

# **A Profile of Applicants and Respondents in Contact Cases in Essex**

**Liz Trinder, Jo Connolly, Joanne Kellett and Caitlin Notley  
University Of East Anglia**

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## **Disclaimer**

The views expressed are those of the authors and are not necessarily shared by the Department for Constitutional Affairs.



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## **Executive Summary**

### **The Report**

Over the last decade the number of contact applications has risen steadily. Although the majority of parents make their own contact arrangements informally and are satisfied with them, a small minority of parents turn to the courts to resolve contact disputes. This report seeks to provide a clearer understanding of which parents do take contact problems to court, what problems they are facing and how the families and their problems compare to non-court users.

### **Methodology**

The research is based on 59 contact cases in one county over a four month period in mid 2003. We conducted 88 structured interviews with 43 fathers and 45 mothers who agreed to participate in the research, with a response rate of 67% of all individuals who had attended a first directions appointment. Because of the relatively small number of cases, the results are subject to a high degree of variability and care should be taken in interpreting the findings.

### **Findings**

Parents involved in contact disputes are typically in their mid-thirties, on relatively low incomes with small families of young children. In some respects court users are typical of other post-separation families in the predominance of mother-residence arrangements as well as continuing to live fairly close to each other. In other respects court users differ from local populations in terms of the under-representation of formerly married couples and the over-representation of families with younger children and low income parents.

The majority of parents were involved in first-time applications, typically having run into contact problems soon after separation and making applications fairly quickly thereafter. A minority of the sample had made previous applications with a very small proportion having repeatedly been to court. As a consequence the overall duration of contact problems was relatively short, with few long-standing contact disputes.

The pattern of contact within the sample was highly diverse, with contact not occurring in half the cases in the sample at application, although for most this was a deviation from the normal pattern. Where contact had occurred recently the

frequency and amount of contact was extremely varied across the sample, ranging from minimal supervised contact to extensive contact approaching shared residence. The pattern of indirect contact was equally diverse. Neither the age of children, distance between the homes of the parent or time since separation explained the amount of direct contact that was occurring, although indirect contact was more likely to occur with older children.

Women appear to be the main drivers in ending the relationship in most cases. Men mainly cited infidelity and growing apart as the reasons for the separation, while women mainly reported infidelity and risk/abuse. Women were even less interested in a reconciliation and less overwhelmed by the breakup than men. In contrast, women reported significantly higher levels of anger with their ex-partners than men did, although the level of anger expressed by women did not relate to litigation history or the pattern of contact. About half of men and women remained single at the point of interview.

Although the majority of parents were first-time cases, inter-parental relationships were already poor or non-existent, with limited communication, sharing of parenting decisions, support of the other parent's relationship with the children and low levels of mutual trust and flexibility. Parents were more likely to report that they themselves were supportive of co-parenting than their ex-partner. There were very few differences in the extent of co-parenting between parents who were first time applicants and those who had been involved in one or more applications. The level of co-parenting was considerably lower than in community (non-court) samples.

In overall terms the sample were much less satisfied with arrangements than has been reported in community samples. Non-resident parents expressed high levels of dissatisfaction with their level of involvement with the children and with the amount of contact. In contrast, resident parents expressed high levels of satisfaction with residence arrangements and their level of involvement with the children. A majority of both resident and contact parents were dissatisfied with the quality of contact and the financial settlement. There were, however, important internal differences within the resident and contact parent groups. A majority of contact parents were satisfied with current residence (though not with their involvement with the children) and a greater number of resident parents wanted more, rather than less, contact between the child and the contact parent.

The extent of contact problems in the sample was both high and wide-ranging, spanning issues of commitment to contact, reliability, parenting quality, child reactions to contact, control by the former partner and conflict. Resident and non-resident parents reported equally high levels of contact problems and both groups questioned each other's commitment to contact and reliability in keeping to arrangements. Although on some issues resident and contact parents reported remarkably similar problems, on other issues the reports of problems were highly status or gender-specific. Resident parents raised more concerns with 'welfare' related issues of fear of violence, children being upset by contact or not wanting to go for contact; while contact parents reported 'power' related issues of control over contact activities and threats to stop contact.

The level of domestic violence reported by women in the sample was high, in many cases with a fear of violence continuing, and in some cases apparently starting, after the separation. The level of child protection concerns and concerns about parenting quality was equally high for both men and women. In about a fifth to a third of cases, depending on the combination of measures used, women reported concerns about both risks to themselves and to children. Despite the number of concerns about violence very little contact was supervised, although in many cases where there were concerns contact was not taking place at the point of application.

Case histories where both parents had been interviewed identified three patterns or combinations of parental concerns. The largest group (*Blocking + Risk*) contained cases where the non-resident parent reported that the resident parent was obstructing contact, while the resident parent reported that contact posed a risk to themselves and/or the child. The second biggest group (*Mutual lack of commitment*) were cases where both resident and non-resident parent reported that the other parent was not committed to, or sticking to, contact arrangements. The third group (*Flexibility and Communication*) consisted of cases where both parents reported that the other was inflexible and would not agree to a timetable.

The paired case histories indicated that almost all non-resident parents presented a single issue to the courts, about the resident parent was frustrating contact. In contrast, resident parents typically presented two separate, although sometimes overlapping issues, most commonly that contact presented a risk to themselves and/or the child, or less frequently, that the non-resident parent was not committed to contact. The case studies also highlighted that parents presented to the courts

mutually exclusive and competing 'his' and 'hers' accounts based on widely divergent concerns and interpretations of the situation.

Using standardised measures, both adults and children were reported as having levels of psychological distress well above community norms and similar to parents and children involved in the court welfare reporting process. The standardised measure and an open question about how parents were themselves coping highlighted strong similarities between resident and contact parents in the extent and nature of parental distress. However, parents demonstrated limited empathy and high levels of distrust and anger when commenting on how their former partner was coping. The reports of parents of how children were coping often appeared to relate to their perspective on the contact dispute, with child distress linked to the behaviour of the ex-partner.

## **Conclusions and implications**

The aim of this report is to provide a detailed picture of who applies for contact orders and why. What is evident is that parents who reach the courts face significant challenges, in terms of the number, range and chronicity of contact problems. On all measures where we could draw a comparison the court sample were facing difficulties of an entirely different magnitude from the wider population of post-separation families or the population as a whole. These include the breakdown of contact, parental relationship quality, communication patterns, shared decision-making, supporting the children's relationship with the other parent, satisfaction with arrangements, the extent of contact problems, fear of violence impacting on contact problems and parent and child well-being. While the profile of contact application cases differs sharply from community samples, in contrast, on many indicators, the level of difficulties approaches or is at the same level of parents involved in the court welfare report process.

The level of parental and child distress reported by parents was worryingly high. Both resident and contact parents reported equally high levels of disruption to their normal psychological functioning. A substantial number of children were also clearly struggling, according to resident parent reports at the level found in court welfare report samples. Equally worrying was the presence of multiple risk factors associated with poorer outcomes for children. All the children in this study had already experienced parental separation. In addition the sample reported disproportionately high levels of economic adversity, interparental conflict, tenuous or conflicted contact

and reports of domestic violence and child protection concerns. The level of disruption to the psychological functioning of resident parents, and the potential impact on parenting quality, is also of concern given the critical importance of the resident parent-child relationship in facilitating children's post-separation adjustment (Dunn *et al.* 2003). Although children were facing multiple risk factors, and demonstrating well above community levels of distress, very few parents reported working together to discuss any problems children might have.

The overall level of difficulties and conflict reported by the sample came as some surprise given that the great majority were at the first stage of involvement in court proceedings, with very few families who had been involved in multiple proceedings. Recent debates and reviews have highlighted deficiencies in the family justice system and raised concerns about whether the courts make things worse for families. What the study suggests is that although involvement with the courts may exacerbate the conflict and increase levels of stress, it is clear that parents were already highly conflicted and polarised before they entered the court system.

Positively reframed, however, this does mean that the courts are only dealing with cases that do require external intervention. Reasonably effective filters appear to be in place preventing families being drawn into the court process that do not need to be there. The most effective gatekeepers appear to be the majority of parents in the population who appear to be managing contact fairly well and are satisfied with the arrangements they have (Blackwell & Dawe 2003).

The other positive aspect of the study was that although parents involved in court proceedings were already polarised, for the overwhelming majority the contact dispute was not long-standing. This does suggest that effective 'early' intervention could prevent disputes becoming further entrenched. The results from the study indicate that an effective intervention would require three components. The first component would be a rigorous method of risk assessment and risk management. The second would be an effective mechanism to assist parents in making decisions about contact timetables, where contact is appropriate. The third, and equally critical, element is some form of intervention to enable parents to work more effectively together as co-parents, addressing issues of collaboration, trust and empathy towards each other and to their children. Without all three elements it is difficult to see how the level of stress and anxiety experienced by the parents can be reduced or how contact could be made to work comfortably and safely for children.



## Introduction

### The context

Over the last decade contact has become a highly contested issue and a major focus of debate. In the late 90s the debate centred on contact and domestic violence; more recently the primary focus has been the issue of 'implacable hostility' of resident parents and enforcement of contact orders. Both issues have attracted, successively, high levels of media attention.

At the same time there have been a number of major reviews and consultations on both domestic violence and facilitation/enforcement. On the question of domestic violence the Advisory Board on Family Law (Children Act Sub-Committee) issued a consultation paper *Contact Between Children and Violent Parents* in 1999, followed shortly after by a review of the law on contact and domestic violence in the Court of Appeal decision in *Re L*<sup>1</sup>. A second Children Act Sub-Committee consultation paper in 2001 then turned to the question of the facilitation of contact and enforcement of court orders. The consultation paper led to a report *Making Contact Work* in 2002, with a government response published in March 2004 (DFES/DCA 2004). Most recently a number of anonymised judgments addressing issues of enforcement have, unusually, been made public as a contribution to the ongoing debate about contact<sup>2</sup>. The government published the Green Paper 'Parental Separation: Children's Needs and Parents' Responsibilities' CM6273 (DCA/DfES/DTI 2004a) in July 2004.

The reviews, consultation papers and recent judgments have highlighted a number of deficiencies in the family justice system. Campaign groups have argued strongly for changes to the system. Recent research undertaken by the Office for National Statistics (ONS) for the Department for Constitutional Affairs has also indicated lower levels of satisfaction with contact arrangements amongst parents who have used the courts compared to those who agreed contact informally (Blackwell & Dawe 2003).

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<sup>1</sup> *Re L* (Contact: Domestic Violence), *Re V* (Contact: Domestic Violence), *Re M* (Contact: Domestic Violence), *Re H* (Contact: Domestic Violence) [2000] 2 FLR 334.

<sup>2</sup> *The Father v The Mother and O by CAFCASS Legal* [2003] EWHC 3031 (Fam); *A Father (Mr A) v A Mother (Mrs A)* [2004] EWHC 142 (Fam); *F v M* [2004] EWHC 727 (Fam).

However, whilst the number of cases reaching the courts has been increasing since the implementation of the Children Act 1989<sup>3</sup> it is important to recognise that these represent a small minority of divorced or separated families. The ONS research, for example, found that only 10% of the parents in the sample had used the courts to make contact arrangements (Blackwell & Dawe 2003). It is vital therefore to get a clearer understanding of why some families take contact disputes to court while the majority make relatively satisfactory arrangements. In particular, it is important to gain a clearer understanding of which parents do take contact problems to court, what problems they are facing and presenting to the courts and how the families and their problems compare to non-court users.

### **Purpose of the Report**

Over the last few years a number of research studies have contributed to building a clearer picture of families involved in contact disputes. Buchanan *et al.* (2001) examined parent and child experiences of the court welfare report process. A number of studies have profiled the characteristics of court-using families based on analyses of court records (e.g. Smart *et al.* 2003).

This report aims to complement these studies by providing a detailed picture of the families that are involved in contact applications. It is based on a representative sample of contact applications in one county over a four month sampling period in mid 2003. The sample consists of 88 structured interviews with the 67% of parents who agreed to participate in the research having been approached at first directions appointments. The sample size is smaller than is possible with a court file search study, and is confined to one county, but by undertaking interviews with parents we were able to collect data on a much broader range of issues than is available on court files. As a result we are able to profile the socio-demographic characteristics of families involved in court applications, levels of contact pre-application, the nature, extent and duration of contact problems, the nature and quality of the inter-parental relationship, the extent of prior involvement with the courts and levels of parent and child well-being

In addition to getting an overall sense of the families involved in contact disputes, one of the key aims of the report is to understand how court-using families are similar

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<sup>3</sup> The number of contact orders has risen from 17,470 orders in 1992 (the year of implementation of the Children Act 1989) to 39,982 in 1996 and 61, 356 in 2002 (Judicial Statistics).

to, or different from, the wider population of divorced/separated families. Where possible, therefore, we draw external comparisons between our court sample and recent research studies using community samples of post-separation/divorce families with low levels of court-involvement<sup>4</sup> (henceforth termed 'community sample'). The other key comparison is an internal one, exploring the similarities and differences between the perspectives of resident and non-resident parents and men and women on the dispute.

## **Research design**

The data on which this report is based is part of a larger study evaluating the effectiveness of three different models or approaches to dispute resolution/in-court conciliation in contact cases at first directions appointments. In one of the three areas (Essex) all contact applications are automatically listed by the court service for a one hour in-court conciliation appointment with a CAFCASS officer. Those attending the conciliation appointment therefore constitute the full population of those seeking contact orders in Essex during the four month sampling period<sup>5</sup>.

The study design is a primarily quantitative longitudinal survey of applicant and respondent parents, consisting of a baseline survey conducted a day or so after the conciliation appointment, together with a follow-up approximately eight months later. We did not seek access to court records or to conduct interviews with children. The findings included in this report are confined to a profile of the case characteristics from the baseline phase in Essex. The findings on the process and outcomes of the intervention from both the baseline and follow-up phases for all three models will be reported separately.

## **Sample recruitment and research ethics**

A short leaflet explaining the research was included with the conciliation appointment letter sent to parents by the CAFCASS team. A member of the research team then attended court on the day (typically three cases were listed per day). The CAFCASS officer introduced the researcher to each of the parents separately, either before or immediately after, the conciliation appointment. The researcher briefly outlined the aims of the research to each parent separately, explained what would be involved

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<sup>4</sup> See Appendix 1 for a brief summary of the research design and samples of the main comparison studies.

<sup>5</sup> Not all contact applications in the other two areas in the intervention study are automatically listed for dispute resolution/conciliation and thus would not form a representative sample of contact applications.

and emphasised that participation was voluntary and would not affect the conduct of their case. If the parent consented to take part they were then invited to sign a consent form and to provide a contact telephone number or address. The researcher then conducted a telephone<sup>6</sup> interview at a mutually convenient time within a few days if there were still informed consent. We were very aware that we were approaching parents at a highly sensitive and stressful time. We took great care to emphasise the voluntary nature of the research and to establish informed consent, both at the initial contact at court and before and during the interview. If both parents had consented to take part in the research the interviews were conducted by different researchers to ensure that confidentiality was preserved.

Throughout the study the research team were working within the Code of Ethics of the British Psychological Society. Initial approval for the research was granted by the Ethics Committee of the School of Social Work and Psychosocial Sciences at the University of East Anglia. Approval for the research was subsequently sought and granted from the Lord Chancellor's Department (now Department for Constitutional Affairs), the President of the Family Division, the Court Service and CAFCASS at national and local level

### **The representativeness and composition of the sample**

The inclusion criteria for the study were all parents where the application was for a contact order. Four cases were added to the sample where the CAFCASS officer reported that the conciliation appointment in a residence order case was, in fact, primarily or exclusively about contact. We did not include applications involving other family members such as grandparents. In fact there were very few applications involving other family members in the sampling period<sup>7</sup>.

The final sample consists of 88 individual parent baseline interviews. Thirty of these interviews were single interviews (that is with either the mother or father, but not both) and 58 were paired interviews (that is 29 former couples). Taken together, the sample is based on 59 separate families or cases. In just under half (49%) of cases we have data from both parents.

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<sup>6</sup> Or face-to-face interview for three parents where this was preferred.

<sup>7</sup> Only 6% of applications were from other family members in the recent court file study by Smart *et al.* (2003).

We are reasonably confident that the sample is representative of parents using the Essex courts in the sampling period. The sample was well-balanced by gender with 43 fathers (49%) and 45 mothers (51%). There were 41 (47%) first applicants 47 (53%) respondents to the application 48 (55%) resident parents and 40 (46%) non-resident (or 'contact') parents<sup>8</sup>.

The completed interview response rate was a very respectable 67% of all individual parents where a conciliation had taken place. Non-responders included those who attended conciliation but who left before we could approach them, those who declined at approach stage, those who declined when subsequently contacted or who were subsequently not contactable.

The sample was recruited primarily to evaluate the effectiveness of in-court conciliation as an intervention and therefore is based on parents who attended conciliation appointments in the sampling period. As a result we included within the sample all follow-up review sessions taking place within our sampling time frame but where the original application was some weeks or months earlier. This means that there may be some under-representation of potentially more 'difficult' cases where a welfare report had been ordered previously (and so were filtered out of the conciliation process) while cases initiated in the same period continued into the sample via a follow-up review. However only 19% of interviews in the study were review sessions and the relatively low ratio<sup>9</sup> of welfare reports ordered in the area mean that few cases would have been filtered out.

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<sup>8</sup> In two families each parent had at least one child living with them in 'split residence' arrangements. For the purpose of this report the two split residence cases were categorised as 'resident' or 'contact' depending on whether the applicant was the resident or contact parent of the child (or children) named on the application.

<sup>9</sup> In this study, for example, only 16% of parents reported that a welfare report had been ordered after the initial conciliation appointment.

## **The interviews**

The interviews with parents were conducted using an hour-long standardised interview schedule with mostly fixed choice responses<sup>10</sup>. A limited number of open-ended questions were included in the interview schedule: where the range of possible responses were diverse but could be subsequently researcher-coded, e.g. the contact timetable or the reason for the separation, or, to explore fixed choice responses in greater depth. As we were asking some open questions we tape-recorded the whole interview where parents consented.

## **Analysis**

The data reported in this study is primarily quantitative. Where appropriate we have also included some qualitative data. Although the interviews were highly structured we found that most parents wanted to expand on many of their answers to fixed choice questions. Almost all the parents gave their consent to having the interview taped and this qualitative data has been fully transcribed. In this report, however, the qualitative data is only used to illustrate the quantitative findings rather than representing a comprehensive qualitative analysis.

The diversity of residence and contact arrangements in the sample has resulted in a relatively untidy dataset. Where possible we have included the entire dataset in analyses, but for some issues, for example, the extent of contact, the analysis is restricted only to cases where contact had been taking place recently. We indicate in the text what the base is for each analysis. Similarly, although the majority of the sample were in resident mother/contact father arrangements, there were also a small number of resident fathers and non-resident mothers. As a result for most analyses we divide the dataset by residential status rather than gender, although where appropriate we also make comparisons by gender or gender/residential status. There were too few resident fathers and non-resident mothers in the sample to conduct any separate analyses.

The inclusion in the sample of large numbers of paired accounts is both a strength and a source of difficulty. For some analyses, such as the number of children per family, it makes more sense to use the family (or case) as the unit of analysis.

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<sup>10</sup> That is questions with a 'yes'/'no', or 1-5 Likert scale of 'strongly agree' to 'strongly disagree' response format.

However most analyses take the individual as the unit of analysis. There are two reasons for this. First, for most analyses our primary interest is in the perspectives of individual parents. The second, and a more practical one, is that the responses of paired parents are frequently irreconcilable and therefore must be treated separately. We indicate in the text whether the unit of analysis is the case or the individual.

