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# **‘Talk to us, not about us’: Children’s views in parenting proceedings**

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## Acknowledgement of Country

I acknowledge and pay respect to the Traditional Owners on whose Lands I live and work. I recognise the significant role the past and future Elders play in the life of Southern Cross University and the region. I am mindful that within and without the buildings, the Land always was and always will be Aboriginal Land.



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# Children's Participation in Family Law Project



- The Children's Participation in Australian Family Law Project has engaged with 41 children and young people to:
  - discover **what 'participation'** in family law decisions following parental separation **means** to them, and **why it is important**;
  - understand their **experiences** of participation in family law processes; and
  - to co-create a **Children's Participation Toolkit**, 'Family Law 4 Kids'.
- Approved by SCU's Human Research Ethics Committee (approval no. 2024/033).



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# Children's Participation in Family Law Project



## Project phases:

1. Semi-structured **interviews** with 41 children and young people.
  2. Collaborative online **workshops** with 21 children and young people from phase 1.
- Led by Southern Cross University, with funding support from Youth Law Australia and 54 Reasons.



54 reasons



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## Participant recruitment & eligibility



- **The project recruited children and young people:**
  - **aged 10 to 21 years;**
  - **living in NSW, Victoria or Queensland;**
  - **whose parents had separated and accessed support through the family law system between 2019 and 2024; and**
  - **whose family law parenting matter had been finalised (e.g. final parenting orders; consent orders; parenting plan).**
- **Recruitment supported by individuals and organisations in the family law, family violence, family service, child rights and child advocacy sectors.**



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## Participant snapshot



### Age

- 28 aged **10 to 15** years
- 12 aged **16 to 18** years
- 1 aged **19** years.

Gender: **56%** (n=23) **female**; **44%** (n=18) **male**.

### Location:

- **39%** (n=16) in **QLD**
- **34%** (n=14) in **VIC**
- **27%** (n=11) in **NSW/ACT**.

**59%** (n=24) living in a **regional or rural** area.

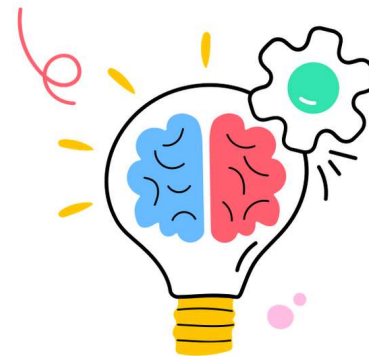
**98%** (n=40) had engagement with the **family courts**.



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## Findings

What do you think it means for children to 'participate' in family law decisions?





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Participation  
means ...



## Being heard in your own words

*“Having a direct say. Really being present in conversations directly, whether that's a phone call or in person with someone ... having your direct words heard.”* Jade, 16, QLD

*“Talk to us, not about us, you know. ‘Cause it almost makes you feel worried that you're gonna mess up somebody else's relationship, like that it's your fault. So I feel like instead of talking about us and talking about our struggles, talk to us about it.”* Troy, 14, QLD



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Participation  
means ...



## Choosing how you want to express your views

*“I should have been allowed in the [court]room and been allowed to say what I wanted. If you're old enough to sit in class and listen to the teacher and put your hand up for a response, I feel like you're old enough to have someone either there for you saying what you want, or being there in the room and saying what you want.”*

**Penny, 14, ACT**

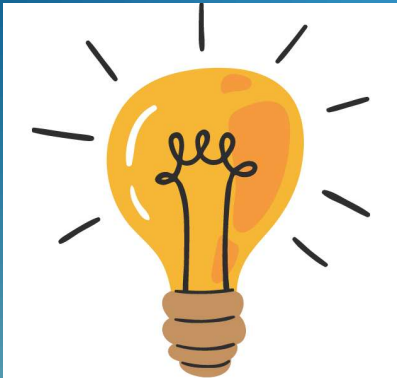
*“If they're too nervous to speak, what they do is they just write it down or draw something.”*

**Ben, 10, VIC**



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Participation  
means ...



## Choosing how you want to express your views

*“I feel like someone should ask the child, which way do you want your information heard through? Which medium works best for you? Everyone’s so different. Something that could work for one kid won’t work for them all.”*

**Jessica, 16, NSW**



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Participation  
means ...



## Having enough information ...

*“I wanted to be able to understand what’s going on, like what stage processes are at ... and what processes could come in the future.”*

**Martha, 15, QLD**

*“The years after the divorce were more traumatising than the actual divorce because I didn’t know anything ... [I was] playing the guessing game.”*

**Leo, 13, VIC**



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Participation  
means ...



