



Public
Understanding
of Law
Survey

In brief

Prevalence and impact of family problems

Findings from the Public Understanding of Law Survey

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The office of Victoria Law Foundation is on the traditional lands of the Wurundjeri people of the Kulin Nation. We acknowledge their history, culture and Elders both past and present.



About the Public Understanding of Law Survey

The Public Understanding of Law Survey (PULS) is a state-wide survey exploring how Victorians experience, understand, and engage with the law.

Using a probability sample, 6,008 respondents from across Victoria were surveyed face-to-face about their personal experience of navigating the law.

The PULS explored questions relevant to:

- people's knowledge of the civil justice system and its Institutions
- people's experience of civil legal problems and how they respond to such problems
- how people see the law as relevant to their lives.

The findings in this briefing paper are drawn from the Public Understanding of Law Survey Volume 1: Everyday Problems and Legal Need by Balmer, N., Pleasence, P., McDonald, H.M. & Sandefur, R. (2023).

Papers drawn from the PULS explore a range of family and civil legal needs, problem experience and its social patterning across the community.

Reports and papers from the PULS are available at www.victorialawfoundation.org.au.

Prevalence and impact of family problems

Family problems, as an area of life, encompass a wide range of issues arising from family relationships that may require legal intervention to resolve.

These problems occur across the lifespan and include relationship breakdown, child custody and support, family violence, power of attorney, wills and deceased estates and other sources of family interpersonal conflict. Previous studies have found that these problems are often severe in nature and result in high levels of stress.¹ This in turn has the potential to compound and create additional problems as well as significant adverse consequences both at an individual and broader family level.²

Family problems were one of a broad range of justiciable³ problem types and subtypes examined in the Public Understanding of Law Survey (PULS). PULS was a large-scale face-to-face survey administered to a probability sample of 6,008 adult Victorians.⁴ It was designed to explore how people understand, experience and navigate justiciable problems, with respondents specifically asked about their experiences, any action they took, and the outcomes of problems that started or continued within the two years prior to the survey.

For the purposes of the analyses in this paper, those who reported experiencing a justiciable family problem are compared to those who had experienced other types of justiciable problems examined in PULS, either as separate problem types or as a combined other problem group.

¹ See, for example, Relationships Australia (2024).

² See further Coumlelos et al. (2012) and People (2014).

³ Justiciable problems were defined by Genn (1999) p.12 as problems that raise legal issues, whether or not this is recognised by the parties and whether or not any action is taken to resolve them and whether or not any legal professionals or element of the justice system is used.

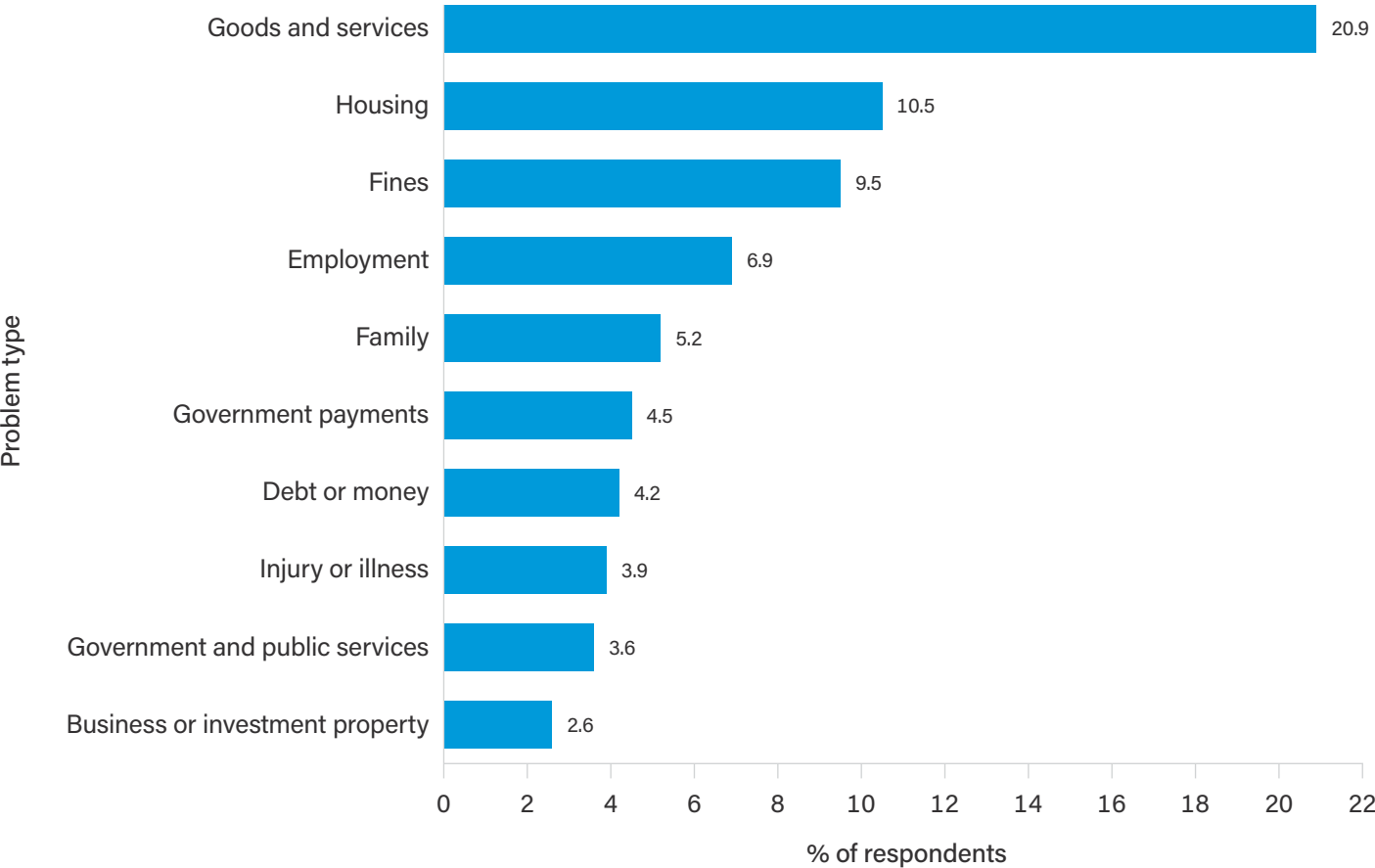
⁴ For more detailed description of the methodology, see Balmer et al. (2023) and Roy Morgan (2023).

