

Intergenerational caring: Current trends in Australian custodial grandparenting

Jean Shepley BA BEdSt GradDipTeach MPubAdmin

Senior Research Assistant
National Seniors Productive Ageing Centre
GPO Box 1450
Brisbane
Queensland 4001
Ph: +61 7 3233 9161
Fax +61 7 3233 9155
j.shepley@nationalseniors.com.au

Jean Shepley is a former school teacher currently working as a senior research assistant at the National Seniors Productive Ageing Centre. She also holds a Masters in Public Administration from the University of Queensland. Jean has worked extensively in the public sector as research officer, historian and executive officer in the Departments of Education and Transport. More recently she has concentrated on researching, writing and editing and is author of a range of instructional materials for university and college students.

Susan Dann BA MPubAdmin PhD FAMI CPM MAICD

Head of Research
National Seniors Productive Ageing Centre
s.dann@nationalseniors.com.au
National Seniors Productive Ageing Centre
GPO Box 1450
Brisbane
Queensland 4001
Ph: +61 7 3233 9161
Fax +61 7 3233 9155

Susan Dann is currently Head of Research, National Seniors Productive Ageing Centre and Adjunct Professor at the University of the Sunshine Coast. Prior to this appointment she was Associate Professor at the Brisbane Graduate School of Business, QUT. Susan has a background in public policy and management and specialises in the application of marketing and strategic management techniques in non commercial applications including social marketing. She is widely published and has co-authored 8 books. As well as her research work Susan is active serving on boards. She is currently a member of the Legal Practice Tribunal and is a former Commissioner for AFL Queensland, a board member of St Rita's College and National Deputy President and board member of the Australian Marketing Institute.

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Jean Shepley

Senior Research Assistant
National Seniors Productive Ageing Centre
j.shepley@nationalseniors.com.au

Susan Dann PhD

Head of Research
National Seniors Productive Ageing Centre
s.dann@nationalseniors.com.au

Abstract

An emerging issue in intergenerational relations in Australia is the increasing prevalence of grandparents raising their own grandchildren. Reasons for this vary according to family circumstances but often are based in some type of trauma, such as the death of a parent or ongoing adverse circumstances such as occurs when one or both parents are addicted to drugs. While there are many benefits to be gained for both grandparents and children as a result of cross generational care, there are simultaneously a number of issues that need to be resolved to maximise these benefits. Adverse consequences for those engaged in the primary care of their grandchildren arise in many areas however, the two major areas of immediate concern are legal and financial addressing these issue form the basis of this paper. These have been chosen because solutions to legal and financial problems have a flow on effect to other areas of concern such as health, housing and safety. Legal ambiguities mean that grandparents often have the day to day responsibility for caring for their grandchildren yet lack the authority to make significant decisions on their behalf. This is particularly true with respect to health and education issues. Financially older people often rely on low incomes or pensions which are not designed to cover the costs of childrearing. This paper explores the context of these issues as faced by Australian grandparents who are primary care givers to their grandchildren and highlights areas of potential policy reform.

Keywords: custodial grandparents; intergenerational care; Australia

Introduction

The role of grandparents within contemporary Australian family structures is ambiguous due to the dominance of the nuclear family ahead of the kin linked extended family. Over the past two decades, however, a variety of social trends including increased marital breakdowns, the rise of single parent families and emerging health and social issues have combined to result in many grandparents taking on a substantial role in the rearing of their own grandchildren. Kleiner et al (1998) identify three types of grandparent role in the raising of grandchildren:

custodial grandparents who are those grandparents with legal custody of their grandchildren and who provide daily care and decision making tasks;

living with grandparents who provide daily care but who do not have legal custody thus limiting their decision making capacity on behalf of the grandchildren; and

day care grandparents who focus on helping the child's parent by providing some ad hoc care.

This paper focuses on issues relating to the first two categories, 'custodial' and the 'living with' grandparents.

The intergenerational issue of grandparents as major care givers for grandchildren is an emerging rather than established concern in Australia and this is reflected in academic and social research. Internationally the United States of America leads the field with comprehensive research into a range of grandparenting related issues undertaken over the past 20 years. Before these can be addressed in detail it is important to contextualise the current situation facing Australian grandparents in caring roles.