... but not too much

*“I learned what ‘solicitor’ meant in year two and mum shared with me lots of the law court stuff and I really wish she didn’t, because I should just be a kid.”*

**Eva, 12, QLD**

*“When I was little, I was never really made aware that something really bad was going on. But I feel like, if I had gone through that it probably would have been a lot more stressful and a lot more like, ‘Am I in trouble? Are they in trouble?’”*

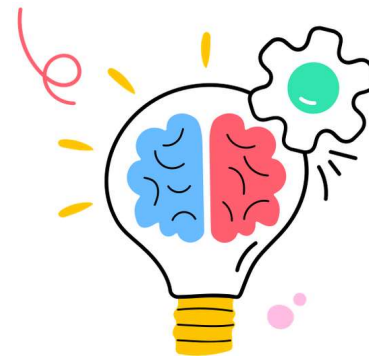
**Willow, 13, QLD**



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## Findings

**Do you think it is important for children to participate in family law decisions? Why?**





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Participation is  
important  
because ...



## It validates children's experiences of parental separation

*"It made me feel like the struggles I was going through were important."* Darren, 13, NSW

*"Children are equally human beings and they have feelings as well."* Eddy, 18, VIC

*"So they feel heard and respected as a human, rather than an extension of a parent or an extension of a lawyer, and or an extension of a party."* Leo, 13, VIC



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Participation is  
important  
because ...



## It can provide emotional safety

*“It makes you feel a bit more like a part of everything.”* Eva, 12, QLD

*“Our mental health is at stake. So if the change is impacting you, you should be able to say ‘well, I don’t want this change’.”*

Martha, 15, QLD

*“I don't get too involved with it because I'm painfully empathetic. I don't really want to have to walk up to one of my parents and say, ‘could I spend more time at my other parent’s?’”*

Lester, 12, NSW

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Participation is  
important  
because ...



## It offers a sense of agency and autonomy

*“It’s [the child’s] life, and I feel like they should get a decision in their life, because it’s what they have to live with. It’s about them.”* India, 13, VIC

*“I felt like I could change things the way I wanted to. Having a say is like having power.”* Ollie, 16, NSW

*“You just flow with it. It’s just like a stream of water [and] you just have to go with it, even though you don’t know the current or the speed. You don’t know where you’re going and you’re getting washed around.”*

**Harry, 16, NSW**



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Participation is  
important  
because ...



**It can yield more accurate and enduring  
outcomes**

*“I think if the children participate in family law, it would give the judges a lot clearer a message because they’re getting it directly from the source.”*

