

**GETTING IT RIGHT FOR CHILDREN WHEN
PARENTS ARE SEPARATING**

**CONFERENCE REPORT
and
CONSULTATION DOCUMENT**

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for

Conference Co-ordinating Agencies

**Parents Advice Centre
Children in Northern Ireland
Association of Directors of Social Services
Association of Collaborative Family Lawyers
Northern Ireland Legal Services Commission**

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FOREWORD

Sir Anthony Holland Chair of Northern Ireland Legal Services Commission

Getting it right for children affected by parental separation and divorce cuts across most if not all publicly funded services to children and families including social and legal services, health and education.

The Northern Ireland Legal Services Commission (“the Commission”) was established under the Access to Justice (Northern Ireland) Order 2003 (“the AJO”). Its objective is to make the justice system of NI fair, access and affordable to all and to promote social inclusion. In order to bring forward the full implementation of the AJO **major reforms of the legal system** will be put in place in a relatively short time scale. Currently most legal aid funding (some £60m in 05/06) pays the legal profession to provide advice, assistance and representation in any case under NI Law which meets the financial eligibility test. Proposed changes include the introduction of the NI Funding Code under Article 15 of the Access to Justice Order that will introduce new priorities for funding and levels of service. The Order will also allow the Commission much greater freedom about how legal aid is spent and who it can pay out of the fund.

In family breakdown a key question for the Commission will be ‘Are we ensuring that our resources are used in the most proportionate, efficient, effective and timely way to ensure the best possible outcomes for children and families using the legal system. Current evidence would suggest a number of significant concerns:

- The **costs** of providing legal representation in Children Order cases including those involving contact and resident order disputes have **spiralled upwards** from £1.5m in 1998.99 to £7m in 2003/04
- There is evidence from case law of **bitter and protracted court disputes** involving separating and divorcing parents which are hard to resolve, which involve large amount of professional time and public money and come with a huge human cost to the children caught in the middle

- There is a robust body of international research suggesting that if access to early advice and information is denied there will be this type of ‘spiralling downwards’ **and a clustering of problems that raise legal issues**
- **Alternatives to dispute resolution in the courts in Northern Ireland are ‘scandalously short’ on the ground** when compared to other parts of the UK and
- **There is a general paucity of local research**

While there not been a history of legal aid involvement in matters of social policy that is set to change. The AJO and the Funding Code will introduce new priorities and levels of service. Cases that concern the upbringing and welfare of children will become a top priority, as is already the case in England and Wales. Family Mediation will become a separate level of service under the Funding Code, in line with practice in other parts of Great Britain. The Commission also hopes to promote the development of Collaborative Law in Northern Ireland and is currently supporting a pre-pilot project examining the viability of this way of working with divorcing couples. The Commission is looking forward to working in partnership with other sectors to fund and develop new projects and ways of working that will deliver a range of services comparable with other parts of the United Kingdom, services informed by research and best practice. The Commission support of the conference ‘Getting it Right for Children when Parents Separate’ is evidence of our commitment to ensuring that the legal aid system will deliver better outcomes for children when parents separate. I am delighted that at this early stage in our development we were able to forge the important partnerships with the Parents Advice Centre, the Association of Directors of Social Services, Children in Northern Ireland and the Association of Collaborative Family Lawyers that contributed to the undoubted success of the conference. The conference was for the Commission the first public indication that we are serious about ensuring our resources are used most effectively and to achieve the best possible outcome for children and families. This report provides an excellent account of the conference and very importantly provides recommendations for action across government to improve services for children when families separate or divorce. I commend it to you.

1. INTRODUCTION

1.1 Background

- 1.1.1 On 1 March 2006, a regional Conference on ‘Getting it Right for Children When Parents are Separating ‘ was held at the Hilton Hotel Templepatrick. The Conference Co-ordinators represented a cross-sector alliance of agencies who shared a common concern that in circumstances of family breakdown the needs and rights of children were being compromised by failures in the systems and services designed to promote their interests.
- 1.1.2 Family breakdown is both a ‘private grief and a public concern’ ⁽¹⁾. For adults and for children it is part of a process of family change which can be painful and distressing. In 2004, 2,512 divorces recorded in Northern Ireland, the highest on record to date (Registrar General Northern Ireland Annual Report 2004). It involved some 2,228 children under the aged of 16.⁽²⁾ However, the total number of children affected by separation in any year is likely to be higher as the statistics do not include couples who have separated without going through divorce or couples who have co-habited and then separated. Support for these families at the point of transition from one structure to another is provided by a variety of sources – GP’s, solicitors, social workers, counsellors, mediators, and advice workers - across a range of sectors.
- 1.1.3 It was the view of the Conference Co-ordinating Group that action was required because of the long-standing under-representation of the needs of children from separating families, the absence of a joined-up strategic approach at Government, regional or local level to the issues raised by family breakdown and because of significant gaps in the continuum of services. It was also the opinion of the Co-ordinating Group that now was an opportune moment to highlight these issues. Momentum was gathering and an exciting new legislative, policy and planning framework was being built to secure the needs and meet the rights of all children and young people in Northern Ireland. It was time to get it right for the children of separating parents.

1.1.4 As a first step a regional conference was planned to provide an opportunity for professionals to review the services available to children and families going through parental separation and divorce. The target audience included the legal profession, (solicitors, judiciary and magistracy); practitioners, managers and researchers in key legal and social care organisations; public sector providers of legal and social care services and relevant government departments. Keynote speakers were identified to reflect both policy makers and front-line service providers. In total there were 250 conference participants, who not only attended on the day but were also consulted in writing on their views regarding an action plan (Appendix 3)

1.2 Conference Report and Consultation Document

1.2.1 The aim of this report is to highlight the issues raised at conference and to make recommendations to government for a way forward.

1.2.2 Section 2 summarises the themes and issues raised by each of the keynote speakers. (A complete set of conference papers can be found on www.nilsc.org.uk). While the emphasis was on hearing voices from across different sectors in Northern Ireland, the findings from national and international research were not ignored. In some instances speakers highlighted a challenge to Conference, while others made direct recommendations for change.

1.2.3 In the light of these recommendations Section 3 puts forward an action plan. It outlines a set of guiding principles to inform cross-sector policy and practice developments and identifies a number of priority areas requiring action. The views of conference participants are also incorporated into this section

1.2.4 This action plan can be readily integrated alongside existing strategies for children and young people. If acted upon, it is the view of the Conference Co-ordinating alliance that it can help deliver better outcomes for children when parents separate.

SECTION 2 - SERVICES REVIEWED

2.1 A Government Perspective

Nigel Hamilton: Head of the Northern Ireland Civil Service and Head of the Office of First Minister and Deputy Minister

'Parental separation is a social reality and the challenge for us all is to find ways to prevent the adverse effects that separation has on children and mechanisms to help and support those parents who wish to remain a part of their child's life'

2.1.1 In the wake of the Belfast Agreement, there is an expressed common desire among the political parties to create a better more secure future for all the children of Northern Ireland. That expression of commitment is now being translated into action by Government with new mechanisms structures and funding streams. These are intended to deliver high level outcomes to children and young people over the next 10 years and include:-

- The appointment of Northern Irelands first Minister for Children and Young People (2005)
- Publication of a 10 year Strategy for Children and Young People (2006) to ensure that children's rights and needs are co-ordinated, monitored and promoted with Government
- The development of a family and parenting strategy by the DHSSPS
- A Children and Young Persons funding package in which an additional £61m will be made available over the next two years – to be announced shortly

2.1.2 These initiatives are based on an ethos of greater collaboration and co-ordination between departments, improved partnership between Government and the statutory, voluntary and community sectors, the inclusion of parents, children and young people in policy-making and a commitment to monitor these developments to determine their success.

Various sectors of Government are already aware of gaps in services to divorcing families – the shortfall in mediation services, problems with funding

streams, the need to enhance the role of child contact centres, and the need to consider alternatives to the court system.

2.1.3 This Conference represents an important opportunity to influence future Government policy in this area - to expose less obvious problems, identify possible solutions and new ways of working

2.2 Research Perspectives

Carol Smart, Professor of Sociology and Director of the Morgan Centre for the Study of Relationships and Personal Life at the University of Manchester

'Standing in children's shoes: perspectives on divorce and post-separation families'

Family life no longer happens in one place. Moving out of the conventional place and space of family life in the UK in the second half of the 20th Century to living across households with kin and step-kin distributed more widely than in the recent past, gives rise to new forms of family life⁽¹⁾

2.1.1 Family life is changing. The increasing diversity in family forms has brought new expectations, disappointments and challenges. One of the most significant issues for children is the challenge of relating to parents separately in separate households. A number of recent research studies have allowed us to interview children and young people whose parents separated or divorced and who have lived through family change. Their accounts help us to understand how children have navigated these experiences, and how they have made sense of this altered landscape in which taken for granted aspects of everyday family life have to be clarified and re-defined. Listening to their views and experiences is an important first step in recognising their needs and rights as active players in family life.

2.1.2 The children in our studies did not identify the family as a site of legal rights.⁽²⁾ As they confronted the practical and emotional demands of moving between households and apportioning themselves between their parents, the issues that were important to them were framed in the language of time, effort and space. They talked, for example, of practical things: the hard work of moving

between two households; bags had to be unpacked, school books and kits had to be organised and homework co-ordinated. This constant displacement was demanding and tiring but it could be emotionally draining too as changeovers were often trigger points for intense feeling of irritation or sadness. Ongoing conflict between parents made the moving more difficult not least because it brought a fresh sense of loss that family ties were being undermined even in re-organised structures. There were other problems with parents such as broken promises and other challenges such as making space for parents' new partners. All of these issues underline the fact that **children in post-divorce families lead complex lives and this complexity poses a number of key challenges for parents, practitioners and policy makers:-**

- For the adults involved it requires a recognition that post-separation parenting involves actively supporting children to deal with the challenges involved in constantly moving between households
- For professionals and policy makers it challenges the notion that children are passive objects - a commodity to be shared out post-separation according to some adult ideas of equality. We need to be careful of court-base rules or normative presumptions about how to manage contact which fail to recognise the individual child. Listening to children and young people is an important the first step. A follow-up challenge is to consider how children's concepts of relationships, and what is fair, can be distilled and incorporated into principles to guide policies and decision making regarding their lives.

2.3 Dr Rosemary Kilpatrick Director of the Institute of Child Care Research at Queen’s University Belfast

‘Parental Separation and Divorce in Northern Ireland’

When my parents split up I decided to stay with my Mum and see my dad at week-ends. Other children should be able to decide what they want to do (Girl aged 11)

2.3.1 A first glance at social trends would suggest that Northern Ireland is experiencing changes in the family similar to those taking place in other parts of the United Kingdom. The number of divorces has risen, steadily in the last 30 years to 2512 in 2004 while the marriage rate has declined. Other social statistics highlight the increase in lone parent and stepfamily households, while social attitude surveys point to an increasing public recognition of divorce as an acceptable solution to marriage problems that cannot be resolved. These trends suggest that children in Northern Ireland are facing similar issues to those outlined by Professor Carol Smart, namely the challenges of managing and relating to parents separately in separate households.

2.3.2 Unfortunately, with one or two exceptions⁽³⁾ ⁽⁴⁾ there is a paucity of local research on children’s lived experiences of family change. While our divorce law system and our child care legislation are similar to England, our recent troubled history has meant that only now are children’s needs and rights receiving the attention they deserve. As one of the research team involved in the Northern Ireland Commissioner for Children and Young People’s comprehensive audit of Children’s Rights in Northern Ireland (2004)⁽⁵⁾ I want to highlight a number of issues which emerged from this research which have a particular relevance to this conference to-day.

2.3.3 Firstly, the research provided a platform for children’s voices to be heard on a wide range of issues such as school, recreation, and policing. It was not a platform wholly conducive to exploring sensitive issues regarding parental separation. Nevertheless some children chose to speak on these issues and where they did, they spoke powerfully of issues regarding who decides where they live, contact arrangements and the impact of domestic violence. The

views of professionals and policy makers were also represented and they highlighted concerns we will hear more about to-day – concerns about children becoming a ‘pawn’ in the battle between separating parents and the under representation of their interests in private family law cases. Other speakers to-day will develop these policy/practice issues. but on the basis of what has been learnt from the Northern Ireland Commissioner for Children and Young People research audit and in my role as Director of the Institute I would want to make two key recommendations:-

- The need for a **co-ordinated and planned research strategy** designed to inform practice at all levels
- The need for **inter-disciplinary training** to integrate professional approaches and facilitate multi-agency work.

2.4 Child Psychiatry: Perspectives on Parental Separation

**Dr Hamish Cameron Hon Consultant Child Psychiatrist
St Georges Hospital London
‘Lessons from England, Wales and Beyond’**

Our historic blindness to the welfare of children of divorce is yielding to the realisation of the state’s responsibilities in this area and a recognition of the **need for reform of the private law system**

2.4.1 Society has yet to appreciate the impact of parental separation and divorce on children. A significant number of children fall through the net in non-contested divorces with 20% to 30% losing contact with paternal relations completely. Families who turn to family law for solutions are often damaged further by the adversarial process. And instead of helping the child sustain family ties, ineffectual court procedures, unsupported by joined up social remedies do little to ease the silent anguish of the child of separation.

- 2.4.2 In order to mitigate these effects there is a growing acceptance that the State's responsibilities for children can include guiding and supporting parents to make good arrangements for their child's post separation upbringing. In Great Britain, ever since 'Mr Justice Wall's 'Making Contact Work Report (2001),⁽⁶⁾ it has become accepted that the answers to private law disputes are to be found not through the family courts alone, not through mediation services alone but through a **joined up legal-social process**.
- 2.4.3 It makes sense to learn from other jurisdictions such as United States, New Zealand and Scandinavian countries where **therapeutic justice models** have been used to guide separating parents to timetable and agree cooperative parenting plans for their child. In the State of Florida, for example, there is a pre-hearing process where separated parents are required to attend an orientation and parenting information class. This is followed by mediation where they are invited to draw up a timetabled parenting plan which is then sealed by the court without the need for a court hearing unless there are outstanding issues. While each stage is court monitored, this early intervention process is supportive and respectful of the parents and it encourages them to make child-focused agreements before they become entrenched in their positions and tied into an adversarial court process. These overseas early interventions are seen as efficient in terms of the use of court resources and in terms of outcomes notably early agreements and workable child centred plans.
- 2.4.4 Outcomes were more modest in The Family Disputes Resolution Pilots (2004-2006) in England and Wales where out of court dispute resolution were piloted in three centres. These were a late add-on to existing procedures but important lessons were learnt about the need for **informed strategic group leadership** and the operational mechanisms required to deal with local obstructions and difficulties in the piloting of any new approach to private law disputes.

2.4.5 It is important to remember that no one has the answers to all the questions. It would be simplistic to think that a perfect procedure is available off the shelf. However the essentials of proposed new approaches have been tried and tested and found to be successful. These principles are widely accepted. **The challenge is how to adapt these ideas to our own circumstances now in order to deliver better outcomes for children** within our legal system, outcomes which will include the education of adults about post-separation parenting, the shielding of children from any unresolved family conflict and the maintenance of children's family ties however adult relationships may change.

**2.5 Dr Fionnuala Leddy Child Psychiatrist
Child and Family Clinic Royal Victoria Hospital Belfast**

We need to inculcate throughout society the ethos that after parental separation, contact with the non-residential parent must be promoted. Standing in the way of contact should be seen as unthinkable, in all but the exceptional cases.

2.5.1 Child Psychiatrists work at the sharp end of the pyramid of children and adolescent services dealing with mental health problems in children. We consider a wide range of referrals, many of which concern children of broken relationships. Children's self esteem, mental well being and academic attainments can all suffer as a result of parental separation and these effects can persist into adulthood. These children come to our notice from a wide range of sources – legal teams, Social Services, health or educational professionals. At the point of referral children can present a range of behavioural and emotional difficulties which are not always recognised as being caused by parental break-up. At other times, a direct association between emotional disturbance and parental separation is noted and assistance is required in helping the family deal with the crisis at hand. Sometimes we become involved with children because of difficulties with contact between the child and the non-residential parent after separation. The impact of these difficulties will vary, depending on the age and developmental stage of the child.

PREVENTION

2.5.2 Where family life issues are discussed, for example, in the school setting, the challenge of shared parenting should be addressed. The media also have an important role to play in educating a wider audience, including grandparents, relatives and friends – about how to manage family relationships after separation. Models of good behaviour can be learnt.

MANAGEMENT OF CONTACT DIFFICULTIES

2.5.3 There should be **early intervention** when things go wrong. Professionals should understand that both parents contribute to the child's well being. They should be informed by an understanding of the impact of separation on children's development, the significance and value of contact, and the reasons why anxieties and difficulties may emerge for parents and children around contact arrangements.

Development of **integrated services** is required, to reach parents at the time of separation; this should include mediation, child health and Social Services, and legal teams. A mechanism should be put in place to ensure that these services are coordinated and monitored so that breakdown of contact is addressed rapidly.

2.6 A Family Support Perspective:

Pip Jaffa: Chief Executive, Parents Advice Centre
'Parents' Experiences'

There are immense adjustments in moving from being a couple to being a lone parent - a myriad of stressors, uncertainties and daily challenges which many parents face with little or no meaningful support

2.6.1 Parents Advice Centre has been delivering a range of family support services through-out Northern Ireland for 26 years. During that time we have seen the landscape of family concerns shift with a rapid rise of problems relating to drugs, alcohol, earlier sexual activity and of course separation, divorce, and

resulting stepfamily issues. Typically our case work may involve families where children are caught in the middle of a power and control struggle between the separating adults, where there are difficulties with contact issues or where parents are struggling to cope with children's negative reactions to family events. While the children are our priority, we work through the parent, giving that parent enough time and space to divest themselves of some of their emotional stress before they can focus productively on the child's needs.

