



Meeting the greater legal needs of single parents

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Abstract: *New analysis of LAW Survey data reveals that single parents whose children live with them, and single parents whose children live elsewhere, have the highest prevalence of legal problems among family types in Australia. Despite gender and age differences, these two family types demonstrate a broadly similar pattern of legal problems. Cohabitees with children at home are the family type next most likely to experience a high prevalence of legal problems and demonstrate a similar, though less pronounced, pattern. The increased vulnerability to legal problems experienced by these family types can compound other disadvantages particularly in terms of income, housing, employment and social participation. The legal needs of different family types and the implications for targeting legal and other human services are discussed.*

Source

This paper presents new findings from the Legal Australia-Wide Survey (LAW Survey). The first major findings for Australia as a whole were published in *Legal Australia-Wide Survey: legal need in Australia* by Christine Coumarelos, Deborah Macourt, Julie People, Hugh M. McDonald, Zhigang Wei, Reiny Iriana and Stephanie Ramsey (2012).

About the LAW Survey

The LAW Survey provides a comprehensive assessment of a broad range of legal needs on a representative sample of the population. It covered 129 different types of civil, criminal and family law problems. It examined the nature of legal problems, the pathways to their resolution and the demographic groups that struggle with the weight of their legal problems. With 20,716 respondents across Australia, the LAW Survey allows for in-depth analysis at both the state/territory and national level. The nine LAW Survey reports are available at www.lawfoundation.net.au/publications

Previous single parent research

Compared to other family types, single parent families are likely to experience disadvantage, particularly in terms of income, housing, employment and social participation.¹ The LAW Survey therefore included single parents in its analyses of the legal needs of different disadvantaged groups.² Single parents were defined in the survey as people who, at the time of interview, were not living with a partner and had one or more children under 18, regardless of whether the children were living with them.

In line with previous studies, the LAW Survey demonstrated that single parents are a section of the community particularly vulnerable to legal problems and meeting their legal needs has been identified as a priority.³

The LAW Survey found single parents had a high frequency of multiple and substantial legal problems of every type. Single parenthood was the third strongest independent predictor of experiencing legal problems (after age and disability status).



It was also a significant predictor of experiencing 8 of the 12 broad legal problem types examined by the survey – namely, consumer, credit/debt, crime, family, government, health, housing and rights problems.⁴ Importantly, single parents experienced lower rates of finalisation of their legal problems than did other survey respondents.

The LAW Survey noted that single parents often struggle with the weight of the multiple legal problems they experience. It has also been argued previously that the increased legal problems associated with family breakdown can further exacerbate and entrench other social and economic disadvantages.⁵ An understanding of family types and circumstances can clearly help to inform the targeting and tailoring of legal assistance services.

New LAW Survey analyses

The LAW Survey compared only two categories of family type – single parents (as one group, whether living with their children or not) and all other family types. This paper reports on more in-depth analyses of the relationship between family type and legal needs. Notably, it compares single parents living with their children with single parents whose children live elsewhere. The present study is the first in Australia to compare the legal problems experienced by these two groups of single parents.

In all, we compare seven family types:

- single person with no children (n=7,398)
- single parent with children at home (n=1,080)
- single parent with children living elsewhere (n=399)
- cohabitee with children at home (n=723)
- cohabitee with no children at home (n=1,377)
- married with children at home (n=4,284)
- married with no children at home (n=5,347).⁶

