



**SUBMISSION TO INQUIRY INTO GRANDPARENTS WHO
TAKE PRIMARY RESPONSIBILITY FOR RAISING THEIR
GRANDCHILDREN**

**Prepared by
National Policy Office**

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COTA Australia

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INTRODUCTION

COTA Australia is the national policy vehicle of the eight State and Territory Councils on the Ageing (COTA) in NSW, Queensland, Tasmania, South Australia, Victoria, Western Australia, ACT and the Northern Territory.

COTA Australia has a focus on national policy issues from the perspective of older people as citizens and consumers and it seeks to promote, improve and protect the circumstances and wellbeing of older people in Australia. Our submissions always incorporate the views of our members developed through various consultation mechanisms.

For this inquiry we put out a specific request to our members and other older people to tell us about their experience in taking primary responsibility for their grandchildren. We asked people to identify the two or three things that would have made or would make their lives easier. We received responses from across the country and we would like to thank the people who took the time to give us their stories.

Grandparents have always played a significant role in the lives of their grandchildren, providing support and practical assistance as required. It is not a new phenomenon for grandparents to take primary responsibility for grandchildren but the numbers have increased and the reasons for them taking on this role have changed. It is difficult to get an accurate estimate of the number of these grandparent carers because of the range of formal and informal arrangement that characterise grandparent care. The SPRC research report of 2013 estimates that there were somewhere between 8,050 and 63,520 grandparent carers in 2006 depending on the definition of care.¹ We do know that in 2012, 41,000 children and young people were the subject of care and protection orders issued by child protection authorities and more than half of those were placed with kinship carers who were more often than not their grandparents.²

Children are being raised by their grandparents because their parents are either unable or unwilling to care for them. The reasons for this are many and complicated but in the stories we have heard, and in informal consultations, we were told that they often include substance misuse, mental illness, family violence and the complete breakdown of the relationship between the children and their parents.

There has been some work done on this issue at both Commonwealth and state level. In 2003 COTA National Seniors³ (as it was then) undertook a project on behalf of the then Minister for Children and Youth Affairs looking at what grandparents identified as the challenges and how these could be addressed. A copy is attached for the Committee's information. From the evidence in the SPRC project reported in 2013 and the feedback to COTA for this submission, many of the challenges identified in that report still exist and the proposed solutions would still apply.

In this submission we look at the need for better recognition of grandparents in this role, the need for advice and information, financial assistance, access to services and possible legislative changes. The submission identifies some issues that are purely a Commonwealth responsibility

¹ 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). SPRC, University of New South Wales.

² AIHW 2013

³ COTA National Seniors (2013) Grandparents Raising Grandchildren: A report of the project commissioned by Minister for Children and Youth Affairs.

and areas where the States and Territories need to take action. An overriding theme is the need for a more consistent national approach to the issue, with harmonisation on areas such as eligibility for payments and services, access to legal aid and the relationship between foster care programs and grandparents caring for grandchildren.

ISSUES

Recognition

As mentioned above, the estimates of the number of grandparents taking responsibility for their grandchildren vary enormously. In part this is due to the thousands of instances that are private family arrangements not involving the Family Law Courts or child protection services, which means there are no records of them.

It is also due in part to some people not wanting to be identified in this role because it has a certain stigma attached to it, for the grandparents and for the children. This is particularly true when substance misuse and alcohol are involved. Many grandparents report to us of 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.

Grandparent carers want to be recognised for the role they are undertaking and want better recognition that this is a valuable societal role. This recognition could include an explicit acknowledgement by all levels of government that this is a key role and should be supported.

The Commonwealth *Carer Recognition Act 2010* explicitly excludes family caring which could be considered to be the normal part of a family. Grandparent carers appear to be excluded on those grounds. We believe there is a case for revisiting this Act to see if grandparent carers could be included. We believe their role is equivalent to that of people caring for frail elderly relatives or children with a disability and they are performing a role that may otherwise fall to a paid carer or institution. Whilst this might be seen as symbolic, the need for formal recognition is strongly felt amongst those grandparents with whom we spoke.

This could be strengthened by a public awareness campaign that highlights the role of grandparent carers, makes the rest of the community aware of what they are doing, and so engenders a more positive attitude to them. This could assist with reducing their social isolation and make it easier for people to seek assistance.

At a more fundamental level, grandparents want to be acknowledged as important in the lives of their grandchildren. Several people told us that they had tried to raise concerns with children's protection services and the police about what was going on in their grandchildren's lives. They reported neglect and abuse but most felt they were not listened to. It was often dismissed as family differences and that they were 'interfering'. This was distressing for many grandparents who felt they had been picking up the pieces and managing events for some time, and only called in assistance when they felt the situation had got out of hand. Grandparents are often the recipients of confidences from their grandchildren about what is going on in the household because the children trust them, but report frustration and feeling powerless when they are not listened to if they try to act on that information. The protocols used by child

protection services, police and schools need to be reviewed to ensure information from grandparents, especially those who have frequent contact with their grandchildren, is treated seriously. Many grandparents said that the services never contacted them for more information, even when action was initiated.

The following quote sums it up *“between 1988 and 2001 I needed the authorities to respond to my concerns about the safety of my grandchildren”* (Grandmother raising four grandchildren).

Information

When grandparents take on responsibility for their grandchildren they have to navigate their way through a myriad of different bureaucracies and processes, including Family Law courts, child protection agencies and Centrelink. For many this will be their first experience with any of those services, especially if their assumption of responsibility is abrupt due to a crisis in the child’s family. They report to us that they feel unsupported and alone and have no idea about where to go for assistance.

In 2010, as an acknowledgment of the difficulties faced by grandparents, the Commonwealth government introduced grandparent advisers into some Centrelink offices. Initially they were in four offices but according to the Department of Human Services (DHS) website there are now six grandparent advisers nationally.

According to the DHS website the grandparent advisers can help by:

- *understanding your family circumstances and*
- *providing information and access to our payments and services*
- *arranging appointments for you with our specialist staff, such as social workers; and*
- *arranging referrals to other federal, state and community service providers who may also be able to help you*⁴

COTA’s information is that this service falls significantly short of its objectives. The adviser in Victoria also has responsibility for Tasmania and the adviser in WA also provides support for the Northern Territory. 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. From feedback we have received, there are sometimes long waiting times to speak with an advisor; as much as two to three weeks for a detailed discussion. This was felt to be too long by many people, particularly when the grandchildren came to them at a time of crisis.

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 e.g. the grandparent adviser in WA also has responsibility for all carer issues. Whilst the advisers can refer people to social workers within DHS this is not always given as an option, particularly for people in rural and remote areas and people felt frustrated that they had to tell their story again to another person.

⁴ www.humanservices.gov.au/customer/services/centrelink/grandparent-advisers viewed 17 March 2014.

Our feedback also indicated that these advisers provided an excellent service once people were able to talk to them and helped with access to the full range of Centrelink payments and services. COTA believes there is value in increasing the number of grandparent advisers to ensure more timely access and to provide the capacity for advisers to provide more in depth support to grandparents.

The States and Territories vary enormously in terms of what services they provide to grandparent carers and how they make grandparents aware of what is available. There are a number of services offering information and assistance. Some services are specifically for this group such as Grandparents Raising Grandchildren in NSW, Tasmania and South Australia, and the Grandparents and Grandchildren Society in Queensland. Others are services provided either by seniors groups such as the WA Seniors Information Service and Victoria's Seniors Information Service, or organisations that provide broader family programs such as Marymead in the ACT.

In the feedback we received, people said they found the support groups and services helpful once they had found them but all told us of difficulty in finding information or services. 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.

Financial Assistance

One of the greatest challenges for many grandparent carers is the financial strain raising their grandchildren can put on them. 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.

Some people told us they had already downsized their housing and were then faced with having to find something larger when they took on the caring role. A grandmother in Tasmania reported to us that she had moved into a two bedroom house prior to taking on the care of her grandchildren, a boy and a girl. She then had to look for a three bedroom house as child protection services told her the children could not share a bedroom. Other grandparents moved house to enable children to stay at a familiar school and others moved across town or even interstate to avoid family members.

For some the financial strain is at the beginning of the role when their grandchildren come to them with few possessions and they have to be fitted out with school uniforms as well as other clothes. Some States, e.g. Tasmania, give a clothing allowance in those circumstances but it is limited and goes nowhere near meeting the cost of providing for children in the long term.

As one of our respondents told us:

"I live in Queensland and receive no financial support from the Queensland Government. I do receive Family Tax Benefit of \$332.00 a fortnight. When I was working full time I could not claim the Grandparent Child Care Benefit because I was not receiving a Centrelink payment. I retired from work in 2011 because my youngest grandchild turned 12 and there was no after school care or vacation care available" (Grandmother in Queensland).

The rules around access to family payments need to be examined. In many cases the parents are reluctant to relinquish care in a formal sense as they want to continue to receive Family Tax Benefits. This is despite the fact that the grandparents are clothing and feeding the children. This is clearly a cause of friction in families and seen as grossly unfair by grandparent carers. As a grandmother said to us:

"They get the Centrelink payments but we do all the spending, food, clothes, school excursions. One of the reasons we went to court for custody was to stop them getting the benefits and spending them on grog and drugs." (Grandmother WA)

Both of the grandmothers above had legal custody of their grandchildren and so received the benefit but still reported to us that they were under enormous financial strain. One told us she retired in 2011 because she "was just so tired".

It needs to be acknowledged that 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, but they are certainly there.

The SPRC report highlighted that over a third of their survey respondents reported difficulties in getting payments from Centrelink, from State and Territory governments or from both⁵. This highlights again the need for more grandparent advisers in Centrelink to assist with the process and for the process, especially the paperwork, to be simplified.

COTA believes there needs to be more financial assistance for grandparents through giving them easier access to Family Tax Benefits once it is clear they do have full time responsibility for their grandchildren. The States and Territories should all look at providing financial assistance for establishment costs when the grandparents first take on responsibility.

This support should be provided irrespective of the journey to getting to that point. We raise this as it is clear that some financial assistance and access to support services is only available to grandparents whose grandchildren have come to them through the child protection system. The current arrangements could be seen as discouraging grandparents from intervening early when they see their grandchildren are at risk.

⁵ Brennan, et al p3.

Legal barriers

One of the key barriers to grandparents assuming full legal responsibility for their grandchildren is the cost of legal action. These costs can be quite significant and we have heard stories of people paying \$135,000 to go through the system. Legal aid is usually not available to the grandparents, often because their assets and incomes are too high. On the other hand, the parents of the children often get legal aid in fighting to retain custody.

The costs can be so prohibitive that people do not pursue that avenue and so informal arrangements continue. This 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 their access to other support services as discussed below.

Legal Aid is a State/Territory government responsibility and so they have responsibility for setting the eligibility criteria for access to assistance. COTA believes there is scope the Commonwealth to engage with the States and Territories to look at ways they can assist to improve access to the legal system.

There is a feeling amongst many grandparent carers that the Family Law Act does not put the interests of the children first. They feel that there is too much emphasis on the rights of the parents to have access and sometimes a mistaken belief that the best outcome is that children stay with their parents. COTA does not have expertise in family law but the strength of feeling amongst grandparent carers and some others who work in the field suggests that the law does need to be revisited. COTA believes that the Australian Law Reform Commission would be ideally placed to review the Family Law Act to identify where it could be revised to ensure the rights of the children are central to any discussion of custody and living arrangements.

Support Services

The need for support services falls into two broad categories, services for the children and services for the grandparents.

As already mentioned, the children have often been abused and neglected and come to the grandparents with emotional and physical needs. For the grandparents there are two issues - how to find and access the services they need and then how to pay for them. Many grandparents felt they were pretty much left to get on with on their own. As one grandmother said:

"In 2003 I walked out of the court with custody of my three grandchildren and no one has ever contacted me about them since. No one has checked they are alright and no one has asked how I am managing" (Grandmother Queensland).

A number of grandparents raised with us how they felt foster carers got a better deal in terms of access to services for the children. Some also felt that they had less access because children's protection services had not been involved in them taking over the care of their grandchildren.

“My grandson (year 4) was experiencing difficulties at school. I needed financial assistance for health and psychometric assessment to establish what was wrong and to implement academic and counseling support. If the Dept. Child Safety was involved my grandson would have received this assistance at no cost.”(Grandmother Queensland)

This experience does vary by jurisdiction but certainly needs addressing in those States that have the differential approach.

The services people need to care for children who are traumatized and have ongoing emotional and behavioural problems are not always easy to access, and people often face quite long waiting times for assessment and then for services. The States and Territories need to improve their provision of such services for all children regardless of the care arrangements that are in place.

Grandparents need some support services to help them deal with the stress of taking on what can be a very difficult role. They need help with negotiating difficult family relationships across generations and many identify needing help with parenting after what could be a long break. Some people have identified a need for parenting programs that help them understand contemporary education and schooling, and to relate to today’s teenagers and young adults. This is more the case for older grandparents coming into the role, especially those who through family breakdown had not had regular contact with their grandchildren earlier on.

For many grandparents there is a concern about who will care for their grandchildren if they are not able to. The SPRC report shows that many grandparents have long term illness, disability and health problems that may inhibit their capacity to provide care at certain times.⁶ They need access to crisis support and to regular respite to provide some relief which will enable them to keep providing care.

Grandparents also identify the need for support groups to help to address the social isolation issue. These support groups need to be appropriate, in terms of when and where they are held, who runs them and who participates. The example below highlights the difficulties of establishing groups.

“In 2011 the Federal Government provided funding to establish support groups for grandparents raising grandchildren. In Townsville this funding was used by Playgroup Association Qld. to provide playgroups for grandparents providing childcare. There is a vast difference between raising a grandchild and caring for one while parents work.”(Grandmother Townsville)

RECOMMENDATIONS

Our contacts with grandparents confirmed the findings of the 2003 COTA National Seniors report and the SPRC report. Grandparents raising grandchildren are identified as being under considerable stress, especially financially, and feeling socially isolated and unsupported.