Contextualizing the issue

Reasons behind the decision for grandparents to become the primary carers of their grandchildren vary according to family circumstances making this an extremely complex area for researchers. In particular, the variety of situations leading to custodial grandparenting combined with differing legal, financial and support provisions available across the country means that it is difficult to find common agreement on the definitions of grandparent care. This in turn leads to problems in measuring the extent of this phenomenon.

Definitions

The primary source of demographic statistics in Australia is the Australian Bureau of Statistics which is responsible for the 4 yearly Australian census, provides a wide range of economic and social statistics as well as special reports into key social and economic trends. In recognition of the growing importance of the grandparenting issue, information on grandparents raising grandchildren was formally included in *Australian Social Trends* for the first time in 2005 (ABS 2005).

Grandparent families in the ABS figures are defined as “families in which the guardians of children aged 0-17 are the grandparents of the children” where a guardian is defined as being “a person aged 15 years and over who is reported as being the guardian or main carer of any child aged 0-17 years, regardless of the existence of any legal arrangement”. (ABS 2005)

There are an indeterminate number of informal arrangements which distort the actual as opposed to the reported figures of grandparents caring for grandchildren. This includes those grandparents who do not report their situation for fear of losing control of their grandchildren. Consequently there are inconsistencies in the published figures regarding the current prevalence of, and recent trends in, the phenomenon of grandparents bringing up grandchildren depending on the source of these figures. For consistency, the ABS definitions and figures will form the basis of the discussion of grandparent care in this paper.

Statistics

Based on the inclusive definition of grandparent families, the ABS (2005) estimates that there are approximately 22,500 Australian families, in which grandparents were the guardians of their grandchildren, accounting for 31,100 children.

Grandparent families differ from other families on a number of key characteristics (Table 1). Again as would be expected, grandparents are older on average than other primary carers of children. In addition, the children that they cared for tended to be older and are half as likely to be aged under 4 years (14.8%) compared with other families (38.3%). This trend is reversed in the teenage years with nearly half (47.9%) of grandchildren cared for by grandparents aged 12 to 17 compared with only 25.9% in parent headed households. (ABS 2005)

Another area of significant difference is in labour force status and income stream. As would be expected, grandparents are much less likely to be engaged in paid employment with only one third (33.8%) of grandparent lead households having at least one grandparent engaged in the labour force

compared with 85% of parent lead households. Further grandparents are more likely to be dependent on some form of government pension or allowance with nearly two thirds (63.0%) receiving government benefits compared with only 19.9% of parent lead households. This leads to significant financial issues involved in the raising of grandchildren. (ABS 2005)

Table 1: Comparison of grandparent families and other families on key characteristics

Characteristics	Grandparent families ¹ %	Other families ² %
<i>Age of younger or lone grandparent/parent</i>		
15-34	-	36.8
35-54	38.7	62.2
55 and over	61.3	0.9
<i>Age of youngest child</i>		
0-4 years	14.8	38.3
5-11 years	37.4	35.8
12-14 years	35.8	13.7
15-17 years	12.1	12.2
<i>Labourforce status of grandparents/parents</i>		
At least one grandparent/parent employed	33.8	85.0
No grandparents/parents employed	66.2	15.0
<i>Main source of income</i>		
Government pension benefit or allowance	63.0	19.9
Other	37.0	80.1

1 Families in which the grandparent(s) is/are the guardian(s) of children aged 0-17 years

2 All other families with children aged 0-17 years

Source: ABS (2003)

Policy environment

As is the case with many policy issues in Australia, there is a lack of consistency across state and federal jurisdictions in regard to the assistance which is available to custodial and living with grandparents. This is due in part to the complexities associated with the federal system of government whereby both state (State Children's Court) and federal governments (Family Law Act) have responsibilities in this area. The exception to this is the Family Court of Western Australia which deals with all family law matters both federal and state and is funded by the Commonwealth (Bills Digest, No. 76, 2005). Like many contemporary social issues, the situation of grandparents raising grandchildren is not explicitly covered in the constitution however despite this the living circumstances of many grandparents allows them access to government pensions, allowances and support such as child endowment, pharmaceutical, sickness and hospital benefits, medical and dental services and family allowances under Section 51 (xxii), (xxiii) and (xxiiiA) of the Constitution.