What family problems were experienced?

Problem types and subtypes

Of all respondents, forty-two per cent (2,552 out of 6,008) had one or more justiciable problems over the past two years. Of all problem types, family problems were experienced by five per cent (n=310). Figure 1 compares the prevalence of family problems to other justiciable problems examined in PULS.⁵

Figure 1. Prevalence of justiciable problems by problem type



⁵ For further information about the prevalence of difference types of legal problems, who experiences them, what, if anything, different people do about them, and what the outcomes were, see Balmer et al. (2023).

The most frequently reported problems were to do with children or separation from a partner. Table 2 provides an overview of the subtypes⁶ of family problems experienced. Two in three family problems (67%) related to children, such as child support payments, custody and access or care protection issues. Division of property or money following divorce or separation and spouse or partner maintenance comprised another 31 per cent of family problems. One in five respondents (21%) also experienced issues relating to wills and deceased estates or a partner or family member controlling or exploiting their money, financial information or other assets respectively.

Table 2. Prevalence of family problem subtypes

Family Problem Issue	N	Family Problem %
Child support payments	76	24.5
Custody, residence, access or contact issues concerning a child under 18	75	24.1
Division of money or property following divorce or separation	65	20.8
A family member or partner controlling or exploiting your money, financial information or assets	65	20.8
A will or deceased estate	60	19.8
A care protection order or assessment by child welfare authority	41	13.3
Spouse or partner maintenance	32	10.2
A power of attorney	20	6.6
Fostering, adoption or legal guardianship	18	5.7
Other	51	16.5

⁶ As detailed in the PULS methodology, while family violence was captured at the broad family problem category level it was specifically excluded from the more detailed family subcategories and showcard used in the interview with respondents (see Balmer et al. 2022). In total, of the 260 family problems that were followed up, 140 (54%) resulted in the respondent being harassed, threatened or assaulted. See further Balmer et al. (2023) p.173.

Who experiences family problems?

Prevalence of family problems

Table 3 reports prevalence rates for family problems and all other legal problems included in the PULS. The experience of family problems was found to change across the lifespan, increasing in prevalence from early adulthood (5%), peaking at middle age (8%), and then falling as respondents moved into older age (3%). Females experienced higher prevalence of family problems (6%) compared to males (4%). More than one in four Aboriginal or Torres Strait Islander respondents (26%) experienced family problems. People reporting family problems were also more likely to reside in inner regional areas (7%).

Family problems were also more frequently reported amongst those in lower-income households (6% of those earning less than \$35,282), with prevalence levels decreasing as household income rose (3% of those earning more than \$165,256). Parents either raising a child on their own (19%) or in a de facto relationship (11%) also experienced higher rates of family problems.

Family problems were also experienced at higher rates amongst some disadvantaged groups, including people who were unemployed and currently seeking work or not working due to health, caring, family or home reasons (44%). People with lower levels of education (8% up to year 10) or a trade/vocational qualification (7%) also more commonly reported family problems than others.

Other disadvantaged groups found to have higher prevalence of family problems included people in financial distress who reported that they had been unable to eat, heat or cool homes (27%), people experiencing severe mental distress (18%), and people with long-term disability or illness (9%).

There were similarities across the family and the other problem groups regarding age, carer responsibilities and disadvantaged population groups, such as those experiencing financial or mental distress or long-term disability or illness. Some key differences were also identified. For example, higher prevalence rates were found for other problems among those with tertiary-level education, working on a full or part-time basis, higher-income households (earning \$70,565+) and living in de facto relationships with or without children, respectively. More detailed information on prevalence rates for other problem types is available in the first volume of the PULS reporting.⁷

⁷ See Balmer et al. (2023) pp.52–71.