The statistical tests used are mainly non-parametric. On many questions the data was not normally distributed and we treated responses to Likert scale questions as ordinal data. Only probability levels are reported in the text but the full test results are presented in Appendix 2.

# **1. The socio-demographic characteristics of contested contact cases**

## **1.1. Introduction**

In this section we present a socio-demographic profile of the sample. We begin with basic family information, including the gender of the resident parent, family size, ages of children and parents and former marital status. We then look at the ethnicity of the parents, their socio-economic status and the geographical distance between the resident and contact parent homes. Where possible we draw comparisons between the characteristics of our sample and other court and community-based samples.

## **1.2. Gender and resident/contact status**

The great majority of children live solely or mainly with their mother after separation or divorce. A large recent community study (Blackwell & Dawe 2003) found that 93% of children were living with their mothers. A second recent community sample (Walker *et al.* 2004) reported a broadly similar picture with 91% of mothers reporting that they were the resident parent and 5% in shared care arrangements, although 18% and 14% of fathers reported respectively being the resident parent or in shared care.

The distribution for our sample of disputed contact cases closely matched the same gendered pattern of residence of non-court community samples. Fifty three families (90% of cases<sup>11</sup>) were mother-resident, four (7%) were resident father families and two (3%) were split residence. A larger sample would be required, however, to form any judgement about whether resident mother (or resident father) arrangements are under- or over-represented in cases going to court.

## **1.3. The gender of applicants**

Given the pattern of children's living arrangements it is unsurprising that the majority (81%) of first<sup>12</sup> applicants for contact orders were fathers. This proportion is similar to

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<sup>11</sup> Taking the individual rather than the family as the unit of analysis, there were 43 resident mothers, 38 non-resident fathers, five resident fathers and two non-resident mothers.

<sup>12</sup> There were counter-applications in only four (7%) cases. Three of these were non-resident father first applications and one resident father first application.

a recent court file study where 86% of contact applications were from fathers<sup>13</sup> (Smart *et al.* 2003).

Applications were also most likely to be made by non-resident parents, with 46 applications (78%) from non-resident fathers and four (7%) from non-resident mothers. Nine (15%) applications were launched by the resident parent (seven mothers and two fathers).

#### **1.4. Past relationship status**

In just over half of the sample (31 families, 53% of cases) the parents had been (or still remained) married, with 23 families (39% of cases) where the parents had lived together and five (9%) where the parents had never lived together. This distribution is very similar to the two other studies of families involved in court proceedings, the court file sample of Smart *et al.* (2003: 23) and the court welfare sample of Buchanan *et al.* (2001:11)<sup>14</sup>.

Non-married families may be over-represented among families taking contact disputes to court compared to their distribution in the wider population. Finding exact comparisons is difficult because of the challenge in estimating the number of non-marital breakdowns. However, it has been estimated that between 150,000 and 200,000 marital and non-marital relationships involving children break down annually (DCA/DfES/DTI 2004b) of which between half and two-thirds are married couples.

#### **1.5. Age of parents**

The average age of parents was 35.95 years ( $SD = 7.29$ ) and the median was 37 years, with a range from 20 to 55 years. Applicants were slightly older than respondents to the application, on average 37.41 and 34.68 years respectively. Formerly married parents were older than formerly cohabiting/never together parents, with respective means of 37.41 and 34.36 years, a statistically significant difference ( $p = .049^*$ ).

The parental age profile of this in-court conciliation sample is similar again to the Smart *et al.* (2003) court file study where the average age of applicants and

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<sup>13</sup> In that study 6% of applicants were from other family members, primarily grandparents. We did not include grandparent applications in our study. In fact very few appeared within our sampling frame.

<sup>14</sup> Smart *et al.* (2003: 23), respectively 52.5%, 33% and 8.5%. Buchanan *et al.* (2001:11) previously married 55%, cohabitantes 34%, other 11%.

respondents was 35 and 32 years and similar also to the court welfare sample of Buchanan *et al.* (2001) where the median age of parents was 37 years.

## 1.6. Family size and children's ages

### ***Children named on the application***

There were 43 boys (49%) and 44 girls (51%) who were subject to proceedings. All children were the biological children of the applicant/respondent, in other words, there were no 'step parent' applications.

The average family size was fairly small, at 1.47 children per family. The majority (63%) of cases involved a single child, 27% two children and 10% three children. Formerly married parents tended to have larger families than non-married families with a mean 1.7 children ( $SD = .72$ ) while cohabiting/never lived together parents had a mean 1.31 children ( $SD = .09$ ). The difference is statistically significant ( $p = .008^{**}$ ).

The children involved in proceedings were relatively young. The average age<sup>15</sup> of all the children named on the application was 7 years ( $SD = 3.98$ ), ranging from infants to 15. The average age of the youngest child of the family was 5.73 years (median 5) and 7.14 years (median 7) for the oldest child. In total 41% of children were five years and under, 37% aged between six and ten years and 22% over eleven years. The children of married parents were significantly older ( $p < .001^{***}$ ) than the children of non-married parents, with the average age of the eldest child 8.78 years ( $SD = 4.23$ ) and 5.52 years ( $SD = 3.52$ ) respectively.

The age profile of the children in our sample closely matches the court file sample of residence/contact cases of Smart *et al.* (2003). However it appears that children involved in proceedings are considerably younger than the profile of children in community studies of post-divorce/separated families. In the ONS baseline study, for example, the largest group of children (42-49% in the resident and non-resident samples) were aged 11-16, with only 26-16% of children aged five and under (Blackwell & Dawe 2003). One possible explanation is that younger children may be over-represented in court samples because parents of teenagers doubt whether the

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<sup>15</sup> Where we have paired data we have used the resident parent's report of the number and age of children. There were some instances of small discrepancies within pairs regarding the ages of the children.

courts will be willing or able to make orders in their case and therefore do not make applications.

### ***Other children of the family***

In addition 29 of the 59 families had other biological or co-resident children from previous or subsequent relationships but who were not named on the current application<sup>16</sup>. However the number of other biological children or 'step' children of either parent is probably under-reported here as the paired data suggests that parents were not accurate reporters of their former-partner's biological or current 'step' children.

There were 43 'other' children, 20 boys (47%) and 23 girls (54%). The mean age of the children was 9.26 years ( $SD = 5.69$ ), with a range from infants to 18<sup>17</sup>.

The largest group of these 'other' children are the mother's child(ren) from a previous relationship, followed by the father's child(ren) from a previous relationship (Table 1.1). None of the parents in the sample had made applications for contact with any of their former 'step-children'. There are two other points that emerge from Table 1.1. First, is further confirmation of the gendered nature of post-separation residence. Thirty two of 35 children living apart from one biological parent were living with their biological mothers and only three with their biological fathers. Secondly, the pattern of family formation and dissolution suggests that about a third of the families in our sample could have been involved in two (or more) different sets of contact arrangements<sup>18</sup>.

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<sup>16</sup> Where there was paired data we relied on the report of the biological or co-resident parent for details of age.

<sup>17</sup> We did not collect data on children aged over 18 years.

<sup>18</sup> We did not ask about contact arrangements for children other than those named on the application.

**Table 1.1: Parentage of children not named on the application by child residence, numbers n=88**

	Mother-resident	Father-resident	Other Adult-resident
Birth or adoptive child of both parties <sup>19</sup>	1	1	
Mother's child from previous relationship	16		
Mother's child from new relationship	2		
Father's child from previous relationship		2	8
Father's child from new relationship		6	
Child of mother's new partner			2
Child of father's new partner		5	
Total	19	14	10

### 1.7. Ethnicity

Our sample was 97.7% white, with only two of our 88 interviewees from other ethnic groups. This does appear to reflect closely the ethnic profile of Essex where 96.8% of the population classified themselves as white at the 2001 census (Essex County Council 2003). Although the census figures do give some reassurances about the representativeness of our sample it does mean that the results of this study cannot be generalized to non-white populations, or estimates made about whether minority ethnic parents are under- or over-represented in the court system<sup>20</sup>.

### 1.8. Socio-economic characteristics of parents

Although there was a spread of income and employment levels within the sample, the sample overall was biased towards low income groups, a trend that was even more pronounced for women. In terms of work activity, only 65% of men were working, of whom 63% were (Table 1.2). In contrast 62% of the women were working, of whom 20% were working full-time.

<sup>19</sup> But not named on the contact application

<sup>20</sup> The court welfare report study of Buchanan et al. (2001:11) provides greater insights into the experiences of non-white parents. In their sample only 60% of cases were both parents white.

**Table 1.2: Economic activity at interview, percentages n=88**

	Men	Women	Total
Full-time employment	63	20	41
Part-time employment	2	42	23
Full-time education	-	4	2
On government training programme	2	-	1
Unemployed and looking for work	23	9	16
Looking after the home/family	7	24	16
Long-term sick or disabled	2	-	1

In addition, compared to the local population of working age, the sample were skewed towards semi-routine and routine occupations and away from managerial and professional occupations (Table 1.3).

**Table 1.3: National Statistics Socio-Economic Classification percentages (Simplified)**

	ICC Sample n=88	Essex 2001 Census <sup>21</sup>
1. Higher managerial and professional	1	8
2. Lower managerial and professional	6	20
3. Intermediate occupations	22	11
4. Small employers and own account workers	14	8
5. Lower supervisory and technical	6	7
6. Semi-routine occupations	26	12
7. Routine occupations	16	8
8. Never worked, long-term unemployed, not elsewhere classifiable (including students)	10	25

The combination of economic activity rates and socio-economic classification has meant low income levels for a substantial minority of the sample (especially but not exclusively) for women. In total 35% of men and 42% of women were in receipt of income support or Jobseeker's Allowance. In addition 63% of parents, that is 44% of men and 80% of women, were eligible for legal aid.

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<sup>21</sup> All people aged 16-74, former county of Essex (includes Southend UA and Thurrock UA) (Essex County Council 2003, KS14a)

It is difficult to find an appropriate comparison group. Modelling for the new legal help and legal representation rule for the Legal Services Commission estimated that 45.9% of 'benefit units'<sup>22</sup> in the general population would be eligible for legal representation (Buck & Stark 2003). On these figures our sample of contested contact cases have disproportionately high rates of eligibility for legal aid, especially if one considers that 28-32% of the eligible population in the LSC model were pensioners.

The bias towards lower-income groups in our sample was also found in the court welfare study of Buchanan *et al.* (2001) where about a third of parents were on income support and in 60% of cases one or both parents were legally aided<sup>23</sup>. The recent ONS baseline study, including about 10% of cases where respondents had been to court, also found that 16% of parents in 'lower' occupations<sup>24</sup> had court-order arrangements, compared to 13% from 'intermediate' occupations and 7% from 'higher' occupations (Blackwell & Dawe 2003). It is unclear why the apparent over-representation of low income groups occurs in court-based samples. One possibility is that the legal aid ineligible middle-income groups are priced out of litigation.

## 1.9. Distance

The final element of the socio-demographic profile of the sample concerns the distance travelled for contact. On the whole parents lived close by. More than half (54%) of non-resident parents lived within 5 miles, 24% within 25 miles, 8% within 50 miles and 14% more than 50 miles away. Although the logistics of managing contact was an issue for some cases (see Box and Section 3.4), the geographic distance between parents in this court sample is similar to the community sample of Dunn *et al.* (2003)<sup>25</sup>.

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<sup>22</sup> Single adults or couples with/without children

<sup>23</sup> In this study 83% of cases had one or both parents eligible for legal aid.

<sup>24</sup> 'Lower' occupations refers to groups 5-7 in Table 1.3. 'Intermediate' covers groups 3-4 and 'higher' occupations groups 1-2.

<sup>25</sup> In the ALSPAC sample 72% of non-resident parents lived in the same town/city, 14% within 25 miles and 13% more than 50 miles away (Dunn *et al.* 2003).

**Distance and contact:**

*"[The reason for the application] was to make sure that, if the understanding was that I was always to have [child] Friday night to Sunday night, then I didn't want that to change because it's not as if I can make time up. If she says to me you can't have [child] Friday night, you can pick [child] up Saturday afternoon, I can't argue the case with her, because she'll just say hard luck. And the other thing is again, if I lose contact that way it cannot be made up. It's not as if [child] is living 10 minutes down the road where I can see [child] of an evening". Non-resident father working full-time and living more than 30 miles away)*

**1.10. Summary**

Parents involved in contact disputes are typically in their mid-thirties, on relatively low incomes with small families of young children. In some respects court users are typical of other post-separation families in the predominance of mother-residence arrangements as well as continuing to live fairly close to each other. However in other respects court users do appear to differ from local populations on key socio-demographic variables in terms of the under-representation of formerly married couples, the over-representation of families with young children and the over-representation of lower income parents.

## 2. Litigation history and the evolution and duration of contact problems

### 2.1. Introduction

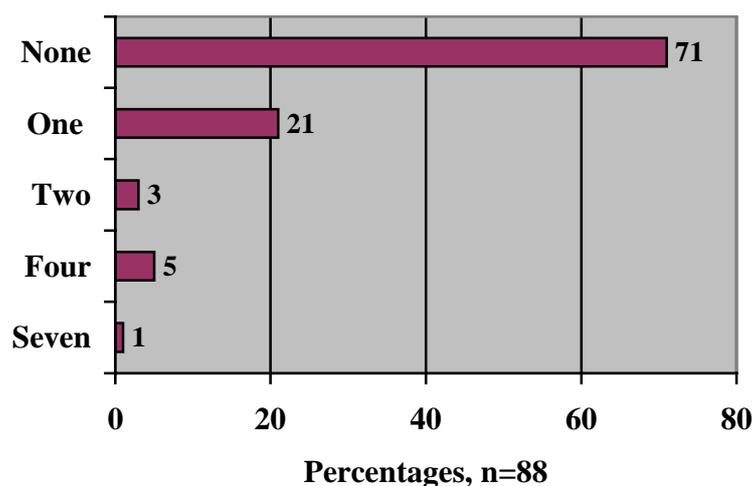
We turn now to look at the extent of prior involvement with the courts and the length of time between the separation, emergence of contact problems and the court application.

### 2.2. Litigation history

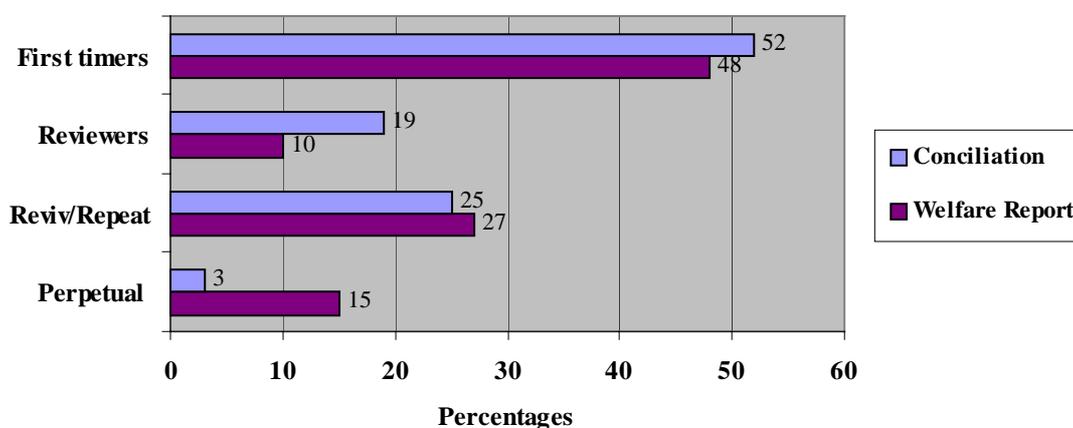
#### *Previous applications*

Although recent debates might suggest that parents are returning to courts again and again, in this sample the majority of parents had had no previous experience of contact applications or the court system. The current application was the first application in 71% of cases (Figure 2.1). Only one in ten of parents had been involved in more than one previous application. There were no significant differences in the number of applications by formerly married and non-married parents ( $p = .120$ ).

**Fig. 2.1. Number of previous applications**



**Fig 2.2 Litigation history: Welfare Report and In-Court Conciliation Samples, n88**



### ***Litigation typology***

Buchanan *et al.* (2001), in their study of parents involved in the welfare report process, produced a useful typology of litigation histories:

- *First timers* at court
- *Returners*<sup>26</sup> (proceedings are planned review of previous decision)
- *Revivers* (previous proceedings but finished more than two years ago)
- *Repeaters* (those returning to court within a two-year period)
- *Perpetual litigants* (number of proceedings exceeds the years since separation or continuous proceedings over a number of years)

In some respects the litigation history of the two samples are fairly similar (Fig. 2.2). In both studies the majority of the cases were first-time applicants, either in the form of first-timers or reviewers. The main difference between the two studies is the higher proportion of entrenched cases (the 'perpetual litigants') in the welfare report sample. Although local court cultures do vary the difference is likely to be due primarily to the sampling parameters of the welfare report study which, by definition, was based on the most difficult cases.

Taken together, however, the two studies, albeit with different sampling methodologies, do suggest that the increase in the number of contact applications (see Introduction) is based mainly on new cases coming into the system, with recurring cases representing the minority of applications.

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<sup>26</sup> Here 'Reviewers', i.e. recruited for this sample at a review session within the first application. Review sessions typically took place about six weeks or three months after the initial conciliation session.

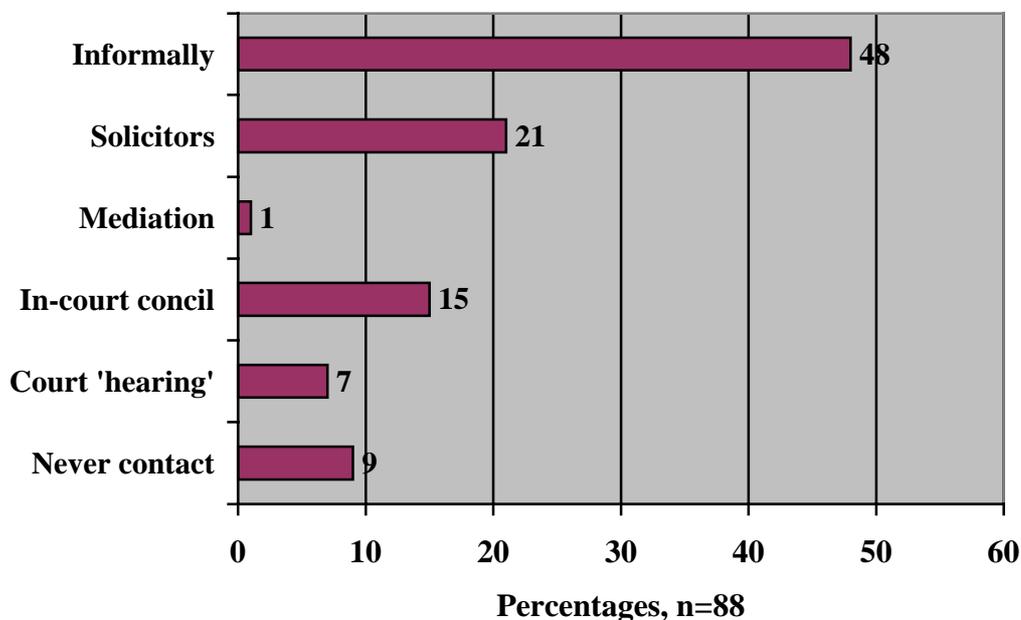
### ***Orders in force at the start of proceedings***

The pattern of orders in force largely reflects the pattern of litigation. Only 22% of parents reported that a contact order was in force at the start of the present proceedings and 11% a residence order. There were no other orders (concerning specific issues or prohibited steps) in place. Only 13% of unmarried fathers had parental responsibility when the application was made. Five unmarried fathers reported that they had a contact order but did not have parental responsibility.