Family types most likely to experience legal problems

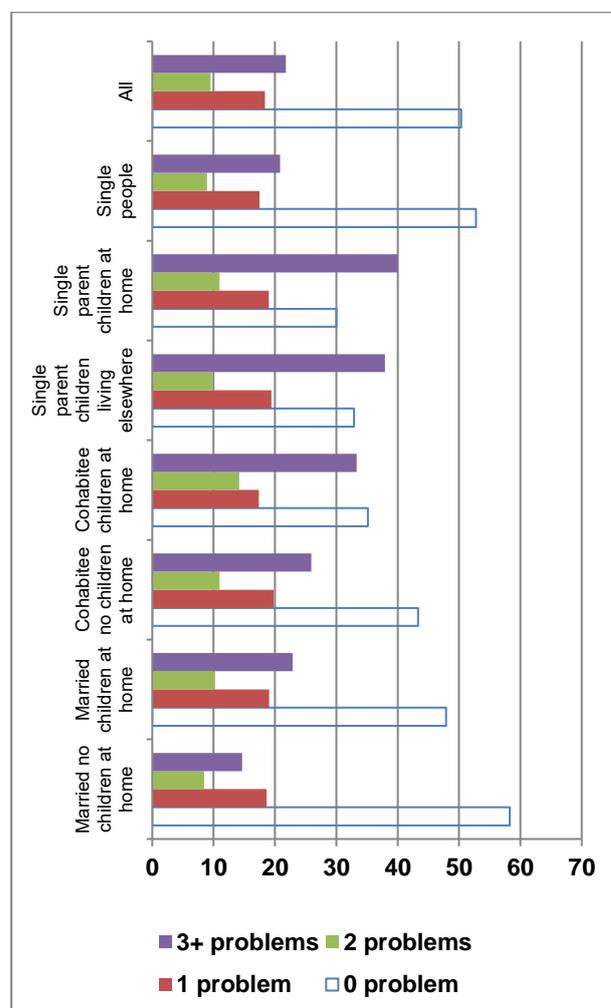
Respondents to the LAW Survey were asked about legal problems they had experienced in a 12-month period.⁷ Those who experienced one or more legal problem (of any type) were compared to those who experienced no legal problems by the variables of family type, gender, age, Indigenous status, disability, disadvantaged housing,⁸ education, employment status, main income

(government payment versus other), main language (non-English versus English) and remoteness of residential area.

Independent of all other demographic factors considered, family type was found to be a statistically significant predictor of whether or not legal problems were experienced (see Appendix A).

Specifically, both groups of single parents (with children at home or living elsewhere) were approximately twice as likely as single people with no children to experience at least one legal problem.⁹ Similarly, cohabitees with children at home were almost twice as likely as single people with no children to experience at least one legal problem.

Figure 1: No. of legal problems by family type



Note: n=20,607: 7,398 single people, 1,080 single parents with children living at home, 399 single parents with children living elsewhere, 722 cohabitees with children living at home, 1,377 cohabitees with no children living at home, 4,284 married people with children at home and 5,347 married people with no children at home. Data was missing for 109 respondents.

Cohabitees with no children at home also had significantly increased likelihood of experiencing at least one legal problem compared to single people with no children but the increase was not as pronounced as for the previous three groups.¹⁰

Figure 1 further illustrates these findings. It shows the proportion of each family type likely to experience at least one legal problem, with the highest proportions for the two groups of single parents and cohabitees with children at home. Approximately two-thirds of each of these groups experienced at least one problem in the 12-month period prior to interview.

Further, 40 per cent of single parents with children at home, 38 per cent of those with children elsewhere and 33 per cent of cohabitees with children at home experienced three or more legal problems.

Considerably smaller percentages of cohabitees with no children at home (26%), married people with children at home (23%), single people with no children (21%) and married people with no children at home (15%) reported having three or more legal problems.

Which legal problems are the most prevalent for family types that are vulnerable to legal problems?

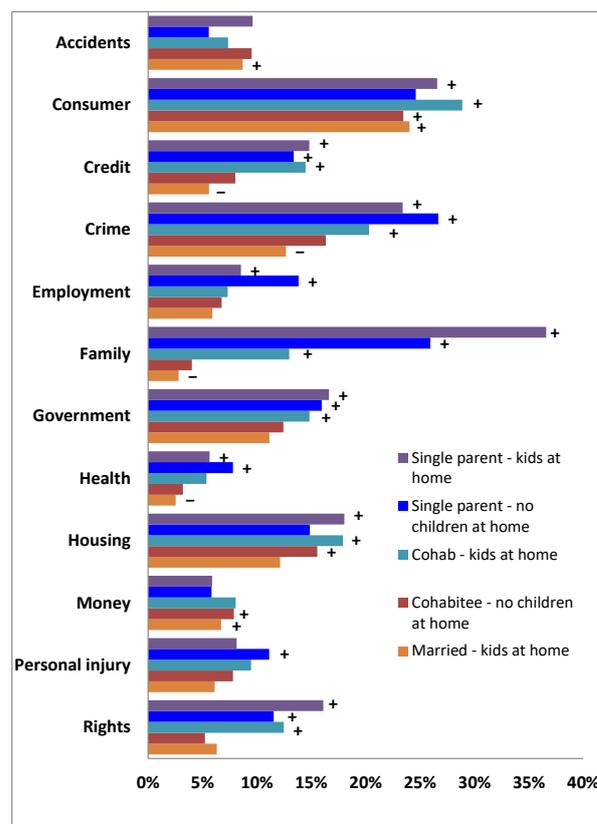
Analyses (chi-square) were conducted to examine which legal problems were most commonly experienced by particular family types (see Figure 2).¹¹ Statistically significant differences between family types were found for all the problem categories examined. Most notably – and as expected – family problems were particularly prevalent for single parents with children at home (37% experienced such problems) and single parents with children living elsewhere (26%). Cohabitees with children at home also had significantly increased likelihood of experiencing family problems (13%).