Table 3. Prevalence of family problems and other problems by respondent characteristics

Respondent characteristic		Family problems		Other problems	
		N	%	N	%
Age group	18–24	31	4.9	234	36.6
	25–34	48	4.3	450	40.1
	35–44	80	7.7	410	39.9
	45–54	66	7.7	376	40.8
	55–64	44	5.7	311	39.9
	65+	32	2.6	363	28.9
	Refused	8	2.9	75	28.6
Gender	Man or male	127	4.3	1124	38.3
	Woman or female	181	5.9	1065	35.6
	Non-binary or other term	2	19.1	4	46.6
Aboriginal or Torres Strait Islander	No	283	4.8	2183	37.0
	Yes	26	25.9	30	35.6
Family status	Married, children	43	3.2	556	40.6
	Married, no children	51	2.9	595	33.4
	De facto, children	30	11.3	113	43.2
	De facto, no children	30	5.3	260	46.1
	Single, children	64	18.9	105	30.9
	Single, no children	89	5.3	581	34.7
Carer	No	258	4.9	1925	36.6
	Yes	52	6.9	293	39.2
Work	Working – full-time	111	4.2	1073	40.9
	Working – part-time	90	7.1	519	40.7
	Not working – education	3	1.3	52	23.1
	Not working – seeking work	16	10.5	60	38.9
	Not working – health	25	13.6	72	39.8
	Not working – home/family/caring	30	10.2	99	33.2
	Not working – other	3	9.2	13	41.9
	Not working – retired	31	2.5	329	27.1

Table 3. Prevalence of family problems and other problems by respondent characteristics (continued)

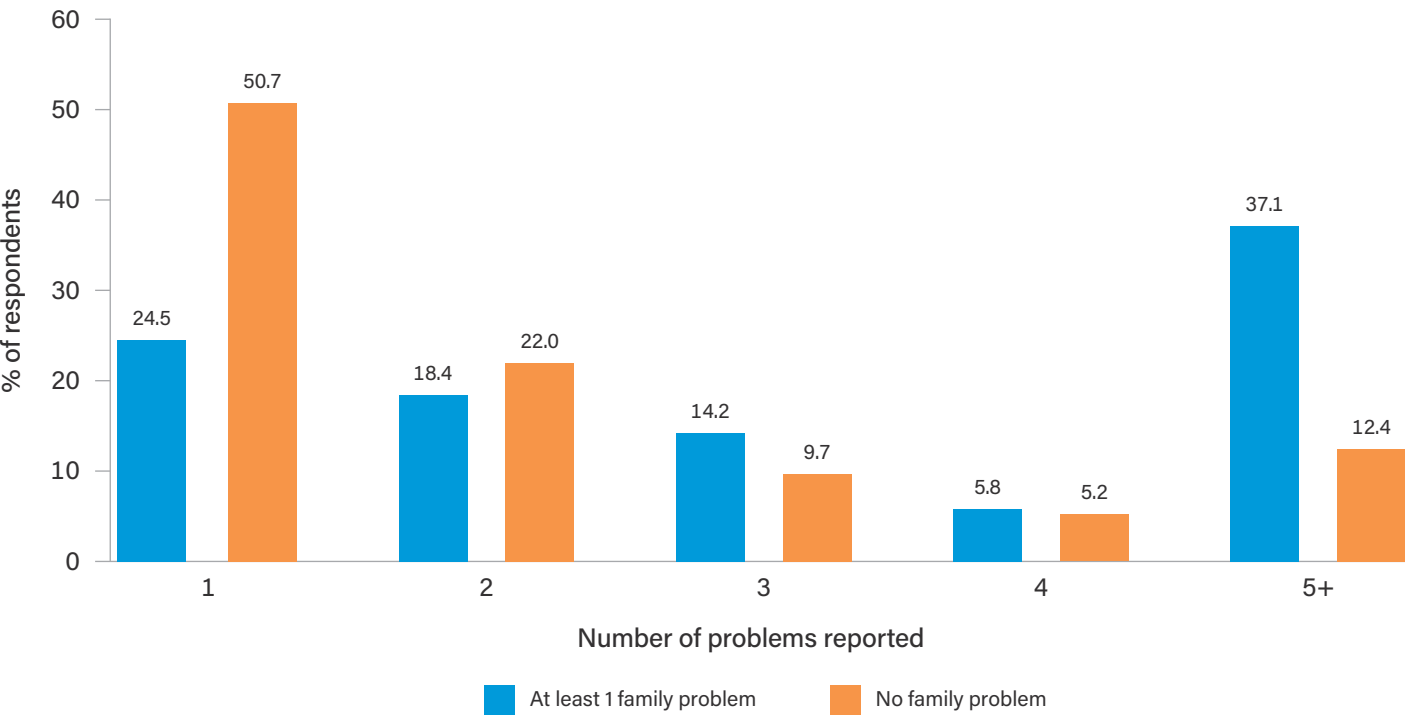
Respondent characteristic		Family problems		Other problems	
		N	%	N	%
Education	Year 9/Form 3 or below	23	7.3	82	26.3
	Year 10/Form 4/Intermediate	32	8.5	100	26.3
	Year 11/Form 5/Leaving	17	5.1	105	31.8
	Year 12/Form 6/VCE matriculation	41	5.2	282	35.9
	Trade/Vocational certificate (I–IV)	51	7.1	274	38.5
	Diploma/Advanced Diploma	46	4.9	340	36.6
	Bachelor's degree (inc Honours)	63	3.6	706	40.7
	Postgraduate award	37	4.5	328	40.1
Geography	Major cities	217	4.7	1749	37.8
	Inner regional	82	7.2	417	37.1
	Outer regional and remote	11	4.5	52	20.4
Gross annual household income	Quintile 1: \$0 to \$30,998	75	6.7	303	27.3
	Quintile 2: \$39,989 to \$70,564	75	6.3	406	34.2
	Quintile 3: \$70,565 to \$110,292	59	5.5	433	40.6
	Quintile 4: \$110,293 to \$165,256	39	4.5	369	43.2
	Quintile 5: \$165,256 or more	34	3.8	423	46.6
	Prefer not to say	27	3.1	285	32.3
Long term disability or illness	No	184	4.0	1637	35.4
	Yes	126	9.1	581	42.1
Mental distress	None or low	141	3.6	1289	33.0
	Moderate	112	6.2	778	43.4
	Severe	57	18.1	151	48.2
Financial distress (unable to eat, heat or cool home)	No	253	4.4	2123	36.6
	Yes	57	27.5	95	45.7
Low-income government payments	No	165	4.0	1624	39.0
	Yes	145	7.9	594	32.1

