

Submission to the Senate Standing Committees on Community Affairs

Grandparents who take primary responsibility for raising their grandchildren

1 Executive Summary

The **Central Australian Women's Legal Service (CAWLS)** is a not for profit organisation funded by the Commonwealth Attorney-General's Department and the Northern Territory Government. CAWLS provides free legal advice and assistance to all Central Australian women in the areas of domestic and family violence, family Law and children, family Law and property, discrimination, victims of crime, child protection and housing. Our purpose and commitment is to be an accessible, proactive and responsive legal service for all Central Australian women with priority given to those in greatest need.

For the purposes of this Inquiry into grandparents who take primary responsibility for the grandchildren ('the Inquiry'), our organisation consulted with members of a remote Indigenous community in the Barkly Region of the Northern Territory. This submission is an overview of the concerns and issues raised by a selection of grandmothers that take primary responsibility for raising their grandchildren, collated through community consultation and interviews.

This submission also raises some more general concerns about grandparents taking primary responsibility for raising their grandchildren as experienced through our legal service.

2 Issues faced by grandparents who take primary responsibility for raising their grandchildren

The major challenges facing the grandparents raising their grandchildren that we consulted with may be grouped under five headings:

- **Financial concerns**
- **Elder abuse and engagement with parents**
- **Concerns for the future and informal family care arrangements**
- **General lack of support and services in community**

Each of these are addressed below and based on the feedback we received during community consultation.

Financial concerns

All of the grandmothers that we spoke with except one expressed concerns about their ability to financially support grandchildren that they raised. All of the grandmothers we consulted were in receipt of Centrelink payments, but only some were also in receipt of a parenting payment for each individual grandchild for whom they took parental responsibility.

There were serious concerns raised about the regulation of parenting payments made by Centrelink. A considerable factor in the case of parenting payments is that often, the parents remain living with the grandparents and grandchildren, but do not take on a caring role. However, they are still in receipt of a parenting payment, and without a formal care order in place, the paperwork does not accurately reflect who is financially providing for the children in the household.

As grandparents are also ineligible for foster care payments, they receive limited financial support from the government beyond their own personal Centrelink payment. Almost all grandparents relied heavily on support from additional relatives or household members to be able to afford food, clothes, toys or school books for their grandchildren.

Recommendation

- That grandparents who take primary care of their grandchildren be entitled to foster care payments or another form of distinct financial support to ensure their grandchildren are adequately cared for.
- That parenting payments be regulated and directed in a way that recognises the role of grandparents who are primary carers, in situations where a child's care is a family sanctioned arrangement as opposed to a formal Ministerial order.

Elder abuse and issues with parents

Grandparents that we consulted were taking primary care and responsibility for their grandchildren for a range of reasons. In some cases, the child/children's parents were unable to care for them because they were deceased, mentally unwell, physically or intellectually disabled, or because they were geographically located elsewhere for work or other purposes. Other parents were said to be abusing alcohol and other drugs, or gambling, and that their addictive behaviours prevented them from parenting. In other cases, the parents remained living with their children and the grandparents, but were not active in engaging with or caring for their own children for a variety of reasons.

Grandparents raised the issue of elder abuse and recounted instances of being harassed by parents, other relatives or household members for money or food, being verbally and physically assaulted, and having their possessions taken or broken. Grandparents expressed concern about their own children's ability to care for *their* grandchildren when the time came due to what they saw as a lack of parenting skills and engagement.

Grandparents expressed deep concern for parents who were unable to care for their children because of alcohol and substance misuse, or physical or mental illness.

Recommendation

- That the Government continue to support holistic, culturally appropriate health services for families living in remote Indigenous communities.
- That Government funded support services in remote Indigenous communities consider starting a grandparents' support group for grandparents and their grandchildren.
- That grandparents in remote Indigenous communities be made aware of their legal rights as carers and their rights to legal advice and action in the case of any abuse or mistreatment.

Informal family care arrangements

All of the grandparents that we consulted with expressed deep concern at what will happen to their grandchildren once they become too old or infirm to care for them. Most of the grandparents said they have to trust that other family members will step in to care for the children, but some had limited family support and feared that once they pass away, their grandchild will have to go into care of the Government, and may be removed from their home community.