⁶ Brennan et al p3

To address these issues COTA is making the following recommendations

1. The Commonwealth, State and Territory governments recognise , through COAG and the relevant Ministerial Councils, that grandparents raising grandchildren are a group requiring specific assistance and that there needs to be a national approach to addressing their needs.
2. The Commonwealth Government review the Carer Recognition Act with a view to including grandparent carers.
3. The Commonwealth Government provide funding for a national campaign to raise awareness of the role of grandparents as primary carers of grandchildren and to help remove the stigma that is often attached to them taking on this role.
4. The Commonwealth Government increase the number of grandparents advisers placed in Centrelink to provide full national coverage and improve access to information and referral. The increase in advisers should include a move to provide face to face meetings for more intensive support when grandparents need it.
5. The Commonwealth ask the Australian Law Reform Commission to review the Family Law Act 1975 to focus on the rights of the child, not of the parents.
6. The Commonwealth Government work with State and Territory Governments to review Legal Aid criteria to look at ways to assist grandparents seeking custody of their grandchildren.
7. The Commonwealth work with States and Territories to improve access to appropriate mental health and other support services for the treatment of traumatised children.
8. The Commonwealth work with the States and Territories to provide adequate crisis and respite services tailored to the needs of grandparent carers.

REFERENCES

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Canberra AIHW

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Department of Human Services

www.humanservices.gov.au/customer/services/centrelink/grandparent-advisers

viewed 17 March 2014.



GRANDPARENTS RAISING GRANDCHILDREN

**A Report of the project commissioned by
The Hon. Larry Anthony
Minister for Children & Youth Affairs
and carried out by
COTA National Seniors**

July 2003

ACKNOWLEDGEMENTS

The heroes of these stories, and of this project, are the many Australian grandparents who are raising their grandchildren. No one knows how many of you there are, but everyone reading these stories will know of your courage and love, and we hope they will heed your pleas for help and understanding.

To all the grandparents raising grandchildren who participated in this project, Thank You - for speaking out to tell us about your experiences and what would help you cope better. Your love for your grandchildren, your humour and strength shine through.

And to the wonderful support groups, Thank You – for being there and for helping to organise the workshops and meetings so that grandparents could speak freely in safety and comfort.

To the grandparent representatives and COTA staff from Queensland, New South Wales, South Australia and Western Australian who helped to plan and carry out this project, and the loose network of researchers, students and State and Commonwealth public servants who supported the work - Thanks for a job well done!

DEFINITIONS and TERMS

Throughout the project, and in this report, the terms **grandparents**, **grandchildren** and **parents** are used to describe the relationships from the grandparents' perspective.

Child protection authorities in all State have adopted the terms, **out-of-home care**, **foster care** and **kinship care**. **Kinship care**: means care of children and young people provided by relatives, usually grandparents, but may include close family friends.

In all of these cases, the terms apply only to care for which the State makes a payment to a carer of a child not their own. Care provided for children subject to a Family Court order or by informal arrangement with the parents and/or child protection authority agreement is not included. Therefore these children are not counted in official 'out-of-home care' statistics.

'Out-of-home care' is defined as out-of-home overnight care for children aged 0-17 years, where the State makes a financial payment. This includes placements with

relatives, other than parents, where the State makes a financial payment (regardless of which agency makes a decision on placement). It does not include placements made in disability services, psychiatric services and juvenile justice facilities, or in overnight child care services. It should be noted that children in 'out-of-home care' include children in legal and voluntary placements (that is, children on a legal order and children not on a legal order). [AIHW Child protection Australia 2001–02]

Child protection authorities: those State Government departments or statutory authorities charged under State legislation with the care and protection of children. These are:

Australian Capital Territory - Department of Education & Community Services

New South Wales - Department of Community Services

Northern Territory - Department of Health & Community Services

Queensland - Department of Families: Youth & Community Care

South Australia - Department of Human Services: Family and Youth Services

Tasmania - Department of Health & Human Services

Victoria - Department of Human Services: Community Care

Western Australia - Department of Community Development

ACRONYMS

These are some of the acronyms used by participants in this project:

ABS – Australian Bureau of Statistics
ACWA – Association of Children’s Welfare Agencies
AECA – Australian Early Childhood Association
AHS – Area Health Service
AIFS – Australian Institute of Family Studies
AIHW – Australian Institute of Health & Welfare
CoGs – Council of Grandparents (Queensland)
COAG – Council of Australian Governments
COTA – Council on the Ageing in each State and Territory
COTA National Seniors – amalgamated peak seniors body
DADHC – Department of Ageing, Disability & Home Care
FaCS – Department of Family & Community Services (Commonwealth)
GaGS – Grandparents and Grandchildren Society
GaGS Inc. – Grandparents and Grandchildren Support Inc.
HACC – Home and Community Care program
MAC – Ministerial Advisory Committee
PANOC – Physical Abuse and Neglect Of Children (NSW service)
OPSO – Older People Speak Out (Queensland)
TRCOTA – Committee on the Ageing Townsville Region

GRANDPARENTS RAISING GRANDCHILDREN

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It has been so rewarding parenting my grandson. We have had many ups and downs but so far we have conquered the downs. My daughter died when her son was five, then for the next three years my husband and I reared her boy. Then my husband died and I have continued alone. We have had counselling, which has helped tremendously. It is so hard for a lad of eighteen without a dad. Most time we are very close but at times I don't know if I am reaching him. Maybe that's just an 18 year old. (Grandmother 75, Grandchild 18)

1. EXECUTIVE SUMMARY

In February 2003 the Federal Minister for Children and Youth Affairs, the Hon Larry Anthony asked COTA National Seniors¹ to talk to grandparents who are raising their grandchildren about:

- their existing support mechanisms
- what additional support they may require
- the financial and legal issues they may be facing and
- any concerns they may have about the well being of their grandchildren.

The project was funded from the Commonwealth Government's Child Abuse Prevention Program which aims to prevent child abuse by funding various activities that promote positive parenting and help families cope with the different demands of raising children. The focus for this project was on:

- Grandparents raising grandchildren full-time (and did not include grandparents who provide childcare)
- Grandparents who are primary carers for extended periods, for example, grandparents of grandchildren considered to be at risk when their parents have a mental illness.

Many grandparents take on the role of raising their grandchildren, as they have throughout the ages. The difference now is the effect of parental drug abuse, which has resulted in a recent and rapid increase in the numbers of children being raised by their grandparents. An audit of formal kinship care in Victoria the Department of Human Services [in 2000] found that at least 52 per cent of abusive parents were known to misuse substances. Likewise, in a study of grandparents raising grandchildren in the USA in 2001, Kelley et al found that 72 per cent were raising grandchildren due to maternal substance abuse. [Patton 2. 2003 P.4]

Grandparents can suffer considerable strain as they cope with children traumatized by their experiences. The grandchildren may come to them unexpectedly, stressed and bewildered, often without adequate clothing, bedding, school uniforms etc. Grandparents also have to live through their own grief and loss, and often anger, at being placed in this situation by their own adult children.

¹ COTA National Seniors is a partnership arrangement between the State Councils on the Ageing and the National Seniors Association

This can be at a time when the grandparents may still have other children at home or perhaps they were enjoying freedom from family responsibilities or a well earned retirement or achievement at work. They will have to suddenly face major upheaval in their lives and the extra costs of raising children a second time around, especially financial, legal and social costs, often with little or no outside support.

Grandparents often feel that no one else understands what they are going through; they may be worried about other people's reaction to what has happened in their family. And they have probably had to work their way unassisted through the bureaucratic minefield of Family Law, Children's Court, child protection and Centrelink. It is hardly surprising that grandparents raising grandchildren end up feeling isolated and overwhelmed.

In four months, a total of 499 grandparents raising 548 grandchildren participated in the project, making up 308 grandparent-headed families. A majority, 63% were couples, with 68% of all grandparents being 55 years of age or over, the eldest being 82 years of age raising three teenagers (13, 15 & 17) on her own. Of the grandchildren, 53 % were under 10 years of age, the youngest being just 12 weeks old. Just over half of the grandparents are raising two or more grandchildren, with some having up to six in their care.

Grandparents attended one of the 22 workshops and forums in Queensland, New South Wales, Victoria, South Australia and Western Australia. Grandparents also completed 110 individual responses, mainly in writing but also by telephone and email, answering the same set of questions posed at the workshops.

See APPENDIX 1 Questionnaire and Data Collection

See APPENDIX 2 Schedule of Activities

Irrespective of their geographic location or socio-economic circumstances, grandparents raising their grandchildren tell the similar stories, stories that are echoed in overseas literature. Despite the hardships they face, they hastened to say that they love their grandchildren and would do anything to protect and nurture them. Their grandchildren bring them joy and keep them active. Grandparents' stories are about endurance, great hardship and great love.

Grandparents have said they feel let down by their governments, both State and Commonwealth, because they take in their grandchildren often at the request of the State child protection authorities and then get little support and recognition in caring for their traumatised grandchildren. In most States, foster and kinship care payments and support services are restricted to carers of children for whom a care and protection order is made, and Commonwealth Family Tax Benefits and other Centrelink payments are assessed on the grandparents' means. Many grandparents who planned to be self-funded retirees say that they are fast spending, or have already used, all of their retirement savings on the grandchildren and do not know how they will survive. They would like the same support that foster carers receive.

Their legal situation can also be ambiguous even if they have a formal order under Family Law or through the Children's Courts. There are three types of arrangement by

which grandchildren may be in the care of their grandparents, and chance seems to play a big part in determining which arrangement applies:

- Commonwealth Family Court parenting orders
Support for grandparents raising grandchildren in these circumstances is limited to Family Tax Benefits and any other means tested pension or benefit they may be eligible for through Centrelink and Child Support Payments if such apply.
- Children's Court care and protection order – on application from the child protection authorities.
The State authorities retain legal responsibility for decisions relating to the children. In these circumstances, as carers, the grandparents receive non-taxable, non-means tested payments from the State Government towards the cost of raising the grandchildren, as well as support services as assessed necessary by the child protection authority.
- Informal arrangements, which may or may not have the agreement of the parents, and may or may not involve the State child protection authorities.

With such informal arrangements, the grandparents can go to the Family Court to obtain an order to formalise this, however they are often loathe to antagonize the parents, or cannot afford the cost of legal action, even if uncontested or they may fear that they will be judged unsuitable to be raising their grandchildren.

Apart from the financial and legal issues grandparents face, the following points were raised at every workshop in every State:

- Governments need to acknowledge and recognise grandparents raising grandchildren as a special group requiring assistance
- Grandparents need parity with foster carers in terms of payments and support services for the grandchildren
- Information about and access to benefits and support services available to grandparents and grandchildren needs to be widely promoted
- Access to Legal Aid, especially to provide representation for the grandchildren but also for grandparents trying to secure the grandchildren's safety
- Respite care is urgently required for the grandchildren, with carers trusted by both grandparents and grandchildren. Camps, school holiday programs, and overnight care in emergency situations are also urgently needed.

Grandparents around Australia would prefer that their grandchildren could live with caring parents and that they could be 'normal' grandparents again. In the meantime they are determined to give their grandchildren every opportunity to have healthy, happy and well-rounded lives. They ask their Government to help them in this.

2. RECOMMENDATIONS

RECOMMENDATION #1

That Commonwealth and State Governments together recognise grandparents raising their grandchildren as a special group requiring assistance.

RECOMMENDATION #2

That Commonwealth and State Governments work together to ensure that grandparents raising grandchildren receive the same payments and support services as foster carers.

RECOMMENDATION #3

That Centrelink ensure grandparents obtain the benefits and assistance they are entitled to:

- Centrelink staff be fully trained in all aspects of benefits available to grandparents and their eligibility requirements.**
- Centrelink produce and promote a booklet specifically for grandparents that includes information about Centrelink payments and other benefits, subsidies and services for which grandparents may be eligible.**

RECOMMENDATION #4

That the criteria for disability allowances be reviewed and extended to cover emotional and psychological disability.

RECOMMENDATION #5

That a range of respite options be available to grandparents raising grandchildren, both expanding existing respite programs and funding new options through grandparent support groups and community service providers.

RECOMMENDATION #6

That community organisations such as Apex, Lions etc. be encouraged to assist grandparents and their grandchildren to participate in social and sporting activities.

RECOMMENDATION #7

That a community awareness campaign for grandparents raising grandchildren be developed and implemented, supported by reliable, accessible and consistent information about financial and legal issues and support services and available in a variety of formats – booklets, telephone information services, website, print media and community service announcements on radio and television.

RECOMMENDATION #8

That the status and rights of grandparents be recognised within Commonwealth Family Law and State legislation relating to the protection of children and young people, the Family Court, Children Courts and child protection authorities, particularly with regard to the grandparents' existing or potential role as the primary carer of their grandchildren.

RECOMMENDATION #9

That Commonwealth and State Governments ensure that independent complaints mechanisms or ombudsmen are available to oversee child protection authorities with the power to investigate complaints and that these are well publicised.

RECOMMENDATION #10

That Legal Aid be available to grandchildren and grandparents involved in Family Court matters:

- all children involved in the legal system have an independent advocate or children's legal representative paid for by Legal Aid**
- the income and assets test for Legal Aid have the same eligibility criteria as the aged pension**

RECOMMENDATION #11

That Legal Aid Officers and other legal practitioners be provided with accurate and comprehensible advice, including the legal rights of grandparents who have or are seeking custody of their grandchildren and the eligibility criteria for Legal Aid, to be made available to grandparents.

RECOMMENDATION #12

That the issues of repeated non-attendance at hearings by recipients of Legal Aid be addressed.

RECOMMENDATION #13

That the legal situation of grandchildren following the death of a custodial grandparent be clarified, including the extent to which the grandparent(s) may provide for their safety and security.

RECOMMENDATION #14

That procedures be set up to establish the eligibility for assistance of those grandparents who are raising their grandchildren with the informal agreement of the parents and / or the child protection authorities and without a formal court order.

RECOMMENDATION #15

That the grandchildren be eligible for Health Care Cards in their own right and have this card and a Medicare Card issued in their own name to be held by the carer.

RECOMMENDATION #16

That the grandchildren be eligible for State education subsidies and allowances in their own right and that grandparents be informed of those subsidies and allowances.

RECOMMENDATION #17

That parent education programs be developed to meet the specific needs of grandparents raising grandchildren.

