies for those working with children and young people, is strongly supported.

Training in these knowledge and skill areas should be mandatory and involve a re-accreditation process so that all family law professionals working with children and young people receive training and remain skilled.

Children and young people's advisory board

An advisory board, similar to the Family Justice Young People's Board (FJYPB), operating out of the Children and Family Court Advisory and Support Service (CAFCASS) in the United Kingdom¹⁷ is a positive example of a mechanism by which children and young people can provide feedback, raise concerns and contribute to high-level policy development within the system in a formal capacity.

The FJYPB have been involved in a number of important projects, including the development of a National Charter, a Child Impact Assessment Framework, educational video resources, as well as involvement in the annual Voice of the Child conference, which brings together children and young people, family justice and legal professionals.

Child-friendly court processes, including complaints mechanisms

Complaints mechanisms are a vital part of any system which provides care and support to, or otherwise deals with, children and young people. Child-friendly complaints processes should be a core component of the various services within and connected to the family law system so that a child can seek immediate resolution of issues of concern and provide feedback on services they have received to inform a continuous improvement focus across the system.

Promoting child-friendly complaints system, in line with the Commissioner's statutory functions, is a priority for the Commissioner, and the office has undertaken extensive advocacy in this area since its inception. It has produced a range of resources to assist agencies in improving their own systems, which are available at ccyp.wa.gov.au

CAFCASS also have a range of high-quality resources specific to legal systems, including child-friendly feedback forms which gather children and young people's views about the court process and the professionals who helped them navigate the process.

Information sharing and linkages

It is noted that the FCWA website is currently under review, which presents a valuable opportunity to greatly improve the usability of the website and make it significantly more child-friendly.

The Commissioner is of the view that there should be an easily-accessible section dedicated to children and young people. This section should be written in child-friendly language and include a number of child-friendly resources and educational material, as well as other relevant websites.

Independent Children's Lawyers

Independent Children's Lawyers (ICLs) are appointed by the FCWA to represent the best interests of children in parenting order cases. Research suggests there is a large variance in practice and perspectives about whether ICLs should have direct contact with a child.¹⁸

Studies have found that some ICLs are cautious about direct contact with children and that they see their role as being more about evidence-gathering and litigation-management and less about facilitating the involvement of children and young people.¹⁹

This view is somewhat at-odds with the views of children and young people and their parents, who understand the role of the ICL to very much be about supporting children's participation.²⁰ This disconnect, coupled with the many negative reports of children's experiences with ICLs, provides a strong rationale for a new model of supporting children's participation, as outlined in DP 86.

The ALRC has proposed children and young people could be supported by a 'children's advocate' – a professional with relevant training and expertise in child development and in working effectively with children and young people.²¹

The ALRC's proposals regarding children's advocates are strongly supported and should be explored thoroughly. Involving children and young people in the design of these roles/service model is equally important.

In the interim, whilst ICLs must comply with the *Guidelines for Independent Children's Lawyers in Western Australia*²², practice is variable. Issues of resourcing, training and quality assurance need attention to improve the capacity of ICLs to engage with children and young people more frequently, including statewide, and to more effectively ensure the wishes of children are included as a factor when considering their best interests. Children and young people and their parents also need clear information to be provided to them about the ICL role and limitations.

Education and support

Some of the Commissioner's consultation participants said that they would have benefited from more resources, information or support from their school when going through family separation. This included more education for themselves and other students to reduce the stigma around family separation, providing an in-school counselling (or other) service, or improving information-sharing processes so that teachers were better informed about their personal situation and could work with children accordingly.

Notwithstanding the complexity and breadth of a school's remit, there is a role for them to play in being an information-sharing and support hub for children and young people going through family separation. This requires a commitment from schools to be open and inclusive with regards to de-stigmatising separation and divorce, and providing educational resources and information, either at a classroom or whole-school level.

Ongoing role of the Commissioner

The Commissioner works closely with the Western Australian community to ensure that all children and young people live in a caring and nurturing environment and are protected from harm and exploitation. The Commissioner prioritises the safety and wellbeing of children and young people in all work of the office and in work with other organisations.

The Commissioner's Statement of Commitment to WA's children and young people, which is underpinned by the United Nations Convention on the Rights of the Child, formalises the Commissioner's obligation to monitor and promote the rights of all children and young people in WA.

Respecting these rights within the context of family separation is the responsibility of parents, families and the professionals within the family law system. Children and young people have a right to be safe, to belong, to be listened to and to contribute to decision-making in families. The ALRC review is a positive opportunity to ensure these rights are recognised and acted upon, within the system and by all the parties and professionals involved.

The Commissioner will review the ALRC report on its completion and will monitor the implementation of the recommendations within WA.

Endnotes

¹ Australian Law Reform Commission 2018, *Review of the Family Law System* Issues Paper No 48, Australian Government

² Carson, R., Dunstan, E., Dunstan, J., & Roopani, D. (2018). *Children and young people in separated families: Family law system experiences and needs*. Melbourne: Australian Institute of Family Studies.

³ *ibid*

⁴ Commissioner for Children and Young People 2018, *What children and young people think should happen when families separate*, Office of the Commissioner for Children and Young People South Australia

⁵ Australian Bureau of Statistics 2016, *3310.0 – Marriages and Divorces, Australia, 201*, accessed November 2018 at <http://www.abs.gov.au/ausstats/abs@.nsf/mf/3310.0>

⁶ *ibid*

⁷ Family Court of Western Australia 2017, *Family Court of Western Australia Annual Review*, Family Court of Western Australia, p. 3

⁸ Family Court of Western Australia 2017, *Family Court of Western Australia Annual Review*, Family Court of Western Australia, p. 3

⁹ Family Court of Western Australia 2017, *Family Court of Western Australia Annual Review*, Family Court of Western Australia, p. 8

¹⁰ Family Court of Western Australia 2017, *Family Court of Western Australia Annual Review*, Family Court of Western Australia, p. 5

¹¹ Australian Law Reform Commission, *Review of the family law system*, accessed November 2018 at <https://www.alrc.gov.au/inquiries/family-law-system>

¹² Chapter 7, Children in the Family Law System; Chapter 8, Reducing Harm; Chapter 10, A Skilled and Supported Workforce; Chapter 12 System Oversight and reform Evaluation

¹³ Carson, R., Dunstan, E., Dunstan, J., and Roopani, D. 2018, *Children and young people in separated families: Family law system experiences and needs*, Australian Government, Australian Institute of Family Studies

¹⁴ Commissioner for Children and Young People 2018, *What children and young people think should happen when families separate*, Office of the Commissioner for Children and Young People South Australia

¹⁵ Kids Helpline & The University of Sydney, for Family Law Society (Qld & WA). 2018, *A National Online Survey about Children's Experiences of Parental Separation*

¹⁶ Law Council of Australia submission to the ALRC Review <https://www.alrc.gov.au/inquiries/family-law-system/submissions>

¹⁷ Children and Family Court Advisory and Support Service <https://www.cafcass.gov.uk/>

¹⁸ Australian Law Reform Commission 2018, *Review of the Family Law System* Discussion Paper No 86, Australian Government, p. 167

¹⁹ *ibid*

²⁰ *ibid*, p. 168

²¹ Australian Law Reform Commission 2018, *Review of the Family Law System* Discussion Paper No 86, Australian Government p. 170

²² Legal Aid WA Private Practitioner Manual, Version 6A, 1 May 2018