How are family problems experienced?

Number, co-occurrence and clustering of problems

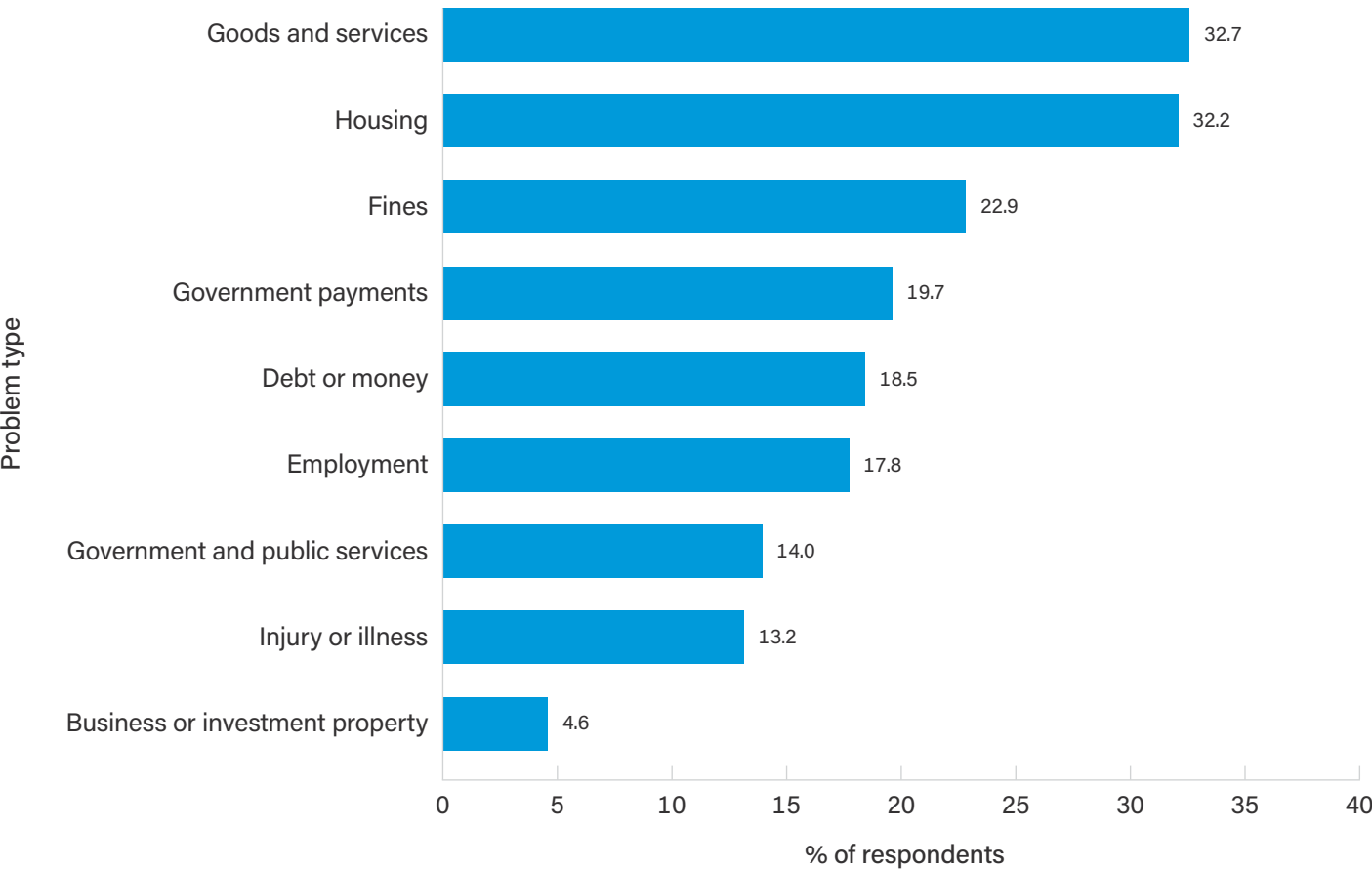
The extent to which justiciable problems can escalate in severity and lead to additional justiciable problems was particularly evident in the case of family problems. Figure 2 shows the total number of problems for people with one or more family problems compared to the total number of problems for those with no family problems. Three-quarters of people with at least one family problem (75%) and just under one-half of those with only other problems (49%) reported experiencing multiple problems. Experience of one or more family problems was notably higher among people who reported five or more problems (37%), as compared to those reporting only other problem types (12%).