RECOMMENDATION #18

That Commonwealth and State Governments and community service provider organisations develop coordinated early intervention and prevention programs for families at risk, to address children’s well-being and safety within their family. These programs should be founded on evidence-based models and include adequate services for individual children and families, especially emotional and psychological services and therapies, and promotion of effective information sharing, collaboration and understanding between families, agencies and professionals.

RECOMMENDATION #19

That funding is made available in each State to assist grandparent support groups with resources, professional support, training of group leaders, running costs and State-wide coordination.

RECOMMENDATION #20

That Government sponsor further research into the long term effects of parental drug and alcohol use on children’s health and development, including:

- the effects on children of being raised by their grandparents, and**
- the effects on the health and well being of grandparents.**

RECOMMENDATION #21

That, within the next two years, the Commonwealth Government sponsor a conference on issues relating to grandparents raising grandchildren.

3. BACKGROUND TO THE PROJECT

Throughout the ages, grandparents have raised their grandchildren – for much the same reasons as today: the mother was unmarried, the parents were dead, incapacitated by ill health, incapable or absent. However, Australia, like most developed countries is now experiencing a rapid rise in the number of grandparents raising their grandchildren. The increase is mainly due to the effects of illicit drug use by the parents of the grandchildren, particularly the mother. Children of parents with substance abuse problems make up the largest group of children entering the child welfare system. [Barth, cited in Patton 1. 2003 P.9]

3.1 ABS Data

No one knows how many grandparents are raising grandchildren in Australia today. The Australian Bureau of Statistics (ABS) 2001 Census of Population and Housing has a category of “Other not classifiable household”, numbering over 112,000 children, which may include children living with their grandparents. (This category also includes other households, such as where the census collector could not make contact or where there was insufficient information on the form.) According to unpublished ABS data, the Family Characteristic Survey in 1997 found that there were around 12,000 children aged 0 – 14 who were living with their grandparents but not their parents. [ABS 1997 Family Characteristics Survey] This is likely to be an underestimate because of the indirect way in which the information was collected. In its June 2003 Family Characteristics Survey, the ABS included specific questions about each child and its relationship to the male and female parent, guardian or primary carer in the household, with ‘grandchild’ being one of the categories. This data will be available in March 2004.

Each State and Territory has its own legislation, policies and practices in relation to child protection, so that there are differences between jurisdictions in the data provided. Therefore comparisons and aggregations are not always reliable. Consolidated national child protection data, *Child Protection Australia 2001-02* published by Australian Institute of Health and Welfare indicate that there were 18,880 children aged 0 to 17 years in formal out of home care at 30 June 2002. [AIHW] Of these, 7,439 were placed with relatives or kin, mainly grandparents. However this data does not include children for whom there is no care and protection order even if they were the subject of a notification. Nor does it include the large number of children living apart from their parents because of Family Court orders or by informal agreement with the parents and / or child protection authorities, as is the case for many grandchildren being raised by the grandparents who participated in this project.

3.2 The International situation

According to the American Census 2000 Supplementary Survey, the number of children being raised by grandparents in the USA has increased by 78% over the past decade. Between 2.3 and 2.4 million grandparents have primary responsibility for the care and upbringing of 4.5 million grandchildren. [Hayslip & Patrick 2003 P.xi] Most developed countries are experiencing this trend. In the UK, for example, authorities do not know the total number of children being brought up by a relative or friends, however information from the British Social Attitudes Survey for 2001 and 1988 suggests that there are around 100,000 children under the age of 13 living with a grandparent. [Richards & Tapsfield 2003 P.5]

Overseas literature also shows that grandparents in developed countries such as New Zealand, the United States of America, European countries and the United Kingdom are facing the same financial, legal and personal issues reported by Australian grandparents. Despite differences in the social security, education and health systems the similarities between the experiences of grandparents are striking.

In all of these countries the situation is that grandparents struggle with financial and legal issues; they are often not eligible for the payments and support services available to others who provide formal out of home care to children not their own; and their legal rights are often ambiguous and difficult to enforce. The literature indicates that in the US and UK, for example, financial benefits and support services are variable and are usually determined by whether the grandchildren are in the formal child protection systems.

Grandparents in those countries report that the best support they get is from other grandparents in support groups and from staff in the professional agencies that sponsor them. The issues outlined in research in other countries, such as the impacts on the health and well being of both grandparents and grandchildren and the types of support groups and services that are most beneficial to them, have been echoed in all the responses from grandparents in this project. [Richards & Tapsfield 2003; Hayslip & Patrick 2003]

3.3 The ways children come into grandparents' care

3.3.1 Breakdown in parental care

The grandparents may have been concerned for some time about what was happening because of the parents' drug or alcohol addiction, or they may have been aware of problems resulting from the parent's mental or physical illness or intellectual disability. They may have been supporting the family financially and practically, for example caring for the grandchildren intermittently and for extended periods. The parent, usually the mother of the grandchildren (and often their own adult child) may have died and the father may be unavailable or unable to take them. Alternatively, the grandparents may not have known anything was wrong until contacted by police or child protection authorities, often late at night or over the weekend.

3.3.2 Arrangements for care

For all the stories told by grandparents, there are broadly three arrangements by which the grandchildren come into and remain in their care: under Commonwealth Family Law, State child protection legislation or by informal arrangement.

The three types of arrangement:

- *Commonwealth Family Law*: parenting orders resulting from a hearing before the Family Court or Federal Magistrates Court. These include residency, contact, special issues like schooling or medical treatment, and child maintenance orders, which may be sought by the parents, child or anyone else concerned with the welfare of the child, such as grandparents. Family Court orders determine who has responsibility for decisions relating to the child. When grandparents take legal action to obtain the order it may or may not be contested by the parents.

Support for grandparents raising grandchildren in these circumstances is limited to Family Tax Benefits and any other means tested pension or benefit they may be eligible for through Centrelink and Child Support Payments if such apply.

- *State legislation*: designed for the protection of children and young people – on application from the child protection authorities, the Children’s Court (however styled in each State) may make a range of protective orders to provide a legally sanctioned mandate for child protection services to work with the family. This may lead to the children being placed in out of home care, which includes kinship care with grandparents and other relatives, foster care or residential care. The State authorities retain legal responsibility for decisions relating to the children. In these circumstances, as carers, the grandparents receive non-taxable, non-means tested payments from the State Government towards the cost of raising the grandchildren, as well as support services as assessed necessary by the child protection authority.

Child protection legislation and the range of allowances and support services may vary from State to State, however the issues that grandparents have in relation to the State child protection systems are consistent across Australia.

- *Informal Arrangements*: which may or may not have the agreement of the parents, and may or may not be with the involvement of the State child protection authorities. In these situations, the parents may not be coping with the children and have asked the grandparents to care for them temporarily; the grandparents may have been concerned for the children’s welfare and, not receiving any support from the child protection authorities, may have taken the children with or without the parents’ formal agreement; or the child protection authorities may have asked the grandparents to take the children, often in an emergency and have

then withdrawn because the children are safe with the grandparents and they have no protective concerns.

With such informal arrangements, the grandparents can go to the Family Court to obtain an order to formalise them, however they are often loathe to antagonize the parents, or cannot afford the cost of legal action, even if uncontested, or they may fear that they will be judged unsuitable to be raising their grandchildren.

I can't describe the horror I felt at the abuse of my grandchildren or my fear for their safety. I had to deal with police and welfare departments and all sorts of people outside my realm of experience. My life was turned upside down and changed forever. All because my son at a vulnerable time in his life was attracted to a person totally unsuitable as a partner, for all the wrong reason! I've lost my health, my job, my partner and years of my life. Thankfully, I've retained my sanity and sense of humour.
(Grandmother 52, Grandchild 13)

4. HOW THE INFORMATION WAS COLLECTED

COTA National Seniors appointed a project officer at the end of February 2003, based in the National Policy Secretariat office in Melbourne. COTA National Seniors is a national peak body for people over 50 years of age, with a large membership and a federation of autonomous State COTAs. It was ideally placed to implement the project in those States able to respond quickly with project staff and administrative support within the limited available timeframe, as a number of State COTAs already employed project workers with key responsibility for Grandparenting issues. All staff involved in the project were conscious that younger grandparents may not identify with COTA National Seniors and made particular effort to promote the project to a wide audience.

Five States participated – Queensland, New South Wales, Victoria, South Australia and Western Australia. Grandparents in other States were encouraged to contribute information via the Internet, by post or telephone. In addition, in Tasmania, the State Government Joint Standing Committee on Community Development conducted an inquiry and in May published its *Report on Issues Relating to Custodial Grandparents* which the Tasmanian Government has adopted.

The Tasmanian Report findings are consistent with the Grandparents raising Grandchildren project and its recommendations have been incorporated into this report. Three further forums hosted by the grandparents support group in Hobart have been held around the State. Although these forums were about the specific recommendations regarding support groups, again the issues raised were the same across Australia – financial and legal problems and concern for their grandchildren's well-being.

4.1 Implementation of the project

State COTA staff and grandparent representatives attended a two day Project Development and Training workshop in Melbourne in mid-March 2003. They agreed that, because of the emotions and trauma associated with this sensitive subject, activities would be held in conjunction with existing support groups and services and only in locations where ongoing support would be available. State representatives identified the types of groups to contact, and the locations, venues, publicity and funds required to implement the project. Participating State COTAs received project funds for staff time and for the cost of coordinating the activities in their state.

The main activity in each State were workshops, with a set agenda and conducted by an experienced facilitator. State COTAs were responsible for negotiating with local support groups and services, organising venues, promotion, catering and child care. Grandparents unable to attend a workshop were invited to complete a written response to the same set of questions and data collection used at the workshops, available by telephone or through the website.

See APPENDIX 1 – **GRANDPARENTS RAISING GRANDCHILDREN QUESTIONNAIRE & DATA COLLECTION**

4.2 Publicity

A section of the COTA website was devoted to the Grandparents project, with regular updates and an on-line questionnaire. Some States planned to hold phone-ins if existing 1800 telephone links were available. In the event, one phone-in was held in Western Australia with a poor response. Other States were unable to negotiate use of an 1800 telephone number within the time and budget available.

Information about the project and where workshops were to be held appeared in many newspapers and magazines for older people as well as local newspapers and community newsletters. Responses from grandparents indicate that these are widely read, although it was acknowledged that many grandparents are not in the older, or seniors age group and therefore may not have known about the project.

COTA staff also gave a number of radio interviews about grandparents and the project, which resulted in considerable interest.

See APPENDIX 2 – **SCHEDULE OF ACTIVITIES**

4.3 Workshops

All the workshops followed the same format to address the questions posed by the Minister. It was designed to allow as much time as possible for small group discussion of the grandparents' issues and concerns. Information about Centrelink payments and local services and support was provided at each workshop. Many grandparents spoke for the first time and with great emotion about their situation and found support from others with similar stories. They obtained useful information about assistance available. Grandparents made contact with each other and talked of joining a support group or of setting up new groups.

In the four months of the project, a total of 499 grandparents raising 548 grandchildren participated, of these there were 308 grandparents-headed families. A majority, 63% were couples, with 68% of all grandparents being 55 years of age or over, with eldest being 82 and raising three teenagers (13, 15 & 17) on her own. Of the grandchildren, 53 % were under 10 years of age, the youngest being 12 weeks old. Just over half of the grandparents are raising two or more grandchildren, with some having up to six in their care.

Grandparents attended one of the 22 workshops and forums in Queensland New South Wales, Victoria, South Australia and Western Australia. Grandparents also completed 110 individual responses, mainly in writing but also by telephone and email, answering the questions posed at the workshops.

Irrespective of their geographic location or socio-economic circumstances, grandparents raising their grandchildren tell similar stories. And they hastened to say that despite the hardships they face, they love their grandchildren and would do anything to protect and nurture them. Their grandchildren bring them great joy and keep them young.

Eight years ago my daughter gave birth to a son, his name is Peter. I was asked to come to her as she couldn't take care of him. My daughter was a drug addict at the time and there were problems. ...

She spent a lot of time in and out of hospital, in the psych ward of the Southport hospital. When she was released she came to get Peter with a well meaning social worker. I knew that my grandson was in danger as there were many times I would get calls from the hospital to pick him up as my daughter had overdosed again. As I write this, she is back in jail. I was granted full custody of Peter. I didn't consider the father or his whereabouts.

Five years later the father turns up and wants his son. There was a court battle. My grandson after many visits to his dad and a number of years later, now lives with him full time. I get alternate weekends and holiday time. I still take my grandson to visit his mother in jail. There is a bond between them that cannot be broken.

My life fell to pieces when I gave up my grandson. I was divorced, alone and the only thing that kept me going was my church and the people in it. Now the good side of this story – Peter loves his mum and dad very much. I have become just grandma. His father and I have sorted out any differences we might have had. We do this because we both love this little man very much. ...