### ***How the last set of arrangements had been negotiated***

Just under half of the parents in the sample reported that prior to the application they had negotiated contact informally between themselves. A further fifth had worked out arrangements through solicitors. The remainder either had never had any arrangements or had gone through the courts. The very limited use of out of court mediation is consistent with other recent studies (e.g. Walker *et al.* 2004).

**Fig. 2.3. Negotiation of last arrangements**



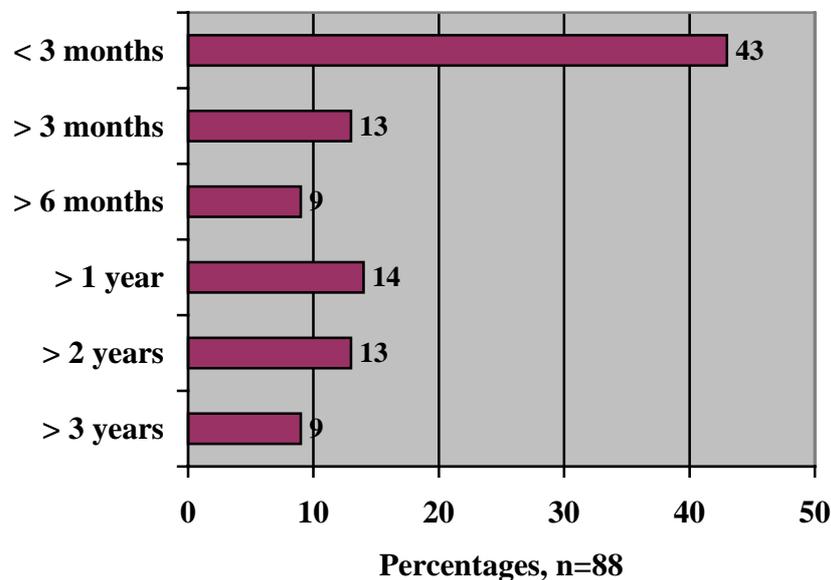
### 2.3. Evolution and duration of contact problems

One of the issues that we were keen to explore was the extent to which families experiencing contact problems faced difficulties from the start ('early emergers') or whether contact had become derailed following a period of workable arrangements ('late emergers'). We were also interested in whether there were any differences in the trajectory of contact problems between formerly married and non-married parents.

#### *Time between separation and the start of contact problems*

On the first question there was evidence for both hypotheses, although the majority of parents reported an early emergence of contact problems. Over half of parents reported problems within six months of separation (Fig. 2.4), including 26% of parents who reported immediate problems. Just under a quarter of parents could be defined as 'late emergers', having run contact for at least two years before running into problems.

**Fig 2.4: Separation to start of contact problems**



Marital status was not associated with the timing of contact problems after separation ( $p = .58$ ). Married and non-married parents were just as likely to run into contact problems early. Nor were there significant differences in the reports of men and women ( $p = .708$ ), applicants and respondents to the application ( $p = .80$ ) or resident and contact parents ( $p = .909$ ).

### **Emergence of contact problems post-separation**

Early emerger: *“From day one she gave me six hours a week, which obviously I felt was ridiculous, because we were just five minutes away from each other. Because of the marriage breakdown I wasn’t working, and she went back to work part-time. I was a little bit miffed as to why her mum [maternal grandmother] was looking after my son twice on them occasions and the baby sitter once when I was perfectly capable of looking after him myself. And you’ve got a baby sitter having six hours a week and me having six hours”* (Non-resident father, recently separated).

Late emerger: *“I think it’s probably two factors really. One I lost my job this year and secondly my new child was born and I think things went down hill from there. Because payments to the CSA got stopped because I’d no money and I think my second child had something to do with it as well”*. (Non-resident father, contact problems began more than 18 months post-separation)

### ***Time to first application***<sup>27</sup>

The next question to look at is the duration from separation and the start of contact problems to making the first application. It appears that applicants respond to contact problems fairly quickly. The median response time from the start of contact problems to the application was three months and 93% of parents reported that there had been an application within a year of contact problems arising. The median length of time from separation to application was ten months. Again, formerly married parents were no more likely than non-married parents to apply for orders quickly, either when contact problems arose ( $p = .829$ ) or from separation ( $p = .053$ ).

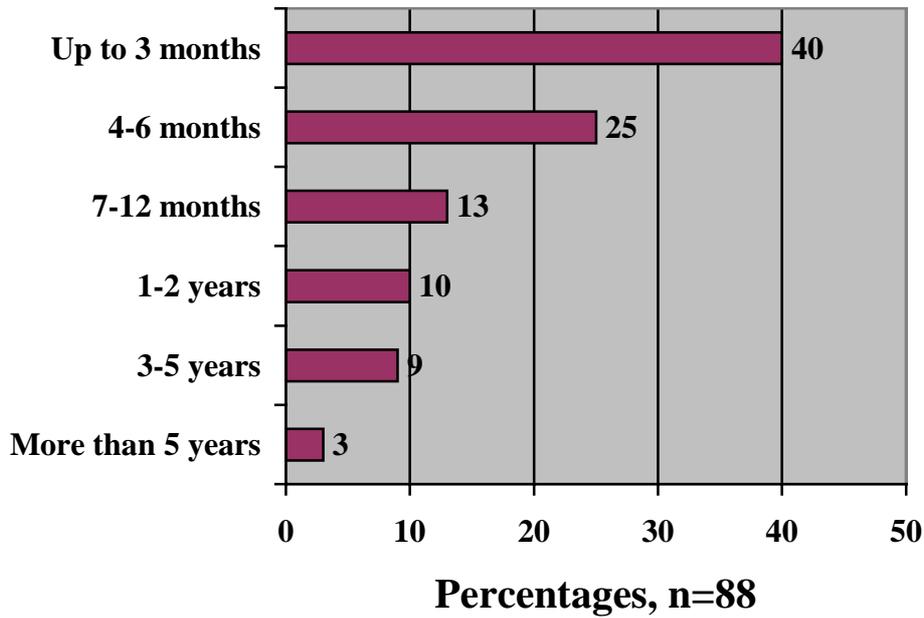
### ***Overall duration of contact problems***

For the whole sample the overall duration of contact problems was relatively short, with a median of 4.5 months. Just under a quarter of parents reported that contact problems had lasted for more than a year, with very few long-running contact disputes (Fig. 2.5). Again there were no significant differences in reports by marital status ( $p = .500$ ).

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<sup>27</sup> The analyses in this sub-section are confined to first application parents only, n=62.

**Fig. 2.5. Duration of contact problems**



**2.4. Summary**

The majority of parents in the sample were involved in first-time applications, typically having run into contact problems soon after separation and making applications fairly quickly thereafter. A minority of the sample had made previous applications with a very small proportion repeatedly going to court. As a consequence the overall duration of contact problems was relatively short, with few long-standing contact disputes. The study also highlights that once informal negotiations between parents had been exhausted, parents turned rapidly to solicitors and the courts rather than mediation to resolve contact disputes. Nonetheless the relative brevity of most disputes might indicate that effective early intervention could prevent cases becoming entrenched.

### **3. Contact patterns before the court application**

#### **3.1. Introduction**

In this section we move on to map out patterns of direct and indirect contact. We begin by summarising the pattern of contact in community samples to provide a context for our court sample. We then examine the nature and extent of direct contact in the months leading up to the contact application in our sample and patterns of supervised and indirect contact.

#### **3.2. Contact patterns in community samples**

There does appear to be a broad trend towards more frequent contact, and fewer children losing contact. More recent studies have challenged the still frequently-quoted finding that 40% of children lose contact within two years (Bradshaw & Millar 1991). Although establishing precise indicators is difficult given studies based on samples at different periods post-separation, different sampling methodologies and different choices of informants.

Nonetheless, at the broadest level it appears that fewer than a fifth of children are losing contact. Recent studies have found rates of no contact ranging from 27% based on resident parent reports and 14% based on non-resident parents (Blackwell & Dawe 2003), to 18% based on mother's reports (Dunn et al. 2004) and 7% based on the reports of both parents in the information meeting follow up study (Walker et al. 2004). The extent of no contact may, however, vary in different sub-populations. Maclean & Eekelaar (1997), for example, found much higher rates of lost contact for parents who had never lived together (39%) compared to divorced parents (5%). Similarly, there may be higher rates of lost contact where the resident parent, at least, has repartnered (Smith 2003).

Again, allowing for variation in sampling, it appears that the most common form of contact frequency is a weekly arrangement. The ONS study reported weekly contact for between a third and a half of children (Blackwell & Dawe 2003) and Walker *et al.* (2004) reported even higher levels at 62%. Monthly arrangements were reported for about a fifth of children in both studies, while both also reported that daily contact was taking place for fewer than one in ten children.

### 3.3. No contact<sup>28</sup> at application

Turning now to our sample, 51% of parents reported that there was no direct (face-to-face) contact occurring when the court application was made. Only ten (11%) parents representing eight (13%) of the cases reported that direct contact had never taken place since separation, or, in two of these cases, since a change of residence. The other 35 parents (40%) reported that contact had been occurring but had broken down or been suspended prior to the application. In these cases contact had broken down on average 5.86 months previously ( $SD = 2.992$ ).

There were no statistically significant differences between men and women ( $p = .396$ ), resident or contact parents ( $p = .139$ ) or applicants and respondents to the application ( $p = .680$ ) in the reports of whether or not direct contact was taking place at application. Nor was there a statistically significant difference by marital status ( $p = .823$ ).

The level of no contact in this sample is clearly much higher than for community samples, even though the majority of 'no contact' cases were deviations from the 'normal' patterns of events. The level of no contact is, however, broadly similar, if not quite as pronounced as the court welfare sample of Buchanan *et al* (2001). In that study contact had been suspended in two-thirds of cases, including 16% of cases where contact had never been established.

#### **No contact at application:**

*"She basically told me that I wasn't allowed to see them unless I went to Court. So I called her bluff and I went to Court". Non-resident father.*

*"Then they started to change it again. They stopped me seeing her. They stopped all the phone calls. Basically the boyfriend didn't want me to see either of them. We went to court and she got her Residency Order. The Judge said I was allowed to phone when I wanted, but I weren't allowed to do that, they wouldn't let me talk to her. I never saw her and basically the boyfriend cut me off from everything". Non-resident father.*

*"Well he had contact and then he became violent and I had to leave the house and, obviously she came with me, and basically I said to him 'No, you know, I can't have you behaving like that and expecting to be able to see her'. So since then he hasn't seen her". Resident mother.*

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<sup>28</sup>We defined 'no contact' as cases where no child of the family was having contact, but not if one child, at least, was having contact.

*“On the last occasion that he tried to speak to her in the end she just said I don’t want to speak to him and I said ‘Right you’ve heard what she said’, and then he said ‘Oh I’m taking it to Court’”. Resident mother.*

### **3.4. Patterns of direct contact pre-application**

We turn now to map out the pattern of direct contact prior to the application where contact was continuing or had taken place in the six months before the application. We examine separately parents reporting that contact was in place at application (*continuing contact*, n=43) and parents who reported that contact was either continuing or had occurred within the last six months (*recent contact* cases, n=65). For clarity we examine these groups separately but there was some overlaps in respondents for whom contact was continuing at application. Cases where contact had never been established (*never contact*) or had broken down more than six months previously (*past contact*) are excluded from analysis in this section.

#### ***Regularity of contact***

Three-quarters (74%) of both the continuing and recent contact arrangements were described as ‘broadly following the same pattern or timetable’ rather than being irregular. The perception of ‘regularity’ is of course subjective. There were paired cases where identical timetables were described as regular by one parent and irregular by the other, or cases where parents gave highly divergent accounts of the amount and frequency of contact. Generally though the reports of mothers and fathers were fairly consistent. There were no statistically significant differences in the description of arrangements as regular or irregular by sex or resident/contact parent or former marital status for either continuing or recent contact groups.

Regular timetabled arrangements were just as likely to have broken down or been suspended as irregular arrangements ( $p = .883$ ), although possibly for different reasons.

#### ***Staying (overnight) and visiting contact***

About half of the contact arrangements took the form of staying contact, with 56% of the continuing contact parents and 49% of recent contact parents reporting staying contact ( $p = .138$ ). Staying contact was significantly associated with older children in our sample ( $p = .007^{**}$ ). The average age of the oldest child of the family where

contact was staying was 8.59 years ( $SD= 3.69$ ) and 6.08 years ( $SD=4.34$ ) for visiting contact only.

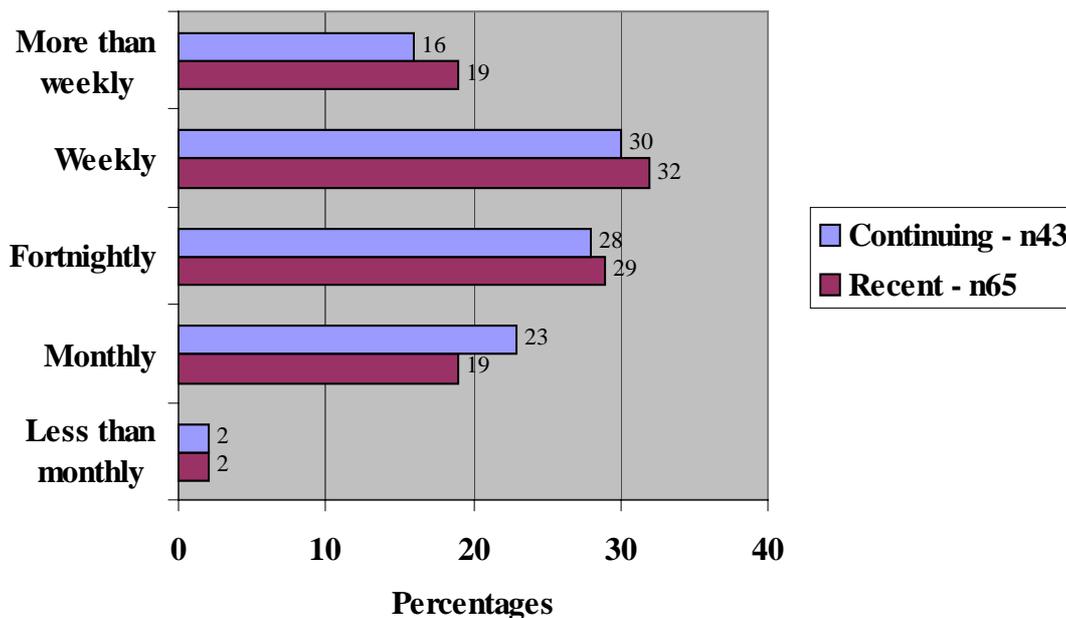
There was also a significant difference between formerly married and non-married parents in the extent of staying contact. In the recent contact group 61% of formerly married parents reported staying contact compared to 34% of parents who had not been married ( $p = .008^{**}$ ). It is possible, however, that this difference largely reflects the fact that the children of parents who had not been married were on average younger than children whose parents had been married (see Section 1.6).

The proportion of children with staying contact is lower than reported in the ONS community sample where 81% of non-resident and 60% of resident parents reported overnight stays (Blackwell & Dawe 2003). Interestingly, that study also found that older children were more likely to have overnight stays. The relative infrequency of staying contact in our study may, therefore, reflect the lower age profile of children in our study as well, perhaps, as disputes between parents as to whether staying contact was appropriate.

***Frequency and amount of contact***

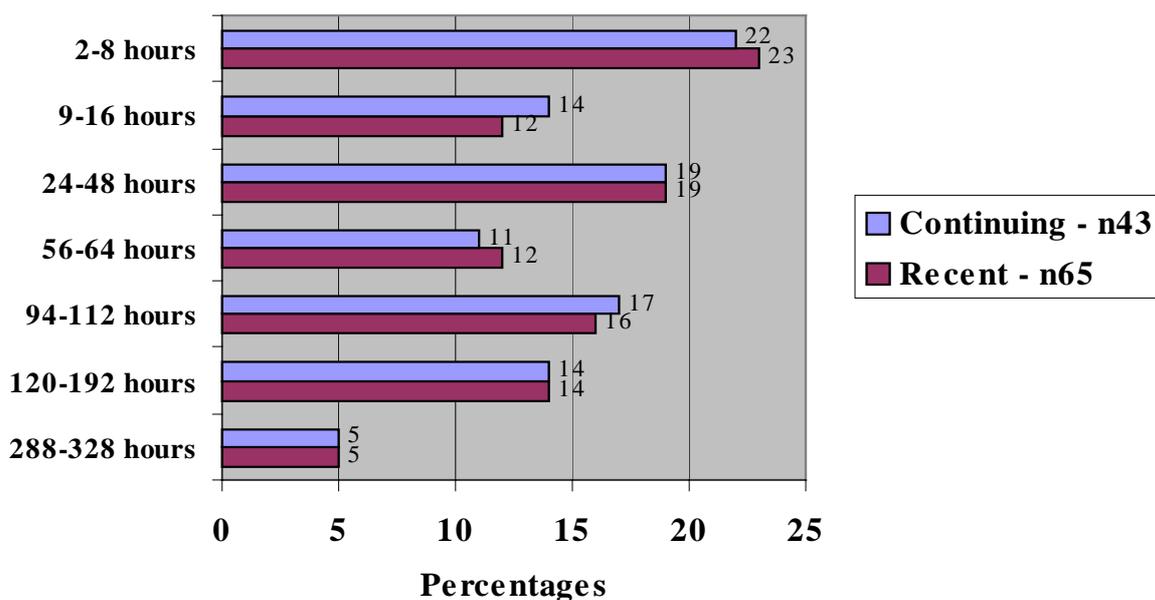
There was a broad spread in the frequency of contact for both continuing and recent contact. In almost all cases contact took place more than monthly (Fig. 3.1).

**Fig. 3.1. Frequency of contact, continuing and recent**



However a simple calculation of frequency can mask significant variations in the amount of contact. ‘Weekly’ contact, for example, can encompass a weekly hour at a contact centre or staying contact from Friday evening to Monday morning. To resolve this problem we asked parents about the contact timetable (excluding holiday contact) as an open question and then coded the answers into average hours of contact per month<sup>29</sup> and contact timetables. The parents involved in contact disputes were acutely conscious of contact timetables and the majority were able to specify a timetable of, for example, 10am to 4pm every Saturday. Where arrangements were irregular we asked parents to estimate the number of days and staying visits over the last three months and then we calculated a monthly average.

**Fig. 3.2. Hours of contact per month, continuing and recent**



The average number of hours per month (excluding holidays) where contact was continuing at application was 69.63 hours, but ranged widely from two hours per month to 288 hours ( $SD = 72.362$ ). The pattern for recent contact was little different with an average of 69.37 hours per month ( $SD = 75.305$ ). For both continuing and

<sup>29</sup> So, for example, a timetable of 5pm Friday to 5pm Sunday once a month would be coded as 48 hours.

recent contact, just over half of parents reported that contact was up to 48 hours per month (Fig. 3.2).

Put together, the combination of contact frequency and average monthly hours of contact translates into a very wide range of different contact schedules, from highly restrictive to extensive. There was no 'standard package' or typical pattern of contact, as is apparent from the number of different schedules set out in Table 3.1.