2.6.2 In the last five years there have been a number of significant trends in respect of referrals in this area. More parents, usually mothers, are contacting us at an earlier stage in the separation/divorce process about children's behaviour. Secondly, we have also seen a rise in the number of fathers contacting us – something to be welcomed in light of the fact that we believe fathers have equal value to children as a parent. They tend to contact us at a later stage in the process when they are encountering practical difficulties such as delays in the legal process, disruption to contact and guidance about introducing a new partner to the children. The third trend that we can report on are referrals from courts asking if we can provide a parent, usually a father, with one of our parenting programmes. Finally, there has also been a rise in referrals where the longer term effects of the separation are continuing to have an adverse effect on children's lives years many after one parent has left the family home. These trends remind us that separation/divorce is a process rather than an event where a range of support needs are apparent at different stages in the restructuring of family relationships.⁽⁷⁾ There are notable differences in the issues facing mothers and fathers in the post-separation stage and I would like to conclude with a number of recommendation for action

- **An educational campaign** which would promote a supportive culture around parenting and encourage adults to seek help at the earliest point if there are difficulties or a breakdown in family relationships.
- There needs to be a **continuum of services** including a range of positive parenting programmes. These services should be non-stigmatising and easily accessible and they should encourage separating/divorcing couples to make plans for the children at an early stage.

- **Training in basic mediation skills** for PAC volunteers so that they can participate more fully in supporting parents in breakdown without detracting from the higher level of mediation services which also need expansion.
- **Multi-disciplinary seminars** in order to enhance understanding of each disciplines perspective and to identify processes and systems that could be improved eg inter-agency understanding of referral criteria for our parenting programmes, agreement on reporting requirements where it is a court directed referral and clarification on particular outcomes a referring agency might want to see.
- Finally, we need to ensure that pathways of family support give **parity of treatment to fathers as well as mothers** and that the principles enshrined in Section 75 together with United Nations Convention on the Rights of the Child and Human Rights legislation are fully reflected through out all our policies and practices.

2.7 A perspective from the Office of the Northern Ireland Commissioner for Children and Young People

Linda Kerr - Director of Legal Services and Complaints

'The Rights and Best Interests of Children'

'Legislative change on its own is not enough. You need to change the whole culture and attitudes of those working with children and society in general'

2.7.1 The Office of the Commissioner for Children and Young People was set up under legislation and became operative in October 2003. Our principles function is protect and safeguard the rights and best interest of children and young people. Legislation requires us to have regard to the United Nations Convention on the Rights of the Child. Article 12 is of particular importance of this conference theme – the child's right to express an opinion and to have that opinion taken into account, in any matter or procedure affecting the child, in accordance with his or her age or maturity.

2.7.2 At the outset, however, we need to be aware that legislative change on its own is not enough. We need to create processes for both listening to children, responding and giving due consideration to their views in any decision making forum. There is no ready-made quick fix formulae as each individual child's circumstances are quite unique. Listening to children and young people takes time. It can even complicate and delay proceedings.⁽⁸⁾ As Northern Ireland Commissioner for Children and Young People research has shown it will require organisations to develop effective child sensitive procedures including child-friendly information, advice, advocacy and access to independent complaints procedures if the rights of the child are to be fully recognised.

2.7.3. As someone who previously worked as Co-ordinator of the Family Mediation Service listening to the voice of the child was a principle underpinning our work with separating parents. In my current role I am only too well aware of gaps in the continuum of services in this area. I would want to endorse what previous speakers have highlighted with regard to the need for early intervention, the need to develop a range or continuum of services, to expand the capacity for family mediation and to ensure ring-fenced funding for child contact centres. In addition the Northern Ireland Commissioner for Children and Young People research has highlighted the need for **a coherent framework for Court Support Services** for children and young people, an **adequately resourced family justice system** and the need for **information and advocacy services** for children involved in separation and divorce proceedings.

2.8 Dispute Resolution Perspectives

2.8.1 Judith Brown and John Reavey Collaborative Law

Collaborative law enables separating couples to manage their own separation, aided and assisted by their solicitors, who will keep them right on the law and draw up a separation agreement in due course.

2.8.2 Muriel Orr Northern Ireland Network of Child Contact Centres

A child contact centre is a meeting place where children of separated families may enjoy contact with one or both parents, and sometimes other family members, in a comfortable and safe environment when there is no viable alternative

2.8.3 Sheena Bell, Co-ordinator Family Mediation Northern Ireland

Mediation is a staged process of conflict management in which an impartial third party, the mediator assists the parties to a dispute to negotiate over the issues which divide them

Having considered the issues from a range of perspectives, the Conference provided an important opportunity for a number of dispute resolution providers to showcase their services. Judith Brown and John Reavey described the recent introduction and piloting of Collaborative Law in Northern Ireland. Muriel Orr highlighted the growth in the number of the Child Contact Centres throughout the Province and drew attention to the quality assured and cost effective services being provided by staff and volunteers. Sheena Bell outlined the role of Family Mediation in dispute resolution. Against this background of the piloting and development of evidence based interventions, the speakers drew attention to gaps in the services.

- The need for a continuum of services. At the moment, for example, there is not an equitable spread of mediation services or child contact centres throughout Northern Ireland.⁽⁹⁾

- The need for adequate and consistent funding to allow for the piloting of new initiatives and the consolidation of services such as child contact centres.⁽¹⁰⁾
- The need to increase service capacity to ensure that alternative means of resolving family disputes are fully utilised.

For examples of service providers, see **Appendix 1**

2.9 A Social Services Perspective

Hugh Connor Director of Social Services EHSSB

It is parents who have the biggest influence on children's development. Social Services believe that, with small exceptions, children have the right to have access to both parents in the event of a separation. It is accepted that there are some families who require significant support as a result of this life change.

- 2.9.1 At its core, the Children's Act recognised that, except for those children whose parents posed a significant risk to them, the best place for children was with their families. The Act promoted the concepts of family support prevention and early intervention, concepts that were then universally welcomed and still command support.
- 2.9.2 Given our shared belief in **family support prevention** and **early intervention**, why is it that this philosophy is so poorly practiced? Undoubtedly there are issues for social services departments to reflect upon in terms of their practice notwithstanding some of the initiatives in recent years. However from a social services perspective it is the courts and the court system who to a considerable extent shape social work practice in this area.
- 2.9.3 A recent report 'Counting the Costs' produced by the Institute of Childcare Research (McSherry, Iwaniec and Larkin)⁽¹¹⁾ highlighted that approximately 20% of a family and childcare social worker's time and 70% of a senior social worker's time was spent on court work. The report went on to estimate that Trusts were spending each year, approximately £1.25m or the equivalent of 50 WTE social work staff servicing court processes. This is a very

considerable commitment for Trusts and one which means that it is difficult to promote the philosophies of early intervention family support.

- 2.9.4 Within social services there is a view that the adversarial approach upon which our legal system is based, does not ensure that the best interests of the child are served. Directors of Social Services are aware of the **differing models of mediation** being practised in other parts of the world and more locally, and would wish to see greater energy being devoted to implementing such models. It is recognised that this is unlikely to be a panacea for all families but there is a strong view that it would help many families and the children within them to achieve better outcomes.
- 2.9.5 To this end we would want to support all of those organisations and individuals, be they child contact centres, family mediation services or collaborative law initiatives. Initiatives such as these are complementary to the work that currently stretched social services deliver, but perhaps more importantly they avoid a 'one size fits all' mentality. Properly organised they will offer **more choice to families**.
- 2.9.6 The question is frequently asked, how can these services be financially pump-primed and sustained. Given the huge expenditure from the public purse whether it is through legal aid costs or expenditure on social services, perhaps the fundamental question that now needs to be addressed if we are to get it right for children, is whether this **money** is being **spent to best effect**. Whilst affirming the right of citizens to have 'their day in court', the view of Directors of Social Services is that a public debate needs to be created which fundamentally asks the question, is what we are all currently doing promoting the social, emotional and psychological well-being of children or for that matter the parents who find themselves in this situation?

SECTION 3: GETTING IT RIGHT ...

3.1 A DIFFERENT APPROACH

- 3.1.1 The aim of this Conference was to create an opportunity to review the services available to children and families going through separation and /or divorce. The programme brought together a cross sector group of leaders in their field - policy makers, researchers, judges, solicitors, child psychiatrists, mediators and directors/ co-ordinators of services. Each brought a unique perspective to the subject, but as Section 2 has highlighted there was strong evidence presented of shortfalls in the system and a consensus that change was required to deliver better outcomes for children.
- 3.1.2 From frontline practitioners in family support and clinical services there was a shared common concern about the short and longer term consequences for children failing to cope with conflictual separations – emotional distress, behavioural difficulties, disrupted schooling and problems with contact arrangements. Researchers highlighted the complexity of children and young peoples lived experience of moving between two households while policy makers and service managers emphasized the costs and consequences of system and service failures - delayed interventions, protracted and bitter parental disputes, spiralling legal costs, and a general lack of co-ordination between different sectors and levels of service delivery. The intention was not to be ‘overly dramatic’ or to pathologise families dealing with difficult circumstances. Rather it was to underline the scale of the issue and to begin to explore what action was required. The keynote speakers outlined some questions to be answered, different challenges to be considered and made various recommendations for future action.
- 3.1.3 Summing up at the end of conference Hugh Connor, Director of Social Services acknowledged the need for a different approach, one which embraced new and joined up ways of working and which moved away from a ‘one size fits all’ mentality. Listening to this was an audience of some 250 professionals (Appendix 3). They represented different sectors and levels of service provision and at the end of Conference they too were asked to submit their views in writing about what follow up action was required. On the basis

of this consultation exercise and in the light of Conference recommendations, the alliance of Conference Organising Agencies have identified a number of guiding principles to underpin this change of approach and drawn up a list of priority areas requiring action

3.2 GUIDING PRINCIPLES

3.2.1 These guiding principles promote a common vision and a shared ethos across different sectors. They can be endorsed and championed at all levels in the knowledge that they are underpinned by legislation and by a robust body of national and international research evidence⁽¹⁾⁽²⁾⁽³⁾⁽⁴⁾. These principles also resonate with current policy developments in government, law and children's services planning⁽⁵⁾⁽⁶⁾⁽⁷⁾ and, as stated at Conference, they reflect a commitment to giving children and young people a strong voice and securing services shaped by research and best practice.

Prevention: While patterns of family life in Northern Ireland are changing rapidly, the bond between a child and parent remains the most important influence on a child's life and well-being. The support and promotion of positive parenting and family life should be at the forefront of service provision – a view reflected in the principles underpinning the Children (NI) Order 1995.

Early Intervention: The primary responsibility for caring for children rests with parents rather than the state. In the often distressing circumstances of relationship breakdown it is important that adults can quickly access information, advice, counselling and dispute resolution services. These should be easily accessible and non-stigmatising interventions which support and guide parents to enable child-focused planning to take place but which also allow for the early identification of high conflict family disputes or children at risk of harm.

A Continuum of Services which provide different levels of service to match different stages of problem development and need. For some families there may be short – term difficulties while for a minority there may be serious or chronic problems which require a complex mix of services. It is also important to recognise that parental separation involves the restructuring of family relationships over time and support and guidance may be needed at different points in the process.

Joined up Working: It is unlikely that problems arising from parental separation will be resolved through a single intervention. The issue of getting services right cuts across different departments (education, health, social services, law, housing benefits), different sectors (statutory, voluntary and community) and different levels of intervention. There needs to be a move to a more integrated approach between departments and sectors and between national, regional and local levels of government.

Best Practice: A commitment to developing quality assured services, identifying practice which can be shown to be effective, and making certain that resources are used in the most efficient way to deliver best possible outcomes for children and families

Children’s Rights: If a couple separate the law states that it is in a child’s best interests to have an on-going meaningful relationship with both parents, as long as it is safe to do so. It is also a child’s right under the UNCRC to have their views and opinions sought and taken into account in decisions about residence and contact and these rights need to be actively promoted in circumstances of family breakdown.

3.3 A FRAMEWORK FOR ACTION

3.3.1 In the words of a conference delegate - ‘*Joined up thinking needs to followed by joined up actions*’. In this next section these guiding principles underpin a framework which brings together a package of recommendations for action. The framework is built around the idea of there being different levels or tiers of service provision and different layers of activity involved in services planning (Appendix 2). These ideas draw on concepts and tools widely used in Children’s Services Planning. These tools promote a ‘whole system’ approach to meeting the needs of children and families^{(7) (8)}, an approach consistent with recent UK research findings regarding law reform and the needs of divorcing families.⁽³⁾

3.3.2 This framework and its package of recommendations recognises that inter-agency work at a local level need to be matched by co-ordinated strategy and policy development at Government level. It highlights the need for a parallel approach so that investment in Level 3 and Level 4 services which normally respond to more complex needs are matched by developments in Level 1 and Level 2 services where the emphasis is on prevention and early intervention. It also shifts from a 'single agency approach' to something very different – a multi-agency planning framework in which the various agencies and services can offer their responses to the needs of children.

CONFERENCE RECOMMENDATIONS	FOLLOW-UP ACTION SUGGESTED BY CONFERENCE CO-ORDINATING GROUP	ADDITIONAL COMMENTS FROM CONSULTATION WITH DELEGATES
REGIONAL/GOVERNMENT		
<p>There needs to be a policy lead at the highest level which champions a new cross sectoral approach to issues for children when parents are separating</p>	<p>The Minister for Children and Young People should take a lead responsibility for endorsing this report and overseeing the implementation of its recommendations</p>	<p><i>There needs to be one Minister or Government Department joining together all those other Departments involved with children</i></p> <p><i>There needs to be accountability with someone driving an action plan.</i></p> <p><i>A full report on the Conference to be sent to all Government Departments</i></p> <p><i>The action points from today's conference need to be linked in with other strategies</i></p> <p><i>There needs to be clarification for who takes ownership for the funding and development of services such as family mediation & contact centres:</i></p>
<p>There needs to be a thorough and critical examination of the deployment of existing resources alongside a realistic assessment of the resourcing of early interventions</p>	<p>It is recommended that the Ministerial Committee for Children and Young People examine the existing use of resources with a view to redressing the under-funding of early interventions.</p>	<p><i>There needs to be adequate funding from public funds for effective services for children whose parents are separating</i></p> <p><i>Funding of preventative services critical to addressing the issues raised at the Conference.</i></p> <p><i>Only a small proportion of funding is going towards family support interventions. Greater commitment is needed in this area.</i></p> <p><i>News systems of public funding must be aimed as achieving the most beneficial result not the cheapest</i></p>

CONFERENCE RECOMMENDATIONS	FOLLOW-UP ACTION SUGGESTED BY CONFERENCE CO-ORDINATING GROUP	ADDITIONAL COMMENTS FROM CONSULTATION WITH DELEGATES
CROSS SECTOR		
<p>There needs to be a commitment to partnership working.</p>	<p>The commitment to ensuring partnership working needs to be developed at the highest level of Government and should be a cross sectoral operational requirement.</p>	<p><i>There needs to be multi disciplinary training which involves solicitors, social workers, teachers, mediators, policy makers, contact centre staff and volunteers.</i></p> <p><i>There needs to be a range of regular forums (conferences, workshops) to promote inter-agency working and to exchange ideas on best practice</i></p> <p><i>Smaller events and workshops to bring forward co-operative working across professions.</i></p> <p><i>More training including:-</i></p> <ul style="list-style-type: none"> • <i>More input from Judges</i> • <i>More input from Child Psychiatry</i> • <i>A focus on Domestic Violence and its part in separations</i> • <i>More training on Child Development</i> • <i>How to deal with implacable hostility and its effects on children</i>
<p>There needs to be a strategic and systematic approach to the use of and development of research in this area</p>	<p>A comprehensive literature review should be undertaken as a platform for a follow up study of the consequences for children of changes in family life in Northern Ireland.</p> <p>The Northern Ireland Child Care Research Forum, is one lead body which could propose and seek funding for such an initiative.</p>	<p><i>There is a widely published body of international research. We need to use it:</i></p> <ul style="list-style-type: none"> • <i>to influence change in the judiciary process</i> • <i>to inform decisions about which interventions to fund</i> <p><i>Make sure future research addresses gaps in our knowledge eg, longitudinal research on how contact arrangements develop over time.</i></p>

<p style="text-align: center;">CONFERENCE RECOMMENDATIONS</p>	<p style="text-align: center;">FOLLOW-UP ACTION SUGGESTED BY CONFERENCE CO-ORDINATING GROUP</p>	<p style="text-align: center;">ADDITIONAL COMMENTS FROM CONSULTATION WITH DELEGATES</p>
<p style="text-align: center;">SERVICE DELIVERY</p>	<p style="text-align: center;">FAMILY SUPPORT MODEL LEVELS OF INTERVENTION</p>	
<p>There is a need to promote and extend the range of family support interventions.</p>	<p>Level 1/2</p> <p>It is recommended that the Ministerial Committee for Children and Young People critically review the range and availability of family support services particularly those at the earliest point on the continuum.</p>	<p><i>There needs to be a programme of education of both parents and children about separation/divorce. This will help people get the right advice at the right time</i></p> <p><i>Provision of a universal mediation service</i></p> <p><i>Funding for child contact centres for stability and more efficient services.</i></p> <p><i>Need to secure funding without over-burdening service providers with bureaucracy and without getting entangled and delayed by negative funding arguments.</i></p> <p><i>Ideas for expanding range of interventions:</i></p> <ul style="list-style-type: none"> • <i>Use of media/TV as a tool to educate and influence social attitudes</i> • <i>Education/awareness raising programmes</i> • <i>Linking with school partnerships</i> • <i>Seasons of Growth programmes</i> • <i>More help for children in schools</i> • <i>Family counselling offered as a method of intervention</i>

CONFERENCE RECOMMENDATIONS	FOLLOW-UP ACTION SUGGESTED BY CONFERENCE CO-ORDINATING GROUP	ADDITIONAL COMMENTS FROM CONSULTATION WITH DELEGATES
<p>The adequacy of social work services to parents and children from separating families needs to be reviewed</p>	<p>Levels 2/3/4</p> <p>COAC and the DHSSPS are the lead bodies currently addressing these issues in a regional review of court welfare services (COAC: Sixth Report 2005)</p>	<ul style="list-style-type: none"> • <i>Article 4 Reports need a greater priority, more resources and completed in a more therapeutic way – currently prepared by overstretched statutory social work staff</i> • <i>Models of best practice extended, eg, Court Welfare Officers attached to Family Proceedings Courts</i> • <i>Need to have a fast tract system for early resolution of Court hearings</i> • <i>More emphasis from Social Services on preventative work under Articles 17 and 18 of Children and Young Persons Order</i>
<p>The Legal Process needs to accommodate this joined up system by promoting the development of early intervention services and strongly encouraging alternative dispute resolutions.</p>	<p>Levels 2/3/4</p> <p>Lead bodies including Northern Ireland Court Service and COAC need to adopt this principle.</p>	<ul style="list-style-type: none"> • <i>Consideration should be given to introducing a therapeutic justice model which places responsibilities on parents to participate</i> • <i>There needs to be an overhaul of Judiciary processes with pre-court mediation for all separating couples</i> • <i>One Family one Judge should be piloted as soon as possible and support services worked in to early stages of contact with Court</i>

