

## **Children, Housing & Family Law in Australia**

Tom Altobelli

Contemporary Australian family law pays relatively little attention to the housing needs of children during and after the separation of their parents and as part of the final property and financial settlement. Housing provides far more than just meeting the accommodation needs of children. These needs will be discussed in this paper. It will be argued that the needs of children are subsumed to the economic needs of their parents, and it is blithely assumed that if the parents needs are met, the children's needs will be also be met. This is a most questionable assumption. When ABS data relating to mobility is compared to data about mobility linked to family breakdown, it is seen that children of separated parents have a mobility rate significantly higher than the rest of the Australian population. The available research and data on housing provides an interesting and useful insight into the housing needs of Australians, but has hitherto simply not been considered in the course of family law decision making. Some of this data will be analyzed from the perspective of family law and the specific needs of children when their parents separate, with the expectation that the information collected will better inform decision making. There needs to be far greater sensitivity in family law to these issues, and an acknowledgement that children have specific needs relating to housing that do not necessarily coincide with the needs of parents.