**Table 3.1: Contact patterns (excluding holidays), continuing/recent contact, numbers**

	Continuing, n =43	Recent, n=65
Monthly visiting 'session' <sup>30</sup>	1	1
Fortnightly visiting 'session'	3	7
Weekly visiting 'session'	5	5
Monthly visiting day	3	4
Fortnightly visiting day	3	5
Weekly visiting day	2	4
Infrequent staying contact in blocks	3	3
Three/four 'sessions' per week	2	6
Monthly staying weekend	4	4
Fortnightly weekend staying one night	5	8
Fortnightly weekend staying two nights	3	5
Fortnightly weekend staying two nights + one eve weekly	4	4
Every weekend staying two nights	1	2
Every weekend staying two nights + one day/eve weekly	1	2
Three days/nights out of four weekly	3	5

### ***Holiday contact***

We asked separately about holiday contact, again as an open question. However only six parents reported having specific arrangements in place for half-terms, Easter, Summer, Christmas or other holidays. In most cases the normal contact arrangement continued to operate throughout holiday periods, either because it was too soon post-separation to have arrangements in place or holiday contact was itself a point of contention.

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<sup>30</sup> 'Session' refers to a morning, afternoon or evening contact, or 2-5 hours. 'Session'-based arrangements could be at contact centres or simply unsupervised arrangements of short duration.

**Holiday contact:**

*“What we are entering now is in theory the first holiday issue. I took her abroad a few months ago, but she, because my daughter was on her passport, she, to coin a phrase, started playing silly beggars about it. I had to then get the passport at the last minute, so I had trials and tribulations and again part of going to Court was to try and ensure that I wasn’t being held to ransom over it like I was last time”. Non-resident father.*

*“Originally, right in the very beginning after we separated and got divorced the arrangements were every weekend and half holidays. And then it basically whittled down to every weekend and holidays if she felt inclined to let me”. Non-resident father.*

*“Well he wanted to have holiday contact and that was his main reason for the application. But he’s never actually asked. Well he said to me can I take him for a holiday and I said ‘Yes you can, but I want you to tell me where you’re taking him, when you’re taking him, how long you’re taking him for, who you’re taking him with and then let me consider it and, you know, we can talk about it’. But he never came back with that information, so his main reason was for holiday contact and that’s it really”. Resident mother.*

**Supervision of contact**

Very little contact was supervised. Where contact was ongoing at application, or had broken down within the last six months (n=65), only four parents reported that all contact was supervised, with a further three parents reporting that some contact was supervised. Of these two parents indicated that supervision was undertaken by one of the parents or a relative, three at a supported contact centre, one at a supervised contact centre and two by nursery staff. The relationship between supervision and various risk factors is considered in Section 8.3 below.

**Explaining the amount of contact**

We undertook a number of analyses<sup>31</sup> looking at various socio-demographic variables which might be expected to relate to the quantity of contact in recent contact cases (n=65). In fact neither the age of the oldest child (Rho .108,  $p = .394$ ) nor the age of the youngest child of the family (Rho .167,  $p = .183$ ) were related to the amount of contact hours per month. The geographical distance between parents

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<sup>31</sup> Multiple regression was ruled out as the data was not normally distributed and none of the independent variables (age, time since separation or distance) were related to the dependent variable.

(Rho  $-.047$ ,  $p = .707$ ) and the time since separation (Rho  $-.052$ ,  $p = .678$ ) were also not correlated to contact quantity. Nor was former marital status ( $p = .201$ ).

The lack of a relationship between quantity of contact and the various chronological, logistic and marital status variables may reflect the relatively small size of the sample<sup>32</sup>. Or, perhaps, more likely, the precise amount of contact is multiply-determined with parental relationship factors playing an important role.

Before moving on it is important to point out that the amount of contact was related to court activity. There was a moderate negative correlation between the quantity of contact and the number of court applications (rho =  $-.438$ ,  $p < .001^{***}$ ), with more restrictive contact associated with more court applications. The direction of effect is unclear, whether already restricted hours prompted more applications or more applications resulted in less contact, or a combination of the two.

### **3.5. Pattern of indirect contact pre-application**

There was less indirect contact taking place at application than direct contact. Only 43% of parents reported that indirect contact<sup>33</sup> was occurring, compared to 51% of parents who reported direct contact. There were no statistically significant differences in reports of indirect contact happening between men and women or resident and contact parents.

The relationship between direct and indirect contact was not straightforward. The distribution was:

- Both direct and indirect contact at application: 23 (26% of total)
- Direct contact only at application: 20 (23% of total)
- Indirect contact only at application: 15 (17% of total)
- No contact (direct or indirect) at application: 30 (34% of total)

The level of no contact in any form is higher than in community samples. In the ONS Baseline study 23% of resident parents and 10% of non-resident parents reported no direct or indirect contact (Blackwell and Dawe 2003).

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<sup>32</sup> The ONS Baseline study (Blackwell & Dawe 2003), with a much larger sample, found a relationship between the *frequency* of contact and distance and time since separation, but not with child age. The study did not measure the amount of contact.

<sup>33</sup> That is, phone calls, text, email, letters/cards and exchange of presents.

Unlike direct contact, the age of the oldest child of the family was significantly associated with whether or not indirect contact was taking place ( $p = .015^{**}$ ). The average age of the oldest child where there was indirect contact was 8.47 years ( $SD = 3.696$ ) compared to 6.28 years ( $SD = 4.380$ ) where there was no indirect contact.

Finally, the frequency of indirect contact was highly variable. Just over half of the sample (53%) where indirect contact was taking place reported that it took place weekly or more frequently, while 26% reported indirect contact occurring less than monthly.

#### **Indirect contact**

*"I'd always said to him if he wanted to telephone he could and speak to [child], I didn't have a problem with that. In fact that was an open offer and he did take me up on it occasionally and talked to [child], but he only did it on a few occasions".* Resident mother, teenage child.

*"He used to text her and occasionally ring, but most of the time it wasn't pleasant phone calls he was sending her anyway, it was bitchy things for her to say to me and things".* Resident mother, teenage child

*"I used to phone the children every day, twice a day. Morning and evening, probably about 95% of the time. There was the odd time when obviously I was out and I didn't get back in time to give them a call, but 95%".* Non-resident father, pre-school children.

### **3.6. Summary**

The pattern of contact within the sample was highly diverse, with contact not occurring in half the cases in the sample at application, although for most this was a suspension to the normal pattern. Where contact had occurred recently the frequency and amount of contact was extremely varied across the sample, from minimal supervised contact to extensive contact approaching shared residence. The pattern of indirect contact was equally diverse. Neither the age of children, distance between parents or time since separation explained the amount of direct contact that was occurring, although indirect contact was more likely to occur with older children.

## **4: Past and current ‘spousal’ relationships**

In this section we take a more detailed look at the relationship between the adults involved in the contact dispute. We start with the past relationship between the two adults, describing the length of the relationship, the initiator of, and reason for, the separation and any ongoing attachment and anger. The section concludes by describing current repartnering status. In the following section we turn to look at how the two adults are working together as parents.

### **4.1. Past relationship length and stability**

The average length of relationships before separation was 8.5 years, with a range from two months to 22 years. This is a little longer than the court welfare sample of Buchanan *et al.* (2001:11), where the average was 6 years.

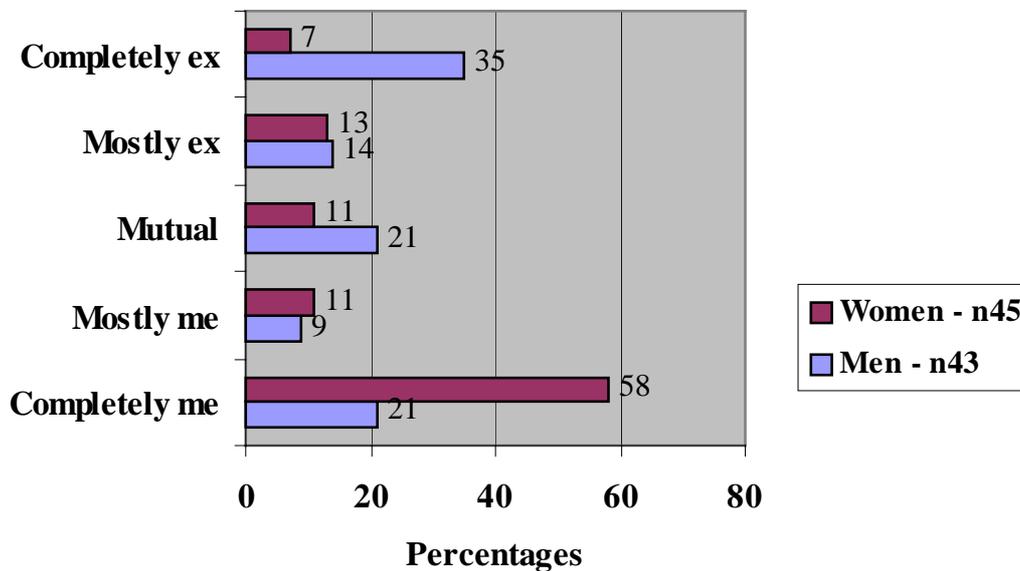
The average length of relationships differed by marital status. The average length of marital relationships was 11.1 years, 6 years for former cohabitants and 3.2 years for parents who had never lived together. The difference between the length of marriage and cohabitations/never lived together is statistically significant at the .001 level, but not significant between cohabitations and parents who had never lived together. The difference in relationship length is likely to be the primary reason why children of formerly married parents were older on average than children of parents who had not been married (see Section 1.6).

About three-quarters of interviewees described their former relationship as ‘stable’ and a quarter as ‘on-off’. As might be expected marriages were most likely to be described as stable (89%), and former cohabitations more stable (70%) than those who had never lived together (0%). Although six of the 29 pairs disagreed about whether or not the relationship had been stable, overall there was no significant difference between men and women’s reports on the stability of the relationship ( $p = .337$ ).

## 4.2. Initiator of the (final) separation

In broad terms, both men and women viewed the woman as the key driver for ending the relationship. Nearly three-quarters of women and nearly half of men reported that the woman had been the main, or sole initiator, of the separation (Fig. 4.1). However there was a significant difference by sex ( $p = .002^{**}$ ) with women most likely to report that they themselves were the main force for ending the relationship, while men were more equally divided between reporting that the decision had been mutual, their own decision or their ex-partner's decision.

**Fig. 4.1 Who made the decision to end the relationship, n88**



### Initiators:

*"Well she asked me to leave the home and it was decided that we would do a month's trial period, when I went to stay with a friend. And after that she said she didn't want me back. I didn't really want to leave. I wanted to give it another go, but she said no". Contact father*

*"Basically she was saying that I was spending too much time at work, or working too much. I think she was just purely going through a point where she thinks life's better and was looking for something else". Contact father*

### 4.3. Reason for the (final) separation

There were also conflicting accounts between men and women about the reason for the separation<sup>34</sup>. The three most common *first*<sup>35</sup> reasons given were growing apart, infidelity (actual or suspected) and domestic violence/physical abuse (Table 4.1).

**Table 4.1: First reason given for relationship breakdown, by sex and overall, percentages (n= 88)**

First reason given	Men	Women	Total
Growing apart (g)	33	11	22
Infidelity, jealousy, lack of trust (i)	28	20	24
Domestic violence/physical abuse (r)	0	24	13
Mental/verbal abuse (r)	2	16	9
Financial/employment (c)	12	7	9
Drinking/drug abuse (r)	5	11	8
Shouldn't have been together (too young, wrong reasons etc) (d)	14	2	8
Family and in-law trouble (c)	5	4	5
Neglect of home, family, children (c)	0	4	2
Personality disorders/mental health problems (r)	2	0	1
Total	100%	100%	100.0

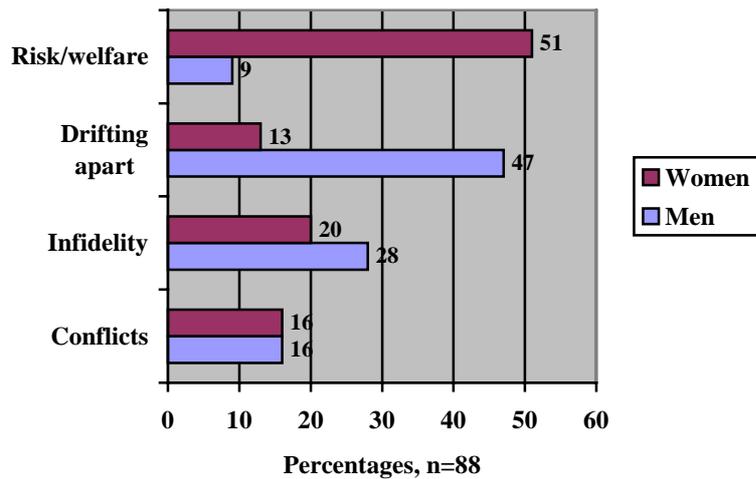
However, there are some distinct differences in the reasons men and women gave for the relationship breakdown. This pattern becomes even clearer when the ten first reasons are collapsed into four groups of 'growing apart', 'infidelity', 'risk/welfare' and 'conflict'<sup>36</sup>. Figure 4.2 clearly indicates that whilst there is some similarity between men and women in the reference to 'infidelity' and 'conflict', on the other two items there is a pronounced gender difference, with men emphasising a growing or drifting apart and women emphasising abuse. The difference is statistically significant ( $p < .001^{***}$ ).

<sup>34</sup> We used an open question to ask about the reason for the separation. The responses were transcribed and then coded using the same framework as Thoeness & Pearson (1988). Ten of the Thoeness & Pearson categories were relevant to this study. However, 'physical separation', 'sexual difficulties', 'dissatisfaction with sex role' and 'other' were not required, nor was our pre-data collection additional code of 'brief encounter'.

<sup>35</sup> Some participants gave multiple reasons for the separation. Rather than attempting to decide which was the 'main' reason we analyse the first reason mentioned and then selected other reasons.

<sup>36</sup> The letters G, I, R & C at the end of the value labels in Table 4.1 indicate to which group the response is allocated (i.e. Growing apart, Infidelity, Risk/Welfare, Conflict).

**Fig. 4.2. Grouped first reason for separation**



**Conflicts:**

*“There was many reasons why it broke down, one of them was he got sacked from his job and he wouldn’t go out and find a new job, so we were left with mounting, spiraling debts, things like that”. Resident mother*

*“His mother was the reason. She thinks the sun shines out of his arse basically and whatever he does, she’s always got an opinion for it, like, oh he’s not happy, or something like that. He sees his parents all the time. It was like being married to the three of them”. Resident mother*

**Drifting apart:**

*“I think we just grew apart really. We didn’t have time for one another”. Contact father*

*“We were both very young, she would have been 19 when she had the first child, I think. We got married when we was 20, so yeah I think it was just a breakdown”. Contact father*

**Infidelity:**

*“I knew there was something wrong and when I sat her down one day and said ‘Look what is going on? I’m not thick and I know there’s something going on’. And she just blurted it al out. That she’d found somebody else. She doesn’t love me anymore. She’s going to, she wants to leave me and all the rest of it”. Contact father*

**Risk/welfare:**

*“He’s an arrogant, controlling person. I couldn’t speak to anyone without him feeling I was having an affair with somebody, you know, and I couldn’t handle that.”. Resident mother*

*“Basically I found out he was having an affair. When I questioned him about it he hit me, this was done in front of our daughter. On a couple of occasions he’s done this, and basically in the end I’d had enough”. Resident mother.*

Restricting the analysis to simply the first reason given for the separation would, however, understate the prevalence of issues that may well be of great relevance for contact. When all (rather than just the first stated) reasons for the separation were analysed, we found that:

- Drinking/drug abuse was given as a reason by 18% of women and 5% of men, a non-significant difference ( $p = .052$ ).
- Mental/verbal abuse was given as a reason by 29% of women and 5% of men, a statistically significant difference  $p = .003^{**}$ .
- Infidelity (actual or suspected) was given as a reason by 29% of women and 28% of men, a non-significant difference ( $p = .919$ ).
- Domestic violence/physical abuse was given as a reason for separation by 38% of women and 2% of men, a statistically significant difference ( $p < .001^{***}$ ).

Women who reported domestic violence as a reason for the separation were also significantly more likely to report that they had initiated the separation than women who did not report domestic violence ( $p = .035$ ). In fact 75% of women reporting domestic violence stated that the breakup was completely their decision compared to 48% of women where domestic violence was not raised. There was no relationship between mental/verbal abuse or infidelity and initiation of the end of the relationship for women or men.

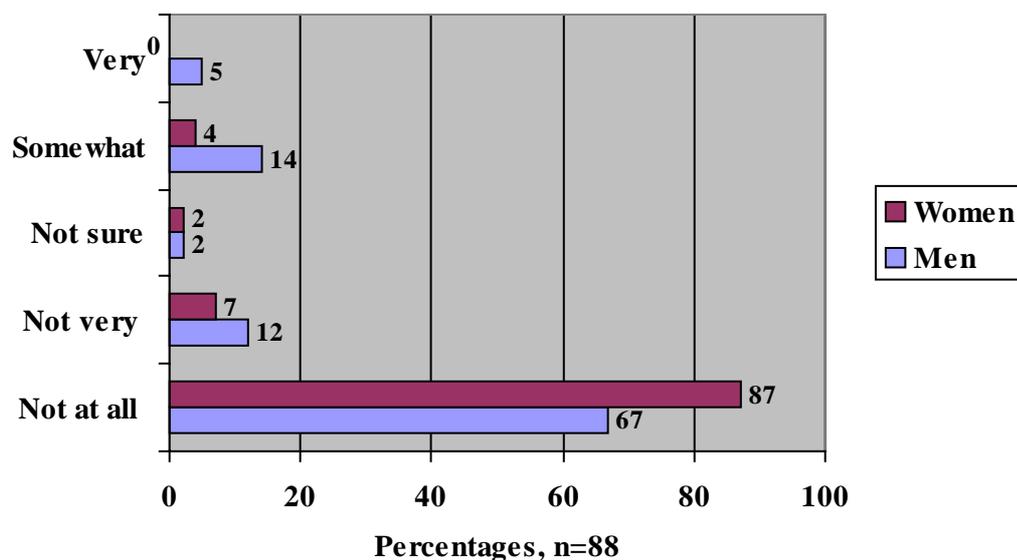
The high levels of domestic violence reported by women reflect other community samples. For example, Smith's (2003) study of stepfamilies, for example, reported that 34% of mothers cited physical violence from the father as the reason for the separation (together with 28% citing alcohol or drug abuse). A recent study of 'justiciable problems' by the Legal Services Research Centre (Pleasence *et al.* 2003) reported that 20% of people who reported a divorce also reported domestic violence. They also noted a strong relationship between reports of domestic violence and problems relating to custody/access and/or child support.

#### 4.4. Continuing attachment

We asked interviewees a number of questions about their continuing attachment to their former partner. The aim was to identify the extent to which they had detached emotionally from each other as partners and, in theory, could continue the relationship as co-parents.

The majority of men and women reported no interest at all in getting back together (Fig. 4.3). However there was a statistically significant difference ( $p = .025^*$ ) between men and women, with women less interested in a reconciliation, while a fifth of men were very or somewhat interested in a reconciliation. There was a modest correlation for men between the time since separation and interest in reconciliation, with the recently separated more interested in getting back together ( $\rho = .395$ ,  $p = .009^{**}$ ). However this relationship did not hold for women ( $\rho = .167$ ,  $p = .274$ ). There was no correlation between interest in reconciliation and who initiated the breakup for men or women.