<p>CONFERENCE RECOMMENDATIONS</p>	<p>FOLLOW-UP ACTION SUGGESTED BY CONFERENCE CO-ORDINATING GROUP</p>	<p>ADDITIONAL COMMENTS FROM CONSULTATION WITH DELEGATES</p>
		<ul style="list-style-type: none"> • <i>The development of mediation/collaborative working to keep cases out of Court</i> • <i>A move towards a non adversarial non fault grounds for divorce which does not require waiting for 2 years</i> • <i>When agreement is reached in respect of contact and residence applications in Court, Judge should nevertheless endeavour to ascertain child's view to agreement</i> • <i>Directory of Expert Witnesses for Practitioners in Northern Ireland essential</i> • <i>Removal of delays with Legal Aid</i> • <i>Specific training for solicitors with the child in mind</i> • <i>More events in collaborative law and how to incorporate these aspects into every day practice</i>

<p style="text-align: center;">CONFERENCE RECOMMENDATIONS</p>	<p style="text-align: center;">FOLLOW-UP ACTION SUGGESTED BY CONFERENCE CO-ORDINATING GROUP</p>	<p style="text-align: center;">ADDITIONAL COMMENTS FROM CONSULTATION WITH DELEGATES</p>
<p>In decision making forums there needs to be more robust processes to ensure that children’s rights are secured, particularly in relation to Article 12 UNCRC</p>	<p>Levels 1/2/3/4</p> <p>The Office of the Northern Ireland Commissioner for Children and Young People should monitor the progress made by Government departments and service providers in securing the rights of children when parents separate and/or divorce.</p>	<p><i>Children should have greater participation in decisions made about them in Court – outside Court.</i></p> <p><i>The child’s voice is missing in family law.</i></p> <p><i>The system requires a fresh and invigorating means of representing views and opinion – wishes – something more co-ordinated and robust than the existing Article 8 Orders.</i></p> <p><i>Children should have the rights to separate legal representation in private law cases</i></p> <p><i>There needs to be suitable and timely consideration given to the specific needs of children with a disability who are involved in separation procedures and how their views can be heard and verbalised through welfare reports</i></p>

3.4 CONCLUSION

In his opening address Nigel Hamilton from the office of Office of First Minister and Deputy First Minister stated that this was an opportune moment to act. A new type of platform was being built for children's policy in Northern Ireland ⁽⁷⁾. Conference has demonstrated that there is substantive support for a joined-up approach to the needs of children and families when relationships breakdown. It has highlighted assets to be capitalised on such as a strong body of national and international research which can guide and inform future developments and the growing impetus for reform among strategic leaders and policy makers. It has showcased the expertise of local clinicians and practitioners and highlighted Northern Ireland's strong and resourceful voluntary sector⁽⁹⁾ It is, however, the fathers, mothers, grandparents, relatives and friends who are in the front line, providing support to children when parents separate⁽¹⁰⁾ and it is time to 'Get it Right' in partnership with them.

APPENDIX 1

SERVICE PROFILES

<p>NORTHERN IRELAND NETWORK OF CHILD CONTACT CENTRES Muriel Orr, Chair, NI Network Tel: 02890 806091</p> <ul style="list-style-type: none"> • Each centre is an independent voluntary organisation run by a trained coordinator and trained volunteers • There are currently 9 centres through-out NI and more are planned • All operate to national policies and standards • They provide supported contact and not supervised contact • Their services are child centred, independent and impartial • Suitable for families when no significant risk to the child or those around the child has been identified • Between Apr 04 and Mar 05 Mid Ulster and the 3 Belfast contact Centres facilitated 245 families and 342 children • 85-95% of families come to the Centres via the courts • Others are referred directly by solicitors and social workers • Apart from attendance dates and times no detailed report will be made to a referrer 	<p>FAMILY MEDIATION NORTHERN IRELAND 7 University St Belfast BT7 1FY Tel 02890243265 Email: enquiry@familymediationni.org.uk</p> <ul style="list-style-type: none"> • Family Mediation NI became a charity in 2005 • Based in Belfast with an outreach service in Derry • Quality assured service (UK College of Family Mediators) • A mediator assists separating and divorcing couples to negotiate and reach joint understandings regarding issues in dispute • Direct consultation with children included as appropriate • Majority of referrals on recommendation from other professionals, family/friends or in response to service advertisements • In the last 5 years telephone consultation or face to face contact with 700 families • High client satisfaction rate and high resolution rate (approx 70%) • Comparatively low cost to the public cost or to the individual client (average less that £500)
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COLLABORATIVE LAW

www.afriendlydivorce.co.uk

- A new legal way of thinking about and managing separation and divorce
- In 2005 sixty solicitors trained in collaborative practice province wide
- Legal Services Commission currently sponsoring a pre-pilot scheme with a view to offering a longer pilot scheme over the next few years
- Northern Ireland is the first part of the UK to have legal aid available for this approach
- Collaborative practice suitable for decisions about separation and divorce, property, residence and contact and financial support
- At start of process clients and their respective solicitors agree not to go to court and sign Participation Agreements to that effect
- Follow up 4 way round table meetings to discuss options and tailor agreement to the particular couple and their children
- In NI one or other party must eventually go to court for a divorce to be granted; it is envisaged that Collaborative Agreement would include decisions about who would petition on a concensual ground.
- If collaboration fails both parties must engage new solicitors

RELATE

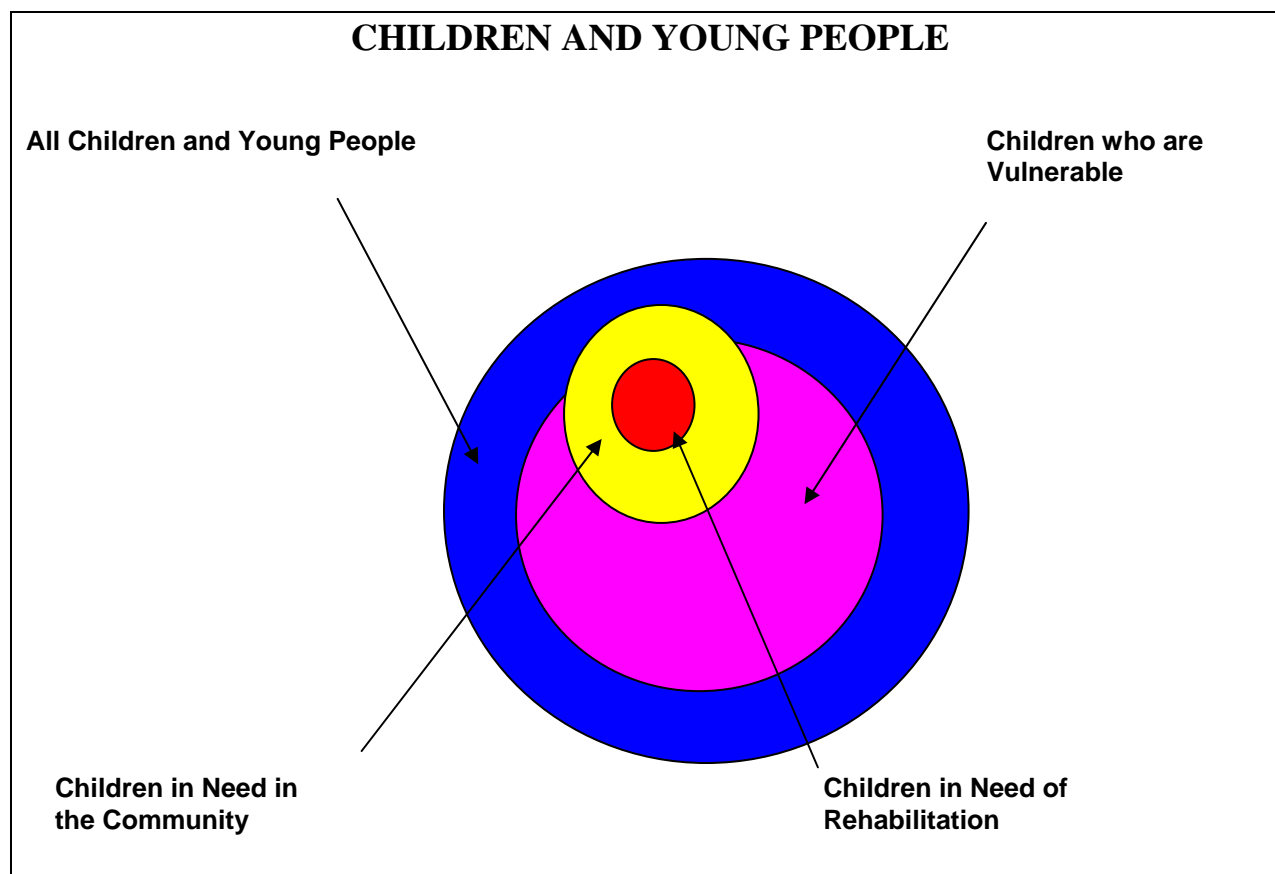
www.relateni.org.

- Relate NI is a, not-for-profit registered charity, providing a range of specialist services on relationship issues to all sections of the community irrespective of social class, religion, gender, marital status, sexual orientation, creed or colour.
- Relate NI has been serving the people of Northern Ireland for nearly 60 years and is recognised and supported by the DHSSPS and the 4 Health and Social Services Boards.
- Relate NI counsellors are trained to a nationally recognised standard and their practice is supervised on a regular basis. Counsellors all work to set services specifications and adhere to the code of ethics of the BACP.
- Relate NI counsellors are accredited to BACP or working towards accreditation.
- Relate NI services are confidential unless someone’s personal safety is at risk.
- Relate NI services are offered from 7 centres across Northern Ireland, services appropriate for those whose relationships are in difficulty; separating or divorcing include the following:
 - **Counselling**, including - divorce & separation counselling for individuals or couples,
 - **RelateTeen**, counselling for children and young people who have been adversely affected by the separation and divorce of their parents.
 - **Family counselling** for parents and children as a group to help with relationship, communication and parenting issues.
 - **Life Skills and Training** providing a range of courses, for those who are separating or divorcing, on issues such as – *Surviving the Break Up, Taking Charge of My Life and New Beginnings*, etc.
- Further information may be obtained by contacting Relate NI - Tel. No 0870 242 6091, or by accessing our website - www.relateni.org.

<p>BRYSON HOUSE/PARTNERSHIP CARE WEST - SHARED PARENTING SOLUTIONS</p> <p>Jo Marley Bryson House Belfast 9032 5835 Joe McGrann Partnership Care West Londonderry 7131 3642</p> <ul style="list-style-type: none"> • Is delivered through the charities Bryson House and Partnership Care West and is available in Derry- Donegal and the greater Belfast area. • This is a group and/or couple based therapeutic programme aimed at creating responsible shared parenting after a family separation and/or divorce • The programme is based on a nine session model each lasting approximately 2 hours • The Shared Parenting Programme is informed by family and has three stages (i) understanding the meaning of family from a personal and other perspectives (ii) exploring the relationship and its impacts on each others point of view (iii) entertaining the idea of forgiveness and moving on from positions that cause conflict and hurt • The delivery of the Shared Parenting Programme is currently subsidised by the two charities and participation is at minimal cost or no cost depending on individual financial circumstances 	<p>PARENTS ADVICE CENTRE</p> <p>Branches: Franklin House, 12 Brunswick Street, Belfast BT2 7GE</p> <p>65 Clarendon Street, Derry BT48 7ER</p> <p>1&2 Feeney's Lane, Dungannon BT70 1TX</p> <p>75 Wellington Street, Ballymena BT43 6AD</p> <p>Freephone: 0808 8010 722 Mon-Thu 10 am – 4 pm & 7pm – 9pm and Fri 10 am – 4 pm : Email: parents@ pachelp.org</p> <ul style="list-style-type: none"> • Parents Advice Centre (PAC) offers information, guidance, support and training to parents and those in the parenting role. We can also provide support to other family members, including young people, where appropriate. • Provides support on parenting and family issues, with a particular focus on family relationships, children's behaviour, communication and parental separation. • Seeks to empower parents and other family members to resolve family problems and make changes to benefit and safeguard children through one-to-one support and group-work. Also provides a listening ear and emotional support at times of crisis • One-to-one support is delivered by a team of 80 accredited volunteers working from centres in Belfast, Derry, Dungannon and Ballymena. Volunteers are supervised at all times. • Support can be accessed by freephone, face-to-face, by letter or via email. The service can be is free and confidential and has no waiting list. Group-work sessions are delivered at one of PAC's four centres (see below) or at suitable locations in the community. • Referrals are accepted from GPs, health visitors, Social Workers, solicitors or clients can self-refer. • PAC also offers a voice for all those interested in parenting issues through the Parenting Forum NI, and develops fathers work through The Men's Project.
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Northern Ireland Family Support Model

'This planning model is based on the work of Pauline Hardiker and colleagues. It is used as a tool for the inter-agency planning of services for children and young people in NI⁽⁷⁾



Level 1 represents services provided to the whole population to provide mainstream health care, education etc. It also includes services based on universal rights for the whole population, and services designed to improve the situation of disadvantaged people through community development.

Level 2 represents support for children who are vulnerable, through an assessment of need. Services are targeted at individual children, with parental support, and are provided in statutory and voluntary settings. It incorporates services that must address rights such as Article 23, UNCRC, on the right of disabled children to special care, education and training.

Level 3 represents support to families or individual children or young people, where there are chronic or serious problems. It is provided through a complex mix of services, which need to work together well in order to provide the best support. These services must address UNCRC special measures of protection such as Article 39, on the duty for recovery for victims of neglect, exploitation or abuse.

Level 4 represents support to families, or individual children and young people, where the family has broken down temporarily or permanently, and the child or young person may be looked after by social services, in youth custody or prison or as an in-patient, for instance, due to disability of mental health problems. These services must address rights such as Article 40, UNCRC, which sets out the rights of children accused of offences.

APPENDIX 3

First Name	Surname	Organisation	Position
Siobhan	Armstrong	G.R.Ingram & Co Solicitors	Assistant Solicitor
Audrey	Atcheson	CMG Solicitors	Solicitor
Colin	Bates	Mackenzie & Dorman	Partner
Elizabeth	Baxter	Mid Ulster Child Contact Centre	Management Committee
Joanne	Beattie	FJ Orr & Co	Solicitor
Christine	Bell	Ballymena Child Contact Centre	
Marna	Bell	DHSSPS NI	Family Policy Unit
Sheena	Bell	Family Mediation	
Shauna	Benson	L K Bannon & Co Solicitors	Solicitor
Sonya	Boal	Ashgrove Nursery School	Nursery Nurse
Vicky	Boland	Homefirst Children's Services	Senior Social Worker
Fionnuala	Boyle	Rafferty & Boyle	Solicitor
Aedin	Bradley	Colman R Hanna	Solicitor
Mary	Bradley	SDLP	MLA
Mildred	Breakey	Mildred Breakey Solicitor	Solicitor
Eamonn	Broderick	NI Legal Services Commission	Business Manager Partnerships
Marie	Brown	Foyle Womens Aid	Area Management Co ordinator
Judith	Brown	Alan M Brown Solicitors	Solicitor
Ruth	Browne	Homefirst Children's Services	Senior Social Worker
Sarah	Burke	McConnell Kelly & Co	Solicitor
Anne	Caldwell	Flynn & Mcgettrick Solicitors	Partner
Dr Hamish	Cameron	Consultant Child Psychiatrist	
Gerard	Campbell	Millar, Shearer & Black Solicitors	Solicitor
Joanne	Carmichael	W B Thompson & Co Solicitors	Assistant Solicitor
John	Carson	OFMDFM Castle Buildings	Children & Young Peoples Unit
Michelle	Casey	Down Lisburn Trust	Social Work Practitioner
Tara	Caul	Childrens Law Centre	Solicitor
Marie	Cavanagh	Gingerbread NI	Director
Alan	Chard	Down Lisburn Trust	Programme Manager
Karen	Cherry	Wilson Nesbitt Solicitors	Para-Legal
Leonora	Chestnutt	Causeway Trust	Social Worker Family Proceedings Team
Gerald	Clarke	Relate NI	Chief Executive
Alexis	Coffey	Ulster Comm Hospitals Trust	Court Welfare Officer
Bob	Collins	Equality Commission for NI	Chief Commissioner
Oonagh	Collins	Donaldson & McConnell	Solicitor
Brenda	Conlon	DHSSPS	Head of Looked After Children
Hugh	Connor	Eastern Health & Sosial Services Board	Director of Social Services
Killian	Conwell	Babington & Croasdaile	Solicitor
Deirdre	Copeland	North & West Belfast HSST	Social Worker
Jane	Corr	Kelly & Corr	Partner
Diane	Coulter	M. Diane M. Coulter Solicitor	Principal Solicitor
Sandra	Couser	Parents Advice Centre	
Michelle	Crilly	Michelle Crilly & Co Solicitors	Solicitor
Gerry	Crossan	NI Legal Services Commission	
Eimear	Cullen	R M Cullen & Son Solicitors	Solicitor
Breda	Cunningham	K S Morgan B.Sc Solicitors	Solicitor
Francine	Curran	Antrim Youth Information & Counselling	Counsellor