While in some families there were formal orders in place made by the Department of Children and Families, in others, the arrangements were entirely family sanctioned only. Some grandparents expressed their concern that if they passed away or became too sick to care for their grandchild, that 'anyone' could come and take their grandchild away.

Many grandparents however expressed a concern that if they made their arrangements formal, then 'welfare' would have to step in. There was some stigma and fear attached to the idea of involvement from Department of Children and Families or the Family Court. Some grandparents were fearful that if they formalised arrangements in any way, that they would be at risk of losing care of the grandchildren altogether.

Recommendation

- That grandparents be made aware of their legal rights as carers and their options in terms of formalising family care arrangements.
- That grandparents specifically be made aware of the ways in which their legal rights could be utilised for their own protection as carers, and to facilitate more sustainable and supported care arrangements.

Concerns for the future

Grandparents who were consulted expressed concern not only over who will care for their grandchildren if they pass away, but how they will continue to care for their grandchildren as they grow up.

Grandparents stated concerns that as their grandchildren get older, they become harder to control and discipline. There were instances where teenagers, who are often physically stronger than their grandparents, could easily defy their grandparents and ignore their discipline. Grandparents conveyed concern that parents are not adequately disciplining their children, and despite their role as primary carer, many of the grandparents consulted were reluctant to heavily discipline their grandchildren as they did not see this as acceptable, for cultural or other reasons.

There were also issues raised about caring for grandchildren as the grandparents became less physically able. One grandmother whose grandson is significantly disabled, detailed her growing difficulties in bathing, dressing and physically monitoring him due to her own physical ailments.

Recommendation

- That the Government ensure that grandparents in remote Indigenous communities receive adequate access to holistic health services including appropriate Aged Care service providers.
- That service providers in remote Indigenous communities are adequately funded and equipped to provide ongoing support to families especially in terms of disability.
- That young parents in remote communities be provided with ample culturally-appropriate parenting support services to enable them to better meet community and cultural expectation with respect to being the primary source of discipline for their children.

General lack of support and services in community

A recurrent issue that was raised by the grandparents that were consulted was that there was a lack of activities for them to do with their grandchildren in community. Many grandparents expressed concern that their grandchildren would 'get up to trouble' as they are unable to supervise them all of the time. Grandparents expressed difficulties with supervision due to the fact that they are often caring for multiple grandchildren of multiple ages, and because of their own physical ailments. Grandparents encouraged the idea of a support group, a Youth centre or dedicated after school/holiday programs as this particular community was currently lacking any of these.

This would enable grandparents to enjoy some respite and thus make for a more sustainable care arrangement. The grandparents' ability to engage in regular carer support networks and with associated services would also be enhanced through this temporary but regular respite.

Recommendation

- That the Government ensure that remote Indigenous communities are adequately serviced in terms of programs, activities and care facilities for children.

Conclusion

In undertaking this consultation, we were once again reminded of the vast differences between traditional family structures in Indigenous and non-Indigenous culture. Whilst a number of the grandmothers consulted raised concerns as to the onerous nature of the carer role as they were experiencing it, it is important to note that these concerns were circumstantial. In our observation, the assumption of some day-to-day responsibilities with respect to grandchildren was clearly regarded as being within the ambit of the traditional grandparent role. The concerns raised were more with regard to the extent of that role, rather than the role itself.

Our recommendations primarily focus on the need for greater culturally appropriate support services to assist both grandparents and parents in remote communities. We have also noted the need for more youth-focussed programs, and more community legal education for carers.

It is important to acknowledge the ongoing impact of the Stolen Generation within remote Indigenous communities, and the negative first hand experiences that some grandparents may have

had with welfare-associated organisations at that time. These experiences have created widespread reluctance and distrust, regarding the involvement of both government and non-government organisations within domestic life. This context needs to be considered in the development of appropriate support networks. Investment in community-owned, localised support initiatives would go some way towards alleviating these barriers.