Figure 2. Number of problems – comparison of respondents reporting at least one family problem compared to those with only other problem types



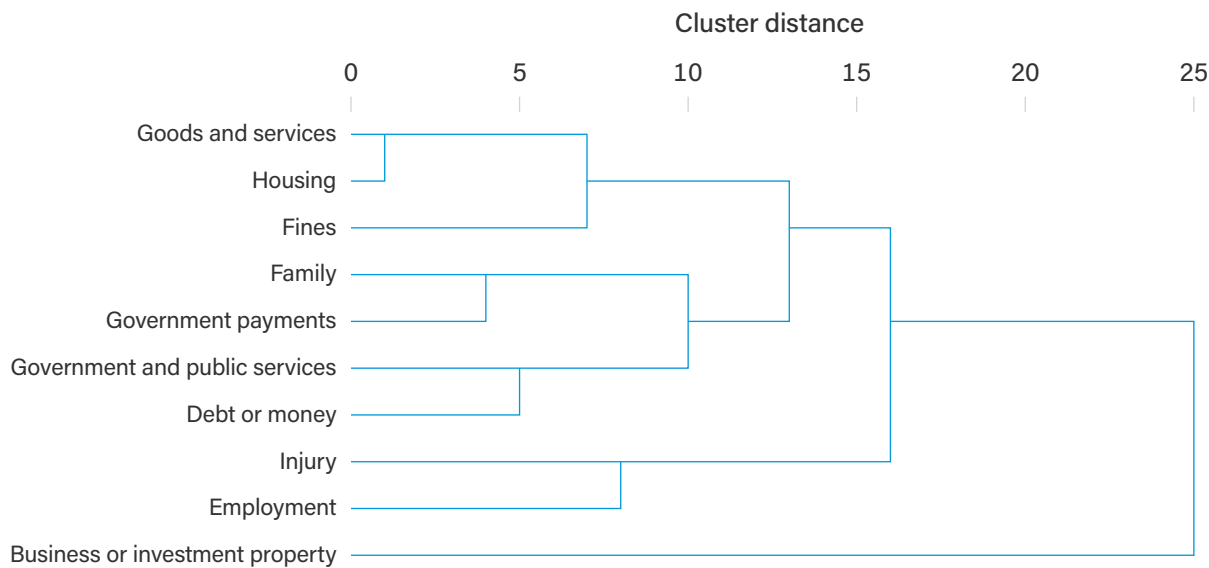
Respondents also commonly reported co-occurrence of family and other types of justiciable problems. Figure 3 shows the proportion of respondents experiencing family problems who also reported experiencing other problem types. The most frequently occurring other problem types tended to mirror the order of overall prevalence within the PULS (see Figure 1), such as goods and services (33%) and housing (32%). Problems relating to money, such as fines, government payments and debt, were also experienced but to a lesser extent.

Figure 3. Co-occurrence of family problems and other problem types



Previous PULS analysis reported how experience of different legal problem types clustered.⁸ Figure 4 shows that family problems first clustered with government payments, then government and public services, and debt or money problems, followed by housing and goods and services problems.

Figure 4. Problem clusters identified from the PULS data (Balmer et al. (2023) p.85)



Problem severity

The PULS asked respondents to rate the severity of their problems on a scale from one (least serious problem type they could face) to tne (the most serious). Previous PULS reporting showed that family problems had the highest problem severity rating. Severity scores for each problem type were calculated, with family problems (7.7) having the highest mean severity of all problem types, followed by injury (7.1), debt or money (7.1), employment (6.9), government payments (6.6), government and public services (6.5), business or investment property (6.1),

and housing (6.0) problems. Only problems concerning fines (4.0) and goods and services (4.7) had mean severity scores under five.⁹ Table 4 examines the severity rating of family and other problem types. Notably, respondents gave almost one-in-three family problems the highest severity score possible, with very few (2%) family problems receiving the lowest severity rating.