**Fig. 4.3. Interest in reconciliation, pre-application**



**Interest in reconciliation:**

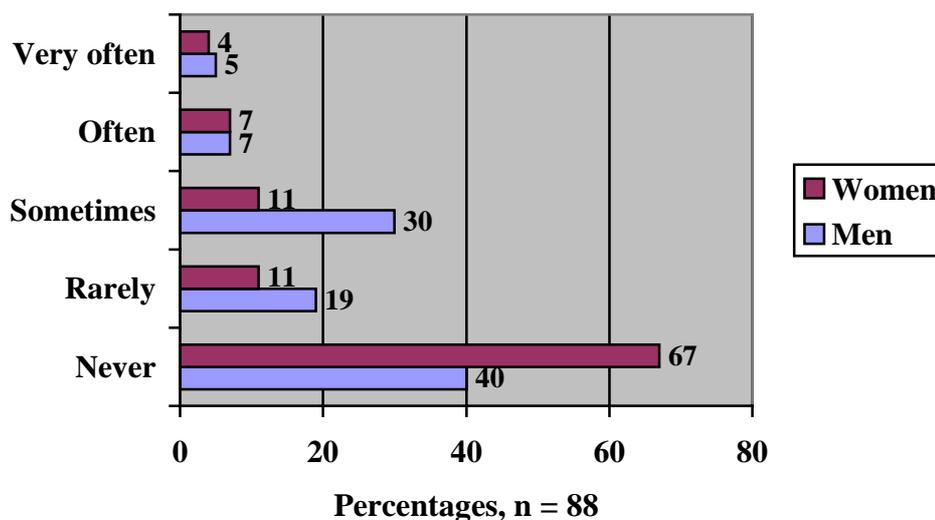
*"I didn't give two hoots about the causes of the break up. We're finished. We're over. We're done. I don't particularly want to see her, but obviously I want to see my son". Contact father*

*"Oh no I would never get back together. No, no, no. No I mean we don't even talk. I mean I could talk to her down the phone and then she'll start shouting and swearing at me down the phone. From what she said was I bugged her life up. But there's no love lost between us now". Contact father*

*"Not at all. I was over it a long time ago". Resident mother*

We also asked interviewees if, in the run up to the application, they had felt that they would never get over the separation<sup>37</sup>. About a tenth of interviewees reported having felt this often or very often, while the great majority said they had rarely or never felt this (Fig. 4.4). Again, there was a significant difference in the reports of men and women ( $p = .024^*$ ), with women much more likely to report that they had never felt that they would never get over the separation.

**Fig. 4.4 Felt would never get over the separation, pre-application**



<sup>37</sup> An item from Ahron's Attachment Scale (Ahrons 1983).

As with the interest in reconciliation there was a fairly strong correlation for men, but not for women, between the time since separation and getting over the breakup ( $\rho = .397, p = .013^*$ ). Similarly there was a strong positive correlation between getting over the breakup and the desire for reconciliation for men ( $\rho = .6, p < .001^{***}$ ). In other words men most likely to want a reconciliation were also those who most felt that they would never get over the break up. This relationship held also for women, although the strength of the relationship was much less pronounced ( $\rho = .382, p = .010^{**}$ ). There was also a modest negative correlation for women, but not men, between who initiated the breakup and getting over the separation ( $\rho = -.316, -.236, p = .034^*, .128$ , respectively). Women who had initiated the separation were more likely to report that they had got over it.

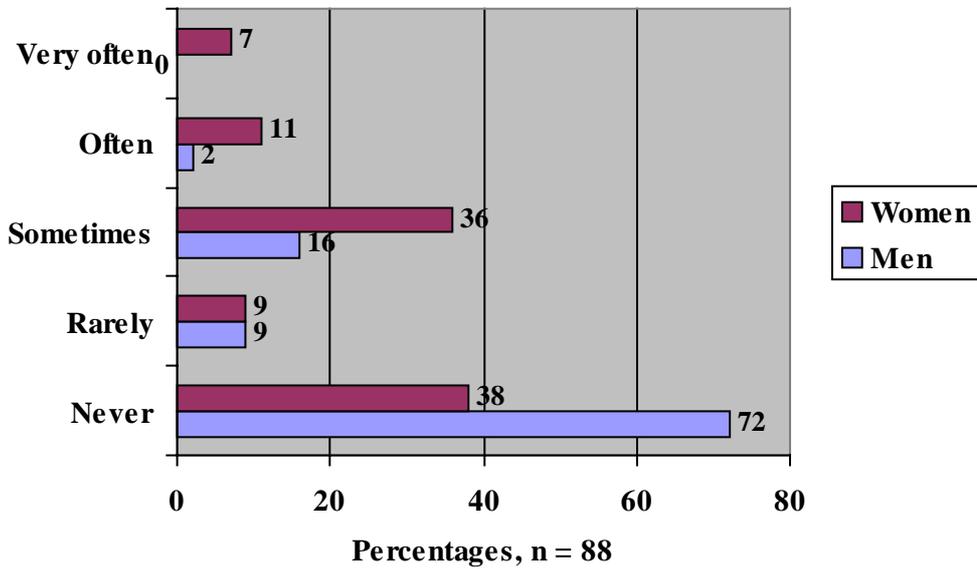
Taking the questions on continuing attachment together, what emerges is that women appear to have detached from the relationship to a greater extent than men and to have moved on more quickly. It should be pointed out though that a substantial proportion of men had moved on too.

#### **4.5. Anger**

Whilst women appear to have moved away from the relationship more than men, at least on a self-report measure, women were more likely to express anger towards their former partner than men. We used two items from Ahrons Anger Scale (Ahrons 1983) to measure anger levels, although we suspect that social desirability responses might have lead to an under-reporting of anger.

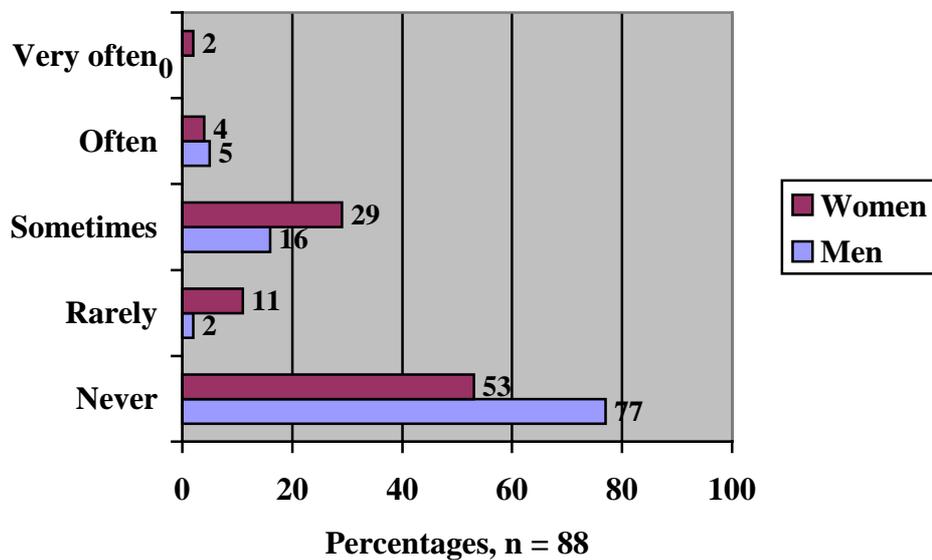
The first item was about feeling that the ex-partner did not deserve to be happy in the months before the application. Almost three-quarters of men reported that they had never felt that, compared to only 38% of women (Fig. 4.5). Almost a fifth of women reported having those feelings often or very often, compared to only 2% of men. The difference in reports is statistically significant ( $p < .001^{***}$ ).

**Fig. 4.5. Felt ex-partner did not deserve to be happy**



The second 'anger' item was whether the interviewee had wanted to get back at the ex-partner in the run up to the application. On this item fewer men or women reported having these feelings. However there was still a significant difference between men and women ( $p = .038^*$ ). Three-quarters of men reported never having wanted to get back at their ex-partner compared to just over half of women (Fig. 4.6).

**Fig. 4.6. Wanted to get back at ex-partner**



The two items on ex-partner deserving to be happy and wanting to get back at the ex-partner were strongly correlated for both men ( $\rho = .642, p < .001^{***}$ ) and women ( $\rho = .638, p < .001^{***}$ ).

In Ahrons' (1983) original study, women's' (but not men's') scores on the Anger Scale predicted father involvement post-divorce in an American community sample. In this court sample, however, the two anger items had very limited predictive power, in terms of litigation history or the amount of contact. The only analysis that reached statistical significance was the higher level of anger expressed on the 'deserve to be happy' item reported by men with no contact in the last six months ( $p = 0.49^*$ )<sup>38</sup>, but not between men where contact was still happening at application compared to not occurring ( $p = .078$ ). Women where contact was current at application, or had recently taken place, were no more or less angry than women where contact had ceased more than six months previously, or had recently been suspended for both items.

**Anger:**

*"No. No he was a sort of pain in the arse, but I didn't wish him any bad". Resident mother*

*[Happy] "No. I wish he would have found happiness sooner, then perhaps he wouldn't have caused me so much grief. [Get back at] Not initially, but more recently yes. The longer it's gone on, the more stupid it becomes, you know. It's starting to get to the point where, yeah". Resident mother*

*"I think it's human nature to, you know. I wanted to just move on, but he was stuck in a, you've done this to me, you've ruined my life, and I think in retaliation I did say, well you did deserve it, I gave you enough chances, so, you know". Resident mother*

*"No she deserved to be happy, which is one reason why I think it was a mutual decision that we both ended up, because it wasn't making anyone happy". Contact father*

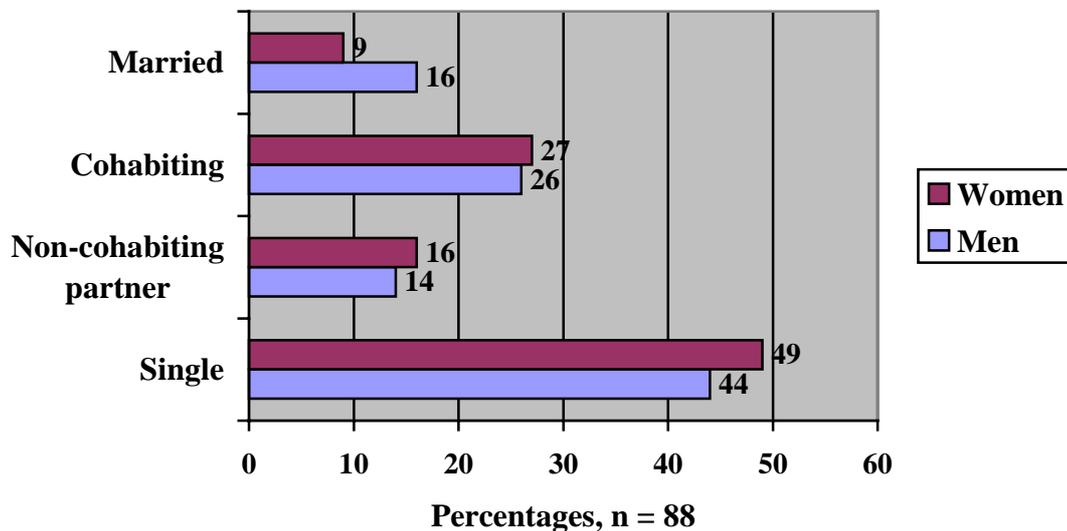
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<sup>38</sup> Recent/current contact: mean = 3.91, SD = 1.136. No contact in six months: 4.72, SD = .634.

#### 4.6. Repartnering

The final issue to look at in this section is current repartnering status. The presence or arrival of new partners can be both a trigger for the original separation as well as a subsequent trigger for contact disputes (e.g. Walker *et al.* 2004) and post-separation violence (Section 8.2 below). In the Walker study 28% of men and 19% of women were living with a new partner two years after attending an information meeting at the time of their divorce. In our study a higher proportion of men (42%) and women (36%) were remarried or living with a new partner, although almost half remained single (Fig 4.7).

**Fig. 4.7. Repartnering status**



The higher repartnering rate in our study may simply reflect longer post-separation times. The average time since separation was about two years, but there was, as one might expect, a significant difference in repartnering linked to time since separation. Those who had remarried or were living with someone else were on average 4.8 and 2.8 years post-separation, compared to 1.6 and 1.8 years for those not living together or single ( $p = .001^{**}$ ).

There were no significant differences between men and women's, or resident and contact parents' repartnering status ( $p = .774$ ,  $p = .870$ ). Nor was there was any

difference, for either men or women, between those who had a new partner and those who remained single on any of the attachment or anger items.

Interestingly, 30% of interviewees did not know whether their former partner was in a new relationship or not. As we will see in the next section, the extent of communication between parents was limited. In contrast in Smith's (2003) community study of stepfamilies only 19% of resident parents were not aware of the non-resident parent's current relationship status.

### **New partners**

*"We had come to an agreement via solicitors whereby he'd agreed alternate weekends. And he was having her alternate weekends, until he found out I was seeing my new partner. And then he got funny with me. Got very abusive as well and said that he wasn't going to have her anymore over the weekends so I could go out. His exact words were 'Why should I look after my daughter so you can stay out on a Saturday night with your effing boyfriend?'"*. Resident mother

*"A while ago it did feel quite raw and for two things. The first thing is his new partner. I can't stand her. And she's nasty. She's vindictive. She's horrible and I have a huge problem with her. But if he was in a relationship with another woman, who wasn't her, then I think it would be easier for me. But because she was the one that was involved in the break up that's very different"*. Resident mother

*"Unfortunately we have a very domineering partner on her side. My partner gets wound up about it, because I can phone [ex-partner] up and say 'Is it all right for me to pick my son up?' And then if I phone up three hours later when I know the partner's in the house I will get, I'll phone you back, because she obviously needs to discuss it with him. She won't make a decision"*. Contact father

*"I got told by her boyfriend I'm not allowed to do anything with my son. I'm not allowed to buy anything for my son, and he don't want nothing that I've bought for my son in the house, because it's his property"*. Contact father.

### **4.7. Summary**

Women appear to be the main drivers in ending the relationship in most cases, although there are differences between men and women in the extent to which this is reported. The four main reasons for the breakup are to do with infidelity, growing apart, risk/abuse and conflict, with men mainly citing infidelity and growing apart and women mainly citing infidelity and risk/abuse. A majority of both men and women appear to have accepted the end of the relationship but women appear to be even

less interested in a reconciliation or less overwhelmed by the breakup than men. In contrast, women reported significantly higher levels of anger with their ex-partners than men did. However the level of anger expressed by women did not relate to litigation history or the pattern of contact. About half of men and women remained single at the point of interview. Although repartnering patterns appeared to relate to time since separation, there was no difference in attachment to the former partner and anger between those with and without a new partner.

## **5. The co-parental relationship**

### **5.1. Introduction**

We turn now to look at how the adults were working together as parents post-separation. We start by outlining the extent of post-separation co-parenting within community samples and then set out the pattern of co-parenting in our court sample. We consider in turn parental relationship quality, communication patterns, the extent of shared decision-making, mutual support and flexibility and mutual trust and keenness to resolve contact issues.

### **5.2. Co-parenting in community samples**

Supportive co-parenting after separation has been identified as an important factor in determining children's adjustment (Whiteside & Becker, 2000; Dunn *et al.* 2004). The nature and extent of co-parenting is also a critical factor in making contact work (CASC 2001, Trinder *et al.* 2002, Walker *et al.* 2004). Nonetheless, maintaining a co-parental relationship after the failure or breakdown of a spousal relationship is an enormous challenge. Recently, some have questioned the extent to which parents can work together given the context of inevitably heightened emotions of loss, anger and betrayal that can accompany relationship breakdown (e.g. Day Sclater & Yates 1999, James 2003).

However, although co-parenting after separation is generally hard work, both emotionally and practically, it would be misleading to characterise all, or even the majority, of post-separation parenting relationships as either non-existent or conflictual. Studies of community samples have indicated that there is a range of co-parental relationships post-separation (e.g. Maccoby & Mnookin 1992; Buchanan *et al.* 1996).

Three recent British community (non-court) samples illustrate that while a sizeable minority of parents find communication very difficult and have poor relationships, the remainder manage to get along or have reasonably positive relationships. The recent follow-up study of parents who had attended information meetings described 61% as 'communicative' co-parents, 32% as 'parallel' parenting and 6% not having contact (Walker *et al.* 2004: 169). The quality of communication was highly variable, ranging from over a third where communication was 'poor' or 'non-existent', a quarter 'adequate', a fifth as 'fairly good' and a further fifth as 'very good'.

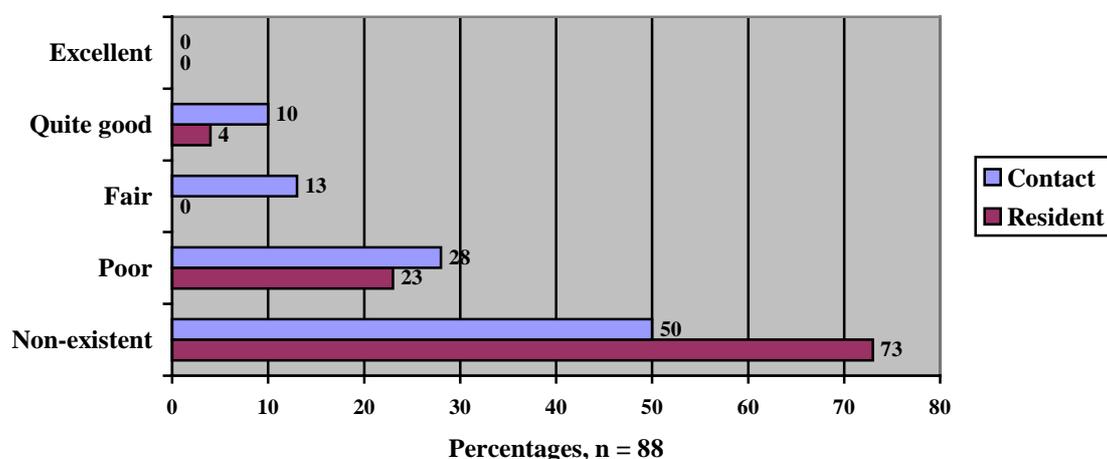
Similar variability was reported by Maclean & Eekelaar (1997). They found that formerly married parents tended to have better relationships than formerly cohabitees or parents who had never lived together. Amongst the formerly married 40% had good relationships, 25% neutral, 11% bad and 24% no relationship. Their data also suggested that the exercise of contact could be associated with an improvement in relationships over time. Interestingly, Dunn *et al.* (2004) also found a significant increase in the frequency of contact between parents over a two year period.

The third community sample is the stepfamily study of Smith (2003). In that study 42% of resident parents described the relationship with the non-resident parent as civilized, 29% as warm and amicable, 13% openly hostile or conflictual, 10% as acrimonious or bitter without rowing and 7% irritated.

### 5.3. Relationship quality

The community studies highlight the variability of parental relationships post-separation, but also suggest that for many, possibly the majority of parents, the relationship was workable. In contrast, the overwhelming majority of parents in our contested contact cases reported much more negative relationships than reported by community studies. Only 13% of parents reported that relationships were 'quite good' or 'fair'. In contrast 88% of parents reported that relationships were 'poor' or 'non-existent' (Fig. 5.1).

**Fig. 5.1. Relationship quality pre-application**



Resident parents and resident mothers were even more negative about the relationship than contact parents and contact fathers ( $p = .014$ ,  $p = .036$  respectively). However, there were no significant differences in relationship quality between formerly married and non-married parents ( $p = .842$ ), nor between parents where contact was continuing or had ceased at application ( $p = .823$ ).

While many more parents in this court sample reported poor relationships than in community samples, the number of poor or non-existent relationships is consistent with the reports of parents involved in the court welfare report process (Buchanan *et al.* 2001:14).