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Clare	Curran	Worthingtons Solicitors	Solicitor
Joan	Currie	Gordon Wallace & Co	Solicitor
Laura	Davison	NI Legal Services Commission	Staff Officer
Breige	Devlin	NEELB	Early Years/Parenting Officer
M. Catherine	Dixon	James H Rodgers & Co Solicitors	Partner
Hilary	Dobson	Paul J Kennedy Solicitors	Assistant Solicitor
Mary	Doherty	Mid Ulster Child Contact Centre	Committee Member
Theresa	Donaldson	NI Legal Services Commission	
Ciara	Doohar	Joseph F McCollum & Co Solicitors	Solicitor
Deirdre	Doran	Deirdre Doran Solicitors	Proprietor
Diane	Drennan	Office of Law Reform	Consultant
Dominic	Drumm	Causeway Trust	Family Centre Social Worker
Kevin	Duffy	Foyle Trust	Court Childrens Officer
Sandra	Duffy	Agnew Andress Hggins	Partner
Seaneen	Duggan	Conor Downey & Co	Principal Solicitor
Helen	Dunn	Parenting Matters Barnardo's NI	CSM
Martin	Durkan	G P Henvey Solicitors	Solicitor
Jacqui	Durkin	NI Court Service	Acting Grade 5 Court Operations
Elaine	Early	Elaine Early Solicitors	Owner Peactitioner
Ciaran	Eastwood	Craigavon & Banbridge H&SST	Child & Family Care Manager
Claire	Edgar	Francis Hanna & Co	Solicitor
Ann E	Ervine	McMillan & Ervine Solicitors	Partner
Carrie	Esler	Thomas Taggart & Sons	Apprentice Solicitor
Eileen	Ewing	Thompson Crooks	Solicitor
Margaret	Fawcett		Independent Social Worker
Elizabeth	Fielding	Foyle Contact Centre	
Catherine	Flannigan	Bridge Community Centre	Paediatric Project Officer
Karen	Fox	Karen Fox Solicitor	Solicitor
Doloros	Fullerton	Womens Aid	
Rosemary	Fulton		Counsellor/Family Mediator
Breige	Gadd	NI Legal Services Commission	Commissioner
Patricia	Gaston	John Ross & Son	Solicitor
Claire	Gibson	Jim Rafferty Solicitors	Solicitor
Denise	Gillan	Gillan Barr & Co	Partner
Sharon	Grant	Terence McCourt Solicitor	Solicitor
Aine	Grant	Gibson & Quigley	Solicitor
Jennifer	Greenfield	NI Legal Services Commission	Commissioner
Dr Alex	Greer		G P Principal
Gerard	Guckian	Casey & Company	Solicitor
Mark	Hamill	Mark Hamill Solicitor	Principal
Dame Joan	Harbison		
Dr Jeremy	Harbison	NI Legal Services Commission	Commissioner
Clare	Hasson	Thomas Taggart & Sons	Solicitor
Simon	Heaney	NI Legal Services Commission	
Ian	Hearst	NI Legal Services Commission	
Donal	Heron	James O'Brien & Co Solicitors	Partner
Sir Anthony	Holland	NI Legal Services Commission	Commissioner
Lady	Holland		
Marjorie	Houston	Relate NI	Counselling Supervisor

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Joan	Hynes	NI Court Service	Business Support Group
Clare	Irvine	Office of Law Reform	Legal Assistant
Pip	Jaffa	Parents Advice Centre	
Tanya	Jennings	Flynn & McGettrick Solicitors	Solicitor
Nuala	Judge	Armagh Child Contact Centre	
John	Junk		
Francis	Kennedy	McFarland Graham McCombe	Solicitor
Linda	Kerr	Office of NI Commissioner for Children & Young People	
Anne	Kerr	Faloon & Toal	Solicitor
Dr Rosemary	Kilpatrick	Queens University Belfast	
Dr Fionnuala	Leddy	Royal Belfast Hospital for Sick Children	
Pauline	Leeson	Children in Northern Ireland	
Eamonn	Leonard	Conway Todd & Co	Solicitor
John	Lorimer	CH&SST	Social Worker
Alison	Loughlin	Parents Advice Centre	
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Anne	MacRandal	O'Toole & MacRandal	Partner Solicitor
Jenny	Magee	Positive Futures	Family Worker
Elaine	Magee	Gray Magee Solicitors	Partner Solicitor
Grainne	Maginnis	Parents Advice Centre	
Gerard	Maguire	Gerard Maguire Solicitor	Principal Solicitor
Jo	Marley	Bryson House	Executive Director
Claire	Marshall	J W McNinch & Son	Solicitor
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Shelly	Maybin	E & L Kennedy Solicitors	Solicitor
Sharon	McBride	Oliver Roche & Co	Partner
Shirley	McCaffrey	Newry FRC Barnardo's NI	Social Worker
Joanne	McCartan	C. Murnion & Co	Solicitor
Linda	McClure	Barnardos NI	Assistant Director
Mary England	McCluskey	Cookstown & Dungannon Women's Aid	Floating Support Worker
Rab	McConaghy	NI Legal Services Commission	Business Manager - Research
Jane	McConnell	Policy & Legislation -NI Court Service	Civil Policy Branch
Vivian	McConvey	Voice of Young People in Care	Director
Paul	McConville	NCH NI	Assistant Director
John	McCord		
Carmel	McCormack	Down Lisburn Trust	Senior Social Worker
Patricia	McCormack	Barnardo's Woodland Family Centre	Children's Service manager
Carol	McDonald	Walker McDonald	Assistant Solicitor
Elaine	McElduff	Children in Northern Ireland	Policy Officer
Vera	McElhone	Mid Ulster Child Contact Centre	Treasurer
Joe	McGrann	Partnership Care West	Senior Manager
Andrea	McGuigan	Murtagh Breen & Co	Solicitor
Dolores	McGuinness	Lifestart Foundation	Director
Wendy	McIntosh	Thompson Mitchell	Solicitor

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Neil	McIvor		Father
Colin	McKay	Parents Advice Centre	Board of Trustees
Dr C.H.	McKee		
Liam	McKendry	O'Rourke McDonald & Tweed	Solicitor
Frances	McKenna	Mid Ulster Child Contact Centre	Co-ordinator
Roisin	McKenna	Madden & Finucane	Solicitor
Claire	McKeown	N I Legal Services Commission	Staff Officer (Adjudication)
Ailis	McKeown	Donnelly & Wall	Partner
Mr Harry	McKibbin	NI Court Service	Resident Magistrate
Eva	McKillen	Conn & Fenton, Melvyn T Doherty	Solicitor
Marie Therese	McKnight	McKnight & Co	Principal Solicitor
Noelle	McMeel	McShane & Co	Solicitor
Sharon	McMurrin	Barnardos	Social Worker
Jonathan	McNaught	NI Court Service	Civil Reform Manager
Shirley	McPhillimy	Coleraine Area Child Contact Centre	
Sheila	McPhillips	NI Legal Services Commission	
Laura	McPolin	Office of Law Reform	Assistant Director
Gary	Millar	T.S. McAllister & Son	Solicitor
Janet	Millar	Cookstown & Dungannon Women's Aid	Community Childworker
Joan	Millar	David Russell & Co	Partner
Julie	Milliken	Watson & Neill Solicitors	Solicitor
Bridget	Monaghan-Taggart	Stelfox Solicitors	Solicitor
Bria	Mongan	Down Lisburn Trust	Operations Manager Children's Services
Christine	Morean	R P Crawford & Co	Solicitor
Alison	Moriarty	Peter Murphy Solicitors	Solicitor
Joanne	Morrison	Positive Futures	Family Worker
Lynn	Mounstephen	Harrisons Solicitors	Solicitor
Dr Elaine	Murdock	Cregagh Surgery	G P Principal
Meg	Nixon	Nixon & Co Solicitors	Principal
Karen	O'Brien	Foyle H&SST	Service Manager
Peter	O'Brien	Law Society of Northern Ireland	Assistant Secretary
Mary	O'Callaghan	Armagh & Dungannon Trust	Court Welfare Officer
Karen	O'Leary	Caldwell & Robinson Solicitors	Partner
Eleanor	O'Neill	Cloona Child Contact Centre	Lay Magistrate
Muriel	Orr	Knock Contact Centre	
Peter	Osborne	NI Legal Services Commission	Commissioner
Mary	O'Toole	O'Toole & MacRandal	Partner Solicitor
Judge Corinne	Philpott QC	Northern Ireland Court Service	
Brian J.	Quinn	Campbell Fitzpatrick	Solicitor
Felim	Rafferty	John McEvoy & Co Solicitors	Partner
Fran	Raine	Relate NI	Client Services Manager
Pamela	Reade	O'Rourke McDonald & Tweed	Solicitor
John	Reavey	Reavey & Co Solicitors	
Richard	Redman	Richard M Redman Solicitor	Principal
Charles	Redpath	NI Court Service	Master (High Court)
Phyllis	Reilly	S&E Belfast H&SST	Social Worker-Court Welfare
Christopher	Reilly	John Boston & Co Solicitors	Partner
Emma	Robinson	R M Cullen & Son Solicitors	Solicitor

LSC Conference Report – Draft 9 – 10 July 2006

Tony	Rodgers	SH&SS	Asst Director of Social Services
Patricia	Rodgers	North & West Belfast HSST	Senior Social Worker
Theresa	Rooney	Mid Ulster Child Contact Centre	Chairperson
Ann	Roulston	Conn & Fenton, Melvyn T Doherty	Solicitor
Richard	Rowntree	John W Pinkerton & Son	Partner
Glyniss	Russell	Campbell & Cather Solicitors	Partner
Michael	Scally	Crawford Scally & Co Solicitors	Partner
Dawn	Shaw	NCH N.I.	Deputy Director of Children's Services
Ian	Slaine	Belfast Child Contact Centre	
Lisa	Sloan	Womens Aid	
Deirdre	Sloan	Parenting Matters Barnardo's NI	Team Co-ordinator
Prof Carol	Smart	University of Manchester	
Janice	Spence	Donaldson & McConnell	Solicitor
Ronnie	Spence	NI Legal Services Commission	Commissioner
Catherine	Stevenson	Childrens Law Centre	
Victor	Stitt	NI Legal Services Commission	
Patrick	Stott	Barnardos	Children's Service manager
M	Talbot	Down Lisburn Trust	CSM
Sharon	Taylor	CMG Solicitors	Solicitor
Brenda	Teighe	Cloona Child Contact Centre	Supervisor of Counsellors
John	Thurley	Mackenzie & Dorman	Solicitor
Sinead	Toal	S C Connolls & Co	Solicitor
Ciaran	Tully	Tully & Co Solicitors	Solicitor
Tara	Walsh	Tara Walsh Solicitors	Solicitor
Kerrylee	Weatherall	South & East Belfast HSST	Senior Social Worker
Hilary	Wells	NI Court Service	Master (High Court)
Mr R.H.	Williamson	NIGALA	Executive Director
Ivan	Wilson	Judicial Studies Board	Lay Magistrate
Noel	Wilson	Noel Wilson & Co	Solicitor
Stephanie	Windrum	Presby Church in Ireland Counselling	Co-ordinator
Frank	Woods	Joyment Contact Centre	Chair of Management Committee
Bernie	Wreath	CH&SST	Senior Social Worker

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Margaret Fawcett is an Independent Social Worker with a long-standing professional interest in the needs of children when parents separate. She has previously worked as a family mediator and as a counsellor with young people. From 1988 – 2001 she taught in the School of Social Work QUB where she undertook a DHSS (NI) funded research study 'What hurts? What helps?' which explored needs and services for young people from divorcing families. In her current role she continues to undertake consultancy work in this area – writing, researching, and teaching - as well as practising in Belfast as an independent social worker/ therapist with children, young people and families dealing with parental separation and loss.

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GETTING IT RIGHT FOR CHILDREN WHEN PARENTS ARE SEPARATING

1st March 2006

Sir Anthony Holland Chair of Northern Ireland Legal Services Commission

It is a great pleasure for me to welcome you all here today to the first major conference to be supported by the NI Legal Services Commission. I am delighted to report that the audience has representation from professionals working in legal, health, social care, academic, public and voluntary sector organisations. The issue that we will be considering today - getting services right for children affected by parental separation and divorce- cuts across most if not all publicly funded services to children and families be they education, health, social or legal. It is not surprising therefore that there would be interest from these sectors in the conference. Some might find it more remarkable that those responsible for the administration of legal aid should be involved in this conference to the extent that we have been. Certainly from what I have seen there has not been a history of legal aid involvement in matters of social and family policy in Northern Ireland. My presentation to you and our support of this conference are evidence of the changes that are now taking place within legal aid.

I want to say a few words about those changes and will then return to the subject matter of the conference and the day ahead.

The Reform of Legal Aid in NI

The provision of legal aid in NI is undergoing unprecedented change that will transform access to legal aid and the provision of legally aided services. These changes began long before the establishment of the NI Legal Services Commission (the Commission) under the Access to Justice (NI) Order 2003. However, since the establishment of the Commission the change process has gathered pace. The Commission is tasked with ensuring that, within the resources made available to it, people in Northern Ireland will have access to civil legal services that meet their needs and, where they are involved in criminal investigations, that they have access to criminal defence services. The Commission's objective is to make the justice system in Northern Ireland fair, accessible and affordable for all, and to help promote social inclusion. In order to bring forward the Access to Justice Order the Commission must first reform the current delivery of legal aid. This includes the introduction of a NI Funding Code that will replace the merits test applied by adjudicators within the Commission. The reforms will include revision of the financial eligibility test; the introduction of fixed fees across all areas of civil legal aid and the introduction of Codes of Practice and a Registration Scheme for providers of legal services to quality assure service provision.

These are major reforms that will be put in place within a reasonably short time- scale. We intend that by September 2007 the Funding Code will be in place and the scene will be set for the full implementation of the Access to Justice Order. This Order will allow the Commission much greater freedom about how legal aid is spent and who we can pay out of the legal aid fund. Presently, the overwhelming majority of legal aid money (some £60 million 05/06) pays the legal profession to provide advice, assistance and representation in any case under NI law where the legal aid applicant meets the financial eligibility test and the case meets the merits test. The implementation of the Access to Justice Order(AJO), and the Funding Code will mean that some areas of law will no longer be funded. For example, boundary disputes can presently be funded by legal aid. This area mentioned under Schedule 2 of the AJO and others including matters of trust law and company or partnership law will be excluded from the Funding Code when the AJO is implemented.

The AJO and Funding Code will introduce priorities for funding and levels of service. So, for example, the funding of cases that concern the upbringing or welfare of children will be a top priority as is the case in England and Wales. In England and Wales Family Mediation is a separate level of service under the Funding Code.

As we will hear from colleagues, the situation for children caught up in parental separation and divorce in England and Wales is not perfect, nonetheless, services that provide alternatives to dispute resolution in the Court are much more developed. The Funding Code will help promote such development in the NI context. This is about time too, as in NI such services are scandalously short on the ground. The new era that we will move into as a Commission when the AJO is implemented is one I and my fellow Commissioners are very excited about. We are looking forward to being able to support projects operated by voluntary and private sector providers that are developed to meet specific needs of children and families when families are breaking down for whatever reason.

This is because the Commission has been impressed by the body of international research highlighting the clustering of 'justiciable' problems (these are problems that raise legal issues) and the spiralling downwards that can occur for some if access to early advice and information is denied. For example, when domestic violence leads to divorce, and sometimes indirectly, divorce leads to a drop in income, a need to find alternative accommodation, or a need to alter patterns of working to care for children and consequently to problems with debt, welfare benefits, homelessness, housing and employment. The importance of access to early advice and support to protect children whose families are going through relationship breakdown is clear to the Commission. We are also clear that as we move forward to develop pilot projects and support new ways of working (with problems that are not so new, such as family breakdown), we will do so in partnership with others such as other public sector bodies, the voluntary sector and the private sector, represented by the Law Society and the Bar. We are conscious that these are challenging times for the legal profession and are delighted that already we have been able to encourage the development of the Collaborative Law in Northern Ireland through support of a pre-pilot and depending on the success of this way of working with divorcing couples support for a pilot. We will hear more from the Association of Collaborative Family Lawyers later.

Getting it Right for Children

As I said earlier it might be surprising to some that the Commission, responsible for the administration of legal aid, is concerned about policies underpinning services to children when parents are going through separation and divorce. It might not be surprising that in addition to the human cost of protracted, bitter court disputes we are concerned about the rising financial cost.

In the last 6 years the Commission has spent £27 million on providing legal representation in Children Order cases including those involving Contact and Residence Order disputes. The costs of proceedings have increased from £1.5million in 1998/99 to £7million 2003/04 and the upward trend shows no sign of abating. The issue of most concern to the Commission is that the increasing costs are not volume driven, that is the actual number of applications for legal aid is decreasing. It is the increasing cost per case, particularly at the top end of the scale that is driving the cost ever upwards. There are I am sure many reasons for this, we are told that cases are becoming more complex. Unfortunately, in the absence of research it is not possible to say why costs and volumes are moving in the direction I have described. From the time we became established the Commission has pledged to ensure that proposals about service development in NI will be evidence-based. That is quite a challenge because we have been surprised and disappointed by the paucity of research that has been undertaken. In view of this gap I am looking forward to hearing

Professor Smart's research on the child's view of the legal process and Dr. Kilpatrick's paper on research in Northern Ireland.

We are aware, however, that the issue of contact with children after divorce or separation is difficult for parents and for the legal system, and disputes over contact can be hard to resolve. The recent judgement by Judge Gillen in the case Re O and S concerning a contested residence order provides ample evidence of this. Judge Gillen noted that the case was initiated by the mother on 19 January 1999, over the ensuing 6 years there were approximately 70 court appearances for directions and court orders in all of the family jurisdictions, literally hundreds of pages of statements made by the parties, the engagement of a number of medical experts, social workers and an expenditure of many thousands of pounds of public money in an attempt to resolve this case. The case has now become a public law dispute. This case provides an extreme example of the hostility in contact and residence order disputes. It also highlights the potential for harm to children caught in the middle of 'impacably hostile' parents. As I said the Commission is concerned about the human cost of proceedings and I am delighted that Dr. Fionnuala Leddy will share her concerns with us today from the Child Psychiatrist's perspective about how badly children can be effected by such disputes. The question for us as a Commission and for other bodies that pay for these disputes is 'Are we ensuring that our resources are used in the most proportionate, efficient, effective and timely way to ensure the best possible outcomes for children and families?'

We are aware of proposals in the DCA Green Paper 'Parental Separation Children's Needs and Parental Responsibilities' aimed at helping separating parents to make arrangements in the interests of their child both inside and outside the legal process. Dr. Hamish Cameron will I am sure touch on these proposals in his presentation. The Commission is well aware that there is no easy answer or quick fix to the problem of ensuring the right services are there to help children and families experiencing family breakdown because of separation and divorce. However, this is a particularly important time for children and families in NI as the finishing touches are added to the 10 year Children and Young People's Strategy. The Strategy aim's to ensure that children and young people's rights and needs are coordinated, monitored and promoted within Government. I am therefore delighted that recommendations coming from this conference will be fed into the Cross-Ministerial Sub-Committee chaired by Lord Rooker and hopefully form an action plan that can be taken forward under the auspices of the Strategy. I am sure Sir Nigel Hamilton, Head of the Northern Ireland Civil Services will tell us more about the Children and Young People's Strategy and the plans for taking this forward.

