

ANROWS

AUSTRALIA'S NATIONAL RESEARCH
ORGANISATION FOR WOMEN'S SAFETY
to Reduce Violence against Women & their Children

MEDIA RELEASE

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Children and young people must have a say in family law parenting orders

The contravention regime for breaches of family law parenting orders is seen by professionals who work with separated parents as slow, costly, technical, potentially traumatic, and potentially open to misuse, according to a new study published by ANROWS.

The study found that for both judicial officers and other family law system professionals, a tension can arise between the punitive aims of the contravention regime and child-focused decision-making. Legal and non-legal professionals expressed significant concern that the punitive aspects (fines and imprisonment) of the parenting orders compliance regime are incompatible with a response that is in the best interests of the child. By contrast there was substantial support among professionals for a greater emphasis on problem-solving and therapeutic approaches to address the underlying causes of non-compliance with parenting orders.

Compliance with and enforcement of family law parenting orders: Views of professionals and judicial officers is the first stage of a four-part study designed to examine the drivers of non-compliance with parenting orders and the operation of the parenting order enforcement regime in Australia. This first report is focused upon experiences reported by legal and non-legal professionals, with findings based on the views of parents and carers; and data from a court file study to follow. A final report released later in the year will include conclusions made on the basis of synthesised and triangulated evidence from all four elements of the study.

“This is a significant study, as there is no current empirical evidence on the operation of the contravention regime in Australia,” ANROWS CEO Padma Raman PSM said. “It comes at an opportune moment, illuminating the way the compliance regime was perceived right before the Australian Government began making changes. These changes arose in response to a series of inquiries that indicated the need for an overhaul of the family law system, including parenting matters and contravention matters.”

This first stage of the study was funded by the Australian Government and will help inform targeted approaches to addressing family law issues.

Attorney-General Michaelia Cash said the Government continued to invest in the family courts and family law system through a range of initiatives.

“The Government recognises the frustration that parents and others can experience when parenting orders are contravened,” the Attorney-General said. “This research will guide work to better ensure compliance with court orders.”

The study, led by Dr Rae Kaspiew and Dr Rachel Carson from the Australian Institute of Family Studies, interviewed judicial officers and surveyed 343 professionals working with separated parents, including lawyers (46%), family dispute resolution practitioners (23%) and professionals who work in family and domestic violence services (9%).

“The research shows that the drivers of non-compliance with parenting orders are complex,” Dr Kaspiew said. “Systemic issues contribute, including shortcomings in the responses to family violence and safety concerns and limitations in the way the system supports the participation of children and young people.”

A key recommendation stemming from the study is that the process of developing parenting orders needs to be attentive to the needs and views of children and young people in order to reduce non-compliance driven by children and young people themselves.

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About ANROWS

Australia’s National Research Organisation for Women’s Safety Limited ([ANROWS](#)) is a not-for-profit independent national research organisation.

ANROWS is an initiative of Australia’s National Plan to Reduce Violence against Women and their Children 2010–2022. ANROWS was established by the Commonwealth and all state and territory governments of Australia to produce, disseminate and assist in applying evidence for policy and practice addressing violence against women and their children.

ANROWS is the only such research organisation in Australia.