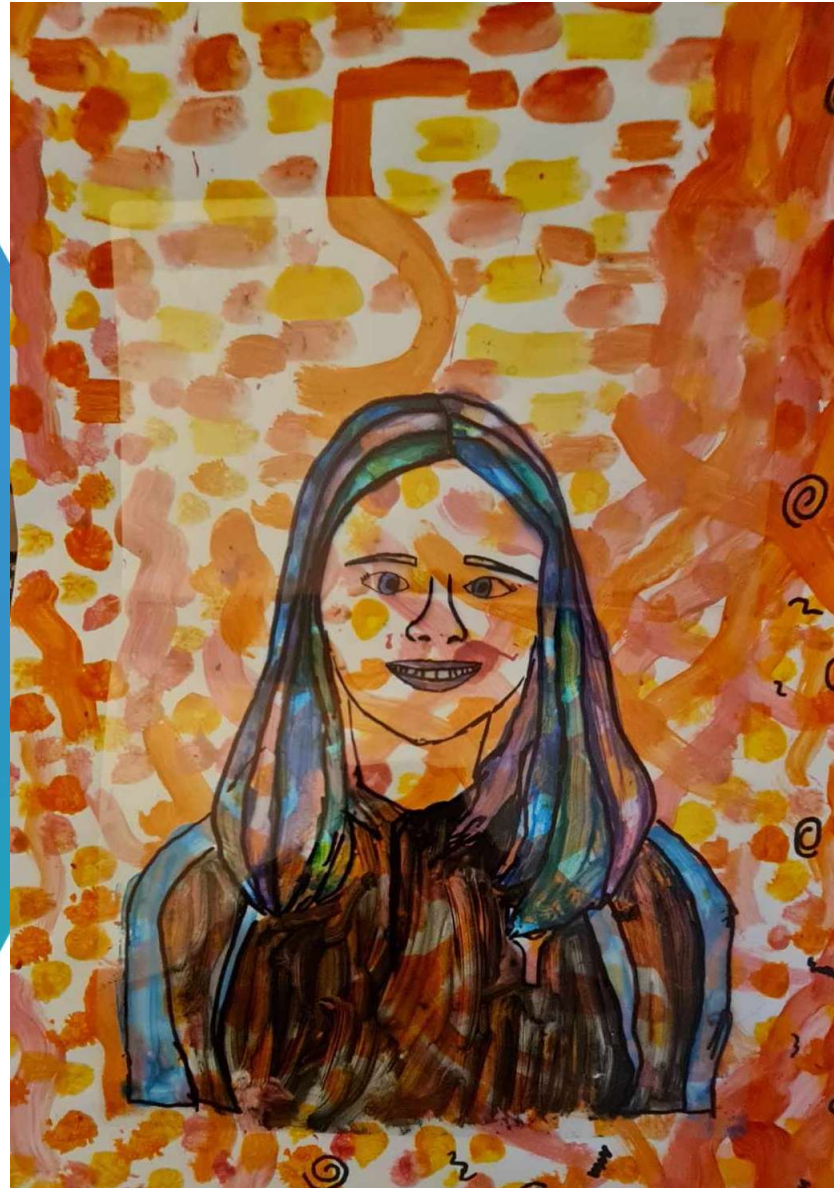
**Nathan, 15, QLD**

*“If they can’t listen to me, I’m not going to listen to them.”* Ava, 13, QLD

*“I wasn’t listened to at all. I felt kind of ignored. And then in the end, I finally put my foot down, and I was like, ‘I’m not going [to dad’s]’.”* Chelsea, 15, VIC



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Self-portrait, Liana\*, age 11

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**“Tug of War”, Leo\*, age 13**



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## The 'CHANGE' guiding principles



**C**reate space and time

**H**ear the child

**A**ct on feedback

**N**avigate trust

**G**ive choice and agency

**E**xplain enough and ensure understanding



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C  
Create space  
and time

**Provide enough time, and create a safe space, to enable the child to express their views.**

*“Make sure that the kid’s in a safe space, because otherwise they’re not going to open up. That’s pretty big, to open up and say what they really want.”*

**Adam, 16, QLD**

*“I spoke to [my ICL] for an incredibly short amount of time. I remember feeling really rushed. ... I felt like I couldn’t sit and think, that I was being forced to decide things very quickly.”*

**Jessica, 16, NSW**

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## H Hear the child

**Actively listen, so the child feels that their views and experiences are being heard *and* understood.**

*“She was taking notes ... I could tell that she was looking at me ... she had the look on her face that she was taking it in.”*

**Lisa, 10, VIC**

*“Repeating back to me anything that I’ve said to make sure that it was documented correctly.”*

**Gabrielle, 18, VIC**



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**A**  
Act on  
feedback

**Be accountable to the child. Accurately convey their views.**

*“Not that they weren't listening, it just ... wasn't really changing. I had some ideas that I wanted, that I thought would be fair, but it never really changed. I waited a while for it to change, but it didn't change. So I just stopped talking.”*

**Ari, 11, VIC**

*“People asked me what happened ... and sometimes it got a little bit muddled up. I said stuff and then they like changed it.”* **Alice, 13, NSW**



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## N Navigate trust

**Establish a rapport with the child, built on transparency, understanding, safety and mutual respect.**

*“You don’t want to have your situation get out to someone you don’t know at all. You want to be able to trust and know the person ... Trust is a big thing. Building the trust so the kids feels like they can open up to them more.”* **Lisa, 10, VIC**

*“Adults are meant to be the people that you can trust, particularly when they say that they’re there for your best interest. I lost a lot of trust ... I couldn’t trust anyone again.”* **Gabrielle, 18, VIC**



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G  
Give choice  
and agency

**Give the child meaningful opportunities to participate, if they wish – including choice about how they express their views.**

*“I feel like someone should ask the child, which way do you want your information heard through? Which medium works best for you? Everyone’s so different. Something that could work for one kid won’t work for them all.”*

**Jessica, 16, NSW**



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**E**  
Explain  
enough and  
ensure  
understanding

**Give the child sufficient, accessible information about why you are seeking their views, who they will be shared with, and their role in the decision-making process.**

*“When I told the family report guy those things, I didn't think it would come back and bite me in the arse, you know. ... If I knew what I said was going to get back to dad, I wouldn't have said it.”*

**Troy, 14, QLD**

*“I know realistically that it's up to the judge.”*

**Penny, 14, ACT**



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# Family Law Council recommendations



## *Support for children and young people (children) and strengthening their voices – Term of Reference 2, 2024*

### **Recommendation 4**

That Government commission the development of a website (and associated social media content) specifically for children and young people to explain their rights in family law matters in child-friendly language.