Crime was another legal issue with significantly elevated prevalence for these groups with 27 per cent of single parents with children living elsewhere, 23 per cent of single parents with children at home and 20 per cent of cohabitees with children at home experiencing legal issues related to crime. Credit, rights, health and government issues were also significantly more likely to be experienced by these three groups.

Single parents with children at home had the highest prevalence of housing issues (18%). Single parents with children living elsewhere were the group most likely to experience employment problems (13%). Both results were statistically significant.

Consumer problems were experienced by many respondents but more uniformly across family types, with approximately a quarter of each of the groups in Figure 2 having such legal issues.

Figure 2: Prevalence of each type of legal problem by family type



Note: Significant differences between family types were found for all 12 problem categories.
 + Significantly higher prevalence for this family type (adjusted residual >2.0).
 - Significantly lower prevalence for this family type (adjusted residual <-2.0).

Characteristics of the most vulnerable family types

As noted, single parents have been identified in the literature as experiencing multiple types of disadvantage. Demographic differences between family types which were statistically significant and could be of relevance to service planning are reported here rather than all differences found between groups.

Single parents

Interestingly, while all other family types are reasonably evenly split by gender, the two groups of single parents are different. Seventy-seven per cent of single parents with children at home were female, while 78 per cent of those whose children lived elsewhere were male. The former had a mean age of 38 years and the latter a mean age of 46.

Despite gender and age differences, the two groups share a number of demographics indicative of disadvantage (see Table 1 in Appendix B). Compared to survey respondents overall, these two groups were significantly more likely to:

- have a moderate or severe disability
- have a mental illness
- be unemployed
- receive unemployment benefits as their main income
- live in an area outside a capital city
- live in disadvantaged housing
- be Aboriginal or Torres Strait Islander.

Eighteen per cent of single parents with children at home had housing issues, while 13 per cent of those with children elsewhere experienced employment problems.

Cohabitees with children at home

Cohabitees with children at home demonstrate similar though less pronounced legal problem patterns to single parents. To some extent this may be explained by some similar demographic characteristics. They were even more likely than single parents to be living outside of a capital city (see Table 1 in Appendix B). They were as likely as single parents to be Aboriginal or Torres Strait Islander. They were the third most likely, after the two groups of single parents, to be living in disadvantaged housing.

Married with children at home

Those married with children at home appear on the whole to enjoy certain protective factors – such as being the least likely to experience moderate or severe disability or to rely on unemployment benefits as their main source of income.

Perhaps their relatively advantaged demographic profile is one reason that while having dependent children at home they experience fewer problems than the three groups listed above.

The role of relationship breakdown

The three groups identified as having the highest prevalence of legal problems were also the most likely to have experienced a problem with a relationship breakdown in the 12 months before the survey.

Thirty-four per cent of single parents with children at home, 24 per cent of single parents with children living elsewhere and 12 per cent of cohabitees with children at home reported such problems in comparison with only 5 per cent of respondents overall. As discussed below, the experience of relationship breakdown can be a driver of other legal problems and socioeconomic disadvantages.

What are the implications for service delivery?

The present study breaks new ground in comparing the legal problems experienced by single parents living with their children and those with children living elsewhere. The two groups are strikingly similar in their experience of social and economic disadvantages. They also demonstrate a broadly similar pattern of legal problems, with family, crime and consumer issues being particularly prevalent. One difference is that housing problems are more prevalent for single parents with children at home, while employment problems are more prevalent for single parents with children living elsewhere.