I hope you now have a flavour of the changes that are being taken forward by the Commission that will impact I hope positively on services for children when parents are separating and divorcing. I have mentioned some of the speakers you will be hearing from this morning. We will also be hearing important messages from parents and from children affected by relationship breakdown when Pip Jaffa provides the Parents Advice presentation. At the end of the morning Linda Kerr from the Commissioner for Children's Office will provide the Commissioner's view on this issue. This afternoon we will hear from Judge Corinne Philpott providing a judicial perspective and then we will hear from a number of service providers including- Muriel Orr, Knock Contact Centre, Sheena Bell , Family Mediation, John Reavey and Judith Brown the Association of Collaborative Family Lawyers and Hugh Connor, the Association of Directors of Social Services. There will be a plenary session to deal with questions and recommendations at the end of the day. I hope you enjoy the day and that it will contribute to improvements in services for children when parents are separating and divorcing. Thank-you.

Standing in children's shoes: perspectives on divorce and post-separation families

Professor Carol Smart

**The Morgan Centre for the Study of
Relationships & Personal Life**

University of Manchester

Carol.Smart@Manchester.ac.uk

Policy Shift

- Paramountcy of the welfare of the Child
- Influence of Human Rights approach
- Emphasis on hearing the voice of the child – but not just as relayed by parents

The Research Projects

- Study of co-parented children. 65 children aged 5 - 16 years. ESRC
- Follow on study of 52 children whose divorced parents were part of a previous study. Ages 5 - 22 years. Nuffield Foundation.
- Study of children who have experienced family change, aged 6 and 9 years, in 4 primary schools. Joseph Rowntree Foundation.
- Final follow in study of 60 children (taken from the earlier ESRC and Nuffield studies) some 4 years later. ESRC

Some of the challenges

- Thinking like a child
- Standing in the shoes of a child
- Ceasing to project our memories of childhood onto children
- Being critical of what we 'know' about children

Space, place and moving

- Physical spaces
- Emotional spaces/ landscapes
- Psychological spaces

Physical Spaces

Rachel (16): [At first] it was confusing. I'd worry I'd go to the wrong house at a certain time or something. ... But, it's just like second nature now. I've been doing it so long I can hardly remember what it was like before.

Emotional Spaces

Q: What's it like when you're going off to dad's?

Alistair (11): Well it depends whether he's been nice to me the week before. Sometimes I want to go but not usually. ... I like mum the most. ... I didn't like it when I was seeing dad more. I never saw my mum at weekends. So I asked for it to change. Now it's much better. Dad used to be much nastier than he is now, especially to mum. He shouts at me, he used to give me smacks a lot, but he's better than he was.

Emotional Spaces

Selina (16): [I]t gets to about five o'clock on Sunday and I get like a really awful feeling and then ... Aah! packing up again ... I don't complain about it. That's just the way it is. There's no *point* complaining about it, nothing's going to change. ... [But] usually on a Sunday around that time ... we're upset because we're having to move and everyone's temper is ... you know, you get quite irritable.

Psychological Spaces

Rachel (16): You sort of change, depending what house you're at. I don't know about other people, but I find that I'm a different person at different at a different house. 'Cos the different environment and ... my parents react differently to different things. It is difficult to explain. So I adapt to my environment, I suppose. I mean, my core personality doesn't change, I suppose. But the way I behave does. ... [And] because we like change a bit, who we are, what we do and stuff, it takes a while to settle in, to being ... the other person. I mean, it's getting shorter, but it used to take a couple of days. And then when there was short times, and I'd only be somewhere a couple of days, it was a bit disconcerting. But it's getting better now.

Ongoing bitterness

Leonie: But she won't talk to him any more. I think she sent him a letter saying I'm not going to talk to you any more over the phone. If you want to talk to me, send me a letter or talk to Ian, which is her partner.

Int: Was it something in particular or was it just a *gradual* thing that it has been going like that?

Leonie: Well it's not a particular thing that set it off. Basically it's just the fact that my dad left her 11 years ago and she still hasn't got over it (laughing)

Ongoing conflict

Josh (17): His mum and dad, we always talk about it, me and them two, we talk about how much we all hate her. And they know him well, obviously, he's their son, and they still say, they would never say it to his face because they know it would break his heart, but they still don't know what he is doing with her because, they just can't see it in her, they just can't see what [he sees in her]. ...

Int: Is it that you don't like her as a person, if you met her outside that situation would you still not?

..... contd

Ongoing conflict

Josh: I still wouldn't like her. It's like, if she was a nice person genuinely, then of course I can't deny that I like her. But I still won't "like her" because of what she has done. But I mean, from what I believe, I don't know, I was young at the time, I think my Mum and Dad weren't having the best time anyway, being married, and then she sort of like finished it all off which I mean...

Josh: I don't, like, call her my step mum or anything. I get pissed off when people do call her that, and mum winds me up about it like, "How's your step mum?" or whatever.

Feelings of loss

Caitlin (16): I think it's very important [parents talking to each other] because, if your parents were like constantly arguing with each other or about each other, you'd feel more like your family had gone. Where as if they are still talking then it's more, you know your family is still there even if they are not together.

Dealing with parents' hate

Cheryl (12): If you are worried about what the children want, the children don't want you to [argue]. I can remember some arguments and I can remember thinking "Oh my god my parents hate each other". But now I don't think they hate each other; they are friends. But if you argue in front of your children they will think you hate each other. You need to split up or at least give yourselves some space until you've thought about it because that is what is best for them. They need to know that you're not behaving like a couple of school kids; they need to know that you are handling it and that you don't want to have to turn [to] them.

Other problems with parents

Daniel (9): I would just sort of say, “Well, if you break a promise to me then I’ll break a promise to you”. ‘Cos I was so happy, that was when she were going to see me, and when she never, I was devastated really.

Managing pain

Isabel (10): I would just sit and I would just believe that he would still come. I would just say to myself, “I know that he will come”. I would forgive him even if he didn't come 'cos there is just no point in making it any harder; there's just no point.

Standing in children's shoes

Q: If you had a wish for yourself and your family, what would your wish be?

Frances (12): [That] there was two of me, then I could be with mum and I could be with dad at the same time and I could see my friends.

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END

The background features several large, overlapping, colorful swirls in shades of purple, green, and blue. Scattered throughout are numerous small, yellow, triangular shapes, some pointing upwards and others downwards, resembling confetti or light rays.

Parental Separation and Divorce

a Northern Ireland Perspective

Rosemary Kilpatrick



Structure of Talk

- **Divorce/separation in NI: setting the scene**
- **Practice and differences between GB and NI**
- **Perspectives on its impact:**
 - **General public**
 - **Professionals**
 - **Children**
- **Emerging issues**
- **Recommendations**



Material for Talk

- Based on large scale study for NICCY
- Data collected from variety of sources:
 - Documentary analysis
 - Collation of existing statistics
 - Representatives and front line workers from NGOs and statutory organisations
 - Children and young people from a variety of backgrounds and communities across Northern Ireland



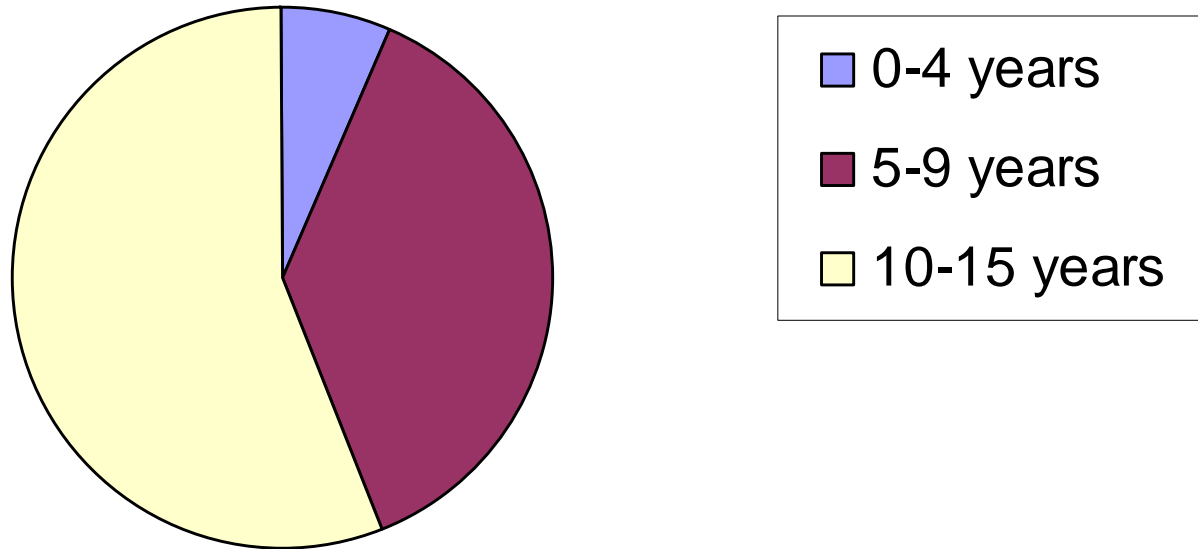
Setting the Scene

- Children Order provides the statutory framework
- Private Law Proceedings
 - Domestic proceedings, matrimonial cases and disputes regarding children
- Two key orders:
 - Residence Order
 - Contact Order

Divorce in Northern Ireland Facts and Figures

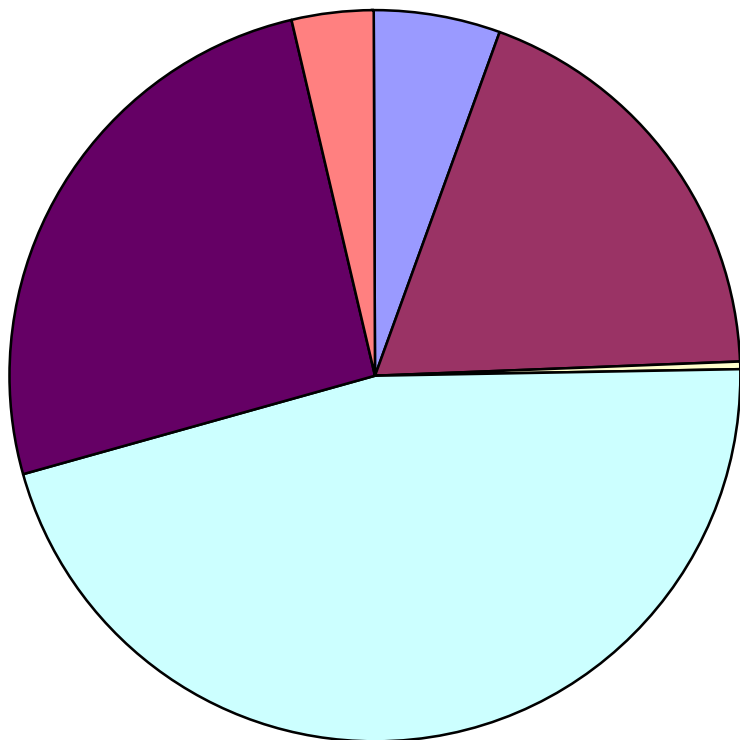
- 2512 divorces in 2004, involving 2228 children: within in 3 years 50% of non-resident parents lose all contact with their children (Relate, NI 2003)

Number of children by age



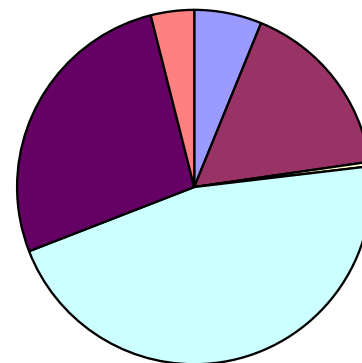
Reasons for Divorce

2004



- Adultery
- Behaviour
- Desertion
- 2 years
- 5 years
- Combined grounds

2000





General Public Perspective

	Agree %	Neither agree nor disagree %	Disagree %
Divorce is usually the best solution when a couple can't work out their marriage problems	58	16	19
Divorce is better than an unhappy marriage	77	16	7
Parents ought to stay together for children	24	25	51
After separation or divorce, the children should always stay with their mother	23	33	40
Family law upholds the rights of women more than men	62	12	21

General Public Perspective

Thinking about who the children should live with, and when the other parent can spend time with them, do you think that the couple should...	%
... the couple should try to reach an agreed arrangement between themselves	84
... they should use a mediation service to reach an agreement	13
... or they should just use the legal system and the courts to get things decided?	2



General Public Perspective

What should usually happen to the children after a separation?	%
It should be assumed that the mother will do most of the parenting - unless there is a very good reason not to	21
It should be assumed that both parents will share equally in the parenting - unless there is a very good reason not to	78
It should be assumed that the father will do most of the parenting - unless there is a very good reason not to	1

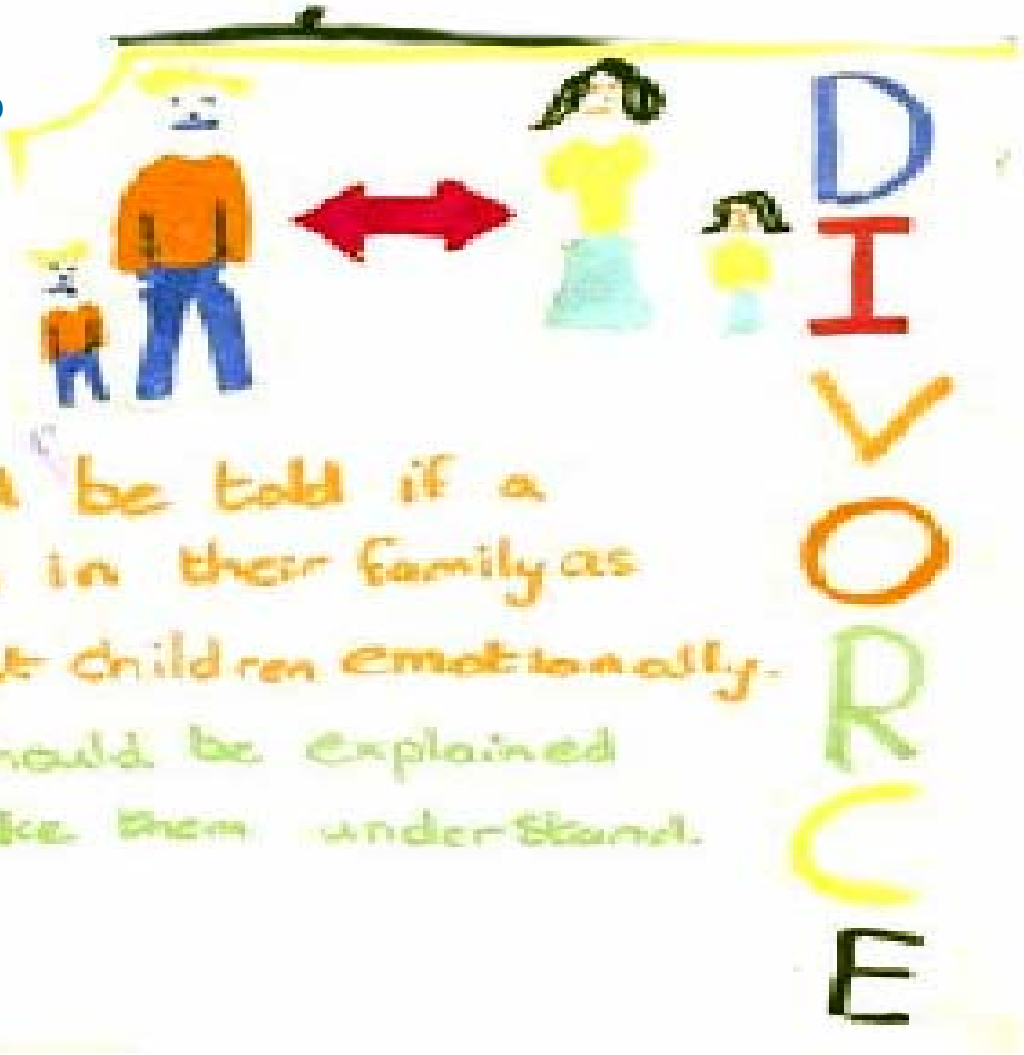


Professionals' Perspective

- One of the greatest problems I have is where mum or dad refuses to let the other partner see the children (legal professional)
- Frequently the child is just seen as a pawn in this battle between mum and dad (legal professional)
- The trauma that they experience may often be forgotten about (NGO worker)

Children's Perspective

When my parents split up I decided to stay with my Mum and see my Dad at weekends. Other children should be able to decide what they want to do.
(Girl 11yrs)



Children should be told if a divorce may happen in their family as divorce can affect children emotionally. Circumstances should be explained to children to make them understand.



Children's Perspective

- On Saturday I visit my Granny and Granda. Years ago my Mummy died and there was a **fight** to see who would own me but Daddy **won** the fight..... but now I want to live with my Granny and Granda (Boy 11 yrs)
- My family is fine. If they decide to split up children should decide who they stay with (Girl 11 yrs)
- I would like dads to stop hitting their wives and their kids (Boy 15 yrs)

A decorative graphic on the left side of the slide features a large green balloon at the top, a blue balloon in the middle, and a purple balloon at the bottom. Yellow streamers and triangular flags are scattered around the balloons.

Emerging Issues from NICCY Research

- Emotional trauma that children experience lost sight of by parents
- Separate representation for children in private family law cases
- Child's contact with parents (especially where there has been domestic violence)
- Professionals lack of understanding of the child's perspective
- Intimidating nature of the court room environment



Recommendations (just two!)

- A co-ordinated and planned research strategy designed to inform practice at all levels
- Inter-disciplinary training to integrate professional approaches and facilitate multi-agency work

**CHILD-FOCUSED EARLY INTERVENTIONS AND SEPARATED PARENTS' DISPUTES
ABOUT CHILDREN
LESSONS FROM ENGLAND/WALES AND BEYOND**

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Introduction – setting the scene

Each child's personal story shapes how they'll be as adults. Realistically, almost half of modern marriages end in parental separation. The growing-up child's personality is nourished and strengthened when family ties are sustained however the adults' relationships may change. Overseas jurisdictions support the child's ties with parents and grandparents, when family restructuring occurs. Their legal-social processes guide the former husband/wife duo, whose partnership has broken, to continue to carry out responsibly their parental duties towards the children of their union.