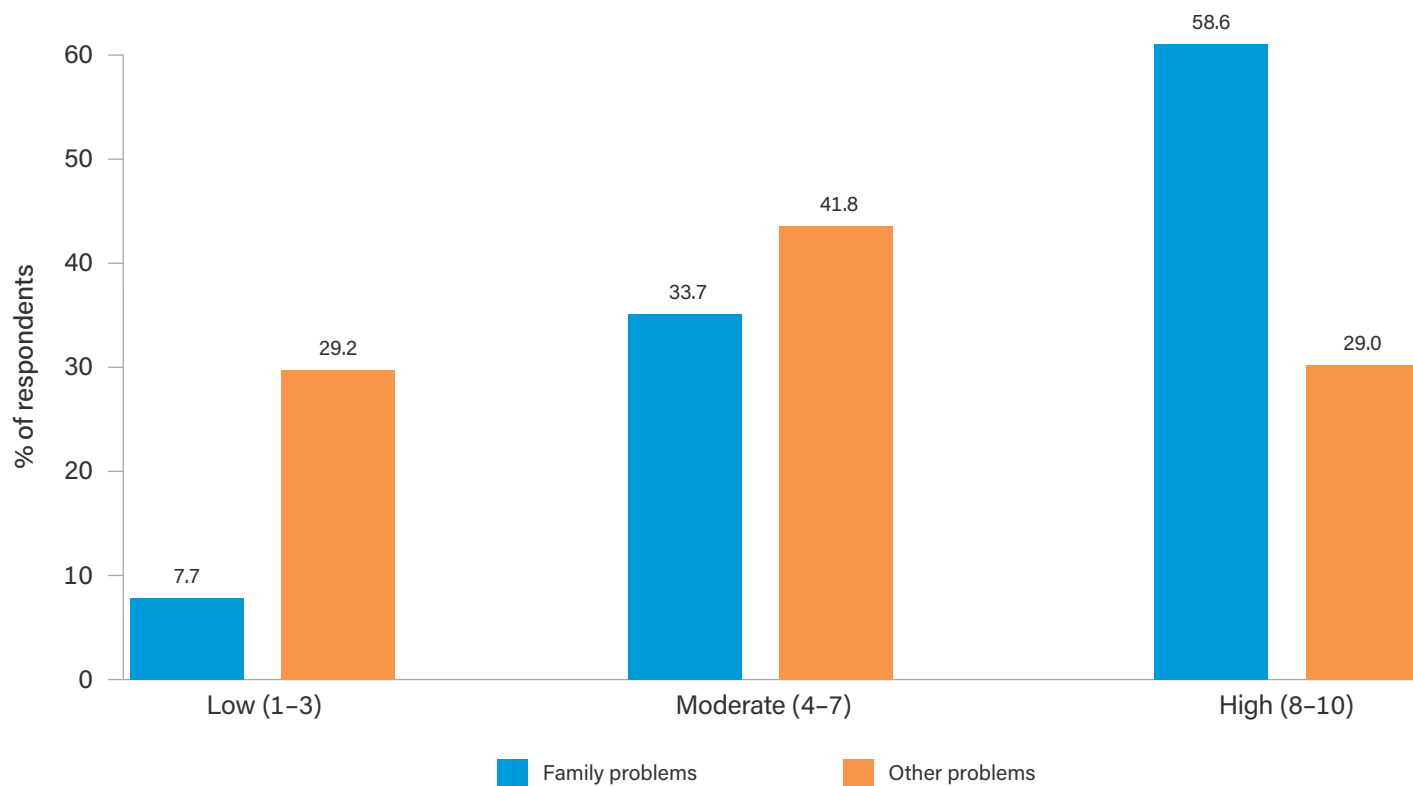
8 In the first volume of PULS reporting, Balmer et al. (2023) used hierarchal cluster analysis to organise problems into groups on the basis of co-occurrence. The vertical lines closest to the left-hand side of Figure 4, indicate the closest relationships. For further information on problem clustering and analysis see Balmer et al. (2023) pp.84–5.
9 Further information on legal problem severity can be found in Balmer et al. (2023) pp.86–7.

Table 4. Severity rating (1 to 10) of family problems compared to other problem types

Problem type	Severity rating																			
	1		2		3		4		5		6		7		8		9		10	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Family problems	12	2.3	9	1.7	20	3.7	30	5.6	40	7.3	50	9.1	64	11.7	112	20.6	32	5.9	174	32.1
Other problems	176	9.1	219	11.3	170	8.8	171	8.8	233	12.0	193	10.0	213	11.0	236	12.2	114	5.9	210	10.9

Looking at severity another way, Figure 5 reports the severity rating for family problems and other problem types, grouped together as low (rating 1-3), moderate (rating 4-7) and high (rating 8-10) severity. The proportion of respondents in each severity level clearly increased for family problems.

