

Family courts partly operate on the assumption that court-ordered contact will probably be of lasting benefit to the child concerned, as an alternative to no contact between the child and the non-resident parent. Is this so? No specific research has so far addressed the longer term outcomes of court-ordered contact and conflict.

**Aim:** To examine the childhood experiences of a group of young adults whose parents sought court assistance over contact arrangements.

**Methodology:** 103 young adults were recruited, principally through universities. Therefore nearly two thirds were from families with professional, managerial or technical occupations. Of the whole sample, more than a quarter (28) had been involved in court-ordered contact.

Telephone interviews were conducted using set questions and standard questionnaires, which assess psychological functioning and relationship and attachment patterns.

**Findings:** Key findings were as follows: -

- More than half the respondents felt that the court's decision was the right one
  
- More than half felt that the court decision helped
  
- Nearly two thirds thought it had been worth getting a contact order
  
- Where the court order had helped, it was not just the outcome but also the resolving of conflict and tension that helped

- Where contact orders had, in the participants' eyes, got things wrong, the difficulties were exacerbated. **Orders were simply disobeyed**. Nearly half of these cases involved domestic violence or violence that was linked to the mental illness of a partner.

- Court involvement was associated with more negative outcomes of separation/divorce, but the link may be through the established harm created by continuing parental conflict.

- Nearly **two thirds of those whose parents went to court said that it had taken more than ten years to get over the divorce**, compared with well over a third of those not involved with the court over contact.

- Further confirmation is provided that the court process is an extremely stressful one for parents and children, **not necessarily ameliorated by contact with professionals including CWOs**

- Where violence was cited as the main reason for the divorce, **half still reported a good relationship with the parent who had been violent**

- Overall, **fathers gain improved relationships with their children from the court process where mothers are mentally ill or where the mothers had had affairs**. Mothers gain improved relationships where fathers have been violent, or there is a mixture of violence/affair/alcoholism on the father's side

- Of participants **aged five and over at the time of the court hearing, half felt that the court had not understood them**

- Where a court report had been written, one third felt that they had been able to say everything they wanted to say.

- **3 of the 28 volunteered the information that their views as children may have been influenced by a particular parent, usually the resident one**

- Problems cited in child – CWO communication include: -

**Children could not say what they wished to say in front of a parent or sibling**

**They sometimes felt patronised by the CWO** and therefore did not cooperate with him/her

The CWO did not always spend enough time with them in exploring what was, for many, the first significant decision in their lives

**CWOs sometimes did not write down accurately what the children had said or convey their meaning to the court**

Some respondents had deliberately disguised the existence of domestic violence [although they probably would not know what was stated in court papers]

- The majority of the respondents expressed the need for some form of neutral support or supporter
- A quarter would have welcomed more information and explanation
- They thought that should have been interviewed in familiar surroundings, by someone familiar to them, who had real knowledge and expertise, in the absence of parents and siblings, in the presence of a neutral supporter, and not have their views represented in a way that suggested that they had 'betrayed' a parent

The discussion of the findings addresses the strengths and limitations of the study, the problem of domestic violence, the use of mediation and current court and CAFCASS practice. **They conclude that it may be unrealistic to expect the court and CAFCASS officers alone to resolve extreme family difficulties without additional therapeutic help for the parents.**

Their central conclusion is that the research confirms that the two main tenets of family court practice – the assumption of the benefits of contact with the non-resident parent, and that the benefits of court-enforced contact outweigh the obvious costs of court conflict – remain unsupported by evidence.

**Limitations:** The authors acknowledge the bias in the sample population, but say this may reduce the possible effect of economic factors. There was also a gender bias of 3: 2 (women: men), and no information about ethnicity. The authors recognise the limits of retrospective self-reporting, and the potential for perceptions to be changed by later events.