#### **Relationship quality**

*“Well it wasn’t really speaking it was just arguing really every time we saw each other. He used to ring me up and basically just badger me and abuse me down the phone”.* Resident mother

*“Poor. He is the lowest of the low. I mean it’s like coming up for two years and each time we sort of go on holiday and there’s another letter or another court hearing and blah, blah, blah. You know every time we do something he’s got to upset it”.* Resident mother

*“My ex-wife is a compulsive liar, and I’m quite happy to go on a lie detecting machine or anything with her, you know. Just because she’s female doesn’t mean she is right. And just because she’s a mother doesn’t mean the children are better off with her. And they’re not”.* Contact father

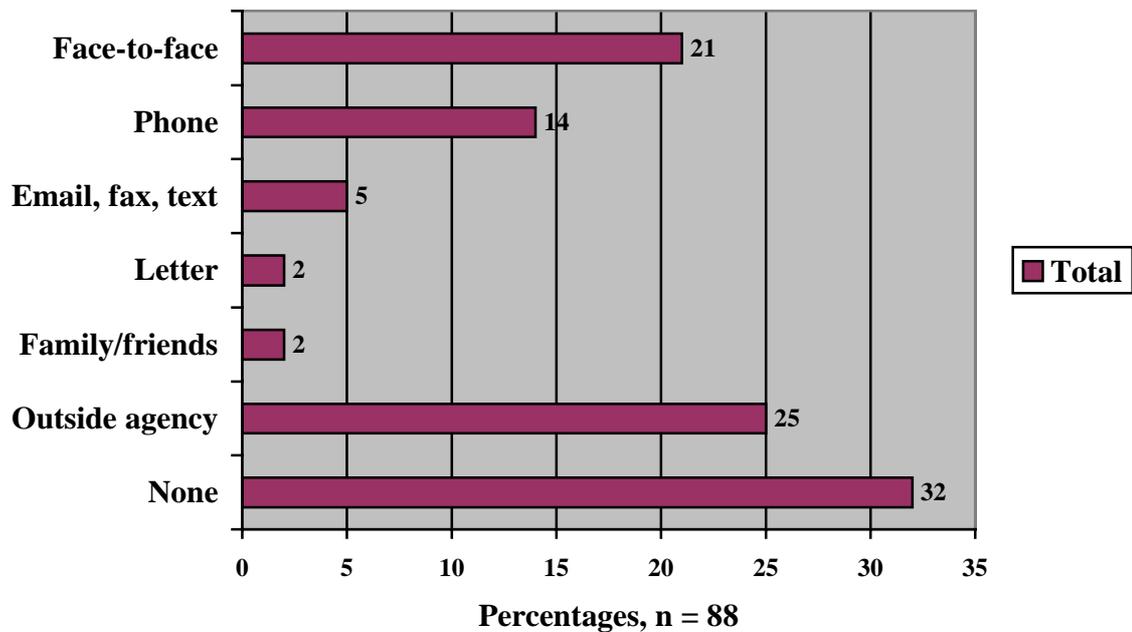
#### **5.4. Communication patterns**

The reported quality of the relationship was reflected in communication patterns. Under a quarter reported talking face-to-face, and 21% via letters, phone or electronic communication (Fig. 5.2). A quarter were communicating only via solicitors and a third not communicating at all. Again, the pattern of communication is very similar to parents in the welfare report process (Buchanan *et al.* 2001).

The frequency of communication was highly variable, with 23% communicating at least once a week (almost entirely at handovers) while 28% communicated less than once a month and 33% never. There were no differences in reports between men and women, resident and contact parents, resident mothers and contact fathers or formerly married and non-married parents in either the form or frequency of

communication. As might be expected, parents where contact was continuing at application had more frequent communication than those where contact had broken down ( $p = .023^*$ ).

**Fig. 5.2. Type of communication pre-application**



**Communication patterns**

*“The last two occasions where she curtailed and stopped me seeing him on a weekend the response was, ‘Don’t talk to me at all, talk to your Solicitor who will talk to mine’. She’s on Legal Aid, I’m not. So effectively every time I’m doing that it’s costing me £130 an hour. So it actually made me very, very annoyed”. Contact father.*

*“I don’t talk to her at all. The last time I had a conversation with her she phoned me at work, I think it was this year, about one of the children being ill. Aand that was about it. I mean if she started talking to me like this she would be shouting and it’s just aggression. But we don’t talk at all, I’d love to be able to ask why my eldest’s schoolwork is failing, and the other child is not doing as well as he should be doing, but we can’t talk basically”. Non-resident father.*

*“I never heard a word from him for three months until I got a solicitor’s letter to take me to Court over access. That was the first time, and that’s how it goes, you know. It breaks down for whatever reason and I don’t hear from him for ages until I get a solicitor’s letter”. Resident mother*

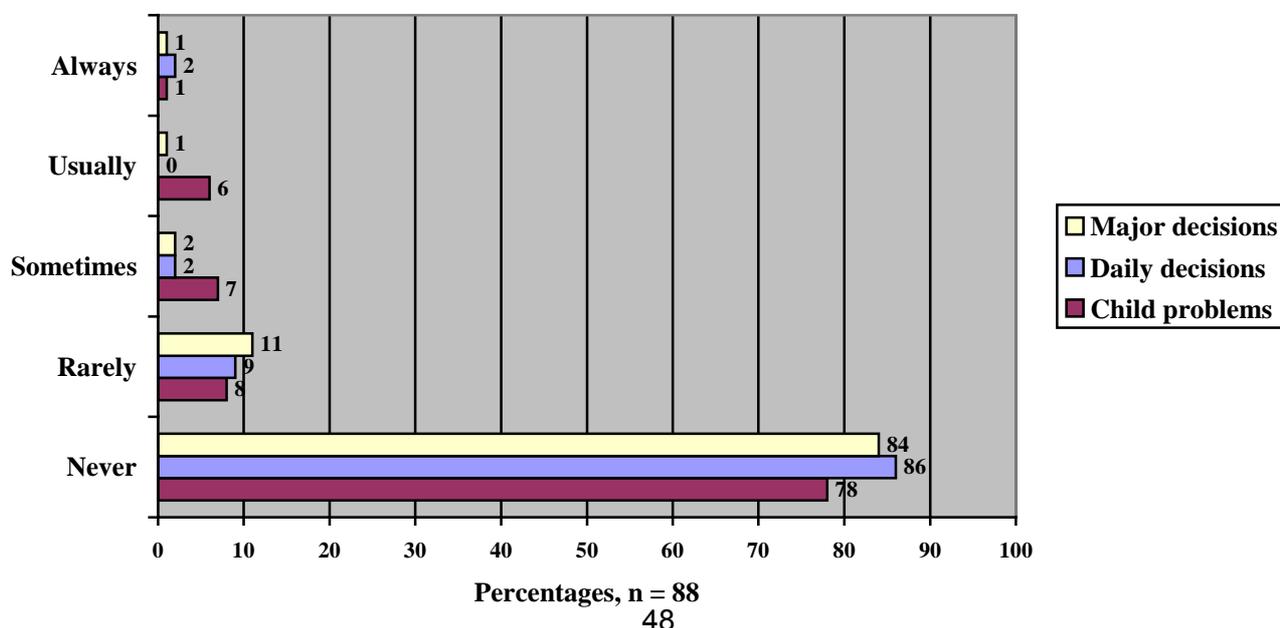
*“Barely. Occasionally by phone, but more often through, you know, very acrimonious letters”. Resident mother*

### 5.5. Shared decision-making

The next issue to consider is the extent to which parents shared decision-making about children after separation. Previous community studies have indicated that the extent of shared decision-making is low, although it does continue (or possibly start) for a minority. Smith (2003), for example, reported that only 10% of non-resident parents were actively involved in decision-making over issues such as choice of schools, while 11% were consulted and 22% were informed about the decision by the resident parent. Maclean & Eekelaar (1997) also found very little shared decision-making, interestingly either before or after the separation. In their study only 10% of the formerly-married group where contact was occurring reported joint decision-making about issues such as education. No shared decision-making was reported in the formerly cohabiting and never-together groups.

The level of shared decision-making in our sample was as low as the community studies. We asked parents separately about sharing major decisions (such as education), day-to-day decisions (such as discipline) and discussion of any problems children might be having. Parents were slightly more likely to report talking about children’s problems than sharing major or daily decisions (Fig. 5.3). Even so 78% of parents never talked together about any problems their children might be having, although a substantial number of children were reported as facing difficulties (see below Section 10.3.).

**Fig. 5.3. Extent of shared decision-making**



By way of contrast, Walker *et al.* (2004) asked their community sample to rate how often “My husband/wife and I talk together about issues that affect our children.” They found that 40.3% and 36% of repartnered and still single parents ‘almost never’ talked about issues affecting children. Although the comparison is not exact, in our study almost twice as many repartnered and still single parents (83% and 89% respectively) reported never or rarely discussing personal problems that children may be experiencing.

On all three decision-making/parenting issues there were no statistically significant differences in the reports of men/women, resident/contact parents or resident mothers/contact fathers. However, formerly married parents were more likely to report sharing day to day decisions than parents who had not been married ( $p = .022^*$ ), in line with Maclean & Eekelaar’s (1997) findings. In real terms though this statistical difference is fairly marginal. While 95% of non-married parents reported ‘never’ sharing day to day decisions, only 4% of formerly married parents reported sharing these decisions always, 2% sometimes and 15% rarely.

We also examined whether parents were more likely to share some forms of decision than others. We created a ‘shared decision-making’ scale composed of the three questions on major, daily and children’s problems. The possible range of scores was 3-15. On this scale 75% of parents had a score of three, in other words had reported never sharing any form of decision-making. There were no significant differences by gender, residential status or former marital status. However there were differences related to the exercise of contact, with those with continuing or recent contact scoring more highly (mean = 4.22,  $SD = 2.26$ ) than those where there had never been contact or where contact had broken down more than six months ago (mean = 3). Again, although there is a statistical difference ( $p = .002^{**}$ ), in real world terms this represents little additional shared decision-making.

### **Shared decision-making:**

*"No. It's like whatever I said it wouldn't make no difference anyway".* Non-resident father.

*I just feel like I haven't got a say in my daughter's life or what she does, or what she can or can't do, or anything".* Non-resident father

*"I would say that I'm pretty much out of the loop. I mean my daughter had a bit of trouble where she was being bullied and we both become involved in it. But I think I kind of do my thing and my ex-wife does her thing and she kind of gets a bit in the middle. We probably try and do our best for her. But I guess if you're saying do we both head in the same direction for her well-being, probably not".* Non-resident father

*"Well I've always made the day-to-day decisions, so I kind of just carried on as before. It's not like he's part of bringing up the children is it? No disrespect, but I did it all on my own anyway".* Resident mother

*"No, not really, I just basically said it was up to me and that was the end of the story".* Resident mother

### **5.6. Supporting children's relationships with the other parent**

The extent to which parents are able to support the children to have an ongoing relationship with the other parent is another critical factor in making contact work and to be a comfortable experience for children (Trinder *et al.* 2002). In the information meeting follow-up study 84% of parents reported that they encouraged their child to have a good relationship with the other parent (Walker *et al* 2004). Rather fewer parents considered their ex-partner to be as encouraging as they themselves were. Even so 59% of parents in the Walker sample reported that their ex-partner had encouraged their child to have a good relationship with the interviewee 'much of the time' or 'almost always'.

We asked our interviewees whether they thought that their ex-partner 'helped build your relationship with the children', a question tapping similar concepts to the Walker study. Again, the level of co-parenting was much lower than that reported by the non-court sample. The great majority (90%) of parents reported that their ex-partner 'never' helped build their relationship with the children. Contact parents and contact fathers were significantly more likely to report that their ex-partner helped build their relationship ( $p = .045^*$  and  $p = .037^*$ ) than resident parents and resident mothers

reported. As before, however, the difference, while statistically significant, is minimal. While 5% of contact parents said support 'sometimes' happened, 13% said it 'rarely' happened, and 83% said it never happened. There were no differences by sex, marital status or between recent and no contact groups.

### **Supporting the other parent's relationship with the children**

*"My ex-wife is totally and utterly besotted with her [the child]. If she could put her in a little cabinet and open the cabinet only for her, she would". Non-resident father.*

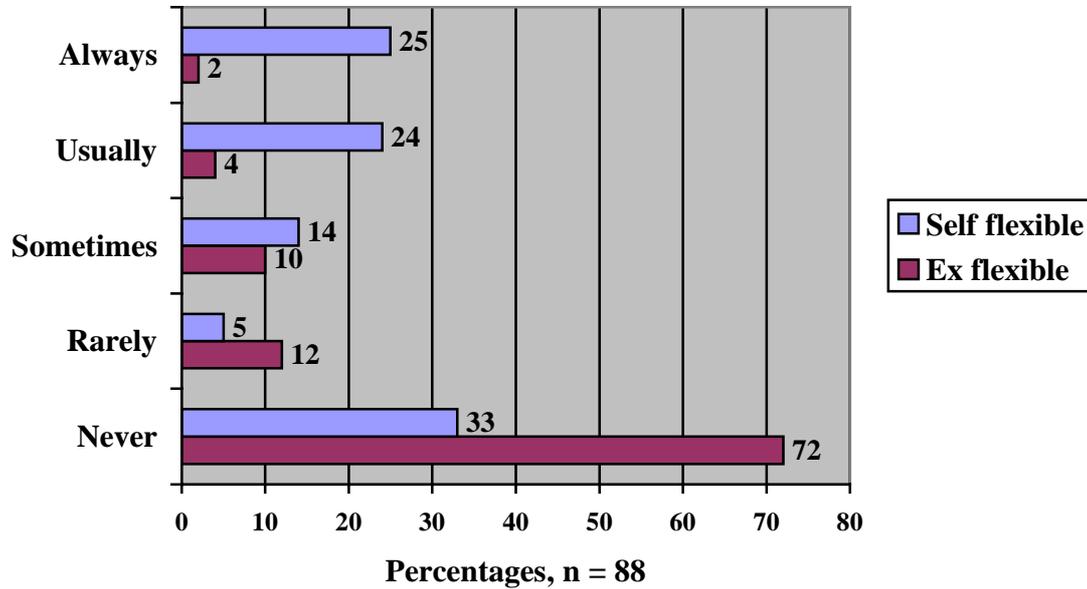
*"No. I think she tells him her side of the story and that's it". Non-resident father.*

## **5.7. Flexibility in arrangements**

Some flexibility in contact arrangements is important to accommodate special events, children's activities, family illnesses, transport problems etc. We asked parents whether, in the run up to the court application, the interviewee was flexible over contact if the ex-partner needed a change in arrangements and also if the ex-partner was flexible if the interviewee needed a change. A majority (63%) of parents reported that they were sometimes, usually or always flexible about contact, although a third of parents said that they themselves were never flexible. Parents were, however, much more likely to report that they were more flexible than their ex-partners were about arrangements. Only 16% reported that their ex-partner was sometimes, usually or always flexible in turn (Fig. 5.4).

There was no difference between resident and contact parents, married and non-married parents, men and women, married and non-married parents in reports of their own flexibility. However contact fathers reported being more flexible than resident mothers ( $p = .037^*$ ) and parents where contact was continuing or had recently broken down reported being more flexible than parents where contact had never started or had ended more than six months previously ( $p = .002^*$ ). The only difference between groups for the flexibility of the ex-partner was for the existing and no contact groups ( $p = .001^*$ ) with existing contact parents reporting greater flexibility in the ex-partner than the no contact parents.

**Fig 5.4. Flexibility over contact: self and ex-partner**



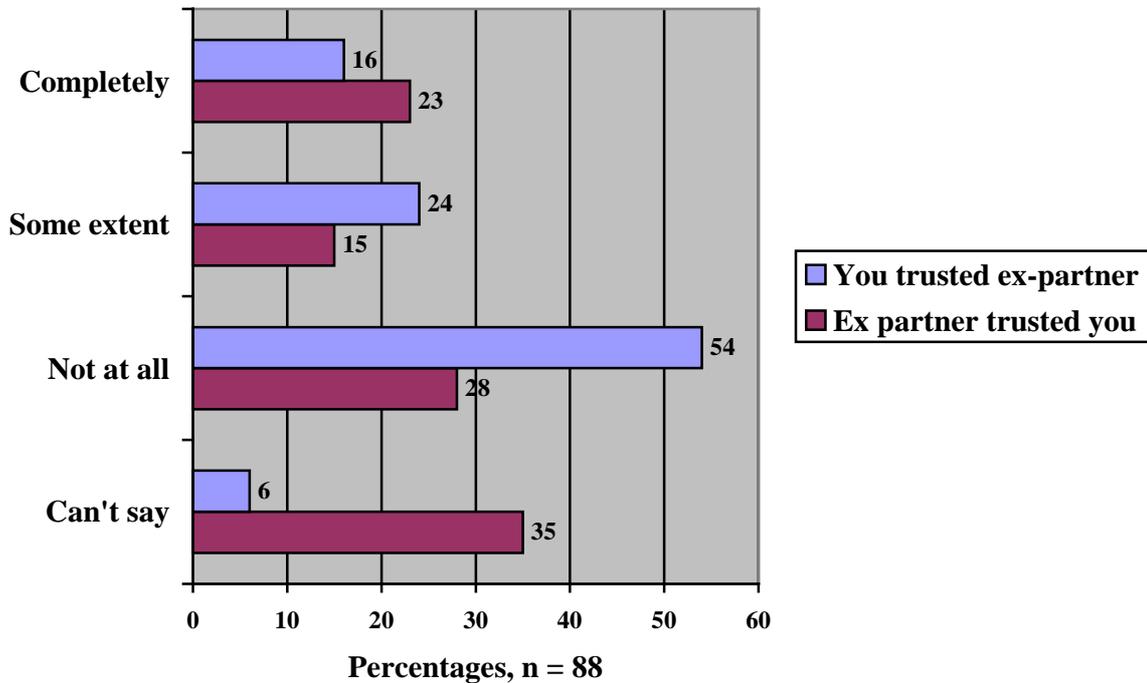
**Flexibility:**

*“I don’t think she went out of her way as much as me. I had no say so I had to be flexible. It’s a case of have it or leave it. If I planned something on my day of access or contact and she decided she wanted to do something with the kids, that day would be changed to suit her”. Contact father*

**5.8. Mutual trust and keenness to seek a solution to contact difficulties**

We also asked parents to report (retrospectively) whether they would have trusted their ex-partner to stick to any agreement that might be made. More than half reported that they would not trust their ex-partner at all and only 16% said they would trust their ex-partner completely (Fig. 5.5). Married and non-married parents, men and women, resident and contact parents, resident mothers and contact fathers and even those where contact was still in place at application, compared to those where contact had broken down, were just as pessimistic as each other.