Every child has two genetic parents, but in adoption, fostering and modern reconstructed families, the child has more than two parents to relate to. In a world where serial monogamy grows apace, some children have many parent-adults within their family; one in five US children will have experienced two parental divorces by the time they are 18.

All adult family members (birth and adoptive parental, step-parental and maternal and paternal grandparental) can be important positive reference points in a child's development, *provided the child(ren)'s time with them is shielded from any unresolved adult conflicts*. Growing up fully part of both sides of their wider family gives the child a balanced psychological start in life which fortifies their future adult resilience.

Why there is a need for reform

The uncomfortable reality is that we Brits don't put children first. We love our own children, but do we really like other people's? The Westminster parliament echoes society's indifference to children's issues.

Society has yet to appreciate the impact of parental separation and divorce on children. A significant number of children fall through the net in non-contested divorces, with 20 – 30% losing contact with paternal relations completely. Families who turn to family law for solutions are often damaged further by the adversarial process. And, instead of helping the child sustain family ties, ineffectual court procedures, unsupported by joined-up social remedies, do little to ease the silent anguish of the child of separation.

Children are harmed by broken attachments, by growing up out of contact with their other parent's family, and by the emotional strain of high-conflict court cases about them. It is they who most need reform of the private family law system. Courts and child specialists have failed our children. It is not clever to leave separating parents to work things out on their own for their children, without the State helping, when they manifestly cannot do so. It is the children who suffer. We need to mitigate the effect on children of family breakdown.

Early Intervention reforms aim to improve children's outcomes by sustaining children's family ties (*despite hostile animosity between their parents*) and make it more likely that the next generation's children will become more settled adults and emotionally better balanced parents to their own children.

How do overseas' Early Interventions work?

Appropriately, promptly, consistently. Always early, and with respect for the process of separation.

Appropriately: now that almost half of all children have separated parents, it is ordinary for many children to visit their absent parent and family, and keep these attachments as they grow up.

Promptly: parental separation is so frequent that the State needs to expedite parents' resolution of their separation issues within a few weeks, through early parenting support and guidance.

Consistently: once court officials and society accept the ordinariness of parental separation, then post-separation cooperative co-parenting soon becomes accepted as the norm for society.

The *Early Interventions* pre-hearing process is an integrated, smoothly flowing activity:-

START -----	Parent Orientation Class	Parenting Planning -----	Court Hearing <u>or</u>
Meet children's lawyer	½ Day plus parenting video	Joint Mediation	Agreed Contact Order
Standing Temporary Order	Information Giving: go separately	to agree parenting plan	Sealed by Court
0 – 1 Weeks	2 – 4 Weeks	4 – 6 Weeks	10 – 12 Weeks

Early Interventions are – much earlier, supportive, respectful and collaborative with parents. The court steers joined-up *Early Interventions* to help separating parents make child-focused agreements before they become entrenched in their positions and tied into an adversarial court process.

Early Interventions – Key Concepts

1. 'Good Reason' Principle – resident parent has to show court a good reason why there should not be reasonable contact.
2. *Parenting Time* – examples of separated parents' co-parenting timetables shown in classes.
3. *Parent orientation* – these ½ day classes teach how post-separation parenting is different.
4. *Parenting Planning* – 1 hour joint mediation to agree a child's timetabled parenting plan.
5. *Therapeutic Justice* – joined-up legal-social process that guides separating parents to timetable and agree cooperative parenting plans for their child.
6. *Early Intervention* – a court monitored pre-hearing process of a few weeks, to guide separating parents respectfully towards a cooperative parenting plan for their child without a court hearing.

What was tried in the England & Wales jurisdiction

Overseas' *Early Interventions* were not tried. Instead the authorities appointed a design group with just one member (a Judge) who knew about overseas' therapeutic justice practice. The design group did not include mediators or mental health professionals who were steeped in the new ideas and had the 'passion' to implement these new approaches. The name was changed to *Family Resolutions*.

The Family Resolutions Pilot Project (FRPP), as it was called, embraced out-of-court dispute resolution. It came into action after parents had seen a solicitor, considered mediation & in-court conciliation, and after a first hearing. The FRPP aimed to test if facilitated group discussions

could help conflicted parents agree about contact, by improving their skills at managing conflict and by increasing awareness of the impact of conflict on their children. It was a longstop add-on measure. FRPPs did not use the early joined-up legal-social procedures which are effective overseas.

The FRPP process:-

- Obligated parents to consider old-style mediation; a requirement for public funding.
- Once parents joined the FRPP they lost their legal aid solicitor.
- Entry voluntary; no prevailing expectation that - *this is the accepted way for all parents*. At the first hearing, when referred by the court to FRPP, there was firm judicial expectation that the parents would attend the programme.
- For those who did attend the pilots (10% of the number expected) the process was:
 - Separating parents attend, *separately*, two group information sessions. They watch a video about children's perceptions following divorce; and an inspirational teacher coaches them how to parent their post-separation children well.
 - The couple go *together* to a family resolution session, to make a *Parenting Plan* timetable for their child's co-parenting, modelled on examples of '*plans which work in other families*'.

Did the FRPPs succeed?

There were successes. In each of the three pilot centres most couples who joined the project gained from the new approach. Just one example:-

When presenting their agreed liberal contact plan to the Judge, to be made into a formal order, these parents were asked how they had achieved it. They said they had approached their divorce with hostility towards each other, but found that *respect for them as parents*, at the information groups, enabled them to really focus upon the needs of their children, whom they both loved. Using the *Parenting Planning* examples, shown to them in their groups, they successfully reached an agreement themselves and thanked the Judge warmly for allowing them to draw up their own parenting plan in their own way.

The FRPPs set out to test a remedy not to impose a model. The FRPPs were not meant for everyone, only for the more difficult. When parents could settle at mediation or in-court conciliation, they had no reason to go to FRPP. The government spent £300,000 over 2004 – 06 on design, publicity, implementation in the courts, and independent evaluation. The FRPPs were an add-on remedy to existing practice, not a fundamental new approach.

Those who were helped by the pilot schemes said that they felt respected. It takes time to introduce new remedies which are a culture change both for professionals and for separating parents.

The slow start of the FRPPs is traceable to the following factors:-

1. *Strategic reasons*

- o The FRPPs' processes evolved from discussions in government circles and continued established practices, albeit with a wish to test an additional information/mediation service to help separating parents settle arguments about their children.
- o Because it is natural to 'carry on as before' with fine-tuning, the authorities were resistant to trying out new ideas for more radical change in practice.
- o Although the design group included the two concepts of *information classes* and *mediation sessions*, it did not accept a court-monitored joined-up *therapeutic justice* model, to guide separating parents to draw up future co-parenting plans together, for their children, under judicial authority.

2. *Tactical reasons*

It was an error to fail to recognise that the FRPPs would only succeed with a shake-up of existing court procedures, and a new streamlined approach to helping parents overcome private family law disputes. The FRPPs modest outcome is traceable to:-

- o The project starting before adequate notification of all concerned, and before there had been a rehearsal of the new system by the key court professionals. Many lawyers did not attend presentations arranged for them.
- o Neither the obligation to attend old-style mediation first (causing mediation-fatigue), nor the loss of their lawyer/solicitor when parents entered the project, had been foreseen. (*Lawyers were not supporting the FRPPs; they took their clients' case to a different court*).
- o There was no pervasive '*expectation*' that separating parents would attend the pilots, although at first hearing, the judge made the '*court expectation*' of attendance clear.
- o Because of lack of adequate preparation time, and a difference of approach to DV by the court and voluntary organisations, the court's straightforward investigation & determination of DV/child abuse allegations was never properly understood.

The lesson that emerged was that when parents understand, and learn from the new approaches, they succeed in making child-centred parenting plans really effectively.

Lessons for future pre-hearing Early Interventions trials

Ever since Mr Justice Wall's '*Making Contact Work*' Report of 2001, it has become accepted that answers to private family law disputes are to be found not through the family courts alone, not through mediation services alone, but through a joined-up legal-social process.

By accepting this principle we, in the UK, will be following Scandinavian countries and many states in the USA and Canada.

We have a choice. We can reinvent new approaches from the start; or we can learn from, and adapt to our circumstances, what works well overseas.

Children grow up well when they have stable, continuous and reliable parenting throughout their child/adolescent years, and that is a worldwide fact. It makes sense to learn from other jurisdictions' experience. You can try to assemble a flatpack without guidance, and - '*read the manual when all else fails*'. But it's not an intelligent approach!

In order to pilot a new approach to private family law disputes, the following seem prerequisites:-

i) Informed strategic group leadership

This strategy group, led by a senior family judge, needs a clear understanding of the principles of the *therapeutic justice* approach, and needs authority from both government and the judiciary to pilot new approaches honestly with the aim of benefiting the children who are at the heart of these cases.

ii) Design group

This should be chaired by the judge in whose court(s) the work will be carried out, so that there is ownership of the project by those implementing it. This judge (or judges) needs to be in dialogue with the strategy group to iron out the local obstructions, from established practice, which may threaten the implementation of this new approach (ie remove need for compulsory mediation as a first step; permit continuity of lawyer support during the process; agree an *expectation* that the new approach is best for very many children and their parents).

No one has the answer to all the questions. The Family Orientation groups in many states in the USA are already on their third modification. It is simplistic to think that a perfect procedure is available off the shelf. However, the essentials of the proposed new approaches have been tried and tested for more than a decade in overseas' jurisdictions and have been found successful. The key features are:-

- 1) It is the need and right of children to have their family ties sustained unless there are overwhelmingly '*Good Reasons*' not to. New and repeat applications should both be heard.
- 2) Family ties can only be sustained when there is meaningful time shared by child and adult. Hence examples are used of cooperative parenting plans which work.
- 3) In the judicially led *therapeutic justice* model the court monitors, from a distance, the work of educators and parenting planning mediators (hence a *legal-social* procedure). The intention is that parents, empowered by the professionals, will use these non-legal pathways to agree a parenting plan which is right for their child and suits their own family circumstances.
- 4) The parents may exit the system whenever they are able to draw up an agreed parenting plan. However, post-separation parenting is different, and all divorcing parents gain from hearing how best to do *post-separation parenting* in the group 'parent orientation' sessions.
- 5) Because many more family disputes are resolved pre-hearing by these education/mediation approaches, judicial court time is freed for more serious cases, which are now heard earlier.
- 6) Right at the start of the process, very serious consideration is given to domestic violence and child protection issues. If necessary, a prompt, urgent judicial hearing is held to determine the specific allegations and allow the court to direct whether this

particular case can go through the early interventions system, or whether some alternative remedy is needed.

Conclusions – historical perspective

Psychological damage to children, from parental 'high conflict' rows and the harm of permanent loss from 'broken attachments', is the predictable outcome of badly managed parental separation.

Legal-social *therapeutic justice* reforms seek both to reduce the number of children of divorce who suffer permanent *loss*, and also to protect the remainder from toxic *high conflict* handovers and tense visits in the presence of two parents seething with animosity.

The traumas of divorce and alienation and of protracted court hearings, do not stop at the particular child, for the harm often cascades down the generations.

Our family courts, and the children of divorce, would be in better shape had we spent as much time testing remedies for child contact disputes as we have in analysing causes. Separating parents and the courts seek a solution-focused method of resolving family conflict in a child-centred way.

Our historical blindness to the welfare of children of divorce is yielding to the realisation that the state's responsibility for the wellbeing of children can include guiding separating parents to agree good co-parenting plans for their child's post-separation upbringing.

The government's Family Dispute Resolutions Pilots were a significant step to improve the wellbeing of children of divorce. As a concept, the FRPPs were a late add-on measure, after the first court hearing, when mediation and in-court conciliation had already been tried. Tellingly, even when taken up by a minority of separating couples at a late stage, these parenting information classes/mediation sessions appear to have diverted couples from further litigation, and produced workable child-centred plans for the child(ren)'s upbringing. This outcome is a basis for testing out more radical remedies.

Overseas *Early Interventions* are cost-effective, have a high success rate, and divert separating parents from court hearings. Though the agreements are reached early, they are not superficial and they last. The parents are made aware of the expectations of the court. They are guided to an information class and are then expected to agree cooperative parenting plans for their family. *Early Interventions* focuses on parents' existing strengths and competencies and has a strong emphasis on solutions for the future, rather than dwelling on past problems and difficulties. This focus on the future seems to be the key to prompting change and keeping family interventions brief.

The principle of *Early Interventions* is widely accepted; the challenge is how to adapt these ideas best to our own circumstances now.

[A research evaluation of the Family Dispute Resolutions Pilot Projects will be published on 2 March 2006.]

How do Early Interventions work?

- Appropriately
- Promptly
- Consistently

ICELAND

- Reykjavik parents since 2000 offered free voluntary mediation in disputes re: visitation rights
- Results so good Government considering countrywide free mediation for all parents in custody/visitation disputes

NEW ZEALAND

- Care of Children Act 2005
- Entitlement 6 hours of counselling followed by mediation
- Aim to reach resolution before court

Florida's Statute

“It is the public policy of this state to assure that each minor child has **frequent and continuing contact** with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights and responsibilities, and joys, of childrearing.”

1982

Therapeutic Justice

0 –1 Weeks

Standing Temporary Order

2 –4 Weeks

Parent Orientation Class

4 –6 Weeks

Parenting Planning Joint Mediation

10 – 12 Weeks

Court Hearing/Agreed Contact Order

Key Concepts

- Good Reason principle
- Parenting time
- Parent orientation
- Parenting planning
mediation
- Therapeutic justice
- Early Intervention

The FRPP Process

- Old-style mediation
- Legal aid ceased
- Entry voluntary
- 2x group information sessions (parents attend separately)
- A family resolution session

Why the FRPPs failed?

- Strategic Reasons
- Tactical Reasons

Lessons for the Future

- Informed Strategic Group Leadership
- Design Group
- Dialogue to iron out local obstructions to implementation
- Expectation that parents attend project

A CHILD PSYCHIATRIST'S PERSPECTIVE ON PARENTAL SEPARATION

Dr Fionnuala Leddy

Child and Family Clinic, Royal Hospital for Sick Children

N.H.S. Child Psychiatrists work at the sharp end of the range of children and adolescent services, dealing with mental health problems in children. We consider a wide range of referrals, many of which concern children of broken relationships. Inevitably, we sometimes see families in the midst of separation. At the time of parental separation, children can present with a range of behavioural and emotional difficulties, and they are not always recognised as being caused by the parental break-up. An assessment of hyperactivity might be requested in a referral, which makes passing reference to the recent separation of the parents. In other instances, a direct association between emotional disturbance and parental separation is noted, and assistance is requested in helping the family deal with the crisis at hand. Sometimes we become involved with children because of difficulties with contact between the child and the non-residential parent after separation. I am going to describe some of these cases with a particular view of the children's psychological responses, and I will try to show how the age and developmental level of the child impacts upon the child's response.

These cases can come to our notice because of referral by legal teams, by Social Services or by health and educational professionals working with the children, and our task today is to consider the variety of levels at which interventions can be made to assist children.

CASE 1

Mark was an eight-year-old boy who was referred because of a serious disturbance in his behaviour. He had become very non-compliant at school and at home. He had isolated himself from his peer group, and had withdrawn from relationships at home. He had developed bedwetting and his sleep was disturbed. He was particularly difficult and challenging towards his mother, and was rejecting of her attempts to comfort him. She recognised that he was unhappy.

Mark was the fourth of five children. Their parents had divorced some five months previously, and the break-up in the relationship was said to have been caused by the father entering in to a new relationship. The separation had meant financial hardship for this family, with a loss of many privileges they had previously enjoyed. The father had moved to a town two hours drive away.

Mark's mother was the residential parent. She presented as highly distressed and hurt by the break-up of her marriage. She was very upset by their altered circumstances, and had become depressed. She was emotionally fragile, being easily moved to tears. She found it hurtful, and took it personally, that Mark would misbehave in a manner, which put her under further stress.

She found it very difficult to accept that her husband could breeze in and out of her children's lives, and indeed Mark's four siblings had decided they did not want to take in part in contact. They refused to see their father when he came to the house, and only Mark persisted in going to contact.

The father, for his part, expressed extreme frustration at his wife's failure to adapt. He felt annoyed at the breakdown in contact with his children, but in common with his ex-wife, made no association between ongoing parental conflict, and Mark's presenting problems. The mother's experience of loss at the breakdown of her marriage led four of the children to "play safe", and refuse contact. They felt this was the best way to avoid upsetting their mother, and probably thought that Mark was being selfish in demanding contact.

Developmental issues

Children of this age have a strong sense of what is and is not fair. They can be very easily frustrated with themselves and with others, and when frustrated they can respond by becoming sullen and withdrawn. Upset feelings can be expressed by loss of developmental attainments, such as urinary continence. They are not yet good at articulating their feelings, and when frustrated it is not unusual for them to pick a fight with a parent, to release pent-up emotions.

Intervention

Mark needed help to understand that he had not caused the break-up, and that his mother's unhappiness was not his fault, and that wanting to see his father did not mean that he was bad.

The other siblings, who were refusing contact, would not respond to simple reassurance. Their mother was indeed fragile and unable to cope. To allow themselves to go to contact, they needed to see her supported.

Mental health services and social supports were required to assist this mother, and a mediation service was required. She also needed guidance on how to help Mark to understand his feelings, and in managing his outbursts effectively.

CASE 2

Patrick was a thirteen-year-old boy who was referred to the Child and Family Department by his G.P. The G.P. was requesting an assessment of suicide risk. Patrick was exhibiting extreme emotional and behavioural outbursts, and had expressed a wish to die. There was a history of bullying behaviour at school and in the local community. The G.P. stated that there had been a recent divorce in the family, that Patrick's self-esteem was very low, and he was worried that there may be some element of emotional abuse by the father. Patrick himself was worried that he may have a mental illness.

On assessment it was found that there was a long history of conflict within the marital relationship prior to the breakdown of the marriage. The parents had very different parenting styles, the father being very authoritarian, and the mother feeling that the father had controlled her. The father was described as having a very rigid mindset about what was right and wrong. He attributed blame to his ex-wife for the breakdown of the marriage, because she had had an affair. The affair was a secret, however. Although his children saw their father as bullying, and although his ex-wife's relatives blamed him entirely for the breakdown of the marriage, he continued to promise her that he would not reveal the fact that she had had this affair. Thus she was held in a bind. Accepting any blame for the marriage breakdown might lead to this shocking revelation being made. The parents were no longer able to talk to each other, each of them asking questions of the children in respect of the other parent. A Contact Order was in place, and both parents

alleged that the other was breaching this on an ongoing basis. The loyalty felt by Patrick and his brother towards each parent was being challenged. The father's new relationship was causing additional problems for Patrick. His father's new partner has a son close in age to Patrick, and Patrick perceived himself to be unfavourably compared with this boy.