I see grandmothers every weekend visiting their children in jail with their children's children. My daughter is thirty-four. She is due for release soon - every day I pray she will take her medication and stay off drugs. She now suffers with a manic depression epilepsy drug induced psychosis. There are many grandparents I meet in my work and many cry out for help. Some are like myself, some are old – the oldest one I know here is in her seventies. (Grandmother 56 Grandchild 8)

5. IMPACTING FACTORS

5.1 Effects of parental drug use

The Mirabel Foundation, established in 1998 to assist children who have been orphaned or abandoned due to parental illicit drug use, recently published two excellent literature reviews, *Parental Drug Use – The Bigger Picture A Review of the Literature* and *The Effects of Parental Drug Use – Children in Kinship Care A Review of the Literature* [Patton 1. and 2. 2003] They include commentary on Australian and overseas research. For example, in an audit of formal kinship care in Victoria the Department of Human Services [in 2000] found that at least 52 per cent of abusive parents were known to misuse substances. Likewise, in a study of grandparents raising grandchildren, Kelley et al [USA in 2001] found that 72 per cent were raising grandchildren due to maternal substance abuse. [Patton 2. 2003 P.4]

Some other findings mentioned are:

- There is almost unanimous belief that prenatal substance abuse negatively affects the outcomes of birth. ...infants with foetal substance abuse symptoms encompass one of the highest protective risk categories for short term and long term damage to their physical, social and emotional health and well-being. [Patton 1. P.4]
- women with alcohol and drug problems are more likely to be punitive towards their children. Punitive measures can significantly impact on a child's concept of self-worth. Drug use can result in parental behaviour that places their children at risk of abuse. Many children living in such environments are at an increased risk of exposure to violence from both within the family as well as from the community. ... Children may be exposed to hostile environments where time is spent in dealing, prostitution and criminal activities to help support the parent's habit. [Patton 1. P.6]
- The literature indicates that children of drug users are likely to have poor physical, cognitive and psychosocial development. They are more likely to come to the attention of the child protection system, however, according to Patton, 'strategies [for protecting these children] vary, depending on whether a child or adult-centred approach is taken.' [Patton 1. P.9]

Mary is the only one of the 6 who has been afforded the opportunity to have a decent start in life because of our intervention and determination. Her 5 half siblings now have no future and will take the impacts of their unfortunate upbringing into the next generation who will also have no future. One who has fathered a child at 16 years of age is a drug addict. The scenario will be repeated from generation to generation until some strong measures are taken to break the cycle of drug usage. But before that begins to happen let's all be aware of what the widespread collateral damage drug use and abuse has done:

1. *Child abuse and neglect – often culminating in death. Over 60% of notifications to Human Services are drug related.*
2. *The road toll - history has repeated itself and drug driving is now worse than drink driving*

3. 85% of prisoners are in jails because of crimes associated with drug usage.
Psychiatric problems are drug induced – enormous cost to society
Just about every adverse thing happening in society has a linkage to drug usage.
(Grandparent couple 70 & 65, Grandchild 9)

5.2 Incidence of emotional problems and/or ADHD

The incidence of children being diagnosed with ADHD is growing in Australia and around the world. The Mirabel Foundation report suggests that the following issues need to be considered in order to better understand the experiences of grandparents raising grandchildren:

- Exposure to parental drug abuse may damage the psychosocial development of children more than any other developmental area. It affects the way these children interact, think and feel about themselves, others and society. Left unaddressed, such thoughts and feelings can escalate into obstacles preventing the development of healthy adults. The literature indicates children may develop anti-social behaviour, hostility, depression, and a wide range of other stress related difficulties. [Patton 1. P.7-8]
- Children may be wrongly diagnosed with attention deficit hyperactivity disorder after exposure to a drug-using lifestyle when increasing evidence suggests that the children may actually be suffering from post-traumatic stress disorder. [Patton 1. P.8]

Anne Mann, in the recently published *Cries Unheard: A New Look at Attention Deficit Hyperactivity Disorder*, writes ‘Children, perhaps, are our contemporary canaries. Their mental health is telling us that all is not well.’ P.10 ... ‘A specialist professional, who worked with ‘challenging’ kids in Australian childcare, mentioned her concern that children who were indeed troublesome were increasingly being diagnosed with ADHD and prescribed Ritalin. She felt that they were not really ADHD. Rather, their difficulties concerned the intertwining of multiple factors of the parental time bind, poverty, absent fathers, relationship breakdowns and insecure attachments, and most importantly, separation anxiety. It was not ADHD but such disadvantaged circumstances which left children struggling to cope.’ P. 20 [Halasz 2002]

Service providers at one workshop on mental health issues commented that the number of children with ADD/ADHD and other behavioural problems is very high in families where there is a mentally ill parent. Sometimes two or three children in the same family have a behavioural disorder. Many of these diagnoses relate to reactive behaviours in the children, arising from either the very unstable home situation or the cumulative effects of discrimination at school (because the grandparents cannot afford to pay for excursions, child has no uniform, homework is not done, they are bullied by other children, etc).

When I was first offered Joseph he was 8 months old, family and friends offered help. Joseph was born heroin addicted and continues to have ongoing academic, social and behavioural problems. He is ADHD also. So care is continuous, often aggressive behaviour with no break. A difficult situation with a difficult child (through no fault of his own) whose mother is still drug affected and now diagnosed with schizophrenia. (Grandmother 50, Grandchild 9)

5.3 Family Violence

An alarming number of grandparents who participated in this project are raising their grandchildren because the mothers had been killed by their partners. Many of these grandparents believe that the tragedies were due to the system failing because of poor coordination between government health, welfare, justice, education, and police services.

Services appear fragmented and defined by the service network rather than the needs of the whole family. Funding of services is according to age group or specific target group, not the client's whole family; counselling and other services are time limited, and issues of confidentiality and privacy mean that the needs of families at risk are not addressed in a comprehensive manner. An issues or diagnosis based approach to funding (for example, drug and alcohol funding, parenting program funding) means that the problems families face are compartmentalised.

Violent males are usually ignored by services aimed at protecting and supporting children. In fact, there is a lack of support generally for men. If an appropriate response is provided at times of crisis, then the ongoing trauma, cost, the time that the person or family need to resolve their issues and move on are all minimized.

The connection between child abuse and family and community violence is not widely recognised. The totality of violence which may occur within a family and the impacts this has on children needs to be understood.

Grandparents are very concerned that their grandchildren have witnessed arguments and abuse in their lives which could lead to their developing similar attitudes. Some grandchildren can be very abusive, foul-mouthed, physically violent and verbally abusive to the point where grandparents may decide they cannot take any more. Others accept that their grandchildren have suffered so much that their aggression needs to come out.

Unfortunately, my granddaughter can be very abusive when she feels threatened, and can often reduce adults to tears with her vitriolic diatribe! She has no special friends and is quite lonely I think, though her own worst enemy at times. ((Grandmother 52, Grandchild 13)

6. WHAT GRANDPARENTS SAID

6.1 LEGAL ISSUES

6.1.1 *Legal Aid*

Grandparents speak of the injustice of a legal system under which the parents often qualify for legal aid and continue to receive it even in circumstances where grandparents feel the action is aimed at forcing them to spend their savings. Some grandparents have been back to the Family Court eight or ten times, sometimes to arrive at court to find the parents do not attend and the hearing is adjourned. The grandparents still have to pay all their legal costs while the parents are covered by Legal Aid. Grandparents are rarely eligible for legal aid as owning even a modest home disqualifies them so they must pay for their own legal representation each time even if the hearing is adjourned. They also complain they cannot obtain information about the legal process from Legal Aid staff but the parents receive extensive assistance.

The parents had access to legal aid; we did not - my advice was because we owned our own home – legal aid would place a lien on it and could sell the house at a later stage to recover the monies. In addition I have spent approximately \$4,000 on legal fees in respect to our protection of the child. (GP at workshop)

6.1.2 *Cost and time*

Legal action is very costly but many grandparents feel that this is the only way they can ensure that they can protect their grandchildren and that it is one way to resolve issues, however, even an uncontested case can be expensive.

The legal expenses were horrific, about \$50,000 over a 2 ½ year legal battle. The mother got legal aid and still does. The care, control and residence was granted to us, but the mother was still given legal aid to take us back to court because the eldest child didn't want anything to do with her. This cost us \$8,000. New orders were made which means nothing to this woman and the child got no protection from [child protection authority] or the police. The only way would be back to court. We couldn't afford that, no legal aid for us or this child, not caring for 3 children. This mother abides by no orders from the court. To care and keep these children safe and give them their rights has cost us our retirement home and the struggle of our lives, and our government failed to help these children and us. But if we'd been on the dole all our lives we would have got legal aid or [child protection authority] may have listened. (Grandparent couple 55 & 57, Grandchildren 12, 14 & 15)

I do not have legal custody of the children – their mother (alcoholic) or father (abusive) would not give permission. I did not have money to take it to court – also I would not have been sure of the outcome as many judges / magistrates appear to favour children being with natural parents in spite of their lifestyle. (Grandmother 65, Grandchildren 11 & 12)

6.1.3 Custody issues

Grandparents find the Family Court system and its rulings particularly difficult. Grandparents may be awarded a residency order placing the grandchildren in their custody until the children turn 18, but the parents may contest the order, for example, the access arrangements or seek to have the order overturned at any time. Or orders may be made which cause parenting problems for grandparents. In one example, the grandchildren's father is in prison for 18 years; their mother is dead and they live with their grandparents but the father still has legal custody, and still has the final say on decisions affecting the grandchildren's care.

Another quite common problem is when orders are made for the parents to have access rights but they are erratic in exercising those rights, if at all, leaving the grandparents to deal with hurt and disappointed grandchildren. They do not want to alienate the parents, often their own adult children, but they see the effects of the parents' behaviour on the grandchildren.

We've been to court 6 times. The court gives the mother access but she doesn't exercise it, then 12 months later she turns up demanding to see her daughter. The child doesn't want to go, and anyway, I don't know where the mother lives so I wouldn't let her take the child last time, so now we're going back to court on Wednesday. (Grandmother 61, Grandchild 10)

Our experience was a positive one. Lawyers were sympathetic and so were the courts. [child protection authority] once they could see we were not neurotic grandparents were helpful, however, their speed of action was not quick but I find the lack of follow-up advice and interest concerning. No help was forthcoming for advice as to how we could pursue our case. (Grandparent couple 50 & 54, Grandchild 2)

Frankly, I am happy with the present situation, however I do worry about her long-term future from time to time. (Grandparent couple 58 & 63, Grandchild 21 months)

6.1.4 Grandparents' rights & responsibilities

Many grandparents say that they have been given the children but not the authority for those children and that their position as carers of their grandchildren is precarious. They feel they should be able to make decisions about their grandchildren's present and future well-being, health, schooling etc. If they do not have formal custody arrangements they may find they cannot consent to medical treatment, enroll the grandchildren in school or

authorize their participation in certain activities. If the grandchildren are under a care and protection order, the child protection authorities have the final say.

Where [child protection authority] is concerned we feel that we can't do much to raise our concerns as we are worried that [child protection authority] can come in any time and take our grandchild away as he is a ward of the state and placed in our care. [What] are our rights when [child protection authority] take the child aside at school without one of us being present and questioning them for no reason except that they can.... It is a worrying thing when dealing with [child protection authority] as carers. You never know what they are going to do. (Grandparent couple 64 & 67, Grandchildren 7 & 8)

6.1.5 Confusing legal systems

Grandparents and their grandchildren can be caught in a confusing legal system in which Commonwealth and State laws and responsibilities determine the extent of ongoing assistance and security they will have. Sometimes it seems chance plays a big part in whether the grandchildren come under the jurisdiction of the State Children's Court or under the Commonwealth Family Court. If under the State Children's Court, the grandparents as the carers receive non-means tested, non-taxable payments and support from the child protection authorities as well as Family Tax Benefits; if under the Family Court, the grandparents may apply for Family Tax Benefits, a means tested payment (except Part B if a sole parent/carer) but they do not receive any other payment or support service.

We are lucky – the person at the Chamber Magistrate's said to go to the Family Court but I waited a week and [child protection authority] did it through the Children's Court and so we get the allowance. My friend went to the Family Court so she gets no help, even though her situation is much the same as ours. (Grandparent couple 44 & 47, Grandchildren 5 & 7)

General solicitors appear to be not as aware of sexual abuse and child protection issues as the child protection authority's solicitors and do not necessarily represent their clients adequately in some cases. Grandparents believe that there needs to be specialized legal advice, counselling, and explanation and information about legal matters and the terminology used, for example, about custody, options and decisions to be made.

Grandparents are especially concerned about the lack of information about the court advocates who are available to represent the grandchildren in the Family Court. Many grandparents believe that an advocate for grandchildren is essential, especially when the grandparent is not around. They often pay for such representation themselves because the grandchildren are not eligible for Legal Aid, although the parents usually are.

I was told by Family Court counsellors, police, teachers and local members that children of 12 years of age are able to have their wishes aired in Court, and these be given serious consideration. FACT: my grandsons aged 12 and 10 years have run away from their father and his de facto who have had custody for the past 4 years. From the ages of 8 months and 12 months old I, the maternal grandmother, had custody. The children are around drug taking and dealing by both people, abuse (pushed through wall and down stairs on several occasions.) I took this back to court for custody and it was heard last year, when the court AGAIN sent them back to the father. The children have lost all confidence in the court, police, [child protection authority] etc who have done nothing to protect them to date. Eldest even wrote letter to judge to ask they be allowed to live with us. Court counsellor felt they only wanted to live here to please US! What 12 or 13 year old thinks of anyone but themselves and their feelings? When the child rep had to explain the outcome, the eldest screamed, yelled, threw furniture etc around room and the youngest sat in the corner and cried and cried. He admits to us the counsellor got it wrong and he listened to her, but refuses to do anything about the decision, telling me IN A VERY SHORT TIME THE ELDEST WILL BE ABLE TO LEAVE AND HAVE HIS SAY – YES BUT WHEN???? (Grandparent couple 55 & 65, Grandchildren 11 & 13)

6.1.6 Grandchildren's documents

Grandchildren's birth certificates are often difficult and expensive to obtain. This is particularly important in the case of informal arrangements when the grandparents have no proof of relationship or authority to request a certificate. The children's birth may not have been registered or the father's name may not be included on the birth certificate.

Obtaining Medicare and Health Care Cards for grandchildren can be another difficulty mentioned by many grandparents. They are given a range of different advice and in some cases end up paying the full cost of medical care or the grandchildren going without care because they do not have a Medicare Card which shows the grandchildren's names.

We do not have legal custody of our grandchild. The parents signed statutory declarations stating their child was in our care indefinitely. These declarations have been only useful in enrolling our grandchild at school and in activities. One Doctor rang a solicitor for legal advice before giving our granddaughter an injection and even then the child had to give permission for the injection. (Grandparent couple 59 & 61, Grandchild 16)

6.2 FINANCIAL ISSUES

Grandparents also see the injustice of governments that ask them to take in their grandchildren who, if grandparents were not available, would end up in foster care as the responsibility of the child protection authorities, and at considerable expense to taxpayers. In many cases, when grandparents seek help from those authorities they are told, "We know the children are safe with you. We have closed the file."

In other cases, the grandchildren are covered by care and protection orders and so their carers are entitled to receive financial and other assistance, but grandparents are often reluctant to ask for help because in the past child protection staff have suggested that if they are seeking help they must not be coping and that perhaps the grandchildren should be removed from their care.

Other grandparents say they prefer to manage without extra assistance if the price of that assistance is interference by child protection authorities. They may fear that the authorities would assess them as unsuitable carers and so place the grandchildren in foster care with strangers; or that the authorities may determine that there are no child protection concerns and return the grandchildren to their parents.