**Fig. 5.5. Trust to stick to an agreement**

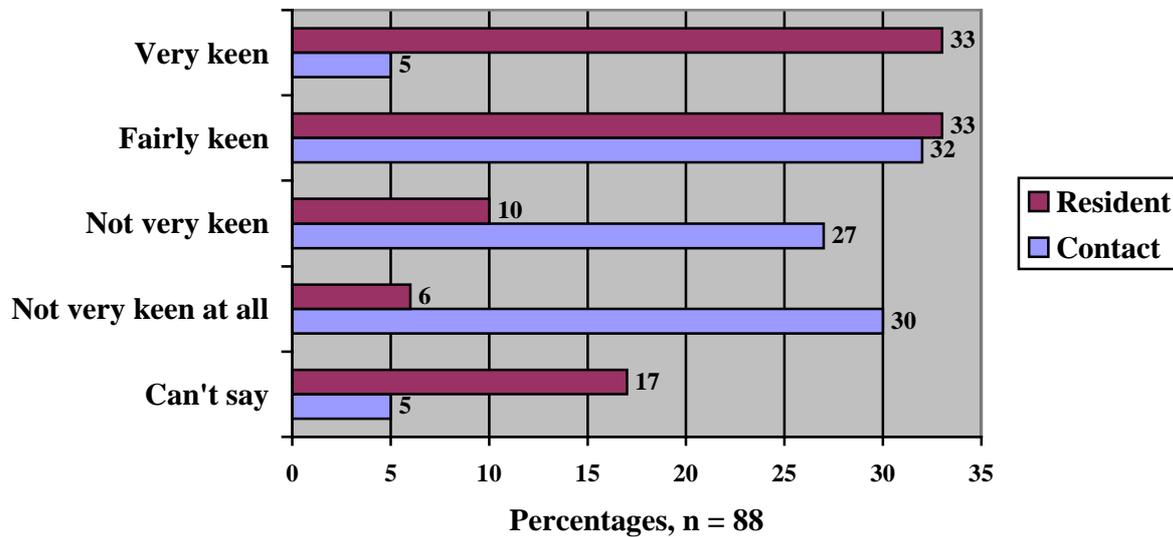


We also asked interviewees whether they thought that their ex-partner would have trusted them. The sample was much more split on this question. Overall the sample reported that they would be trusted more than they reported trusting their ex-partners, with 23% reporting that their ex-partner would trust them completely. The largest proportion (35%) could not answer. There were no differences on our key variables of sex, residential status, gender/residential status or presence of contact. However married parents were significantly more likely than non-married parents to assume that their ex-partner would *not* trust them to stick to any agreement ( $p = .005^{**}$ ).

We also asked parents how keen they felt their ex-partner was to sort out the problems with contact. Just over half the sample (54%) reported that their partner was fairly keen or very keen, however there was a significant difference by residential status (Fig. 5.6). Only 35% of men, 38% of non-resident parents and 34% of non-resident fathers thought that their ex-partners were fairly or very keen to sort

out problems (all  $p = .<001^{***}$ ). There were no differences depending on marital status and existence of contact at application.

**Fig. 5.6. Keeness of ex-partner to sort out contact problems**



The final issue to consider in this section is the degree of optimism reported (again retrospectively) about reaching a good outcome to the dispute. We did not define 'good outcome' but left it to the parents to make their own judgement. The sample was fairly evenly divided with 41% 'very' or 'fairly optimistic', 14% neutral and 45% 'fairly' or 'very pessimistic'. There were no differences in the level of optimism on any of the key variables.

### **5.9. Summary**

The majority of parents in the sample were first-time cases. However inter-parental relationships were already poor, with limited communication, sharing of parenting decisions, support of the other parent's relationship with the children and low levels of mutual trust and flexibility. Parents were more likely to report that they themselves were supportive of co-parenting, e.g. being flexible and being trusted, than they reported of their ex-partner. On all measures where comparisons are possible, the extent of co-parenting in this court sample is considerably lower than in community samples, but is similar to reports of co-parenting for other parents involved in court

processes. It is worth noting that, with one exception<sup>39</sup>, there were no differences in any of the co-parenting measures between parents who were first time applicants and those who had been involved in one or more applications. What this suggests is that the low level of co-parenting and high levels of mutual distrust between parents pre-dates, rather than being generated by, involvement in court processes. It also highlights how important it is that any interventions address interparental trust and communication.

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<sup>39</sup> Parents involved in first-time applications reported higher levels of being flexible (mean 3.32, *SD* = 1.583) than parents where there had been at least one previous application (mean 2.29, *SD* = 1.517). Mann Whitney U = 445.500, n = 57, 24, p = .011\*.

## **6. Satisfaction with arrangements before the application**

### **6.1. Introduction**

In this, and the following three sections, we take a closer look at problems with contact arrangements reported by parents. We start in this section by exploring resident and contact parent satisfaction with the arrangements that they had in place before the application.

As a context, the ONS Baseline study reported generally high satisfaction rates with contact arrangements. In the resident parent sample 72% were very or fairly satisfied, while 69% of non-resident parents were very or fairly satisfied with contact arrangements (Blackwell & Dawe 2003). Satisfaction with contact arrangements was related to how the arrangements had been negotiated, with arrangements informally agreed amongst parents reporting highest levels of satisfaction, followed by arrangements negotiated by lawyers. The lowest levels of satisfaction were reported in the minority of the sample where arrangements had been made at court. Amongst parents who had arrangements made at court, 57% of non-resident parents and 26% of resident parents were dissatisfied with the arrangements (Blackwell & Dawe 2003).

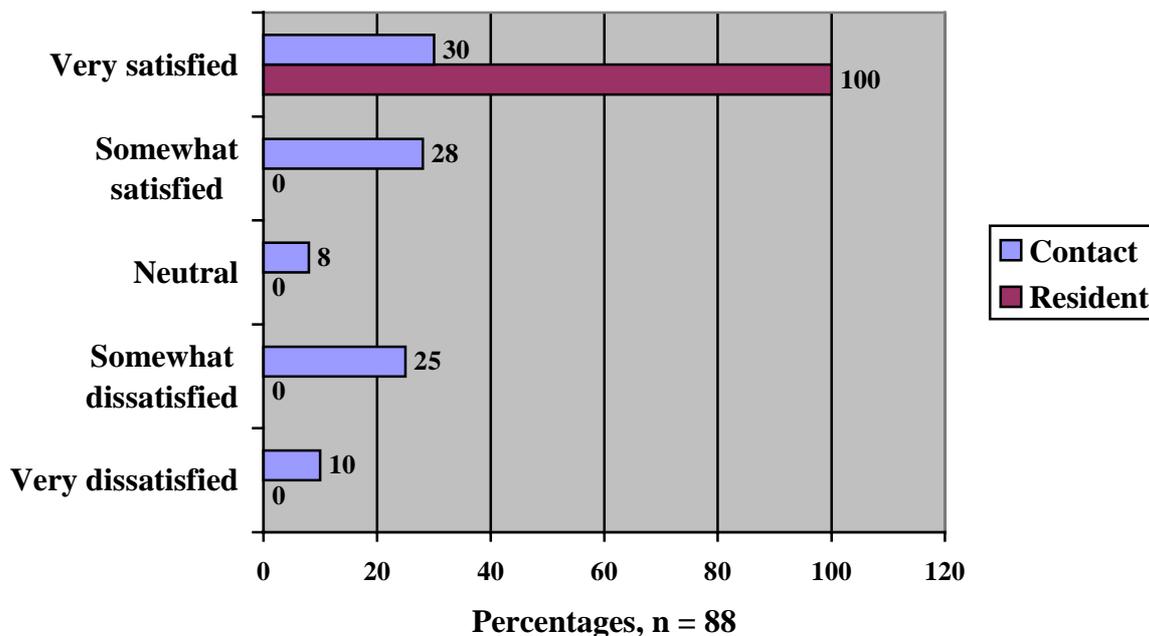
In the remainder of this section we consider in turn satisfaction with residence, the level of involvement with children, the quantity and quality of contact and the financial settlement.

### **6.2. Satisfaction with residence**

There was a clear contrast between the satisfaction with residence arrangements of resident and contact parents as well as between men and women and resident mothers and contact fathers (all  $p < .001^{***}$ ). All resident parents in the sample reported being very satisfied with the current residence of the child or children named on the application (Fig. 6.1). Non-resident parents were divided on the issue with 35% 'somewhat' or 'very dissatisfied' and 8% 'neutral'. However more than half of non-resident parents (58%) were 'somewhat' or 'very satisfied' with residence arrangements. By way of comparison, in the ONS Baseline study 9% of non-resident parents who were dissatisfied with contact arrangements reported that a change of residence in their favour would improve contact arrangements ((Blackwell & Dawe 2003).

There was no difference in satisfaction with residence between non-resident fathers where contact was and was not occurring at application ( $p = .329$ ).

**Fig. 6.1. Satisfaction with residence**



#### Satisfaction with residence

*“Totally unsatisfied. I would prefer he lived with me, but that’s another issue. Contact started being a problem when she moved out the house, because she refused to tell me where my son was. I didn’t have a clue what school he was at, where he was living. It’s like I’ve had no say in this. I didn’t agree that she could have him, you know. If I thought that for one second I had a chance of getting residency of him I would have fought for it”.* Non-resident father.

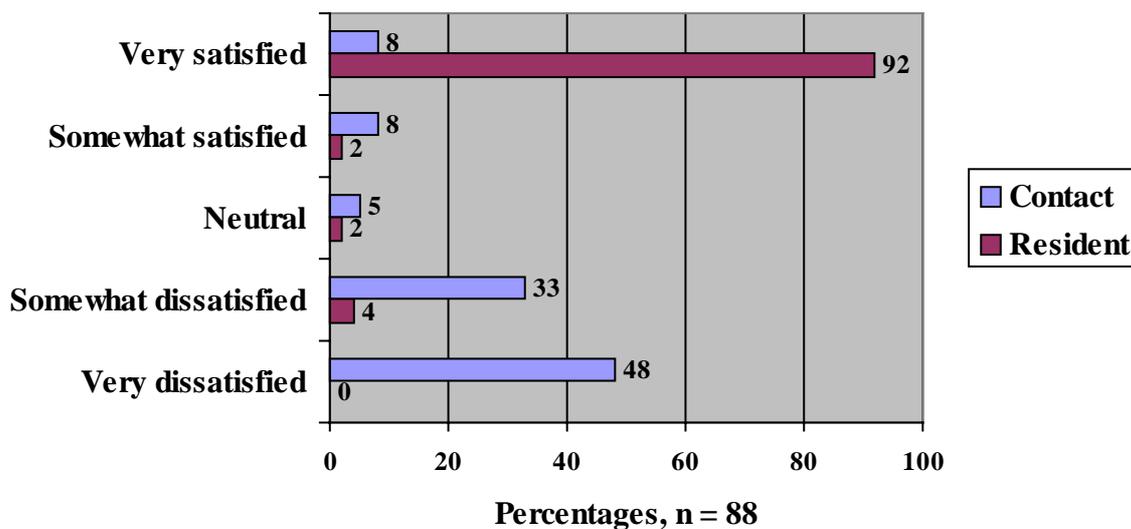
*“I’ve always thought that my children, I know this might sound a bit childish, but I’ve always thought that my children, I’m their mum, and that no one can take your kids away from you, I’ve always thought that when you have children it’s a bit of you, you know. My eldest was particularly traumatized by it, because all he [ex-partner] kept saying is, mummy’s left her babies, and things like that, you know, and the youngest had nightmares, all sorts of things. I would love my children to come and be with me”.* Non-resident mother.

*“I was happy with him to be with his mother, as long as I got plenty contact and the telephone calls, which I was getting up until about a week before the court case. After that it basically stopped”.* Non-resident father.

### 6.3. Satisfaction with level of involvement with the children

In terms of satisfaction with their level of involvement with the children there was a much starker contrast between the reports of resident and contact parents, men and women and resident mothers and contact fathers (all  $p = <.001^{***}$ ). The great majority (92%) of resident parents were very satisfied with their level of involvement, although a small number were less satisfied (Fig. 6.2). While more than half of non-resident parents had reported being satisfied with residence, only 16% were very or fairly satisfied with their level of involvement with their children and 81% were dissatisfied or very dissatisfied. Non-resident parents, where contact was continuing at application, were no more satisfied than non-resident parents where contact had never started or had broken down ( $p = .588$ ).

**Fig. 6.2. Satisfaction with level of involvement with child(ren)**



### 6.4. Satisfaction with quantity of contact

The great majority (83%) of non-resident parents were also somewhat or very dissatisfied with the quantity of contact, with only a small minority being satisfied (Fig. 6.3). Resident parents were evenly split in their response, with 43% satisfied, 10% neutral and 46% dissatisfied. There was a significant difference in the reports of resident/contact, men/women and resident mothers/contact fathers (all  $p = .002^{**}$ ).

Non-resident parents were equally dissatisfied whether or not contact was still in place at application ( $p = .113$ ).

There was a moderate correlation between the number of hours of contact at application and satisfaction with the amount of contact for *non-resident* parents. In other words as the quantity of contact went up so did the satisfaction rating ( $\rho = .402$ ,  $N = 40$ ,  $p = .010^*$ ). In contrast, there was no relationship between hours and satisfaction rating for *resident* parents ( $\rho = .067$ ,  $N = 48$ ,  $p = .649$ ). In the ONS Baseline sample there was a relationship between the *frequency*<sup>40</sup> of contact and parent satisfaction, with both resident and non-resident parents reporting more satisfaction with more frequent contact (Blackwell & Dawe 2003).

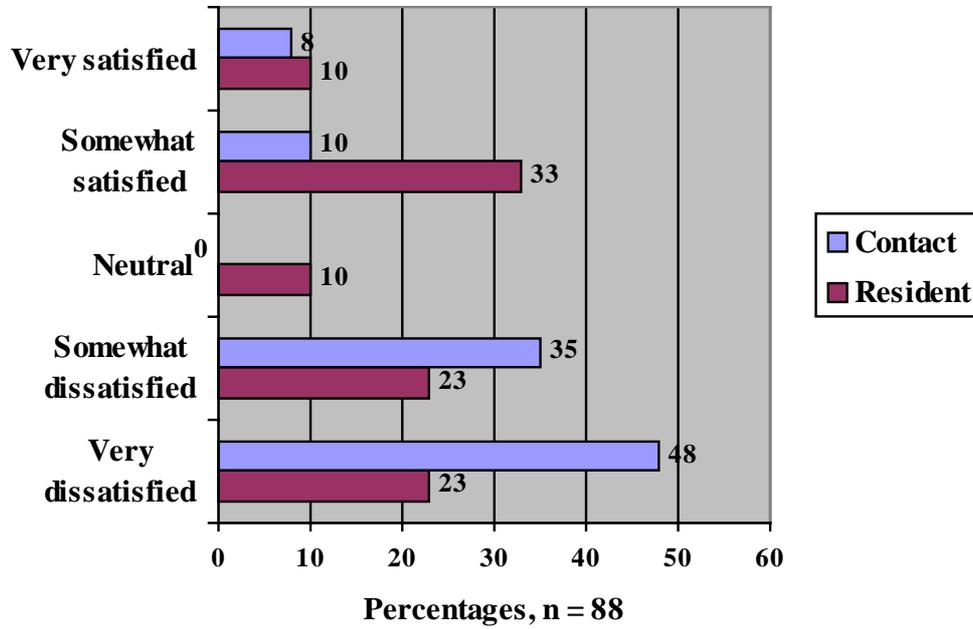
The high dissatisfaction rate with the quantity of contact reported by non-resident parents was very heavily weighted towards a judgement that there was not enough contact. In all 60% of non-resident parents thought that there was 'nowhere near enough' contact and 30% not quite enough contact. Only 10% thought that the amount of contact was about right (Fig. 6.4).

In contrast, 46% of resident parents thought that the amount of contact was about right, and 18% that there was too much contact. Interestingly though more than a third (36%) of resident parents thought that there was not enough contact. Fourteen (63%) of the twenty-two resident parents who expressed dissatisfaction with the amount of contact felt that there was not enough contact. This finding echoes a number of community studies reporting that resident parents typically seek more rather than less contact (Hunt 2003, Blackwell & Dawe 2003), although there is considerable variation. In the ONS study, for example, 58% of resident parents whose children did not have contact were very satisfied with those arrangements, but on the other hand, 34% of dissatisfied resident parents wanted more frequent contact (Blackwell & Dawe 2003).

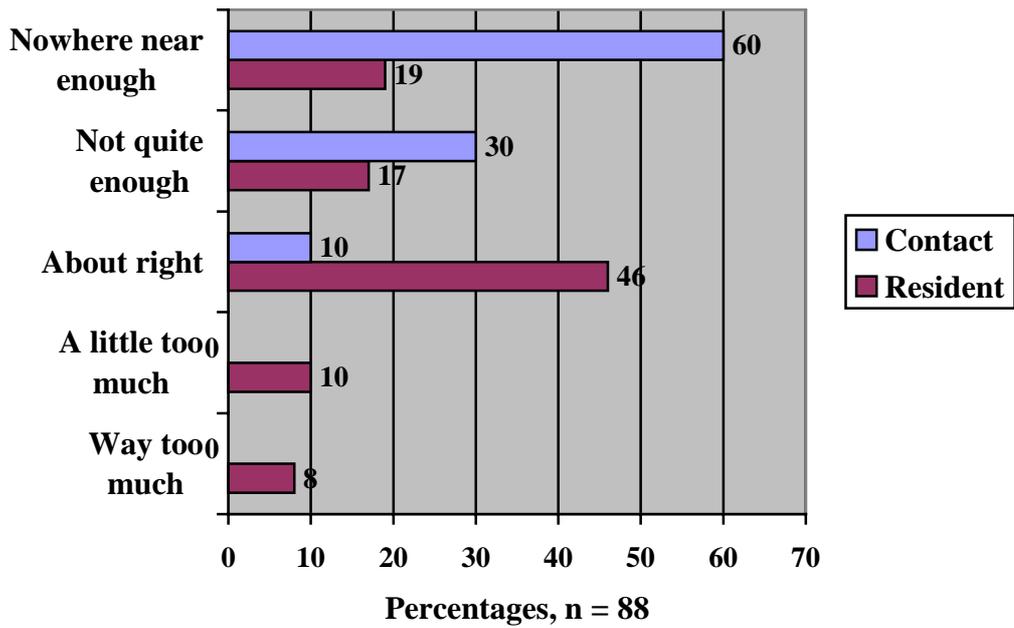
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<sup>40</sup> The amount of contact was not measured.

**Fig. 6.3. Satisfaction with quantity of contact**



**Fig. 6.4. Evaluation of the amount of contact**



In our study the picture is equally complicated. Five of the eleven resident parents where there was no contact at application felt that was about the right level of contact, although six felt it was not enough (Table 6.1).

**Table 6.1 Resident parent evaluation of the amount of contact by banded hours of contact per month, numbers, n = 48**

<b>Satisfaction level</b>	<b>No contact</b>	<b>2-16 hours</b>	<b>24-64 hours</b>	<b>&gt;94 hours</b>
Nowhere near enough	4	2	1	2
Not quite enough	2	4	2	
About right	5	5	6	6
A little too much		2	2	1
Way too much		1	1	2
<b>Total</b>	<b>11</b>	<b>14</b>	<b>12</b>	<b>11</b>

While the majority of contact parents were seeking more contact, however, regardless of the amount already in place (Table 6.2), resident parents were more likely to judge the amount of contact as about right, regardless of the level of contact.