Cohabitees with children at home were identified as the third most likely group to experience multiple legal problems. They display a broadly similar pattern to single parents in terms of their most prevalent legal problems and their experience of socioeconomic disadvantages.

Because these three groups are readily identifiable, are often disadvantaged and have a specific pattern of legal issues, they are particularly suitable for targeted legal services.

Single parents have been identified in a number of reports as a group that often experiences multiple disadvantage, such as poverty, poor housing and disability.¹² It has been argued that the changes in personal circumstances that result from family breakdown, such as changes in support, finances and housing, can leave lone parents particularly vulnerable to a range of further problems that constitute elements of social exclusion.¹³

Given their multiple legal and non-legal problems, single parents and cohabittees who have experienced relationship breakdown are likely to benefit from a more holistic or client-focused approach, such as a coordinated response from legal and other human services.¹⁴

The LAW Survey findings that single parents tended to have higher levels of seeking advice when they took action and lower levels of finalisation in a few jurisdictions suggest that they may sometimes have a reduced capacity for resolving their legal problems, particularly without recourse to external advice.

This possibility emphasises the benefit of good coordination between legal and non-legal services to ensure they can be provided with the broader support necessary to achieve complete solutions for their problems. It also stresses the potential value of information and education initiatives that help to direct single parents to the most suitable services.

Potential pathways

Given the high incidence of family law problems experienced by both groups of single parents and cohabittees with children at home, services that provide assistance with family law issues are well placed as pathways to help clients identify other legal needs and assist with appropriate referrals.

To do this, legal and human services can draw on tools that help to identify different types of legal problems like the Legal Health Check developed by Queensland Public Interest Law Clearing House (QPILCH) and the Law Check-Up tool developed by Legal Aid NSW.

As indicated by previous research, systematic and bidirectional referrals between legal and human services are required to meet the often pressing and intertwined needs of the most needy and least capable.¹⁵

Conclusion

This paper reported on analyses of LAW Survey data to identify which family types experience the greatest legal needs. Single parents with children under 18 years at home and single parents with children living elsewhere were found to have the highest prevalence of legal problems.

Interestingly, despite gender and age differences, these two groups also showed fairly similar patterns in the broad types of legal problems they experienced.

Cohabittees with children at home were the next most likely family type to experience a high prevalence of legal problems. This group also demonstrated a similar, yet less pronounced, pattern in the types of legal problems they experienced.

Given their elevated legal needs, their relative disadvantage and the consistency in the types of legal problems experienced, these three groups may benefit from targeted legal assistance services. They are likely to benefit from a more holistic or client-focused approach, such as a coordinated response from both legal services and other human services.