These grandparents often have an uneasy informal arrangement with the parents, under which the parents may or may not allow the grandparents to claim the Family Tax Benefit for the grandchildren. There are many grandparents who chose not to receive this allowance because the parents will take the grandchildren back rather than lose that income.

6.2.1 Centrelink payments

The Centrelink system is confusing to grandparents with an array of payments and eligibility requirements, including:

- Family Tax Benefit - Part A and B
- Childcare Benefit
- Double Orphan Pension
- Carers allowance
- Disability Allowance
- Age Pension
- Youth Allowance

Means tests apply to most Centrelink payments, so that any financial support for the grandchildren such as Child Support payments impact on the grandparents' own Centrelink entitlements. If the grandparents are self-funded retirees or still in the workforce, their income is taken into consideration in the means test for Family Tax Benefits for the grandchildren, and therefore couples especially may not be eligible for any payment.

Recently I was fortunate enough to get Child Support payments for a couple of months. As a result my Centrelink payments went down and my Homewest rental went up – double whammy!! Grandparent at workshop

Grandparents say that Centrelink does not inform grandparents of possible benefits available to them. There is no category for grandparents and no recognition of grandparents' status or circumstances so they are made to look for work or put on

inappropriate benefits. Centrelink require grandparents to continually prove they have the grandchildren even when that information is already on file.

As some grandparents are unaware of their entitlements they get none of the Centrelink benefits that may be available for the grandchildren.

*Financially we are not receiving any support from either parent. We are financially supporting our Grandson on our own. We do not get any Centrelink payments. These are still being paid to the Mother, and she does not spend any of the payments on her son. My husband and myself are looking after all of our Grandson's needs. As my husband has a full time job, and is shift work, most of the day and night care is done by me.
(Grandparent couple 47 & 50, Grandchild 4 months)*

Grandparents often have not had contact with Centrelink before and complain about the difficulty in getting information about their entitlements.

I resent very much having to discuss my private family business with someone young enough to be my grandchild – believe me, they really do not understand the ramifications of how you, as the parent of delinquent parents, feel. I don't like being addressed by my Christian name, nor do I like the tone of the correspondence from Centrelink – I am not some errant teenager who needs to be threatened with the big stick. (Grandmother 66, Grandchild 16)

Grandparents strongly believe they should not be means tested to qualify for assistance in raising their grandchildren. Those with some assets are penalized; even holiday pay has to be used up before Centrelink provides any assistance.

*I do not believe grandparents looking after grandchildren should be treated in the same way as single parents and we should definitely not be assessed financially in the same way single parents are – after all they are, as a rule, much younger and most have the capacity to go out to work and earn a few dollars – we do not. We are grandparents, and most of us even if physically capable are considered by employers to be “past it.”
(Grandmother 66, Grandchild 16)*

It costs \$500 a week for [child protection authority] to have a child in care. If someone has a child who is a state ward they get \$350 a fortnight. (Grandparent couple 45 & 49, Grandchild 15)

Some grandchildren may be eligible for child support payments from the parents through the Child Support Agency, however grandparents' experience of the CSA is mixed. It will not release information to Centrelink to find parents liable to pay child support nor is it helpful in enabling grandparent carers to access child support money.

The CSA advised us that there had been money in that fund, but we were not eligible for this money as I had not applied for it. I thought the CSA was set up to provide money for

the rearing of the child, not who was doing the rearing. To date I have not completed the forms. (Grandparent couple 57 & 56, Grandchild 8)

6.2.2 Impact on personal finances

Grandparents find that they are spending their retirement savings and superannuation on raising their grandchildren. Any hope of being self-funded retirees is lost.

We are penalized because we're retired with superannuation. The payment from Centrelink is assessed on what we have earned through our lives. We need that for the rest of our life to live on. ...The government overlooks that being retired we have limited means to pay for a second car, music and swimming classes etc. They say you can catch a bus but that's really hard going in our area. (Grandparent couple 65 & 62, Grandchildren 7 & 8)

Many grandparents find their employment and retirement plans thrown into chaos by the cost of raising the grandchildren. Depending on the age and needs of the grandchildren and difficulties with child care, they may be forced to give up work in order to care for them full time, a serious loss of income for those grandparents.

My wife eventually had to stop working as the role of parenting at our age was too demanding on her while trying to work in paid employment at the same time. This was very hard on my wife as she had returned to university as a mature age student to gain a qualification in a profession that she wanted to spend her remaining working life involved in and then had to give up her job. (Grandparent couple 58 & 55, Grandchildren 7 & 11)

Others find that because of a lack of financial assistance from government and / or the parents, they need to continue working well beyond their planned retirement date.

Parenting our granddaughter (whom we love with every fibre in our bodies) has meant that we have once again become parents in our 40's and has taken the joy out of being grandparents. As I am a working grandmother, I have had to drop and change my shifts (loss of income) to accommodate looking after my granddaughter as I am her primary carer. I take her to after school activities, assist with homework etc. and I find that by the end of the day I am totally exhausted. (Grandparent couple 46 & 49, Grandchild 9)

Older grandparents eligible for seniors' concessions find that they have to give up their entitlement to a free annual trip because they cannot leave the children during school term and they are not allowed to use the concession during school holidays.

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.

I am, frankly, finding all this a big financial strain and the money I saved for my retirement is slowly but surely being spent on the children. I have also had to contend with some serious ill health. But on the positive side, these children bring me a lot of happiness. BUT it all would be much easier if I had legal custody and access to Family Allowance. I could include them on my pensioner concession cards. (Grandmother 72, Grandchildren 9 & 15)

Grandparents worry about the high cost of education – fees, uniforms and books. They often find that their grandchildren are not eligible for State education allowances or “school cards” because a means test is applied to the grandparents’ income and / or assets. The grandchildren would be eligible if living with their parents or if in foster care.

Other financial issues raised by grandparents include:

The cost of food:

Never enough food to go around. [Grandmother 65 Grandchildren 11, 13, 16 & 17]

accommodation / housing:

My major concern is I need a bigger house in the near future, we live in a small 2 bedroom villa which I own. I don’t have the resources to move. I feel like an elephant living in a matchbox, which is very depressing. (Grandmother 62, Grandchildren 5 & 12 weeks)

Transport: depending on the number of grandchildren, an existing car may not be big enough and the grandparents may not have the money to upgrade or to buy a second car.

Clothes:

Children both wear out clothing in a very short time and grow so fast that an item of clothing rarely lasts longer than six / eight months.... (Grandchild) has grown over 4cm in height in ten months. (Grandparent couple 61 & 65, Grandchild 7)

Other activities

Grandparents put a great deal of time and money into encouraging their grandchildren to participate in outside activities. They speak about providing the grandchildren with opportunities to have more rounded lives, to overcome any earlier set back. A number of grandparents mentioned with pride the achievements of their grandchildren – for example, a schoolgirl champion swimmer and the winner of a scholarship to a State ballet school.

My grandchildren are very talented/gifted in sport and music and I am frustrated that this cannot be fostered in them because I can’t buy sports gear etc. (Grandmother 53, Grandchildren 8, 10, 12 & 13)

6.2.3 Children with special needs

One of our grandchildren has cerebral palsy. The payment (Disability) we are eligible to receive is insufficient, as the expenses for this child have really blown out. Everyday prices are rising, but our income and our payments don't rise much at all, so living gets harder and harder. Although we are better off than many others, we can't afford outings or holidays and have to be careful financially. (Grandparent couple 67 & 61, Grandchildren 5 & 7)

6.2.4 When the children arrive unexpectedly

Grandparents rarely receive any financial assistance for the initial resettlement when grandchildren first arrive. Police or child protection workers may bring them at the weekend or late at night, without basic clothing and personal items. Grandparents have to find the money for urgent requirements, for example, bedding, furniture, clothes etc. They believe they should be treated the same as foster carers who receive an initial establishment grant and regular payments for clothing and major or special expenditure.

The initial cost of providing for a 2 week old baby on an age pension, i.e. cot, stroller, car seat etc. am now having to consider buying a larger car to accommodate all the above, especially now my grandchild is coming up to a year old and the situation is likely to be long term. (Grandmother 61, Grandchild 11 months)

Not enough money left for entertainment after bills have been paid and buying food. (Grandmother 52, Grandchildren 4, 6, 7 & 9 y.o. twins)

6.2.5 Lack of services for grandchildren

Most grandparents identify the need for specialist therapeutic services, for example, counsellors and psychologists to assist with their grandchildren's behavioural problems. Most of their grandchildren have experienced trauma and abuse, abandonment and / or rejection. They all have to live with the grief and anger of not being with their parents.

Acute anxiety and separation problems mean my granddaughter stresses when she is away from myself. So many people she has loved in her life have left her that she fears I will also. This creates a lot of pressure for me. I am 52 now and not in great health, and worry about the future for us both. (Grandmother 52, Grandchild 13)

Grandparents find that specialist therapy services for their grandchildren are limited or non-existent. Some excellent specialist paediatric services have lost their funding and rural areas are grossly under-served. Services approved and paid for by the child protection authorities may be withdrawn because the authority assesses that the grandchildren no longer need them. General services are not necessarily equipped to identify and cope with the needs of these children.

In our experience especially for country people there appears to be no government planning for this type of family situation. (Grandparent couple 50 & 54, Grandchild 2)

I didn't know what I was dealing with. The 11 year old was 3 ½ when she finally saw a counsellor who recognised the effects of satanic ritual abuse. Even now my granddaughter will not shower by herself or go outside after dark. (Grandmother 63, Grandchildren 4 & 11)

6.2.6 Comparisons with others receiving financial benefits

Grandparents feel very strongly that they should be treated equally with foster carers who assume the care of other people's children. They state most firmly that they are saving State and Commonwealth Governments an enormous amount of money and therefore they must be supported. If they did not take in their grandchildren, the children would be the responsibility of government and placed in foster care.

Without us these are the street kids of tomorrow. (Grandparent at a workshop)

6.3 PARENTING

6.3.1 Parenting a new generation

Grandparents speak of being too old to be doing the things young children want to do. They often feel very tired and worry about their capacity to keep going. Many say that the hardest thing is the discipline. They do not know what is acceptable.

I try to understand and keep current on social change, e.g. curfews, dating, social peers. Times have changed since I was a father. I would like access to current parenting theories. (Grandfather 67 Grandchildren 10 & 12)

Some grandparents still have their own younger children living at home.

I also have a 12 year old son, it's affecting him, with me being a mum and a grandmother. He has to share me with my grandchildren. (Grandparent at workshop)

Added to this, their grandchildren's early experiences mean they have particular behavioural and emotional problems which the grandparents are unlikely to have encountered first time around and which perhaps require a different approach to parenting.

6.3.2 Grandchildren's behaviour

These children are often very insecure and exhibit a range of traumatised behaviour problems, such as extreme attention seeking and acting up. They need routine and security, and a great deal of encouragement.

There have been many rewarding experiences bringing up two young children again (they were 8 months and 5 years old when they came to us) however we are finding some aspects to be very worrying, the older boy (now 11) has behaviour at times that is fairly upsetting for the family. This may be due to what he experienced in his early years (domestic violence & drug abuse by both parents). (Grandparent couple 58 & 55, Grandchildren 7 & 11)

Many see the need for family counselling but this is rarely offered or available. They feel that they are given children with "problems" but then given no support. They would appreciate specialist assessment of their grandchildren, advice and ongoing monitoring but this is rarely provided.

6.3.3 *Respite*

Grandparents desperately need respite care. They rarely get a break from the responsibilities of caring for their grandchildren. They are very protective of their grandchildren and insist that respite must be safe, appropriate to the children's age and with people known to and trusted by both grandparents and grandchildren.

We aren't allowed to place our grandchild with someone for the day. [child protection authority] want to assess them first or they will place them into respite care, but this would be with strangers and this is not acceptable to us. (Grandparent couple 64 & 67, Grandchildren 6 & 8)

6.4 GRANDPARENTS' HEALTH AND WELL BEING

6.4.1 *Relationships*

Grandparents can find that all they had prepared for at this stage in their lives has changed:- change of lifestyle, changed relationships between family members and a loss of freedom. They may experience relationship difficulties with each other and even separation and divorce because of demands of caring for their grandchildren, the loss of their time together and the shattering of their plans for the future.

My husband feels cheated of his retirement plans. He can't get past the anger at the mother. (Grandparent couple 63 & 63, Grandchild 6)

They may find that relationships with their other children (and so contact with their other grandchildren) are fractured because their sibling cannot or will not take responsibility for their own children.

Socially we have suffered, as we see a lot of younger parents who don't relate to us, as also, our own age group does not relate to our situation. Our own adult children are disinterested in helping us, and are under enough stress of their own. They are also angry with their sibling who is the mother of the kids and this has created a family rift. (Grandparent couple 67 & 61, Grandchildren 5 & 7)

Having the grandchildren living with them restricts the grandparents' social life and often they find they can no longer enjoy privacy and social outings with their partners.

It took its toll on my marriage – my husband has left me. It's hard doing it myself, especially when he's been a very caring and loving husband. It became very stressful on him. He did a lot of overtime. It is also affecting my job as I need to be away from home for 2 – 3 nights. They get sick and I take time off work, when we only get 3 days parenting leave per year. (Grandmother 49, Grandchildren 3 & 6)

They often experience isolation from their peer group, perhaps arising from their shame at having a dysfunctional family but largely because their friends are no longer interested in having children present in their social activities. Few grandparents have, or can afford reliable and trusted babysitters to allow them to go out without the grandchildren.

I had retired shortly before the children came to me, and now I have virtually no life of my own. I cannot go out at night or at weekends, and see my friends only rarely. Also I do not have enough money to follow my own interests anyway. (Grandmother 65, Grandchildren 11 & 12)

Grandparents come to rely on grandparent support groups for the friendship, advice and understanding that members can offer each other. Some even say that the support groups save their sanity and keep them going.

The grandparent group has been a godsend as it has helped me no end. (Grandmother 60, Grandchildren 8, 10, & 12)

6.4.2 Health

Grandparents say that their health is badly affected by the burden of raising their grandchildren without support and recognition. They must cope with their own stress and grief, at the same time helping their grandchildren through theirs. They often do not have the time to properly grieve for their loss – of their child (the parent), of their freedom and plans and of their life as normal grandparents. They often have the constant worry about money, the cost of raising children faced by all families as well as the additional costs of these children's particular needs and the threat, and reality, of expensive legal action.