Figure 5. Grouped severity rating (low, moderate and high) of family problems compared to other problem types

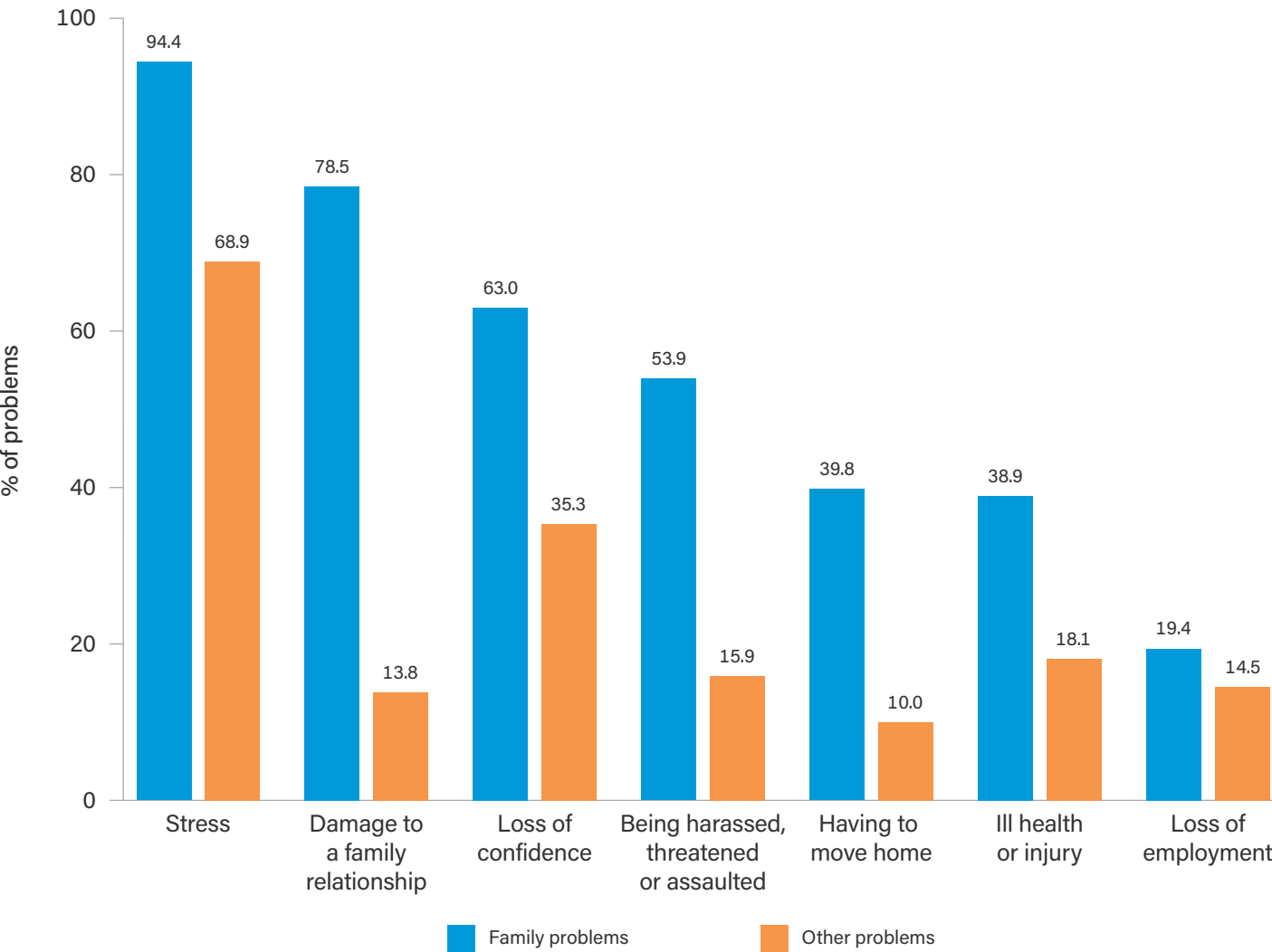


Problem impact

The PULS examined different types of impact that respondents attributed to the justiciable problems they experienced. Figure 6 demonstrates that family problems had higher rates of each type of adverse consequence examined as compared to other problem types. Almost 95 per cent of family problems caused stress, and perhaps unsurprisingly, more than three-quarters of family problems resulted in damage to a family relationship (79%). Nearly two-thirds (63%) of family problems resulted in loss of