At a state level there is no obligation to provide support or programs for grandparents raising grandchildren except in those cases where grandparents have been awarded custody through the State Children's Court and given foster parent status. Those programs that do exist at a state level for grandparents who have not been awarded formal foster parent status tend to be inconsistent across states. In many cases, for example Grandcare in Western Australia, grandparent programs are funded predominantly by government but delivered by private not for profit organisations (Orb and Davey 2004). In a complex policy environment such as this, grandparents are often unaware of what assistance, if any, is available to them. (CNSP 2004)

Problems facing custodial and living with grandparents in Australia

Consistent issues facing grandparents caring for grandchildren emerge internationally. AARP formerly known as the American Association of Retired Persons identified the following problems for grandparents raising grandchildren, finance, legal concerns, health, housing, education, respite care, childrearing family communications and relationships, special needs of grandchildren, social isolation. (AARP 2003).

In Australia the government commissioned report *Grandparents Raising Grandchildren* prepared by COTA National Seniors Partnership made 21 recommendations to improve the situation of carer grandparents. These recommendations encompass financial, respite care, legal, health, education and parenting issues. Under the financial issues section states that 'grandparents say that most of their major difficulties would disappear if the financial issues were resolved' while 'legal issues especially the perceived inequity regarding access to Legal Aid, were also raised by most grandparents' hence the focus of legal and financial issues in this discussion. (CNSP 2004:45, 48)

Legal issues

The legal status of grandparents and the limits of their responsibilities is consistently raised as a significant concern (CNSP 2004; Orb and Davey 2004). This confusion is due in a large part to the fact that the legal status of the guardian grandparent will vary according to the processes by which category the grandchildren have come into their grandparents care. Throughout Australia there are eight different sets of child protection legislation all of which can impact on caregivers. (Online Opinion 2002)

The three main arrangements under which children come into the care of their grandparents are:

- Commonwealth Family Court Parenting Orders
There are three categories of parenting order within this jurisdiction: a 'residence order' which is a specific issues order determining who has the long term responsibility for the child; or 'contact order' which determines who may have access to the child. Decisions made with respect to these orders are binding throughout Australia and are recognised by all States. (Family Court 2005)
- State Children's Court
Children's court care and protection order is given on application from the child protection authorities. Grandparents in this category become foster parents for their grandchildren with all the attendant benefits and responsibilities of a non related foster parent including support from the child protection authorities. (Fitzpatrick and Reeve 2004)
- Ad hoc, informal family arrangements
Ad hoc and informal family arrangements are the most common way in which grandchildren come into the care of their grandparents. While these arrangements avoid the costs and trauma of formal legal proceedings through the court cases, they do not grant the grandparents any legal rights to the child. Legal responsibility instead remains with the parents. (CNSP 2004)

These arrangements define not only the relationship with the child, but also grandparents' access to financial and other support.

Where the legal position of the grandparents is not clearly defined, grandparents are unable to make decisions regarding crucial day to day issues such as the children's education and health. Whilst this is particularly the case for those in informal situations, it is also a problem with some Family Court decisions. A reported example of this occurred in a case where the children's mother died and the father was serving an 18 year prison sentence. The father was given legal custody of his children and

therefore had final say with respect to decisions regarding them despite the fact that the day to day care of the children was in the hands of their grandparents (CNSP 2004).

Financial implications

The financial issues affecting grandparents raising grandchildren fall into three key areas, all of which are interrelated. First is the fact that most allowances available to assist in grandparents child rearing costs are means tested and therefore are not automatically available to grandparents raising grandchildren. (Centrelink 2006) Second is the perceived inequity in access to parenting resources and assistance between grandparents and other categories of carers and third is the lifestyle impact particularly on those grandparents in retirement who have not allowed for additional child rearing costs when planning their financial future (Orb and Davey 2005; CNSP 2004)

Financially one of the major issues related to custodial and living with grandparents is that, for the most part, there is no recognition of their role as a distinct category of carers. Centrelink allowances and tax concessions originally designed for nuclear families, such as the Family Tax Benefit and Child Care Benefit, are being applied to this emerging social group. These and other payments do not take into consideration the differences between the needs of custodial grandparents and nuclear families and are generally also means tested.

Grandparents who receive a government pension are eligible for some payments however these are means tested. The allowance received for grandchildren is counted as part of the total family income which in many cases has meant that the additional financial help for the grandchildren has resulted in a reduction of the grandparent's personal Centrelink assistance. Further, if the family are living in state subsidised housing such an increase in measured income can also result in an increase in rent. (CNSP 2004) Unless custody of the grandchildren is gained through the State Children's Court and grandparents are recognised as providing out of home care those who have made provision for their retirement and those that are still working are rarely eligible for financial assistance from the government.