The years have taken their toll on us. Our health is going. Prescriptions eat into our wages. Still we struggle on.... We're proud people. We love our grandchildren. We'd like to be younger but we can't be. I've heard of great grandparents still bringing up the great grandchildren. I don't think we'll be alive to do that. The stress and worry of the money would be too much, especially when you see their parents sitting back copping it sweet on the dole with all the government support. (Grandparent couple 55 & 57, Grandchildren 12, 14 & 15)

Grandparents are extremely concerned about their grandchildren in the event of their own ill health and death even if their spouse or partner is still alive. Some need home based care services for themselves. Many talk about doing their best to keep well while facing the normal effects of ageing and the future.

*If the carer goes sick, goes into hospital, who'll look after the grandchildren?
(Grandparent at workshop)*

Some grandparents also have elderly parents to care for.

I try not to think too far ahead as this is depressing. Apart from her there are the other grandchildren to love and elderly parents in poor health to be concerned with. I have little social life of my own, and demands on my time make life awkward. (Grandmother 54, Grandchild 6)

6.5 GRANDCHILDREN'S HEALTH AND WELFARE

6.5.1 Relationships

The grandchildren may have behavioural problems arising from their often horrific earlier experiences and rejection or abandonment by their parents. Their behaviour may result in ostracism by other children, and rejection by other family members and society in general.

We are coping with an angry, abusive child who can't understand why her mother can't fit her into her life although she says she loves her. I am losing quality time with my other grandchildren because my time is nearly wholly taken up by this one child. (Grandparent couple 50 & 55, Grandchild 11)

The grandchildren may experience rejection and bullying at school, or behave as bullies themselves. They may hurt themselves and others close to them.

I had to move house, hopefully we are stable now although the older grandchild had to change schools because of the verbal taunts of other children once they learnt about her background. (Grandmother 63, Grandchildren 4 & 11)

I don't feel the police understand the things these kids have been through, to make them behave as they do. The police need to have mental health workers attached to them. (Grandparent at workshop)

The grandchildren often have ambivalent feelings about their parents and the rejection and loss they have experienced.

The child's mother didn't even ring her on Christmas day, no present or card, no contact. We didn't hear from her until March. (Grandparent couple 63 & 63, Grandchild 6)

Actually the child is much better off with me, top of the class at school, attends cubs, church etc, swims. (Grandmother 72, Grandchildren 9 & 15)

Grandparents are concerned about the separation of the grandchildren from their siblings. They may feel under pressure to take in all the grandchildren, believing the longer the children stay together and settled with them, the less chance there is of them being split up or resettled with strangers. Some grandparents are raising a number of grandchildren, in one case six ranging in age from 2 to 13 years of age.

We think it is not such a financial issue as an emotional issue for the children. We think the children need contact with all their siblings so that when they grow up they have other family connections besides us. (Grandparent at workshop)

Grandparents worry about the effects on the grandchildren of being raised by a grandparent. Those raising their grandchildren on their own are also concerned about the lack of role models of the opposite sex.

6.5.2 Impact of parents' lifestyle

Many grandparents spoke about the stability and security they provide for these children who have often experienced the extreme chaos of the drug addict's lifestyle.

No matter what goes wrong, he always comes home. I think he sees I'm a secure base, he gets upset if I get sick – "Don't die, Gran." I think he's rather frightened. Society doesn't see that. They just see he's naughty. It's more hard work emotionally. (Grandmother 56, Grandchildren 12 & 13)

The grandchildren may have been in unsafe situations; for example, the parents may have multiple and / or abusive partners or may have left young children alone for extended periods and, even in a few cases, the children may have been present while the parents committed crimes. There may be violence at home, with very young children sometimes the victims.

Six years ago our son was sent to prison on drug related charges leaving our 2 grandchildren, a girl aged 23 months and a boy aged 12 months. The mother kept on in the drug scene moving around everywhere with the children while still using drugs. Finally she left the children in a motel room while she went out and the children were picked up by police wandering the street and we took custody of them. (Grandparent couple 65 & 62, Grandchildren 7 & 8)

Many grandparents coping with the impact of drug abuse by the parents on their grandchildren call for research into the long term effects.

Always in my mind – after 10 years of grief, worry and despair over the children's mother's drug addiction and mental health, as well as worry about the babies she has had – one died in suspicious circumstances – I constantly worry – are her children going to go down the same road and who is going to care for their children? Governments must address drug issues and crime issues more efficiently for the future of humanity. Why did my daughter – beautiful, talented and intelligent decide to do drugs, and allow herself to be degraded??? She was a loved child. (Grandparent couple 67 & 61, Grandchildren 5 & 7)

Parents drop in and out of children's lives causing major disruptions in entire relationships. They can be erratic in their contact and access visits with the grandchildren;

they may use the legal system to punish the grandparents, causing more anxiety and stress for everyone.

No matter what happens, she is still their mother, even if she hasn't seen them more than 3 times in 16 years. (Grandparent couple 65 & 70 Grandchildren 16 & 18)

6.5.3 Parents with a mental illness

Such situations are fraught with additional problems for grandparents and grandchildren. Mentally ill parents often let debts pile up (especially when unwell) so, when the grandchildren go back into the grandparents' care, the grandparents have to settle these debts as well as cope with usual costs of caring for the grandchildren. The grandchildren get caught up in the troughs and highs of the parent's emotional instability and experience constant fluctuations of being smothered with love one minute and told how much they are hated in the next. This has a great emotional impact on the grandchildren that the grandparents then have to try and overcome.

Keeping family contact between child and mother is very stressful, as mother brings her problems with her. The child has to cope with mother's behaviour, especially when mental illness is involved. (Grandmother 61, Grandchildren 9 & 11)

The grandchildren often feel responsible for their parent's well-being. They take on too much responsibility and are old before their time, having had no time to enjoy their childhood. They appear self-contained on the surface - *I know all about that, Nan – don't worry* - but grandparents worry about how this will impact on them in later years and how to teach the grandchildren that much of their parent's erratic behaviour is due to their mental illness.

6.5.4 Health and special needs

These grandchildren often have severe health problems, which require the grandparents' love, time and money, and may never be overcome.

One was addicted to heroin and one has been sexually assaulted and is now a Hep B carrier which is a notifiable disease. One was two and a half and one was 8 weeks old. (Grandparent couple 49 & 52, Grandchildren 3 & 5)

Raising grandchildren with special needs causes major problems in grandparents' lives. The grandchildren often require special equipment which can be expensive. They face discrimination and difficulty in being accepted by other children.

School is horrendous. He gets bullied and was recently knifed. He says that it is very hard to be a punching bag at school. We just want him to participate in as normal a life as possible. I had to sit beside him at school every day for a month. (Grandparent at workshop)

Socially, the grandparents cannot go out together as a family because the children are often difficult to transport if taken and to baby-sit if left at home. Grandparents find that they have no time to be together on their own. At one workshop, a grandmother spoke of the challenges of looking after a grandchild with severe brain damage. He exhibits extreme behaviour but is not eligible for special education because acquired brain injury is not recognized as warranting this. As a result of the additional stress, the grandparents have now separated.

Grandparents argue that children with serious emotional and psychological problems resulting from their traumatic experiences should be recognized as having disabilities and therefore be eligible for the services available to other children with disabilities. They should have access to psychological evaluation to assess for mental illness.

I get very tired, lose patience, sit there and cry. I am constantly worrying what's happening for him and constantly wonder if we are doing things right. (Grandparent at workshop)

6.5.5 Education

Grandparents report that their grandchildren often have problems at school because of learning difficulties and poor school grades. Their earlier school attendance may have been erratic as parents moved around a lot or were incapable of ensuring the children got to school. The stress and anxiety of their lives may have left them unable to concentrate in class. The stability and security provided by their grandparents often allows the children to develop and excel.

The younger boy (now 7) has a low level of ADD, his behaviour is quite good most of the time however he has had some problems with his progress at school and is repeating Prep. Level. They are both very special to us and we love them dearly and will do our best to help them to develop into good citizens. (Grandparent couple 57 & 55, Grandchildren 7 & 11)

Grandparents recognise that education and the school systems have changed and they worry about not being able to help with homework etc. Many of these grandchildren need more time and supervision with their schoolwork so grandparents will often pay for additional tutoring or may be fortunate enough to negotiate this through local community agencies.

Some grandparents get involved in their grandchildren's school, for example, in the school P&C, other grandparents feel out of place and even unwelcome at school activities amongst parents so much younger than themselves.

They also believe that schools and teachers need special training to deal with these children who have been damaged and abused.

Dealing with the school system – getting them to understand that Nans and Pops do exist in some families. (Grandparent couple 47 & 49, Grandchildren 7 & 8)

I spend a lot of time at their school because they enjoy me being there and at their sporting activities. (Grandmother 60, Grandchildren 8 & 9)

Quite a few grandparents have decided that a private school may be the best choice for their grandchildren, especially smaller private schools, which can provide more individualized attention and are not so overwhelming for the children. They question who should pay in these circumstances, because they see it not as a choice but as a necessity for their grandchildren.

In addition,

Some grandparents have to move States to access higher quality education for children affected by drug/alcohol abuse leading to intellectual impairment. Some grandparents move State to gain some autonomy over their lives, especially when domestic / apprehended violence orders are contravened. (Grandparent at workshop)

6.6 CHILD CARE.

Grandparents report varied experiences in seeking suitable child care for pre-school aged grandchildren – its availability and cost, and access to Child Care Benefits through Centrelink. They are reluctant to leave traumatized grandchildren with strangers and want to establish a rapport with the child care provider before using the service.

Many grandparents rely on childcare, such as Family Day Care and childcare centres to provide some respite from their young grandchildren. Others find either that childcare is not available in their area or they cannot / will not use childcare because their grandchildren will not stay with strangers. Where childcare is used, some grandparents find the 20 hours a week subsidized access a godsend, others feel that 20 hours is not enough support in their particular circumstances and that it is too costly. Some grandparents report that, because of their own stressed state of health, they have been recommended for additional hours of childcare. Some grandparents are not aware that childcare is available to them and their grandchildren.

I have spoken to six different people at Centrelink who all tell a different story about getting financial help with childcare. The bottom line is that we can get 40 cents per hour [subsidy towards the cost] because we don't work. (Grandparent couple 64 & 68, Grandchild 3)

Grandparents with older grandchildren rely on Out of School Hours care, after school and during holidays and at times of sickness, but report that it is often difficult to obtain as there are not enough places and preferences is given to working parents.

6.7 INDIGENOUS GRANDPARENTS

In addition to coping with the same issues as all grandparents who participated in this project, indigenous grandparents face the powerful cultural stereotype that continues to condemn Aborigines as thoughtless and feckless, living a second-class existence. Indigenous women are often seen as having nothing much to offer in a rapidly changing world. But the indigenous women who participated in this project were assertive, powerful, feisty, and strong in their nurturing of their families. They have a clear vision of how they want their grandchildren to live, survive and thrive in today's world, and into the future.

The following comments were recorded at an indigenous grandparents' talking circle in Queensland. Other indigenous grandparents attended other workshops and gave written responses which support these comments.

The people in power need to realise we have our own culture. We will take all our family in regardless of our house size.

Many indigenous grandparents have one or both parents and the grandchildren living with them. Sometimes these grandparents have full-time responsibility for the children for intermittent periods of time (eg father in jail and mother goes into a mental hospital for a few months). This can be very financially stressful, a big problem.

Their views are very much the same as other grandparents raising their grandchildren.

We want it to be easier for us to obtain custody if they (the parents) can't look after our grandchildren or abuse them. We are trying to create change, to break the cycle of drugs and abuse and stuff.

We would be interested to meet with non-indigenous grandparents. "They are battlers, too!"

And having worked through these issues for themselves, they are now very clear that they are in a strong position to help their grandchildren to break the cycle of violence and abuse. And they want to ensure that they are given the right to do this.

As indigenous women we have seen and now understand violence so we are better able to cope when our grandchildren are ill-treated or abused. However, we still need support to protect them from drugs, etc. We want to get them away from all of that.

We have a vision. We all share a common goal. It's really pretty simple. We want to break the cycle of violence, drugs, etc, and have our grandchildren live happily and healthily.

7. THE GRANDCHILDREN'S VOICES

Several agencies working with grandparents and grandchildren were asked if the project officer could talk to the grandchildren using their services, and grandparents reported being approached by the media for interviews with their grandchildren. Both agencies and grandparents felt that the children had been exposed to enough trauma and disruption in their lives and that to be asked to talk about it with a stranger could result in further harm, family disruption and possible behavioral problems, which had already been worked through by the family.

A Children's Counsellor at a Neighborhood Centre responded that while she had counselled a number of children being raised by their grandparents, she believed that it had had very little effect on them. It seemed that in most instances, (and unless they had been sexually or physically abused by a parent), while the children loved and missed their parent/s, they were nevertheless happy living with their grandparent/s as long as they were loved and cared for.

An adult grandchild, a woman aged 35 wrote:

I will never really know if the plan was for the long or short term – but I ended up living in Sydney with my grandmother from the age of 3yrs till 15yrs (when she passed away). Neither of my parents ever visited with me, wrote to me, sent me birthday cards/presents or even acknowledged my existence during my whole time - this included providing no support whatsoever to my grandmother - financially or emotionally. I was raised in the same home that my father was.

An adult grandchild, a man aged 39 wrote:

My grandparent experienced a lot of financial hardship. In the 60s and 70s there wasn't a lot around for people who were perceived as different. ... The generation gap is a big issues for grandparents who would like to think that things haven't changed that dramatically in 20 years that they have lost touch with everything, but the reality is that they have. I found it extremely difficult in attending functions with a grandparent, who was clearly at the later end of their parenting. The link or connection between my friends parents and my grandparent was twice removed. Their interests were different, their manner was different and the whole experience was incredibly embarrassing for them. I would disqualify myself from attending a lot of things to save them the embarrassment. There are laws I guess to address much of this stuff now, but not back then! Being male made it more difficult, I'd imagine, that I would have had trouble going places with my grandparent. As I got older I was more conscious of it, but I'd hate to imagine what I would have said or done as a much younger guy. I was very mindful of the fact that my grandparent felt obligated to have me out of social expectations rather than a true desire to have me.