### **Recommendation 5**

That Government commission the development of a children's and young persons' information and education package about the family law system, co-designed with children and young people, that can be accessed and used wherever they are ...

### **Recommendation 12:**

That a co-design process with children and young people be implemented to make recommendations to Government to ensure that the family law system is appropriately addressing their post-separation needs, including for psychosocial support, for advice and representation, and to facilitate safe and effective options to participate in post-separation decision-making including, where appropriate, through an appropriately qualified children's advocate.

### **Recommendation 13:**

Children and young people should be informed about their options for participation in family law proceedings. The information should relate to the availability of counselling and their options for more direct participation in family law proceedings including their rights to seek legal advice or initiate proceedings. ...



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[familylaw4kids.au](http://familylaw4kids.au)

Family  
Law4  
KIDS

If your parents  
separate too  
we made this  
for you



<https://youtu.be/3MZLiTVuSso>



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## FamilyLaw4Kids helps you understand...

If your parents separate too

**What are your rights?**

If your parents separate too

**Who helps? How? Where?**

If your parents separate too

**How can you have your say?**

If your parents separate too

**Unhappy with professional support?**



**EVERY FAMILY IS UNIQUE**

When this toolkit uses 'parent' or 'carer' that means anyone who has a caring role in your life. It might be an aunty, uncle, sibling, grandparent, foster carer or anyone else.

FIND MORE HELP



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ABOUT

FIND HELP

GALLERY

IN CRISIS NOW?

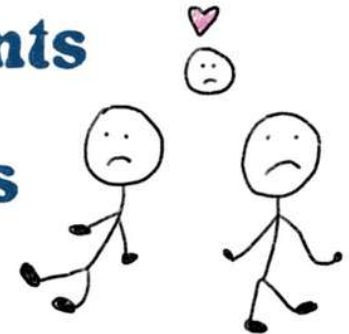
for  
professionals

for  
family

Welcome to FamilyLaw4Kids. The aim of this Toolkit is to support children and young people to participate meaningfully and safely in family law decision-making following parental separation. The Family Law Professionals section is designed to enable you to support children and young people to access and engage with FamilyLaw4Kids. You can also view the sections for **young people** or **parents**.

This Toolkit has been co-created with 41 children and young people whose parents have separated and have engaged with Australia's family law system. This video presents a snapshot of their experiences of participation in family law decision-making processes.

**If your parents  
separate too  
we made this  
for you**





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# 1. You're not alone

you're not alone  
and you got  
this! ♡♡



I love you to know that  
life is a roller coaster,  
🌈 but it does 🌈  
get better! & You're not

Alone!

YOUR PARENTS  
LOVE YOU!