Developmental issues

Patrick, at thirteen, is at an age when children are exploring their identity, becoming more in tune with their peer group, and beginning to distance themselves emotionally from their parents. This is a complex time in the life cycle, and one, which under normal circumstances can bring many challenges to a young person. Patrick's experience is coloured by the negative attributions made by his father. Furthermore, while a child might want to separate emotionally from his parents at this stage of development, he does not want his parents to mirror this behaviour.

Patrick's experience of being replaced in his father's affections by another boy is a harsh rejection, and one likely to impact significantly upon his self-esteem. Patrick's experience of being quizzed by each parent about the other is confusing for him. The secret that his parents hold, that of his mother's affair, means that his mother is held in a bind. Rather than experiencing her ex-husband's collusion as supportive, her feelings of shame and guilt are intensified, making her feel less and less able to share the truth. Patrick is being allowed to set all the blame for the breakdown of the marriage at his father's door, and is confused and outraged by his father's persistent blaming of his mother.

Interventions

Marriages break down for many and varied reasons, and clearly it is inappropriate to share some of the adult issues with children. Nevertheless, confusion reigns for children when messages are mixed, and parents involve the children in their disputes. While it was appropriate for mental health services to become involved in assessment of Patrick, the family problems require mediation services.

CASE 3

Natalie and Sam were four and three years old respectively when I first met them. Their parents Bob and Elaine had been married, and separated after Natalie was born. Sam was conceived during a brief reconciliation. The parents divorced, Elaine returning with the children to her home of origin. The father maintained contact, although the children lived a long way from him. The case was repeatedly before the Court, and the mother repeatedly failed to comply with decisions taken. When the father moved his home and business so as to live close to his children, Natalie began to refuse to go to contact, and that is when I became involved. Elaine seemed to instil in Natalie a state of anxiety, behaving as though Bob posed a threat, and by my association with this process, as though I was a person who Natalie would be afraid of. Elaine's emotionally laden reassurances to Natalie acted to frighten her. When I met the children in the company of their father, the warm, easy relationship between them was striking.

This mother denigrated the father at every opportunity. She encouraged her daughter's rejection of the father, promoting that behaviour and ignored her son's continued contact with his father. Elaine supported this contact only to the extent of reluctantly complying

with arrangements. She did not, however, encourage the activity in the warm manner in which she generally responded to Sam. In behavioural terms, her response acted to extinguish Sam's enthusiasm towards contact. Once both children began to reject their father, the degree of encouragement she gave to this stance was marked; she appeared to enjoy their delight when they described their father's distress upon their rejection of him, further reinforcing their behaviour. Their cousins and other relations were encouraged to join in this active rejection with the children, for example, being invited to the home to play at times when the father was due to come and collect them.

Developmental issues

At a time when young children should be learning how good and bad exist alongside each other within one person, these children were being encouraged to see nothing but fault in their father. In the future, as they begin to identify with their father, they risk seeing themselves as bad. They might also blame themselves for their cruelty and rejection of him, and for their guiltless disregard of his feelings. During this phase of development children are incorporating family values and developing a conscience. It was very confusing for them to engage in mockery with the support of their mother, who in other matters was doing her best to impart good moral values to them.

Intervention

This was one of the minority of cases where the most strenuous of efforts were required to bring about change. Family members, a family centre, nursery school and school, have had to work hand in hand with the strong commitment of the Court, and the real threat posed by legal action, which could remove the children from the mother, with residence being transferred to the father.

While cases such as this underscore the importance of early intervention when things begin to go wrong, it is also essential to avoid a strong-arm approach, which might alienate people. We need to try to identify the cases where there is a high level of hostility towards ongoing contact, which are at greater risk of developing problems.

THE SIGNIFICANCE OF CONTACT

Contact is important for children because it assists in identity formation, in building self-esteem, and in dispelling unhelpful fantasies. Adults who did not have contact with biological parents will often feel a part of them is missing. This void which they describe can be a powerful driving force, leading them to seek out information about, and contact with blood relatives.

Contact after divorce

A lot of residential parents will simply promote contact between the child and the other parent, because they know that they love each other, and they would miss each other. A routine of contact, or more flexible arrangements, is put in place, and the residential parent's time is filled with other matters. It can be a relief to have the children safely occupied elsewhere. The benefits are valued, even if there is ongoing hostility between the parents. The support given to the child, and the level of security felt by the child in

respect of the coping ability of the residential parent, are sufficient to enable the child to engage in contact.

After parental separation the child's self-esteem, mental well being, and academic attainments can all suffer, and these effects can persist into adulthood. We need to recognise that the absence of one parent can be seen as a mediating factor between divorce, and relative change in symptoms of anxiety, depression and well being. The long-term effects of divorce might be partly explained by the absences of contact with the non-residential parent. While we might see the divorce as a negative life event in the past life of the family, the absence of one parent from the home becomes a persistent part of everyday life.

Why contact fails

Parents and children often display angry inappropriate and unpredictable behaviour following separation, and contact can be interrupted.

It can be very easy for the residential parent to discourage contact; they can delude themselves that the children would be better off without a relationship with the other parent, because they know that they themselves would be better without a relationship with that person.

The parents – examples of situations where parents prevent contact from happening

- Fathers who reject the child. We have seen cases of serial fathers, who move from one woman to the next, and whose children of each new relationship are called the same name; this poses an enormous challenge to a child's sense of himself, of his individuality.
- Abusive fathers. In these cases, the mother feels, for genuine reasons, the children would be better off without contact. In some of those cases the Courts will not allow unsupervised contact while the children are young.
- Alienating behaviour. Here the mother behaves in an obsessional manner, with the singular purpose of preventing the children from having a relationship with the father. My experience of these mothers is not that they consciously determine that this is what they are going to do, but for a variety or combination of reasons (and these include: deep-seated belief that the father is not important, anger and resentment, a desire for revenge, hurt feelings, insecurity, dependency upon the children, fear of being lonely) they are driven to do so without ever acknowledging it. My experience of these mothers is that they have a very limited range of interests, and they seem lacking in social supports, which would promote the notion that the children should be seeing the father. They use this battle as a conduit for revenge. They may struggle obsessively to keep the father away. Some seem to genuinely feel that there is no need for fathers, and they see those that try to secure contact as interfering – the father, the Courts, social workers, Family Centres, psychiatrists – all just interfere with their lives for no good reason.

The Children – how they contribute to the breakdown of contact

Children work hard to protect their primary relationships. This is how the child secures a safe environment. If one parent appears to be out of range, then it is all the more important for the child to defend the surviving relationship. They make choices based on anxious protection of the attachment relationship. They are very watchful of the residential parent, noting feelings of hurt, anger, insecurity, and fear etc., triggered by any discussion of the absent parent or by contact.

If each parent can give permission to the child to maintain a strong relationship with the other, then anxiety can be reduced. They can decide to ride the emotional storm, continuing with contact, perhaps because they believe that the parent can do so as well. Others will suppress their wish to have contact in an effort to protect the custodial parent (and a damaged or vindictive parent can exploit this). The conflict of loyalty may lead the child to act out, or to become depressed. A minority of children will join the residential parent, and form a damaging alliance of the type, which might produce false allegations of abuse, for example. In cases where one parent absents himself to avoid ongoing conflict, or because of neglect of responsibilities towards the child, then the child can be relieved of the burden of making such choices, but is left with the emotional fall-out, which follows rejection and abandonment.

As well as anxiety over separation from the residential parent, and manipulation by parents, other reasons why children refuse contact include a history of violence, abuse, dislike of a parent's new partner, and poor parenting skills on the non-residential parent's part.

LEVELS OF INTERVENTION

We need to inculcate from the very earliest time, not just that fathers are important, but also that after separation children may not be seen as chattels ("I will/won't let him see them" must never be part of the armamentarium). Vulnerable people at the point of separation need to be supported in placing priority on continued contact for the children. These are very hurt people; they have lost a lot, are humiliated, sad, have low self-esteem and are angry. But failure to promote contact or, in any event, standing in the way of contact, should be seen as unthinkable. A commitment must be made not to denigrate the other parent. There is often a strong urge to get the children to reject the other parent, and this needs to be resisted.

A large measure of responsibility goes along with being the residential parent. There is an inherent responsibility to act in the children's best interests. Stepparents also carry responsibility for permitting the child to love the non-residential parent.

A mother might feel she is protecting the child by disallowing contact, or by not telling the child who the father is. I have repeatedly faced such family secrets; one of the first points to note is that it is often not as much a secret as the parent thinks. The child often knows there is a secret, and has guessed at what it might be. The child may feel guilty and ashamed of such a secret, believing it to be unmentionable. The impact on the relationship with the parent is that the child can believe that difficult and sensitive issues cannot be talked about. Speaking therapeutically with the residential parent about such issues, with the focus on the well being of the child, is almost always met with relief and determination on the part of the parent to clear the air by being open and honest. It is challenging, and may require a period of intensive support, but usually the parent manages this with family support.

When parents separate, so too can groups of friends and extended family. It is these networks that can be so important, both in taking sides with one adult (which may be

essential to the parental ability to cope), yet at the same time keeping the interests of the children to the forefront, and retaining the belief (and stating it when required) that the children should see the non-residential parent.

Children who refuse contact need understanding and encouragement. Both parents need to understand the child who is fearful of separation from the residential parent. Children need the residential parent to support contact. Where excuses made by the child to avoid contact are frivolous or inconsequential, the parent should be firm and reassuring. The parent should not be neutral about contact visits; the residential parent who simply says a young child can decide for him or herself about contact, is not taking these specific parental responsibilities seriously.

In school, these issues should be included in home economics, citizenship and class discussion time. In the early phase of parenthood, opportunities for prevention of later problems arise around antenatal classes and health visitor contact. The media could play a bigger part – parents are learning a lot about how to manage non-compliant children from documentaries and reality TV. and similar programmes could address the area of how to manage family relationships after separation. Radio 4's The Archers, is currently running a storyline which draws out many of the pitfalls for separating parents, with the two grandmothers meeting with the parents to try to resolve problems around contact. People can benefit from these examples. Models of good behaviour can be learnt.

At the time of separation, the range of professionals involved should all have the ethos that both parents remain essential to the children's well being. Lawyers involved in this area need to be particularly alive to the problems that can arise, and should make it clear that the children's needs for contact must be promoted and respected. Early identification of cases that are likely to present difficulties should lead to intervention by health and social services, voluntary bodies and by the Courts.

CONCLUSION

- Residential parents, warring parents, new parents, grandparents, children and society in general, all need to be aware of the benefits to children of having ongoing contact with both parents.
- Sometimes it is only because of social pressure or because of legal pressure, that people do the right thing.

A Child Psychiatrist's perspective on Parental Separation

Dr Fionnuala Leddy MMedSc MRCPsych

1st March 2006

The Role of the Child Psychiatrist

The link between behavioural disturbance and parental separation

Difficulties around contact

Age and developmental stage
impact upon the child's response

Case 1

Mark, 8years

- Noncompliant
- Social isolation
- Bedwetting
- Sleep disturbance
- Inconsolable

Case 1

Mother

- Distressed
- Abandoned
- Depressed
- Personalising Mark's behaviour

Case 1

- Siblings - refused contact
- Father - frustrated

Case 1

Developmental issues at 8 years

- Sense of what is fair
- Frustration with their own behaviour
- Loss of developmental attainments
- Difficulty with articulating feelings
- Pick fights with parents

Case 1

Interventions

- Mark – needs to understand this is not his fault
- Siblings - need effective reassurance
- Parents – mental health services, social supports, mediation, parenting skills

Case 2

Patrick 13 years

- Suicide risk
- Emotional outbursts
- Bullying behaviour
- Low self esteem
- ? Emotional abuse
- ? Mental illness

Case 2

Assessment

- Long history of marital conflict
- Different parenting styles
- Extramarital affairs
- Father blaming mother
- Breakdown in contact
- Contact order

Case 2

- Father's new relationship
- Confusion caused by the secret

Case 2

Developmental issues

- Identity formation
- Importance of the peer group

Case 2

Interventions

- Mental health assessment
- Mediation
 - adult issues
 - avoid mixed messages

Case 3

Natalie, 4 years Sam, 3 years

Parents – Elaine & Bob

- Repeatedly before the Court
- Elaine failed to comply
- Natalie began to refuse contact

Case 3

- Rejection of father encouraged
- Enthusiasm for contact extinguished

Case 3

Developmental issues

- Coexistence of good and bad
- Identity formation
- Guilt
- Conscience

Case 3

Intervention

- Social supports
- Health & social services
- School
- Legal system

We need to identify those cases where there is a high level of hostility towards contact

Significance of contact

- Identity formation
- Self-esteem
- Prevent unhelpful fantasy formation
- Enduring interest in blood relatives

Contact after divorce

- In many cases parents promote contact
- Long term ill-effects of divorce may be mediated by absence of contact

Why contact fails

The parents

- Rejection
- Abuse
- Alienation

Why contact fails

The children

- Protection of the primary relationship

Why contact fails

The children

- Protection of the primary relationship
- Violence
- Dislike of new partner
- Poor parenting skills

Levels of intervention

Levels of intervention

- Family and friends
- Therapeutic services
- Education system
- The media
- The legal system

Conclusion

- Awareness of the benefits of contact to children needs to be built throughout society
- Sometimes social or legal pressures are required
- Where problems arise, the professionals involved need to be experienced in the field

A Child Psychiatrist's perspective on Parental Separation

Dr Fionnuala Leddy MMedSc MRCPsych

1st March 2006

GETTING IT RIGHT FOR CHILDREN WHEN PARENTS ARE SEPARATING

1st March 2006

PARENTS' EXPERIENCES

Pip Jaffa OBE

Chief Executive, Parents Advice Centre

PAC has been delivering a range of family support services in Northern Ireland for 26 years.

During that time we have seen the landscape of family concerns shift from the more traditional issues associated with family problems such as stealing, crying babies, joyriding, to the rapid rise of problems relating to drugs, alcohol, earlier sexual activity, aggression and of course separation, divorce and the resulting stepfamily issues.

Without being overly dramatic I think we can say that the complexities arising from family breakdown have reached epidemic proportions. It has crept up so quickly that service provision in no way has been able to keep pace with the support needs of the couple, their children, new partner relationships or the stepchildren. I hope this conference will be the catalyst for setting in motion the necessary practical actions.

Like other organisations providing family support, in the aftermath of separation PAC is trying to salve raw wounds, help parents to mend cracks in their relationships with their children and build bridges of communication with all those who are relevant to the children and young people.

Few couples escape unscathed from the breakdown. Although some manage to keep to their intention of an amicable separation, frequently that optimistic aspiration degenerates into a slanging match where children are the unfortunate casualties.

Cases referred to in this presentation resemble typical cases.

Like the parents of a five year old:

The mother had residency. All seemed to be working out well.

Then both parents got new partners.

Mother's partner became hostile to the father.

To avoid upsetting the child further the father came to PAC saying he should withdraw from the child's life. An apparently simplistic answer but one which in no way would be in the best interests of the child.

Common sense rarely features in parents thinking or actions. Instead we see them trying to exercise their power and control through the children, exhibiting deplorable examples to the children of conflict resolution.

In one case where the parents separated the mother felt it was the right decision, but was feeling guilty about what she was putting the two children through. They are ten and nine. The father took an overdose and told the children it was the mother's fault. It is hard to imagine the children's turmoil when given such awful information.

We find that some parents try to overcompensate for the absence from the family of the other parent by relaxing the limits to behaviour.

Like the mother of three teenage boys.
Father had been the disciplinarian.
When he moved out the mother felt very badly that the boys were denied the presence in the house of their father.
She lapsed into a laissez faire attitude without rules or limits.
The eldest boy was repeatedly caught drunk, out until all hours with his friends and generally out of control.
The younger boys fought and swearing became the norm.
Of course they were upset missing their Dad and may have reacted like that anyway, but the fact that Mum was unable to exert any authority undoubtedly allowed the situation to escalate.

Other parents may be so engrossed with their own turmoil that unwittingly the children become less visible to them. The lack of attention from the parents results in negative reactions from the children who misbehave in order to be seen.

Like the mother who came to PAC. The presenting problems were that the three year old was being extremely clingy and the six year old's sleeping pattern was disrupted. She would only sleep in her Mummy's bed.
There was an older child of twelve who had started refusing to go to school and the mother was really distracted by the daily rows with her.
This 12 year old wanted to be at home to keep an eye on her mother so that she would not lose her as she had already 'lost' her father when he left.
The mother was so angry with the 12 year old for not going to school, she punished her by excluding her from the family meals.
Inevitably this added to the child's misery and there was no insight or understanding of the child's distress. Each child in their own way was exhibiting attention-seeking behaviour in response to the separation.

Statistics show a sharp rise in the incidents of school refusal problems and the major reason for this behaviour is separation .

Then there are parents who use a child, particularly if he is a teenager, as a confidant, in place of the partner. This can have the effect of emotional overload for the young person who is burdened by hearing about details of his parent's relationship. This blurring of the boundaries between the parent and child relationship can stop the young person talking to that parent about his own issues. Inevitably this adds to the child's anxiety, confusion and sense of insecurity as in this example.

The marital difficulty for these two parents had been going on for several years. Finally they separated when the eldest child, a girl, was 15.
She was constantly being leaned on by both parents for emotional solace. The girl gradually became a parent to both her parents.
The knock-on effect was to skew her relationships with her peers.
With them she was behaving in a parental manner and understandably her friends found this irritating and tended to steer clear of her.

I have not used these illustrations to be critical of parents but to acknowledge that there are immense adjustments moving from shared parenting to being a lone parent. If parents have problems dealing with personal frustrations leading from a split, then it is harder for them to attend to the children.

There are a myriad of stressors and uncertainties, with parents facing daily challenges, many facing them with little or no meaningful support.

Whatever the specific issues are, we work with the parent to help them focus on the child's needs and to re-establish appropriate child /parent boundaries. We help them to consider the individual needs of their children and look at how they can give the children as much predictability and security in their lives as possible.