An agency working with grandparents and grandchildren reported that the children say they have difficulty communicating with their grandparents. They feel that they are not

understood and grandparents have difficulty understanding their point of view. Many of the children say that they do not have 'normal' family activities, because they do not have enough money and because their grandparents do not have the energy.

Sometimes it's OK, sometimes it's hard. I always have to repeat myself, and most of the time they forget about things, about what I am doing. My Grandma and Pop get tired a lot. Pop has been sick, so everyone has been worried ... our family would fall apart if something happened to Pop. I can see that he is getting older, he can't kick the football with me anymore. It would be better if they were younger and could do more things. [14 y.o. boy]

It's good living with them, well, it's cool but at the moment there is me and my two sisters, my two uncles and Nan and Pop, so there isn't much room in the house. My sisters sleep in the lounge room. I'm working now so I can help pay for my own clothes and things, that's good because before we couldn't afford very much. It's better living here than with my Mum but I know that it's really hard for Nan not having money because she used to work but now she stays home because it was too hard for her to work and look after everyone. [15 y.o. girl]

It's not very cool living with Nan. Nan drives really slow, and she isn't confident driving anymore so we never go very far. My friends don't live close by so I don't get to see them that much. I don't get to see my friends that much because Nan doesn't like having any more kids here. [This boy had two other siblings aged 8 and 14 also living with their grandmother.] Nan worries about me, she worries that I will be like my Mum and Dad, but I won't. I just want to do the stuff other kids do. The good thing is that I get to play footy, so I see my mates then. [12 y.o. boy]

When we lived with Mum and Dad we could do heaps of things, we always had money to buy things, we had a lot of freedom, now we have lots of rules, and I don't even get pocket money. Nana always buys clothes that I don't like. [14 y.o. boy]

I was really good at athletics but Pa said that I couldn't do it anymore because we didn't have enough money. Now we do line dancing as a family. It costs \$12 for all of us, but I miss the athletics. [8 y.o. girl]

I try not to go out shopping with my Nan. People from school see me. It's not that I don't like my Nan, it's just that she's older and the kids at school look at us. I don't want them to ask me questions about why I live with my Nan so it's easier just to not go out places together. [14 y.o. boy]

My Nan and I are working together to build strength in our family. We are there for each other. Sometimes it's hard; sometimes I wished that I lived back with my Mum, and that everything was OK, but Nan looks after me. I know that she loves me and I know that Mum cannot look after me. I can rely on Nan. [11 y.o. girl]

An adult grandchild wrote:

My grandmother was diagnosed with paranoid schizophrenia when I was 8 yrs old. This came about as a result of the things that I was saying in primary school. The school sent me off to the child psychologist who after interviewing my grandmother realised that I was simply repeating what I was being told and believing that my life was completely normal. I do remember waiting in the corridor whilst the psychologist spoke with my grandmother. Within minutes, we left and never returned. I remember my grandmother being quite upset about the whole interview and I think that was the initial trigger point for her paranoia about me being stolen away from her. From that day we constantly hid from Welfare Authorities, especially when they knocked on our door. I kept quite about my home life and we basically shut out any intrusions. Our life was isolated, frustrating, confusing and abnormal.

My coping mechanism was my ability at a very young age to understand that granny was not well. She was suffering a mental illness and most of all, she was scared and alone. I was also extremely lucky to have a little friend who lived three houses down from us. She had everything I didn't, but I enjoyed a sense of normality when I used to go to her house and play or have dinner with her sisters, mum & dad. That was my taste of reality and confirmation that what was going on in my home - was different.

From the age of 8 upwards, I realised that I had to take responsibility for myself and as much for her as I could. This included ensuring that bedsheets were being changed, doctors' appointments were made when she was sick, medication was taken, meals were prepared and that I at least attended school. We had very little money, a small pension, no car, no outings, no visitors and spent all special occasions – birthdays / Christmas - alone, but together

The day prior to my grandmother passing away, just days before my 15th birthday, she told me that god would always be with me and that she loved me - words I had never in my entirety heard before - someone saying 'I love you.' Due to her mental illness, I wasn't allowed a house key. This caused a major problem when I returned home one evening to find the house in complete darkness. Instinctively I knew that something was not right. I had to break into my own home and move through the darkness, room by room, flicking on the light switches, expecting to see her fallen down somewhere. But thankfully, she passed away in her sleep and tucked up in her bed. I was alone. I closed her bedroom door, phoned the ambulance, the doctor and the police. I just sat and waited for help.

8. CHILD PROTECTION

Irrespective of the State, grandparents' issues with the child protection authorities were consistent across the country. Grandparents believe that although the stated principles of child protection are the care and protection of the children, invariably it seems that the parent's needs come first. They believe that definitions of neglect and abuse often leave children in unsafe situations, but it is difficult for grandparents to prove the children are at risk when they are with the parents. Grandparents feel that maintenance of the family unit is narrowly interpreted as keeping parents and children together at all costs and that it would be more helpful to focus on the child's needs and ensure that they are raised in the healthiest environment.

I am an aboriginal grandmother. When I applied for custody of my 3 oldest grandchildren the social worker wrote in his report that they come from 2 generations of dysfunctional families. This was based on a 20 minute interview!! But the court's decision will be based on that report. (Grandmother 53, Grandchildren 8, 10, 12 & 13)

There is a high level of resentment about treatment by child protection authorities regarding promised support and assistance, which is then not forthcoming. All grandparents suffer from a lack of respite from children. It is even more difficult to obtain for grandparents whose grandchildren come under the child protection authorities because child protection authorities will not allow grandparents to leave the children with anyone unless they have a police check and it appears that these checks are not being carried out.

The system of child protection as practiced in Australia, within and between States and Territories and the Commonwealth jurisdictions, is complex and bewildering for grandparents. Grandparents are often mystified by the decisions of child protection authorities, which seem detrimental to the grandchildren's well-being, for example, separation of siblings and not promoting opportunities for them to enjoy time together.

Once a carer who cares for two of my other grandchildren wanted to put them in our care for a weekend but [child protection authority] said no to this, that they would put them into respite care if they needed a break. The carers of our other grandchildren feel the same as we do and say no to respite care with strangers. (Grandparent couple 64 & 67, Grandchildren 6 & 8)

Grandparents complain that child protection authorities do not provide the support services they request or information about entitlement to payments, Centrelink benefits or other support that is available.

I had no help from [child protection authority] when all this started. I just got sent from one department to another. Nobody wanted to know, as according to them the children weren't neglected as they were left with me. (Grandmother 60, Grandchildren 8, 10 & 12)

When first requested by [child protection authority] to have these children, we were not advised about any services or assistance which was available, neither financial, advisory, respite or legal. There was no advice or suggestion as to what the position would be if we got sick. (Grandparent couple 66 & 63, Grandchild 12)

Grandparents are often afraid to complain or to take legal action in case the child protection authority take children away.

Grandparents in every State said that a complaints mechanism or ombudsman is needed to oversee child protection authorities; somewhere that is independent and with the power to investigate complaints.

I made repeated requests to [child protection authority] for assistance, e.g. financial, counselling, legal support only to be told they “only care for children in crisis and now they are with you they are safe”. I was once told “To get back to us when they stop breathing and we will do something.” They have even been caught lying to avoid being involved. We’re in the too hard / complex basket. I have no access to medical care because I don’t have a Medicare card for the children. (Grandfather 67, Grandchildren 10 & 12)

Grandparents do acknowledge that child protection authorities are under-resourced and that most staff want to help them but do not have the time or resources.

The staff of this department are all hard-working and obliging but with present arrangements are badly under-staffed. (Grandparents at workshop)

9. HOW DO THEY COPE?

Many grandparents report feeling exhausted, stressed and depressed with their situation. They have amazing personal resources to cope with their heavy responsibility.

We're not dealing with these issues. We feel isolated, devastated by the lack of care the government has for us and these children. We've worked most of our lives, my husband still does, with failing health he works all the overtime he can. (Grandparent couple 55 & 57, Grandchildren 12, 14 & 15)

Some receive support from their other children, or at least one of them, and their grandchildren benefit from close contact with their aunts, uncles and cousins. However the grandparents are very concerned not to ask too much from their other adult children who often have families and responsibilities of their own.

Our family heavily supported us. If it was not for them we would be in a mess now as it takes a lot of energy at our age to cope with all the emotions and stress involved in doing what we did. (Grandparent couple 57 & 63, Grandchild 8)

Grandparents also gain considerable support from community services providers such as community health centres and specialist children's services. These organisations may have established grandparent support groups for their clients and provide ongoing staff support, venues and other resources to assist the group. Community service providers often do not have the resources for much more than a meeting place for a grandparents self-help group.

For we carers at Nepean Kinship Care Support Group life would have been very difficult to make sense of without the support of the PANOC [Physical Abuse and Neglect Of Children] team at Wentworth Area Health Service. The shared counselling support group that was started by PANOC has continued for over 2 years because its members were reluctant to let go of the lifeline of understanding, empathy and compassion that we have for one another, which we have not experienced elsewhere. (Grandmother 62, Grandchild 3)

Many mention the support they receive from their church and other charitable groups.

My mum suggested I try the [Salvation] Army and I would most highly recommend them to any person in need. My life was and still is to a certain extent out of control. I had no one to turn to because in these situations you lose all your friends who turned out not to be true friends anyway, if they are not in this circle of addiction they just don't understand where you are coming from... (Grandparent couple 47 & 49, Grandchildren 7 & 8)

Many grandparents are members of grandparent support groups and usually benefit greatly from the social and emotional support they receive.

... One day I found another parent like us; we started talking in depth and I found out there was a group in the Southern Highlands called “Off Our Rockers”. I got in contact with this group and then decided that a group like this should be started in the Illawarra as there was NO support for grandparents with their grandchildren. I approached Jayne [Salvation Army officer] and together we started our own group off. We had NO funding from anybody. I started out by advertising in the local papers and sent letters to every school in the Illawarra also the community centres and preschools all at my own expense. From there we started getting other people ringing in and coming to meetings. (Grandparent couple 47 & 49, Grandchildren 7 & 8)

Most grandparents also draw great strength from their love for their grandchildren.

We wouldn't part with these kids. They're our life. They are good kids. (Grandparent couple 57 & 59, Grandchildren 2, 11 & 14)

10. KEY FINDINGS AND RECOMMENDATIONS

Grandparents call for the State and Commonwealth governments to work together to assist them. They feel that we are not dealing with the issues as a society. The present system is too complex with different legislation, protocols, policies and procedures and little coordination between and within Governments and their departments. Grandparents ask for an open system of support, not the present one of hidden benefits that they often learn of by chance.

They believe they require a special status or category recognising their particular situation, which can include caring for frail elderly parents or a spouse and/or other dependent children, as well as their young grandchildren, while also coping with their own health issues.

They want more recognition of their rights and needs, and greater awareness of their situation from staff in child protection agencies, Centrelink and other government departments.

I know that as a grandparent I experience very similar aspects of the foster carer but there are many issues I have experienced and continue to that foster parents do not and these are the very reason that grandparent and kin carers need to be considered at this time. Firstly, I am emotionally involved, but not only with the children in my care. I am emotionally involved with the father of my granddaughters. ... I love my son and yet he has chosen a path I could never walk and the result was that I ended up with his children. I now love these little girls as my own but they are HIS children and he has to be considered....

I did not choose to be a foster parent as it is not a path I wished to travel. Foster parents are very special people who do this for their own reasons and most of them do it very well but they have a choice. Grandparents also have a choice but it is not the way most grandparents are – they will take these children and do their very best to give them the best life they can. (Grandmother 60, Grandchildren 4 & 6)

To be recognised by the government and legal identities as being long term responsible grandparents, who have accepted the parenting role and are prepared to do our very best for a family child or children whom we love dearly and are our flesh and blood, and to not have our role of responsibility taken away as easily as it can be now as soon as one or the other birth parent feels the need to be a family again. (Grandmother 57, Grandchild 10)

RECOMMENDATION #1

That Commonwealth and State Governments together recognise grandparents raising their grandchildren as a special group requiring assistance.

10.1 Financial issues

Grandparents say that most of their major difficulties would disappear if the financial issues were resolved. Around Australia, they call for the same financial payments and subsidies and support services as foster carers receive. Grandparents, especially those on aged pensions or limited retirement incomes, have difficulty providing for babies and young children, particularly if they arrive with no notice and few possessions. The cost of basic furniture, bedding, baby equipment, clothing and toys, as well as money for school fees, uniforms, books etc. pose great financial hardship on all but wealthy grandparents.

Grandparents point out that they are saving taxpayers a huge amount each year because if they did not take in the grandchildren they would become the responsibility of government. The payments and support services they have identified include:

1. fortnightly payments – not means tested or taxable
2. lump sum payments for one-off expenses, e.g. initial establishment and items such as medical and dental treatment for the grandchildren
3. payment for major items that may be required, such as a bigger car and house renovations to accommodate the grandchildren
4. annual payments for specific recurring items such as school fees, uniforms, books and other education expenses
5. regular respite with respite carers known to and trusted by the grandparents and grandchildren – weekend breaks, longer holidays, in-home care in case of emergency
6. access to counselling and other children’s services such as speech therapy, psychological assessments, tutoring and assistance with school work for the grandchildren
7. access to immediate and ongoing support and case management from child protection and early intervention agencies
8. access to counselling for grandparents in their demanding role of caring for traumatised grandchildren

RECOMMENDATION #2

That Commonwealth and State Governments work together to ensure that grandparents raising grandchildren receive the same payments and support services as foster carers.

Centrelink

Grandparents say that any payments and financial assistance towards the upkeep of a child should go with the child, i.e. parenting payments should be made to the person caring for the child.

Centrelink staff should receive consistent, comprehensive training in all aspects of benefits available to grandparents and their eligibility requirements. Grandparents ask for reliable, easy to read information about Centrelink benefits for grandparents raising

grandchildren to be made widely available and a 1800 telephone number to Centrelink call centres to deal with grandparents' issues.