Endnotes

- 1 Australian Bureau of Statistics, *Australian social trends, 2007*, cat. no. 4102.0, ABS, Canberra, 2007; A Buck et al., 'Lone parents and civil law: their experience of problems and their advice-seeking behaviour', *Social Policy & Administration*, vol. 38, no. 3, June 2014, pp. 253–269; A Hayes, M Gray & B Edwards, *Social inclusion: origins, concepts and key themes*, Social Inclusion Unit, Department of the Prime Minister and Cabinet, Canberra, 2008; R Moorhead, M Sefton & G Douglas *The advice needs of lone parents*, One Parent Families, London, 2004; T Vinson, *The origins, meaning, definition and economic implications of the concept social inclusion/exclusion: incorporating the core indicators developed by the European Union and other illustrative indicators that could identify and monitor social exclusion in Australia*, Department of Education, Employment and Workplace Relations, Canberra, 2009.
- 2 C Coumarelos, D Macourt, J People, HM McDonald, Z Wei, R Iriana & S Ramsey, *Legal Australia-Wide Survey: legal need in Australia*, Law and Justice Foundation of NSW, Sydney, 2012.
- 3 Ibid; A Buck et al., see note 1; A Currie, *The legal problems of everyday life: the nature, extent and consequences of justiciable problems experienced by Canadians*, Department of Justice Canada, Ottawa, 2007; T Dignan, *Northern Ireland legal needs survey*, Northern Ireland Legal Services Commission, Belfast, 2006; P Pleasence, *Causes of action: civil law and social justice*, 2nd edn, The Stationery Office, Norwich, 2006; P Pleasence et al., *Civil justice in England and Wales 2009: report of the 2006–9 English and Welsh civil and social justice survey*, Legal Services Commission, London, 2010.
- 4 C Coumarelos et al. 2012, see note 2.
- 5 Ibid; P Pleasence, see note 3.
- 6 Survey respondents indicated how many children, if any, they had under 18 years of age. All respondents in both categories of single parents (with children at home and with children living elsewhere), those cohabiting with children at home and those married with children at home had at least one child in this age group. All single people had no children under 18 years. The majority (91%) of those cohabiting with no children at home had no children in this age group. Similarly, the majority (95%) of those married with no children at home had no children under 18 years. Data regarding family type was missing for 106 respondents.
- 7 To determine whether family type is a significant independent predictor of legal problem prevalence, a binary multilevel logistic regression was conducted to examine the influence of a range of demographic characteristics.
- 8 The LAW Survey defines disadvantaged housing as any of the following housing situations at any time during the previous 12 months: being homeless, living in emergency or basic accommodation (e.g. refuge, shelter, boarding house, caravan park, tent, motor vehicle, shed or barn), living with relatives or friends due to having nowhere else to live, or living in public housing.
- 9 That is, 2.2 times as likely and 1.9 times as likely, respectively. See odds ratios in Appendix A.
- 10 Cohabitees with children at home and cohabitees with no children at home were 1.8 and 1.3 times, respectively, as likely as single people with no children to experience at least one legal problem. See odds ratio in Appendix A.
- 11 As single people with no children and married people with no children at home were they least vulnerable to legal problems, they are not included in this section.
- 12 Australian Bureau of Statistics, *Australian social trends, 2004*, cat.no. 4102.0, ABS, Canberra, 2004; Australian Bureau of Statistics, *General social survey: summary results, Australia, 2006*, cat. no. 4159.0, ABS, Canberra, 2006; Australian Bureau of Statistics, *Measures of Australia's progress, 2010*, cat. no. 1370.0, ABS, Canberra, 2010; Australian Government, *A stronger, fairer Australia: national statement on social inclusion*, Social Inclusion Unit, Department of the Prime Minister and Cabinet, Canberra, 2009; A Buck et al., see note 1; A Hayes, see note 1; T Vinson, see note 1.
- 13 P Pleasence, see note 3.
- 14 See note 1; cf C Coumarelos et al. 2012.
- 15 C Coumarelos, P Pleasence & Z Wei, *Law and disorders: illness/disability and the experience of everyday problems involving the law*, Justice issues paper 17, Law and Justice Foundation of NSW, Sydney, 2013.

Appendix A: Regression Results – Prevalence of any type of legal problem (by family type)

VARIABLE	Categories compared		S.E.	p	OR	(95% CI)
FIXED EFFECTS		□				
Family type	Single parent – children at home single people	0.805	0.091	0.000	2.2	(1.9–2.7)
	Single parent – children living elsewhere single people	0.631	0.160	0.000	1.9	(1.4–2.6)
	Cohabiting – children at home single people	0.578	0.079	0.000	1.8	(1.5–2.1)
	Cohabiting – no children at home single people	0.224	0.070	0.001	1.3	(1.1–1.4)
	Married – children at home single people	0.035	0.060	0.560	1.0	(0.9–1.2)
	Married – no children at home single people	0.014	0.041	0.733	1.0	(0.9–1.1)
Age	15 to 17 65+	0.689	0.121	0.000	2.0	(1.6–2.5)
	18 to 24 65+	1.000	0.110	0.000	2.7	(2.2–3.4)
	25 to 34 65+	0.934	0.109	0.000	2.5	(2.1–3.2)
	35 to 44 65+	1.025	0.090	0.000	2.8	(2.3–3.3)
	45 to 54 65+	0.857	0.094	0.000	2.4	(2.0–2.8)
	55 to 64 65+	0.653	0.100	0.000	1.9	(1.6–2.3)
Gender	Female male	-0.112	0.041	0.006	0.9	(0.8–1.0)
Indigenous status	Indigenous other	-0.032	0.114	0.779	1.0	(0.8–1.2)
Disability status	Disability no disability	0.810	0.055	0.000	2.2	(2.0–2.5)
Education	Year 11 or below post-school	-0.439	0.043	0.000	0.6	(0.6–0.7)
	Year 12 post-school	-0.327	0.041	0.000	0.7	(0.7–0.8)
Employment status	Unemployed other	0.499	0.070	0.000	1.6	(1.4–1.9)
Housing type	Disadvantaged other	0.335	0.060	0.000	1.4	(1.2–1.6)
Main income	Government payment other	-0.083	0.050	0.097	0.9	(0.8–1.0)
Main language	Non-English English	0.458	0.070	0.000	0.6	(0.6–0.7)
Remoteness	Remote major city	-0.137	0.122	0.261	0.9	(0.7–1.1)
	Regional major city	-0.121	0.040	0.002	0.9	(0.8–1.0)
Constant		-0.595	0.130	0.000		
RANDOM EFFECTS						
State		0.457	0.150	0.002		