Another significant category of expense for grandparents is legal costs particularly for those grandparents who need to attend court to gain or retain control of their grandchildren. Access to legal aid is also means tested. Those grandparents on moderate incomes including those still working, bear the full cost of legal representation leading to financial hardship. Due to the adverse circumstances which have led to the initial legal action, the parents of the children concerned are often entitled to full legal aid. (CNSP 2003)

Discussion

Value of grandparents as carers

A fundamental intergenerational relationship in all societies is that which exists between grandparents and their grandchildren. (Fuller-Thomason, Minkler and Driver 1997) In the United States the number of children living in grandparent headed households rose from 2.2 million in 1970 to 4.5 million in 2000 (Glass and Huneycutt 2002; AARP 2003). In Australia the number grandparent led families has risen from 12,000 in 1997 to 22,500 in 2005. (ABS 1997; ABS 2005) Minkler and Fuller Thomson (1999) and Pruchno (1999) cite the following factors as causes driving the increase in grandparent led families: parental substance abuse, teen pregnancy, AIDS, unemployment and incarceration. Patton (2003) specifically identifies increased parental drug use as a major contributor to this trend.

Despite the problems inherent in grandparents taking over child rearing responsibilities, a kinship care arrangement is desirable for a number of reasons. Key amongst these is the fact that children are able to maintain a relationship with their extended family and consequently have more interaction with their birth parents. Seventy five per cent of children living in grandparent led families reported some

contact with their parents with over a third (37%) having face to face contact on a least a fortnightly basis. (ABS 2003)

The Australian Family Law Act (2004/2005) acknowledges that children have the right to spend time on a regular basis with and communicate on a regular basis with, both their parents and other people significant to their care, welfare and development (such as grandparents and other relatives). Consequently, there is wide spread support for the placement of 'in need' grandchildren with their grandparents or other kin in preference to placing them with strangers or in institutional care.

This principle is endorsed by non profit and government organisations. For example, the Australian Foster Care Association (AFCA) Policy and Position Statement on Relative and Kinship Care gives support to relative care as a preferred option if the placement is safe and appropriate (AFCA, 2005). The Victorian Child Protection and Juvenile Justice Branch Guidelines (2005) for caregiver reimbursement also acknowledge both that there is a major growth in kinship care and the importance of this group in maintaining out of home care for children.

However, it must be acknowledged that the decision to take on a formal care role for grandchildren is not always the preferred option of the grandparents. (Hayslip and Kaminski 2005) In some cases grandparents reluctantly take on the responsibility of grandchildren as they fear the consequences for the grandchildren if they do not. (Patton 2003; Patton 2003a; CNSP 2004)

A major reason for children coming into the care of their grandparents is their parents' involvement in drugs. (Patton 2003) This is a social issue which is growing and it can be expected that the number of children needing out of home care will continue to rise. Grandparents are already meeting the need of this often disruptive and disadvantaged group of children however if they were to relinquish the parenting role there would be literally no place for this young people to go. Government development of a comprehensive support system for custodial grandparents can be seen as providing benefits on both a humanitarian and pragmatic level.

Equity and access to support

Both foster parents and grandparents take on similar child rearing responsibilities for children who are not their own however access to services and support differs significantly. A major area of perceived inequity revolves around the differing treatment of foster parents, who may or may not be related to the children in their care, compared to grandparents. (CNSP 2004) Foster parent organisations point out that the costs both emotional and financial in bringing up children are substantial. Foster parents receive financial assistance to cover the basic costs of child raising (see Table 2).

Grandparents in the similar care roles do not automatically receive financial assistance unless they are successful applying through the State Children's Court to become their grandchildren's foster parent. Due to the uncertainty involved in this process many grandparents take on the role informally. As a result many are using money set aside for their retirement and consequently face significant hardship as this additional expense was not factored into their original financial plans.

Public policy needs to reflect the widespread institutional support of grandparents as a preferred care option in cases of crisis or family breakdown while acknowledging the significant legal and financial consequences that grandparents face if they agree to take on this responsibility. There is a very real need to reassess the provision of services to grandparents who take on a significant role in raising grandchildren.