Staff at local Centrelink offices should be encouraged to establish partnerships with community organisations such as grandparent support groups to disseminate information and promote understanding. For example, the Townsville Seniors Advisory Group has successfully established such a partnership with the Townsville Centrelink Office.

RECOMMENDATION #3

That Centrelink ensure grandparents obtain the benefits and assistance they are entitled to:

- Centrelink staff be fully trained in all aspects of benefits available to grandparents and their eligibility requirements.**
- Centrelink produce and promote a booklet specifically for grandparents that includes information about Centrelink payments and other benefits, subsidies and services for which grandparents may be eligible.**

Many grandchildren living with their grandparents suffer debilitating problems as a result of their early experiences. Grandparents believe that the criteria for disability allowances needs to be extended to include the severe emotional and psychological disability suffered by their grandchildren.

RECOMMENDATION #4

That the criteria for disability allowances be reviewed and extended to cover emotional and psychological disability.

10.2 Respite

Grandparents desperately need free, reliable, quality respite options. These include:

- childcare that is readily accessible and not limited to 20 hours per week
- respite with people who are known to and trusted by both grandparents and grandchildren. This could be similar to the Interchange Program for children with a disability.
- respite centres where the grandchildren can enjoy activities while the grandparents take a break while still being on the same premises.
- Camps for both grandparents and grandchildren with activities together and separately
- In-home respite care to allow grandparents to go out while the grandchildren have the security of being at home
- Accessible after school care and holiday programs that addresses the particular needs of grandchildren being raised by grandparents
- Back-up in case of emergencies, especially in-home care

RECOMMENDATION #5

That a range of respite options be available to grandparents raising grandchildren, both expanding existing respite programs and funding new options through grandparent support groups and community service providers.

RECOMMENDATION #6

That community organisations such as Apex, Lions etc. be encouraged to assist grandparents and their grandchildren to participate in social and sporting activities.

10.3 Information

The most called for change from grandparents is for information that is reliable, consistent, easily understood, readily available and widely promoted. They complain that there is no central access point for the information they need. The community organisations and government agencies they contact often give them conflicting advice, and even within the one organisation, different staff may give different advice. Grandparents suggest an office where everything could be sorted out together, a one-stop shop or 1800 telephone direct line for information on the range of issues – legal, financial, child protection and housing, as well as emotional support, provided by staff who are trained in and understand the issues involved. This could be provided through existing information services such as CareLink or the Seniors Information Services in each State, in the front of telephone books, etc.

Also suggested is an information booklet similar to the Mirabel Foundation resource book *‘When the children arrive...’*. It should be widely distributed through Centrelink, community agencies, schools, childcare centres and local councils, and publicized. It must contain reliable information, or advice about obtaining information, on Commonwealth and State programs including:

- Legal matters – Family Court responsibilities including residency / custody, shared responsibility and access, Children’s Court responsibilities, legal aid eligibility and application process
- Financial issues – allowances, concessions, education and other subsidies, assistance with initial set-up costs / emergency aid
- Respite and childcare – allowances, eligibility for free / subsidised places, availability
- Services available for grandchildren – e.g. counselling, and other children’s services, camps, out of school hours care
- Services available for grandparents – e.g. counselling, parenting support and training for carers of traumatised children
- Support groups – contact details
- Sources of advice and information about community resources

They believed teachers, doctors and police and those who work directly with the community and grandparents and grandchildren in particular should receive training to

deal with grandparent issues. The general community needs to have a greater understanding about grandparent raising grandchildren, to help overcome the discrimination and isolation they and the children often experience.

RECOMMENDATION #7

That a community awareness campaign for grandparents raising grandchildren be developed and implemented, supported by reliable, accessible and consistent information about financial and legal issues and support services and available in a variety of formats – booklets, telephone information services, website, print media and community service announcements on radio and television.

10.4 Legal issues

Legal issues, especially the perceived inequity regarding access to Legal Aid, were also raised by most grandparents. Grandparents say that the interests and needs of their grandchildren are paramount. They want grandparents to be specifically recognised in Family Law and State legislation as having rights and status in relation to the grandchildren in their care or for whom they have grave concerns.

RECOMMENDATION #8

That the status and rights of grandparents be recognised within Commonwealth Family Law and State legislation relating to the protection of children and young people, the Family Court, Children Courts and child protection authorities, particularly with regard to the grandparents' existing or potential role as the primary carer of their grandchildren.

RECOMMENDATION #9

That Commonwealth and State Governments ensure that independent complaints mechanisms or ombudsmen are available to oversee child protection authorities with the power to investigate complaints and that these are well publicised.

They seek automatic, non-means tested access to specialised legal aid for themselves, and more especially for their grandchildren. Indeed, they believe all children involved in the legal system should have an independent advocate or child representative paid for by Legal Aid, similar to the Magellan Project trailed in the Melbourne and Dandenong Family Court, which shows considerable savings when all parties including children have legal aid funded representation. [Brown 2003]

RECOMMENDATION #10

That Legal Aid be available to grandchildren and grandparents involved in Family Court matters:

- all children involved in the legal system have an independent advocate or children's legal representative paid for by Legal Aid**
- the income and assets test for Legal Aid have the same eligibility criteria as the aged pension**

RECOMMENDATION #11

That Legal Aid Officers and other legal practitioner be provided with accurate and comprehensible advice, including the legal rights of grandparents who have or are seeking custody of their grandchildren, and the eligibility criteria for Legal Aid.

RECOMMENDATION #12

That the issues of repeated non-attendance at hearings by recipients of Legal Aid be addressed.

RECOMMENDATION #13

That the legal situation of grandchildren following the death of a custodial grandparent be clarified, including the extent to which the grandparent(s) may provide for their safety and security.

Those grandparents who do not have formal custody arrangements need an easy way to establish entitlement to allowances. This would then also establish their right to obtain grandchildren's birth certificates, and Medicare and Health Care Cards. For example, agencies providing the Family Relationships Services Program could be contracted to assist grandparents to document and certify their status in relation to these children. They suggest that Medicare and Health Care cards should be issued in the name of the grandchild, and held by the carer.

RECOMMENDATION #14

That procedures be set up to establish the eligibility for assistance of those grandparents who are raising their grandchildren with the informal agreement of the parents and / or the child protection authorities and without a formal court order.

RECOMMENDATION #15

That the grandchildren be eligible for Health Care Cards in their own right and have this card and a Medicare Card issued in their own name to be held by the carer.

RECOMMENDATION #16

That the grandchildren be eligible for State education subsidies and allowances in their own right and that grandparents be informed of those subsidies and allowances.

10.5 Parenting

Grandparents ask for practical support in their parenting of often traumatised grandchildren. They need ready access to immediate support from child protection, family support and early intervention agencies, as well as counselling for themselves in their demanding role, while coping with their own grief, loss and anger. There are some excellent programs for stress and anger management and emotional release courses,

which could be extended to include grandparents raising grandchildren, but these must be concurrent with adequate ongoing support services.

Grandparents have the parenting experience of raising their own children but they may not have faced the type of emotional and psychological problems experienced by their grandchildren. Parenting education courses could be modified to focus on raising such children and offer strategies for meeting their special needs. Some grandparents have suggested that parenting courses should include advice on their grandchildren's sex education, since attitudes have changed so much.

Our grandchildren have often seen and heard too much and can have inappropriate and sexualized behaviour. We need help to deal with this, to protect our grandchildren.
(Grandparent at workshop)

RECOMMENDATION #17

That parent education programs be developed to meet the specific needs of grandparents raising grandchildren.

Grandparents ask that access to and availability of the services be improved for these grandchildren who often require counselling, speech pathology and dental treatment, as well as for additional tutoring and assistance with school work.

They would also like to see more emphasis on assisting families before their problems are so serious that the children have to be removed. They also call for the teaching of life skills in all schools, including the responsibilities of having children and the implications of drug and alcohol use.

Most problems could well be alleviated with proper early intervention and support of grandparents and their protective concerns. (Grandparent couple 70 & 64, Grandchild 12)

RECOMMENDATION #18

That Commonwealth and State Governments and community service provider organisations develop coordinated early intervention and prevention programs for families at risk, to address children's well-being and safety within their family. These programs should be founded on evidence-based models and include adequate services for individual children and families, especially emotional and psychological services and therapies and promotion of effective information sharing, collaboration and understanding between families, agencies and professionals.

10.6 Support groups

Grandparents have found support groups a great source of personal support and information. When they are part of a safe, supportive group, grandparents can develop their coping skills and build up their social and emotional well-being. Support groups help normalise their experiences and feelings and provide new social networks and connections to their local community. Members can share ideas and offer different perspectives on parenting and children's behaviour, which in the case of these grandchildren, can often be extreme, violent and exhausting.

Grandparents ask that Commonwealth and State Governments recognise the importance of grandparent support groups and assist with the establishment and ongoing running costs of such groups throughout Australia. Funds would be required at the local level to pay for group meetings, outings and social activities such as regular camps for grandparents and grandchildren and to enable community service agencies to provide the professional support and administration that is essential to prevent "burnout" amongst group members.

A national leadership training program for grandparent facilitators of the groups could be developed and implemented within each State and Territory. Support group leaders need to be trained and supported in their role in assisting group members to learn, accept and grow. Support group leaders need to have come to terms with their own situation so that they do not get caught up in other people's stories or use the support group as a vehicle for their own emotions.

RECOMMENDATION #19

That funding is made available in each State to assist grandparent support groups with resources, professional support, training of group leaders, running costs and State-wide coordination.

10.7 Research

With so many grandparents raising their grandchildren because of parental drug use, grandparents see an urgent need for more research into the long term effects on the children. They worry whether their grandchildren are destined to follow the same path. They are concerned that the child protection system focuses on reuniting families and seems not to take account of the drug users' capacity to renounce that lifestyle, to benefit from rehabilitation or to resume parental responsibilities.

RECOMMENDATION #20

That Government sponsor further research into the long term effects of parental drug and alcohol use on children's health and development, including:

- the effects on children of being raised by their grandparents, and**
- the effects on the health and well being of grandparents.**

RECOMMENDATION #21

That, within the next two years, the Commonwealth Government sponsor a conference on issues relating to grandparents raising grandchildren.

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GRANDPARENTS RAISING GRANDCHILDREN

QUESTIONNAIRE AND DATA COLLECTION

The Minister for Children and Youth Affairs, the Hon Larry Anthony asked COTA National Seniors to work with grandparents who are raising their grandchildren to find out:

- What existing support do they have?
- What additional support may they require?
- What financial and legal issues do grandparents face?
- Are there any concerns about the well being of their grandchildren?

The Minister wants a report by the end of June 2003.

We are using a set of questions to collect this information at workshops around Australia. Any grandparent who is raising their grandchildren, or has done so in the past, is welcome to contribute to the report. You can answer these questions, by attending a workshop, in writing or by telephone. The address and telephone numbers are at the bottom of this page and the questions are on the next page.

SOME INFORMATION ABOUT YOU

There is very little information about the number of grandparents raising grandchildren, their age, the age and number of grandchildren they have in their care and where they live. It would be very helpful if we could include in our report to the Minister some statistics about the grandparents who contact us. You do not need to identify yourself.

Your postcode	
Your age in years	
Your spouse / partner's age in years	
Number of grandchildren in your care	
The age of the grandchildren in your care	

Please return this 2-page questionnaire to
 Margot Fitzpatrick
 Grandparents Project Officer
 COTA National Seniors
 Level 2, 3 Bowen Crescent
 Melbourne Vic. 3004
 Or telephone Margot on 9820 2655 and give your comments over the phone.
 Or email mfitzpatrick@cota.org.au

QUESTIONS FOR GRANDPARENTS RAISING GRANDCHILDREN

1. Out of your experiences, tell us about the issues you have encountered, particularly relating to

i. legal matters

ii. financial issues

iii. parenting your grandchildren

iv. any other, e.g. Services for children, respite, childcare

These issues may arise in the immediate every day, medium term and long term.

2. Tell us how you are dealing with these issues

3. Tell us what would help you deal with these issues more effectively.

SCHEDULE OF ACTIVITIES

GRANDPARENTS RAISING GRANDCHILDREN

Western Australia

- 9 April 2003 - Perth open forum & separate meeting with workers
- 10 April 2003 - Wanslea support group members only
- 11 April 2003 - Mandurah regional open workshop
- indigenous Grandmothers group members only
- 14 & 15 April 2003 – phone-in on 1800 008 323

South Australia

- 8 May 2003 – Davoren Park open workshop
- 9 May 2003 – Christies Point open workshop Anglicare support group
- indigenous Grandmothers group members only

New South Wales

- 17 March 2003 - forum for grandparents
- 7 April 2003 - Bankstown support group members only
- 28 & 29 April 2003 - phone-in on 1800 449 102
- 2 May 2003 - Shellharbour open workshop
- 6 May 2003 - Penrith open workshop
- 8 May 2003 - Coffs Harbour open workshop
- 9 May 2003 - Lismore open workshop
- 16 May 2003 – Nowra open workshop
- 19 May 2003 – Sydney open workshop at COTA NSW

Queensland

- 1 April 2003 - Gold Coast forum (planned prior to start of the project)
- 1 April 2003 - Logan city indigenous grandmothers' talking circle
- 30 April 2003 – Brisbane mental health carers focus group
- 6 May 2003 - Townsville open workshop
- 7 May 2003 - Townsville mental health carers focus group
- 12 May 2003 - Logan focus group for those with grandchildren with special needs
- 19 May 2003 – Sunshine Coast open workshop
- 21 May 2003 – Springwood support group meeting

Victoria

- meetings with existing support groups
 - 2 April 2003 – Melbourne meeting
 - 15 May 2003 – Morwell open forum
 - 2 June 2003 – Ballarat meeting
- liaison with Grandparents Victoria
- COTA website www.cota.org.au/grparproject.htm
- Hearing the children's voice – contact with agencies working with young people

State COTA Offices and Project Officers

New South Wales	Prue Fairlie	02 9286 3860
Queensland	Diana East	07 3221 6822
South Australia	Karen Richardson	08 8232 0422
Western Australia	Anne Williams	08 9321 2133
COTA National Seniors	Margot Fitzpatrick	03 9820 2655