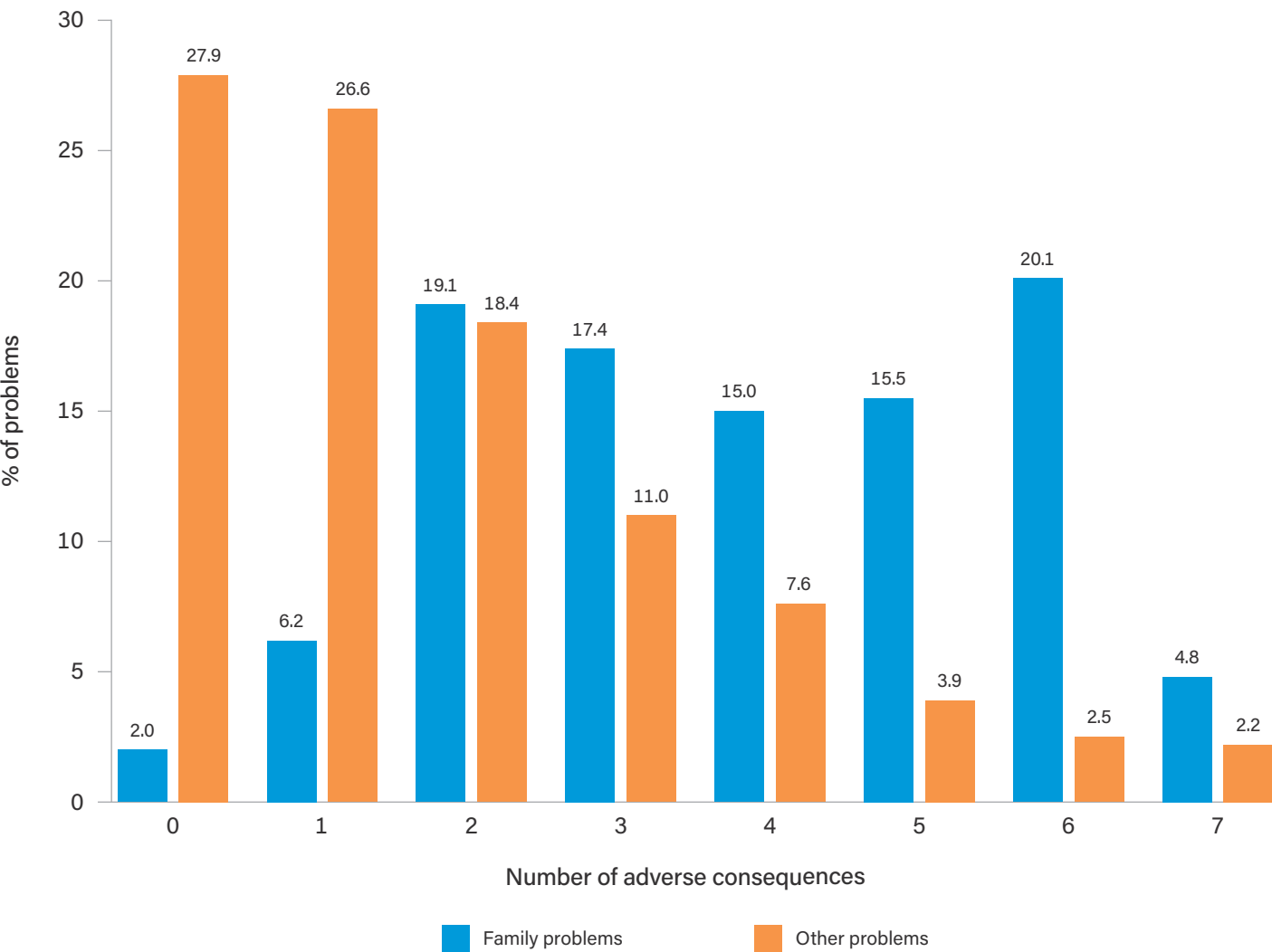
confidence. Being harassed, threatened or assaulted was a reported consequence for more than 50 per cent of family problems, with one-quarter of family problems also reported as having led to the respondent having to move home. For other problem types, while stress was the most commonly reported adverse consequence, affecting almost 70 per cent of respondents, other impacts were at much lower rates compared to family problems.

Figure 6. Impact of family problems compared to other problem types



Looking at the number of adverse consequences experienced also showed that PULS respondents tended to report higher numbers of different types of adverse consequences for family problems compared to other problem types. Only two per cent of family problems had no reported adverse consequence compared to nearly 30 per cent of other problem types. Figure 7 shows that more than one-half (55%) of family problems resulted in four or more different types of adverse consequences, compared to only 16 per cent of other problem types. In fact, more than one-half (55%) of other problem types resulted in either zero or only one type of adverse consequence.

Figure 7. Total number of adverse impacts experienced for family problems compared to other problem types



Conclusion

While family problems were not the most prevalent problem type examined in the PULS, they were among the most significant and transformative experiences of people's lives.

Justiciable problems predominantly related to relationship breakdowns and arrangements for children, as also reflected in the higher prevalence rates for de facto or single parents. While family problems occurred at any time across the lifespan, they tended to occur at higher rates among middle age groups (those aged 35 to 54 years), with disadvantaged population groups also showing increased problem prevalence.

Family problems had the highest severity and often led to or co-occurred with other problem types, most frequently goods and services and housing problems, followed by fines, government payments, and debt or money problems. Unsurprisingly, higher severity was also reflected in the high level of and multiple adverse consequences that people experienced due to family problems. Family violence, while not explicitly examined at the subtype level, was particularly evident as an adverse consequence, resulting in experiences of harassment, threat, or assault.

Due to the immediate impacts and the potential for wider effects on both individual and family relationships, policy direction and access to justice pathways must promote timely, appropriate, and targeted processes to resolve family problems. This is not only important in terms of bringing these problems to conclusion in such a manner as to ensure fair and just outcomes, but also to prevent additional legal and related needs as a consequence of experiencing multiple justiciable problems, and associated risks of experiencing more prolonged and entrenched social and economic disadvantage.¹⁰

¹⁰ See further Pleasence et al. (2014).

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