-Skye

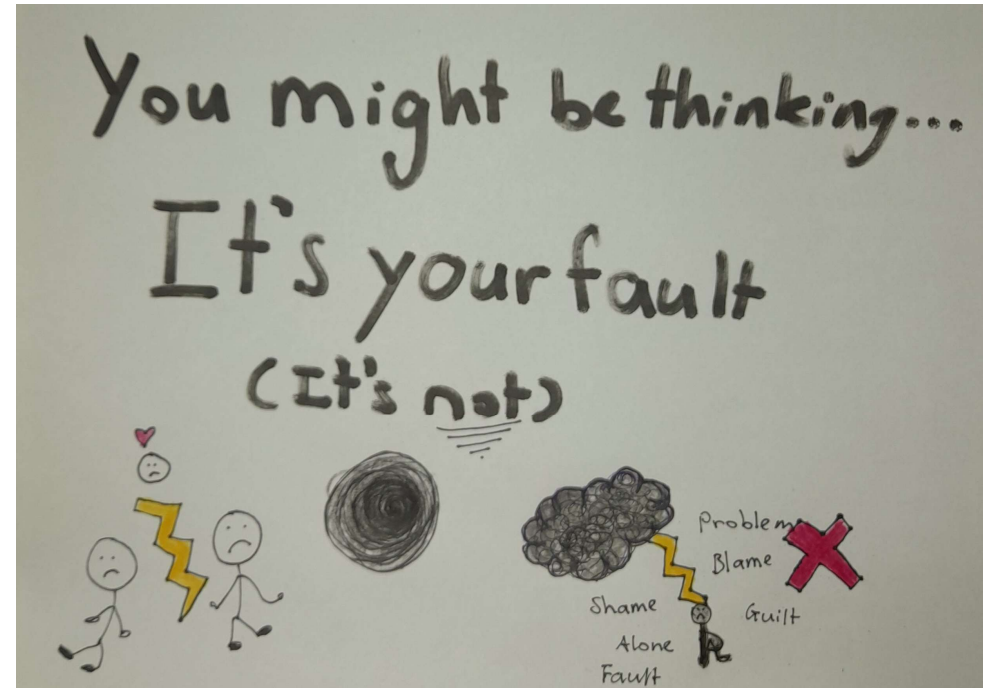


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## 2. It's not your fault

Confused, remember, it's not your fault and it is just adults being silly.

it's not your fault and it never was/will be



IT'S NOT YOUR  
FAULT



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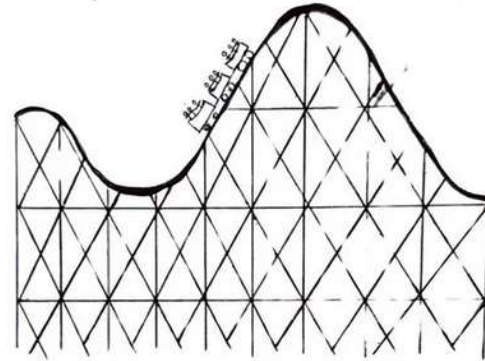
### 3. Things will get better

Always Believe



in your self

it is going to be ok



Humans are built to adapt to new things, your more resilient that you realise you can do this!!! - Jay



I'd love you to know that ~~if~~ <sup>when</sup> you keep going, things will change, but also get better. ☹️ → time → 😊 ♥️



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## Reflections on participation in the research process



*"I've got everything off my chest."* Richard, 19, QLD

*"This has been very healing for me, because it's like, finally I felt very heard this whole time and like someone's listening. That's clearly the thing that I felt I was lacking during the whole process. It's nice to finally get a say. Even if it's an indirect thing, it might indirectly help someone else".* Paige, 17, VIC

*"I actually feel really nice talking to someone who is actually going to potentially make a difference. It most definitely makes me feel better knowing that."* Chelsea, 15, VIC

*"The info you're getting, does this actually help like the future, like government-y people?"* Ava, 13, QLD

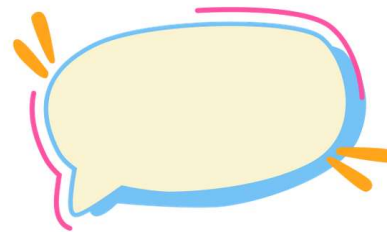
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*“You gotta listen to the children,  
cause it’s their lives. But it’s also  
like, sometimes they’ve got  
pretty good ideas too.”*

**Olive, 11, VIC**





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## Questions and Discussion

1. **What has been your experience with facilitating/supporting children's participation?**
2. **What are ongoing barriers and challenges?**
3. **What could we be doing differently or better?**



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# Thank you

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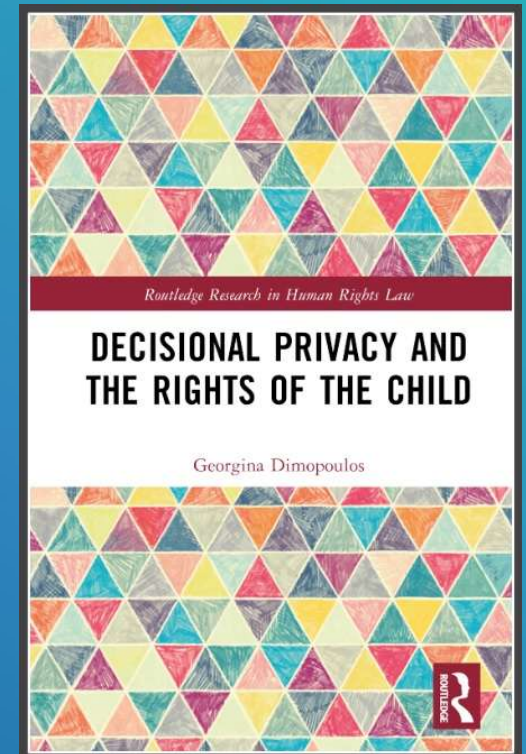
## Coffs Harbour

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