Of prime consideration are the contact arrangements. Trying to help a parent see this as a business-type arrangement is difficult as feelings of anger, disappointment or revenge can surface and often preclude any rational thinking.

The readiness of a parent to look at ways of supporting the children does not always coincide with the pressing needs of the children for a settled routine.

We know from what the non-resident parents say to PAC that they are hurt and upset feeling demoted to a position of less importance. As separation dictates that difficult choices have to be made, usually with one parent as the primary carer, we should be careful not to perceive the non- resident parent as having a less valuable role just because they have less contact. Children have the right to expect contact from both parents.

While the children are our priority at PAC we work through the parent, giving that parent enough time and space to divest themselves of some of their emotional stress before they can focus productively on the child's needs.
We do see young people aged 13 and above .

Trends

- Seeking help earlier
- Rise in number of fathers making contact
- Referrals from courts
- Problems linked to past separation.

There are significant changes in the trends PAC has seen in the last five years in respect of separation and divorce to which I now want to refer.

Early Contact

Firstly, unlike in the past when parents waited a long time before talking openly about the problems caused by their separation, parents are now coming to us at an earlier stage of the floundering relationship. To be more precise, it is mostly mothers who call for help in the early stages.

When PAC receives contacts from these mothers it is often three or four months into separation. Even by this stage the children have been affected and we would want to see action before this point.

Contact with PAC has usually been triggered by a change in a child's behaviour. The child is acting up as a response to the upset of the separation and the difficulties of coping with the unpredictability of their new regime.

The fact that some enlightened parents use their initiative to seek help at an early stage is a step in the right direction.

Couple breakdown is now so prevalent and this, together with the fact that the stigma of separation has almost totally disappeared, has encouraged more parents to come forward without fear of being judged.

However to minimise the damage to children of separating parents, we need to create a culture which encourages all parents to be proactive and seek help at the earliest point. Then we need a range of non-stigmatising, accessible services available to respond to their diverse needs.

Fathers.

We have two sources of contact from fathers.

Firstly the helpline. We have seen a rise in the number of fathers contacting us. Statistics show almost 20% of our calls to the helpline are from fathers.

Nearly all those fathers are ringing about separation issues. Unlike the mothers who will ring at an early stage about behaviour problems, fathers tend to contact us much later when they are encountering practical difficulties, such as delays in the legal process, disruption to contact and guidance about introducing a new partner to the children.

The other source of contact we have from fathers is through The Men's Project within PAC. 64% of the contacts to that project are from those wanting information to help fathers secure contact after the breakdown.

Considering that usually there is a reluctance by men to seek counselling or emotional support it is noteworthy that 16% of those who made contact are wanting support and counselling. Furthermore 8% are queries about family mediation.

Interestingly, not all these calls to The Mens Project are from fathers.

While 77% are from Dads the remaining 23% are from third parties like a close relative or new partner who can see how the couple breakdown is impacting on the father and want to get some practical help for him.

The tide is turning, albeit slowly in some quarters, to embrace the view that fathers have equal value to children as a parent.

To quote from a recent speech given by Children's Minister Beverly Hughes, in January at a fathers' seminar in Westminster;

'Parents and carers have the single biggest influence on their children's lives and outcomes. We must not lose sight of the fact that this emphatically must include fathers as well as mothers.'

Statistics show that fathers do one third of all parental care of children, aged under 11. This is 8 times more than 30 years ago.

But it is not enough to pay lip-service to fathers. We need to turn the belief that they are of equal value into actions which will develop pathways of family support to give them parity. And of course that needs to be echoed in all systems, formal and informal, relating to family breakdown.

I suggest we all need to look inwardly to the practice in our own organisations to ensure that the principles enshrined in section 75 together with UNCRC and Human Rights

legislation are fully reflected in our day-to-day attitudes and practice within all our transactions.

Courts

The third trend that we can report on are the referrals from courts asking if we can provide a parent, usually a father, with a parenting course.

PAC runs many parenting programmes regionally, which addresses issues including communication, discipline, child development and anger management, which can be relevant to any separating parent, mother or father.

If we are to work as one of the complementary services to the courts and provide appropriate support to individual parents, the outcome of which might be used in the determination of contact orders, then we need to agree a process which allows equity for both parents.

Some of the fathers who are trying to negotiate contact are asked to find a parenting course to help prove their suitability for, and the extent of contact. Robust checks about a parent's suitability to bring up children should be made when there are disputes. However, setting aside cases where there are allegations of violence and abuse, most parents have never had their ability to parent doubted until they move to seek a legal resolution.

Once the adversarial system kicks in, allegations and counter allegations are made.

It is at this point that one parent, almost solely fathers, come to us looking for a parenting programme. If that programme is to form part of the information which will be used to make a decision on contact, then we would ask that the same skills-based assessment is used not only for the one parent but also for the other.

It sometimes seems as if assumptions of the mother's capabilities are made but that fathers have to go that extra mile to prove themselves.

In one PAC case a father, who had never seen his young baby, was sent by the court to take a parenting course and decisions about contact were delayed.

The fact that he had never had the opportunity to put his parenting skills into operation, I think, illustrates the point of exercising caution and perhaps the need to urgently develop some criteria about when a course would be deemed suitable, the expected outcomes the court would want to see, and the timing of such an intervention in relation to any delays to decisions about contact arrangements.

I am delighted to say that after a meeting with Judge Derek Rogers, at which this issue was discussed, the judge is arranging a meeting with the senior Family RM to take the matter forward. This sort of collaboration is most encouraging.

Problems linked to past separation

Fourthly, parents contact us about a presenting problem around a child's behaviour. In the course of the sessions it transpires that there is a correlation between the couple separation, which has happened many years previously, and the subsequent and on-going unacceptable behaviour of the child.

Trying to help the parent realise that the problematic behaviour may have stemmed from events following the couple breakdown is often resisted.

The parent feels guilty that the split has had a negative impact on the child and will want to find any other explanation other than the separation or divorce.

Help from PAC

Parents want to be accepted and their viewpoint heard.

PAC is impartial and while supporting the individual parent, PAC uses a child centred and child rights approach.

Callers want to vent their feelings and hopefully by being allowed to express those feelings they are in a better position to see how things are through the eyes of their children.

We often have to make finely balanced judgements about cases that we can work with safely and those which may need to be referred to professionals or to Social Services.

Callers also want guidance from us about a child's particular problematic behaviour and their distress, especially if they have witnessed violence, an important reminder that one of the main causes for couple breakdown is domestic violence. The behaviour could be anything from bedwetting to aggression. Parents also ring us about how to tell the children about the break-up. They want to discuss behavioural management when the new family is a stepfamily and there are three or more sets of relatives and grandparents.

Parents, who may feel disempowered, want to talk through their concerns about court issues, about reports and difficulties in understanding the process.

Central to all of this are the children. We work with parents to help them try and understand the issues from the child / young person's perspective. Only young people can speak for themselves and in all the upheaval over separation it is their voice that can be marginalized or unintentionally forgotten.

I'm sure this audience is well versed in the thoughts and feelings of children and young people but I want to turn to a DVD made by the youth drama group of the Children's Law Centre based on their experiences and knowledge of parents' separating.

They reflect a cross section of young people's feelings and thoughts to couple breakdown and act as a salutary reminder that changes to systems and support cannot come quickly enough if we are to stem the flow of their hurt and damage.

DVD

In conclusion I would wish to refer to Sir Anthony's remark that the issue cuts across most, if not all, publicly funded services so any actions would need to take that fact fully into account. The forthcoming OFMDFM Children and Young Peoples Strategy is an excellent vehicle which can forward this principle.

It seems clear from information that comes to the attention of PAC from our own work and external sources that we need to develop a continuum of services which encourage all separating/divorcing couples to make plans for the children early and need to cultivate a supportive culture around parents.

With that in mind PAC would wish to suggest two actions for the conference to consider.

Actions

Education Campaign and Positive Parenting

That there should be a campaign which is broadly educational to encourage parents to seek help at the earliest possible point

This would include positive parenting courses to fit in with clear government policy which is investing heavily in programmes to support and help parents. This was recently referenced in a Lords debate. We need to see the same level of investment in Northern Ireland.

Basic Mediation

PAC would like to train their volunteers in basic mediation skills. PAC training is very thorough but at the moment does not include mediation training. As a regional family support organisation with 4 offices, we are well equipped to develop this strand of competency. This would enable PAC to participate more fully in supporting parents in breakdown without detracting from the higher level mediation services which also need expansion.

Seminars

Holding a series of multidisciplinary seminars could help identify processes and systems that could be improved, and provide a forum for greater understanding of each discipline's perspective.

Finally - the conference is hearing from people with many different perspectives. If we are to reduce the damage and protect our children from the fallout then we are tasked with working in a synchronised way so that services have a meaningful relationship one with the other. Then we can support families, children and young people in the way they need and deserve, and ensure that children's and young people's rights are delivered in the fullest possible way.



parents advice centre

SUPPORTING FAMILIES SINCE 1979

Pip Jaffa, Chief Executive

Structure of Presentation

- Themes
- Trends
- Young People
- Actions



Parents Advice Centre

- Established in 1979
- Regional family support organisation



parents advice centre

Increase in number of cases relating to separation and divorce



Good Intentions

- Mother had residency of a five year old
- Both mother and father in a new relationship
- Father said he would withdraw from child's life



Power and Control

- Children aged ten and nine
- Father took an overdose
- Told children it was the mother's fault



Overcompensating

- Mother of three teenage boys
- Father had been the disciplinarian
- Mother lapsed into a laissez-faire attitude without rules or limits
- Eldest boy out of control
- Younger boys fought and swore



Children Less Visible

- Child aged three was clingy
- Six year old's sleeping pattern was disrupted
- Twelve year old – school refusal
- Punished by exclusion from family meals



Child Used As Confidante

- Daughter aged fifteen
- Used by both parents for emotional solace
- Behaved in parental manner
- Skewed relationships with her peers



Upheaval

- Immense adjustment moving from shared parenting to being a lone parent
- Myriad of stressors and uncertainties
- Often little or no meaningful support
- Parents' frustrations make it hard to attend to children



PAC works with the parent to ...

- Focus on the child's need
- Re-establish appropriate child/parent boundaries
- Consider the individual needs of the children
- Look at how they can give the children predictability and security



Non Resident Parent

- Hurt and distressed
- Feel demoted and less important
- Should be accorded the same value
- Children have right to contact with both parents



Trends

- Seeking help earlier
- Rise in number of fathers making contact
- Referrals from courts
- Problems linked to past separation



Seeking Help Earlier

- Mostly mothers
- Three or four months after separation
- Triggered by change in child's behaviour



Fathers

- Rise in number of fathers contacting PAC
- 20% of calls to the helpline are from fathers
- 64% of contact with TMP is from those wanting information to help fathers secure contact after family breakdown
- 16% want support and counselling
- 8% are queries about family mediation



“Parents and carers have the single biggest influence on their children’s lives and outcomes. We must not lose sight of the fact that this emphatically must include fathers as well as mothers”.

- Beverley Hughes, Children’s Minister



Courts

- Referrals from courts
- Fathers seeking parenting programmes
- Need for equity of assessing parental abilities



Problems Linked to Past Separation

- Present behaviour linked to past separation
- Parents reluctant to accept connection
- Parents feel guilty about negative impact on children



PAC Clients Need ...

- To be accepted and heard
- To vent their feelings
- Guidance on behavioural management
- Help to tell the children
- Support and guidance about stepfamilies
- Support with court issues



Actions for Consideration

- Educational campaign – positive parenting programmes
- Basic mediation skills
- Multi-disciplinary seminars



NORTHERN
IRELAND NETWORK
OF CHILD CONTACT
CENTRES

1 MARCH 2006

Muriel Orr

WHAT IS A CHILD CONTACT CENTRE?

A neutral meeting place where children of separated families may enjoy contact with one or both parents, and sometimes other family members, in a comfortable and safe environment when there is no viable alternative.

CHILD CONTACT CENTRES IN NORTHERN IRELAND

Armagh

Coleraine Area

Ballymena

Foyle

Carrickfergus

Knock, East Belfast

Central Belfast

Mid Ulster, Cookstown

Cloona, Poleglass

Omagh

CHILD CONTACT CENTRES IN NORTHERN IRELAND

Each Centre is:-

- an independent voluntary organisation overseen by a management committee
- run by trained Coordinators and Volunteers
- and affiliated to the National Association of Child Contact Centres - to ensure that all Centres operate to national policies and standards.

Child Contact Centres are:

- Child centred
- Ensuring safety
- Independent and impartial
- Respecting individuals, preserving confidentiality
- Promoting equality, celebrating diversity
- Valuing and supporting voluntary service

CHILD CONTACT CENTRES IN NORTHERN IRELAND

Currently provide **SUPPORTED
CONTACT** not supervised
contact.

CHILD CONTACT CENTRES IN NORTHERN IRELAND

The basic elements of supported contact are:

- **impartiality**
- **staff and volunteers are available for assistance but there is no close observation, monitoring or evaluation of individual contacts / conversations**

- **several families are usually together in one or a number of rooms**
- **encouragement for families to develop mutual trust and consider more satisfactory family venues**
- **apart from attendance dates and times, no detailed report will be made to a referrer, a party's solicitor or court, unless there is a risk of harm to the child, parent or Centre worker**

- **an acknowledgement that it be viewed as a temporary arrangement to be reviewed after an agreed period of time**

Supported contact is suitable for families when no significant risk to the child or those around the child has been identified.

CHILD CONTACT CENTRES IN NORTHERN IRELAND

Between April 2004 and March 2005
Mid-Ulster and the 3 Belfast Child Contact
Centres facilitated:

- 245 families
- 342 children
- 3013 family visits
- 4069 children's visits

CHILD CONTACT CENTRES

During 2003/4 with average based on Statistics received
by NACCC

- 154,056 hours freely given by 5,502 volunteers
within the Child Contact Centre network

If the minimum wage was paid £4.50 → £4.85 21yrs

- £693,252 pa rising to £747,172 pa in wages alone

At an average Social Work Assistant rate £10 ph

- £1,777,190 pa in wages alone

STRENGTHS OF CHILD CONTACT CENTRES

- **Based on social action principles**
- **Grounded in the local community**
- **Meeting local community needs**
- **Providing best value, cost effective services for families**

CHILD CONTACT CENTRES REFERRALS

- 85 – 95% of families come to Centres via the courts
- Others are referred directly by solicitors and social workers
- A few self refer

CHILD CONTACT CENTRES FUNDING

While Centres are mainly dependent on Volunteers, the coordination, administration, accommodation and training require secure funding

To date, Centres have experienced difficulty in sourcing adequate and consistent funding

CHILD CONTACT CENTRES FUNDING?

In the absence of fair and equitable financial support who will provide these children with the chance of maintaining important family relationships?

CHILD CONTACT CENTRES THE POTENTIAL

- Equitable spread of Centres throughout Northern Ireland
- Add-on services –
 - counselling (for adults and children)
 - family mediation
 - support groups
 - debt management

CHILD CONTACT CENTRES ACHIEVEMENT OF AIMS

To help achieve these aims, the Northern Ireland Network of Child Contact Centres would wish, in the future, to appoint a Development Worker

CHILD CONTACT CENTRES WHY VOLUNTEER?

Volunteers say:

- “It is very satisfying to see family relationships being renewed and built up”
- “... to see the joy on the face of children who have been missing the parent they don’t live with.”

WHY VOLUNTEER?

“It is worthwhile because it may make the difference between a child having the chance of a lasting relationship with the non-resident parent rather than losing that perhaps forever.”

CHILD CONTACT CENTRES PARENTS' COMMENTS

“The Centre was able to fill that gap until I was able to have **NORMAL** contact and be able to spend more time with my children.”

- Contact Father

“It helped to build bridges with ex partner”

- Resident Mother

CHILD CONTACT CENTRES PARENTS' COMMENTS

“It helped me build a relationship with my son in a friendly environment.”

- Contact Father

“I know that we were a difficult family to accommodate but you always made us feel welcome and safe.”

- Resident mother (where there was a history of domestic violence)

Family Mediation NI

Getting It Right For Children When Parents Are Separating

Sheena Bell

Wednesday, March 1st,
2006



Mediation: A Definition

- Mediation is a staged process of conflict management in which an impartial third party, the mediator, assists the parties to a dispute to negotiate over the issues which divide them.



Underlying Principles of Family Mediation

It is a **PROCESS OF CONFLICT MANAGEMENT**

The **DECISION MAKING AUTHORITY** rests with the **PARTICIPANTS**

The participants engage with mediation **VOLUNTARILY**

The process is **CONFIDENTIAL** except in specific circumstances which are stated at the outset



Underlying Principles of Family Mediation

The process is **PRIVILEGED**

The mediator is **IMPARTIAL**

The process has **PROCEDURAL FLEXIBILITY**

The needs of the **CHILDREN** are paramount



The Helping Continuum

Informal Help

Couple Counselling

Divorce Counselling

Mediation

Collaborative Law

'Traditional' Legal Route

Social Services

Contact
Centres



Family Mediation

Mediation - Joint work + indirect and direct consultation with children

Work on continued parenting of children before, during & after couple's separation

Work on management of legal & physical separation of couple & future provision for family



10 Things You May Not Know

In the the UK ...

1. Family Mediation is delivered to separating couples in both the profit and not for profit sectors.
2. The UK College of Family Mediators is a regulatory body and has practising members from both sectors.
3. Mediators come from a variety of professional backgrounds including Law, Social Work and Counselling.



10 Things You May Not Know

4. All mediators undergo foundation training which is skills based. Within the UK College this is followed by an assessment based on observed case experience and a written portfolio.
5. All Family Mediators are required to maintain minimum levels of practice, continuing professional development and practice consultancy.



10 Things You May Not Know

6. The Access to Justice Act requires that publicly funded clients attend a meeting to find out about mediation.
7. The same legislation makes mediation available free of charge to those eligible for public funding.
8. There are services operating in both the profit and not for profit sector which are franchised with the Legal Services Commission to deliver family mediation and, as such, work to the Mediation Quality Mark.



10 Things You May Not Know

9. Mediated agreements have an established long term impact on relationships between separated parents and their children.
10. It has been estimated that Family Law Mediation is used in more than 10 times as many cases as civil law mediation.



Family Mediation NI

Contact us at ...

Tel: 028 9024 3265 or Website: www.familymediationni.org.uk



Wednesday, March 1st,
2006