Table 2 Non means tested foster parent allowances

Table for 1 July 2004							
Age	TAS	WA	NT	SA	ACT	QLD	NSW ¹
0-1	124	90	108	89	112	124	175
2	124	90	108	89	112	130	175
3	84	90	108	89	112	130	175
4	84	90	108	89	112	130	175
5	84	90	117	96	127	130	175
6	107	113	117	96	127	152	175
7	107	113	117	96	127	152	175
8	107	113	140	103	149	152	175
9	107	113	140	103	149	152	175
10	125	113	140	103	149	152	175
11	125	113	140	103	149	184	175
12	125	113	158	125	171	184	175
13	125	136	158	125	171	184	175
14	125	136	158	125	171	184	175
15	125	136	190	153	207	184	175
16	74	136	190	153	207	174	175
17	84	136	190	153	207	174	175

Note: all dollar amounts are round 1. NSW subsidy includes many contingencies paid separately elsewhere

Downstream and upstream perspectives

Solutions to the problems faced by carer grandparents can be approached from two different perspectives. Referred to as “downstream” and “upstream” approaches, downstream policies and programs refer to those which focus on individuals while upstream policies focus on changing the broader environment in which grandparenting occurs. (Niblett 2005)

From the downstream perspective, the types of programs designed to help grandparents at an individual level include educational or training programs focussed on topics such as understanding contemporary approaches to discipline, communicating with young people or alternatively grandparent focussed support in areas such as stress management or respite care. (Hayslip and Kaminski 2005) Whilst in specific cases these may be of value, overall the issues facing carer grandparents require substantial policy initiatives and environmental change. Consequently they need to be tackled at a societal rather than individual level and focus on an upstream rather than downstream approach.

As discussed previously, grandparents who take on the responsibility for raising their grandchildren often find themselves in a difficult legal and financial position. (Hayslip and Kaminski 2005; Minkler and Fuller-Thomson 2005) There is a strong argument that grandparents should be considered a separate category of carers for policy purposes. (CNSP 2004) An alternative approach, however, is to maximise equitable treatment by ensuring that grandparents are treated the same as alternative carer categories, particularly with respect to access to financial and legal assistance. In other words, grandparents as a carer category should be acknowledged but mainstreamed.

Progress has been made in this regard with recent policy changes waiving the work, training and study tests for grandparents who are primary carers which enables them to access up to 50 hours of Child Care Benefit (Patterson, 2004). This is a step in the right direction but it still falls a long way short of the changes which are needed to provide an equitable solution to the problems facing custodial grandparents. The AFCA (2005) endorses this approach and advocates that relative and kinship carers should be given the same support and services as those available for registered foster parents.

Conclusion

For the benefit of both the children and community it is important that public policies assist, rather than hinder, grandparents who take on full time care for their grandchildren. Whilst the circumstances that bring these two generations together vary according to family circumstances, consistent issues emerge which not only have an adverse impact individually on grandparents in terms of health, finances and legal concerns, but also potentially impair the development of high quality cross generational relationships.

Developing standardised, comprehensive and equitable programs which recognise the increasingly important role grandparents play in bringing up the younger generation requires systematic intervention by both levels of government. While downstream approaches focussed on alleviating individual problems are valuable, improved living conditions are more achievable when a combined upstream and downstream approach is adopted. Specifically governments need to address the perceived and actual inequities faced by grandparents, in comparison with other carer groups in terms of access to financial assistance and other services.

In the initial stages of this research two underpinning issues affecting the quality of life for carer grandparents and their grandchildren were identified. These were legal and financial issues. Financial difficulties are ongoing when incomes designed for individuals or couple in old age need to be stretched to take on family demands. The most basic need of grandparent families is financial security closely followed by the ability to respond to legal challenges to their custody arrangements.

To date policy responses to the changing family situation have been limited. With the growth in numbers it is becoming increasingly possible that if more assistance is not given to carer grandparents alternative care arrangements will need to be made. As there is a limited number of foster carers the state will be faced with finding new or resorting to old arrangements such as group home situations unless comprehensive cross generational approaches are developed to facilitate the care of children in need by their grandparents.

Based on the concerns raised by grandparents in prior studies combined with similar issues being raised internationally, policy solutions aimed at supporting the growing numbers of grandparent lead families need to be based on the following two key principles: recognition of grandparents as a special category of carers for issues of access and the normalisation, or mainstreaming, of grandparents as carers when it comes to access to financial and other support to ensure equity with other carer groups.

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