a Note: n=20,486 respondents. Data was missing for 230 respondents. Significant differences (at the 95% level) are presented in bold. A bolded OR>1.0 indicates that the first category in the comparison had significantly higher odds of experiencing legal problems of any type than the second category. A bolded OR<1.0 indicates that the first category had significantly lower odds. The size of the OR indicates the strength of the relationship e.g. OR=2.0 means that the odds for the first category were twice those for the second category. OR=0.5 means that the odds for the first category were half those for the second category, or, in other words, that the odds for the second category were twice those (i.e. 1/0.5=2.0) for the first category.

Appendix B: Selected Demographics according to family type

Table 1: Selected Demographics according to family type

Family type	Moderate or severe disability	Mental illness	Unemployed & looking for work	Unemployment benefits as main income	Living outside a capital city	Disadvantaged housing	Aboriginal or Torres Strait Islander
	%	%	%	%	%	%	%
Single parent – children at home	11.9 ⁺	10.1 ⁺	16.5 ⁺	16.2 ⁺	41.1 ⁺	14.2 ⁺	4.3 ⁺
Single parent – children living elsewhere	21.5 ⁺	14.2 ⁺	16.5 ⁺	22.8 ⁺	44.4 ⁺	10.3 ⁺	3.5 ⁺
Cohabitee – children at home	6.1 ⁻	3.9	9.8	6.2	47.6 ⁺	8.3 ⁺	3.7 ⁺
Cohabitee – no children at home	8.7	4.5	12.9 ⁺	7.2	33.5	5.8	1.8
Married – children at home	4.6 ⁻	2.9 ⁻	6.2 ⁻	2.7 ⁻	33.5 ⁺	2.8 ⁻	1.4 ⁻
Married – no children at home	10.2	3.1 ⁻	3.5 ⁻	5.5 ⁻	38.5 ⁺	3.8 ⁻	.9 ⁻
Single people	11.9 ⁺	5.7 ⁺	16.6 ⁺	11.8 ⁺	32.2	7.7 ⁺	1.7
All respondents	9.7	4.7	10.6	8.2	35.4	6.0	1.7

Note: Significant differences between family types were found for all demographic characteristics in Table 1.

+ Significantly higher prevalence for this family type (adjusted residual >2.0).

- Significantly lower prevalence for this family type (adjusted residual <-2.0).

Moderate or severe disability: n=20,609; data missing for 107 respondents; $\chi^2(6, 20,609)=248.31, p=0.000$.

Mental illness: n=20,610; data missing for 106 respondents; $\chi^2(6, 20,610)=229.10, p=0.000$.

Unemployed and looking for work: n=20,491; data missing for 225 respondents; $\chi^2(6, 20,491)=715.71, p=0.000$.

Unemployment benefits as main income: n=20,609; data missing for 107 respondents; $\chi^2(6, 20,609)=564.20, p=0.000$.

Living in an area outside a capital city: n=20,609; data missing for 107 respondents; $\chi^2(6, 20,609)=142.81, p=0.000$.

Living in disadvantaged housing: n=20,610; data missing for 106 respondents; $\chi^2(6, 20,610)=311.38, p=0.000$.

Aboriginal or Torres Strait Islander: n=20,603; data missing for 113 respondents; $\chi^2(6, 20,603)=93.52, p=0.000$.