**Table 6.2. Contact parent evaluation of the amount of contact by banded hours of contact per month, numbers, n = 40**

<b>Satisfaction level</b>	<b>No contact</b>	<b>2-16</b>	<b>24-64</b>	<b>&gt;94</b>
Nowhere near enough	4	9	3	8
Not quite enough		3	4	5
About right			2	2
A little too much				
Way too much				
<b>Total</b>	<b>4</b>	<b>12</b>	<b>9</b>	<b>15</b>

**Quantity of contact:**

*“I wanted regular contact. I want to be in the day-to-day life of my daughter. I want to make decisions and, you know, she’s very young and still growing, you know. I want to see her first steps and stuff like that, but I’ve missed out on all of that and I, you know, I just want to see my daughter as much as I can”.* Non-resident father

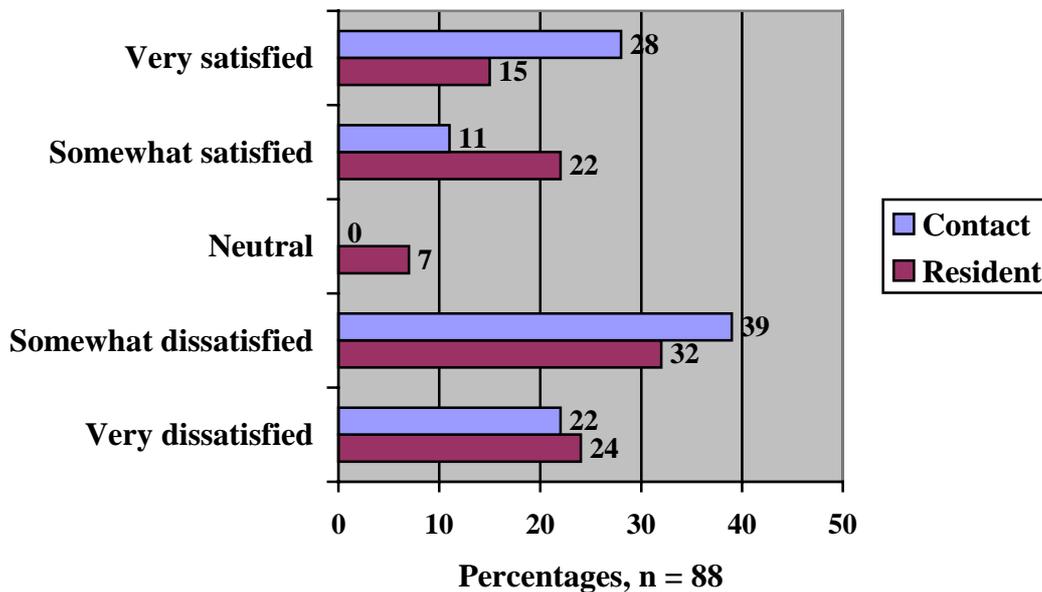
*“My contact has gone from physically being with him, albeit not 24 hours a day, because I was at work, but physically seeing him and talking to him and, you know, being in the same room as him. But now my daily contact is one, two, three text messages”.* Non-resident father

*“I just basically wanted to see the children more and I’m seeing them more now than what I have been this year, or I’m going to be seeing them, but not as much as I’d like to. The night before court she’d asked my eldest son to write a letter out for the other two children, saying that they didn’t want to come down every second week”.* Non-resident father

**6.5. Satisfaction with quality of contact**

While there were clear differences between resident and contact parents on satisfaction with residence, involvement and the amount of contact, there were no such differences in satisfaction with the quality of contact ( $p = .711$ ). The majority of both resident (56%) and of non-resident parents (61%) were dissatisfied with the quality of contact (Fig. 6.5).

**Fig. 6.5. Satisfaction with quality of contact**



In the following section on contact problems we look at some of the correlates of contact quality satisfaction. However for both contact and resident parents there was a relationship between satisfaction with contact quality and quantity. For contact parents there was a strong positive correlation between satisfaction with contact quality and satisfaction with residence, level of involvement and contact quantity<sup>41</sup>. For resident parents the only significant correlation was between quantity and quality of contact ( $\rho = .472, p = .002^{**}$ ).

#### **Satisfaction with contact quality**

*"It's excellent. Really good. Yeah, we do a lot of things. But obviously from his point of view I try and cram as much as possible into a weekend if I don't see him for nearly two weeks. So he kind of has a pretty busy weekend. He sees a lot of my family as well".* Non-resident father

*"I wasn't satisfied at all. I was worried".* Resident mother

#### **6.6. Satisfaction with money/property**

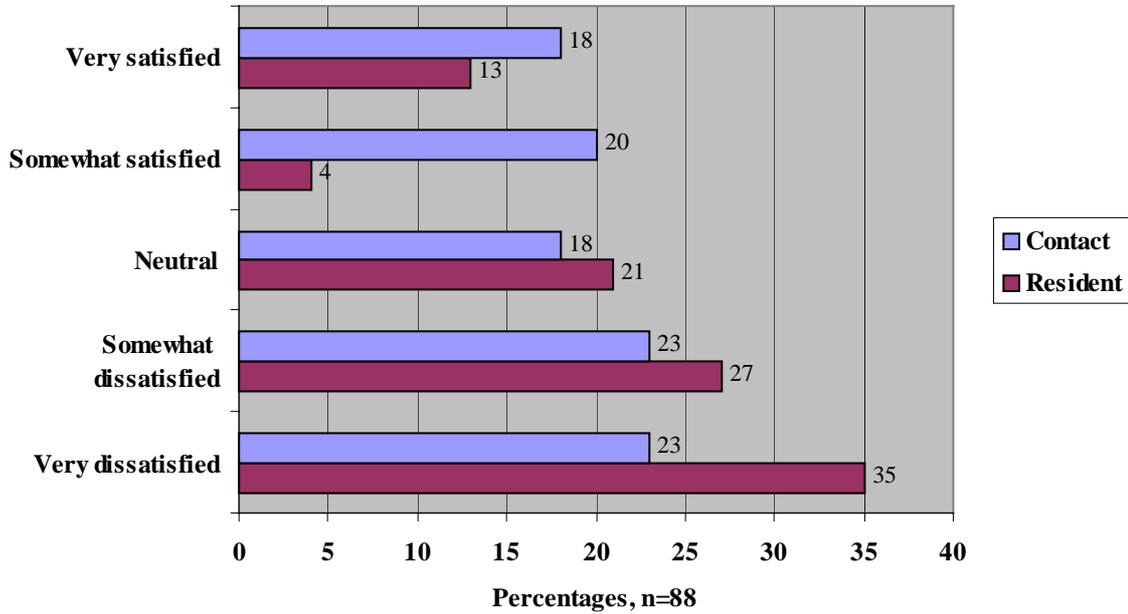
Both resident and contact parents were divided in their satisfaction with agreements (or non-agreements) about money and property. About half the sample were dissatisfied with the financial settlement or child support, with about a quarter to a third satisfied. Resident parents reported higher levels of dissatisfaction than contact parents, but the difference was not significant ( $p = .063$ ).

Somewhat surprisingly satisfaction with money did not correlate with satisfaction with residence, involvement or contact quality and quantity for either resident or contact parents.

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<sup>41</sup> For residence/quality,  $\rho = .407, p = .014^*$ ). For involvement/quality,  $\rho = .481, p = .003^{**}$ ). For quantity/quality,  $\rho = .424, p = .010^{**}$ .

**Fig.6.6 Satisfaction with money/property agreement**



**Satisfaction with financial settlement:**

*“We’ve not quite got to that stage. I’m paying an amount, which is more than what I should be paying in terms of maintenance. But there’s going to be rankles over the sale of the house. So that’s brewing”.* Non-resident father

**6.7. Summary**

In the run up to the court application, there were distinct differences between resident and contact parents in their satisfaction with post-separation arrangements. Non-resident parents expressed high levels of dissatisfaction with their level of involvement with the children and with the amount of contact, with the majority reporting that the amount of contact was nowhere near enough. In contrast resident parents expressed high levels of satisfaction with residence arrangements and their level of involvement with the children.

However the picture is more complex than a straightforward picture of resident parent satisfaction and non-resident parent dissatisfaction. A majority of both

resident and contact parents were dissatisfied on the two issues of satisfaction with the quality of contact and the financial settlement. It is important to recognise too that there were important internal differences within the resident and contact parent groups. A majority of contact parents were satisfied with current residence (though not with their involvement with the children) and a greater number of resident parents wanted more rather than less contact between contact parent and child.

## **7. Contact problems before the application**

### **7.1. Introduction**

We now turn to the problems that parents were experiencing with contact before the application. The analysis of contact problems in this section is based on a pre-identified list of contact problems devised for the study. We begin by introducing the contact problems questionnaire and then move on to outline the overall number of contact problems reported by the sample. The analysis then explores the similarities and differences in the reports of resident and contact parents of specific problems ever and then frequently occurring. We then identify correlations between items or 'packages' of contact problems using factor analysis. Finally we compare the nature and frequency of contact problems in our court sample with a US study of visitation problems in a divorcing population.

### **7.2. Contact problems questionnaire**

The contact problems questionnaire component of the interview schedule consisted of 14 items covering six different 'domains' of contact problems (Table 7.1). The selection of items was derived partly from a US study of visitation problems by Wolchik *et al.* (1996), and partly from research in the UK (Davis *et al.* 2001, Trinder *et al.* 2002). The Wolchik study employed separate problem lists for resident and contact parents. We decided, however, that there was merit in raising the same issues with both resident and contact parents. For each item parents were asked to rate the frequency with which the problems had occurred in the three months before the court application, using a 5-point scale ranging from never to always<sup>42</sup>.

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<sup>42</sup> Some items were not answerable where contact had not occurred recently.

**Table 7.1: Contact Problems: Domains and Items**

DOMAIN	ITEM
Commitment	Ex was not committed enough to contact: <i>uncommitted ex</i> A threat to stop (having) contact by the other parent: <i>threat stop ex</i> A threat to stop (having) contact by you: <i>threat stop self</i>
Reliability	Contact arrangements not stuck to by the other parent, e.g. lateness, cancellation, frequent changes: <i>unreliable ex</i> Contact arrangements not stuck to by you, e.g. lateness, cancellation, frequent changes: <i>unreliable self</i>
Child reactions	Children upset, unsettled or difficult to manage when returning from or coming to contact: <i>upset children</i> Children not wanting to go for contact or return home: <i>reluctant children</i>
Parenting competence/quality	You thought the other parent may have been too harsh in disciplining or might physically harm the children: <i>harsh ex</i> The other parent spoiled the children: <i>spoiling ex</i> You thought the other parent did not give the children enough attention or appropriate supervision/discipline: <i>inattentive ex</i>
Control/influence	The other parent tried to control your activities/what you did with the children when they are with you: <i>controlling ex</i> The children met or spent time with people you did not want them to see when they were with the other parent: <i>third parties</i>
Conflict	Fear of violence made it more difficult to sort out problems with your ex-partner: <i>fear violence</i> Conflicts over money (child support, property etc.) made contact more difficult to negotiate or manage: <i>money conflicts</i>

### 7.3. Overall number of reported contact problems

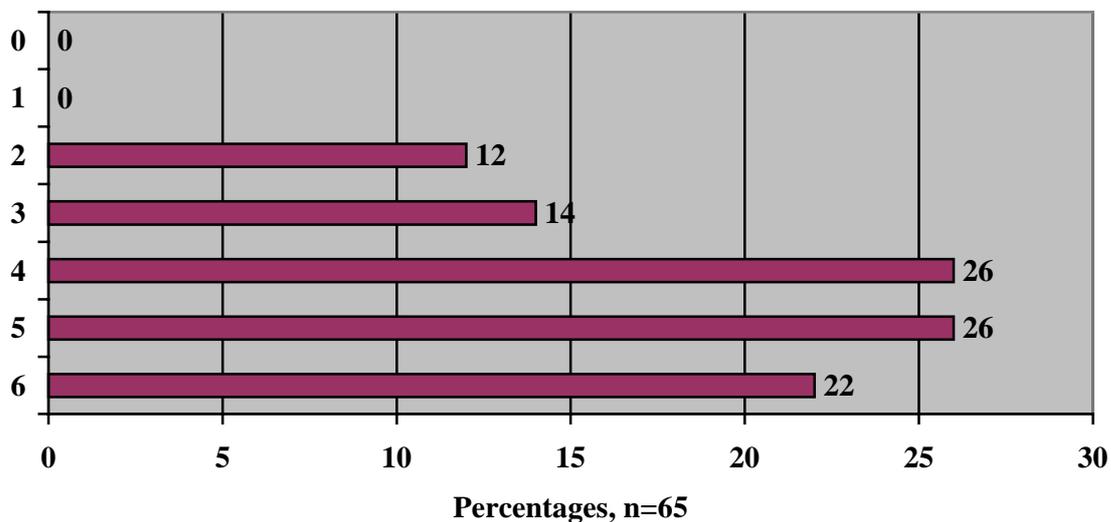
Following Wolchik *et al.* (1996) we calculated a 'total problems score' per individual based on reports of whether an issue/problem had ever<sup>43</sup> occurred in the period. The possible range of scores was from 0 to 14. It was apparent that the majority of

<sup>43</sup> 'Ever' occurring includes responses of rarely, sometimes, often or always.

parents faced multiple rather than single contact problems. The average number of problems ever occurring for continuing and recent contact<sup>44</sup> was 6.63 ( $SD = 3.019$ ).

The range of problems also stretched across our six contact problem domains of commitment, reliability, child reactions, parenting competence/quality, control/influence and conflict. None of the parents reported contact problems in only one domain. Only a quarter of parents reported contact problems restricted to two or three domains, while nearly half the sample reported problems in five or six domains (Fig. 7.1).

**Fig. 7.1. Number of domains where contact problems ever occurred**



Resident and contact parents reported equally high numbers of contact problems ( $p = 0.362$ ). The mean number of contact problems reported by resident parents was 6.97 ( $SD = 3.005$ ) and 6.28 ( $SD = 3.040$ ) by contact parents. Nor was there a difference between the two groups in the number of domains where contact problems were reported to have occurred ( $p = .358$ ).

<sup>44</sup> That is contact that was occurring at application or that had broken down less than six months previously,  $n = 65$ .

#### 7.4. Most and least reported contact problems overall

Given the high level of contact problems reported by the sample it should be no surprise that at least 40% of parents reported that the problem or issue had occurred during the period on nine of the fourteen items. Even the three least common problems were reported as having occurred by a quarter of the sample.

Reported problems with contact ranged across the domains of commitment, child reactions, reliability, parenting quality, control and conflict. The most commonly reported problem by the sample overall was a lack of commitment by the other parent to contact, noted by eight out of ten parents (Table 7.2). In addition six out of ten parents reported that the children had been upset by contact transitions, that they had thought that the other parent was not giving the children enough attention or appropriate supervision/discipline and that the other parent had not always stuck to contact arrangements. Other issues, including conflicts over money, control, children not wanting to go for contact and threats to stop contact were also reported by about half the sample.

It is noteworthy also that interviewees were more likely to attribute contact problems to the behaviour and attitudes of the ex-partner, rather than to themselves. While 61% of interviewees reported that the ex-partner had not always kept to arrangements, only 32% reported that they themselves had ever failed to keep to arrangements.

**Table 7.2. Contact problem/issue ever occurring, percentages n.88**

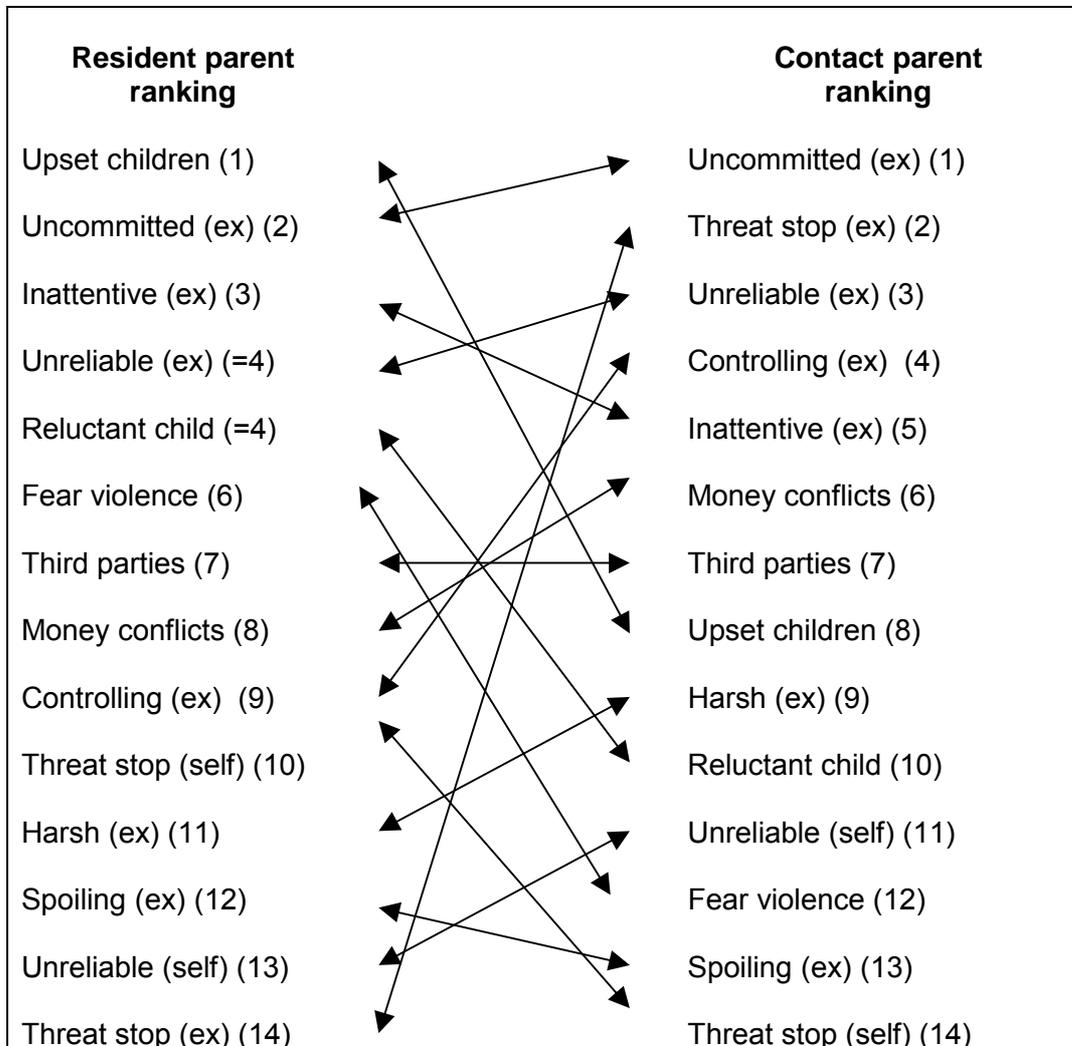
<b>Problem/Issue</b>	<b>Percentage reporting occurrence</b>
Uncommitted (ex)	81
Upset children	63
Inattentive (ex)	62
Unreliable (ex)	61
Controlling (ex)	57
Reluctant children	51
Third parties	51
Money conflicts	49
Threat stop (ex)	49
Fear violence	44
Harsh (ex)	41
Unreliable (self)	32
Spoiling (ex)	29
Threat stop (self)	25

### **7.5. Resident and contact parent reports of contact problems occurring**

Whilst resident and contact parents were agreed on the high level of contact problems, there were both similarities and differences between the two groups in the type of contact problems experienced. Table 7.3 shows, in descending order, the overall ranking of the occurrence of problems for both groups. It is striking that three of the five most common problems for both resident and contact parents were identical, that is the ex partner's lack of commitment to contact, the ex partner's lack of reliability and the ex partner providing insufficient attention or appropriate supervision of discipline (Table 7.3). Similarly two of the four least common problems were the same for both groups of parents, that is the ex partner spoiling the children and the parent's own unreliability.

However the steep angle of some of the linking arrows in Table 7.3 does graphically illustrate that on some issues resident and contact parents had very different concerns, most notably threats to stop (having) contact by the other parent, fear of violence and children's reaction to contact.

**Table 7.3 The respective concerns of resident and contact parents in descending order of the percentages reporting contact problems occurring (brackets indicate ranking order within resident parent and contact parent groups)**



The actual percentages, rather than overall rankings, for each contact problem are presented in Fig 7.2 below. A visual inspection clearly highlights both the similarities and differences between resident and contact parent reports. We will now consider these in more detail, starting with contact problem domains where there were statistically significant differences in reports between the two groups of parents.

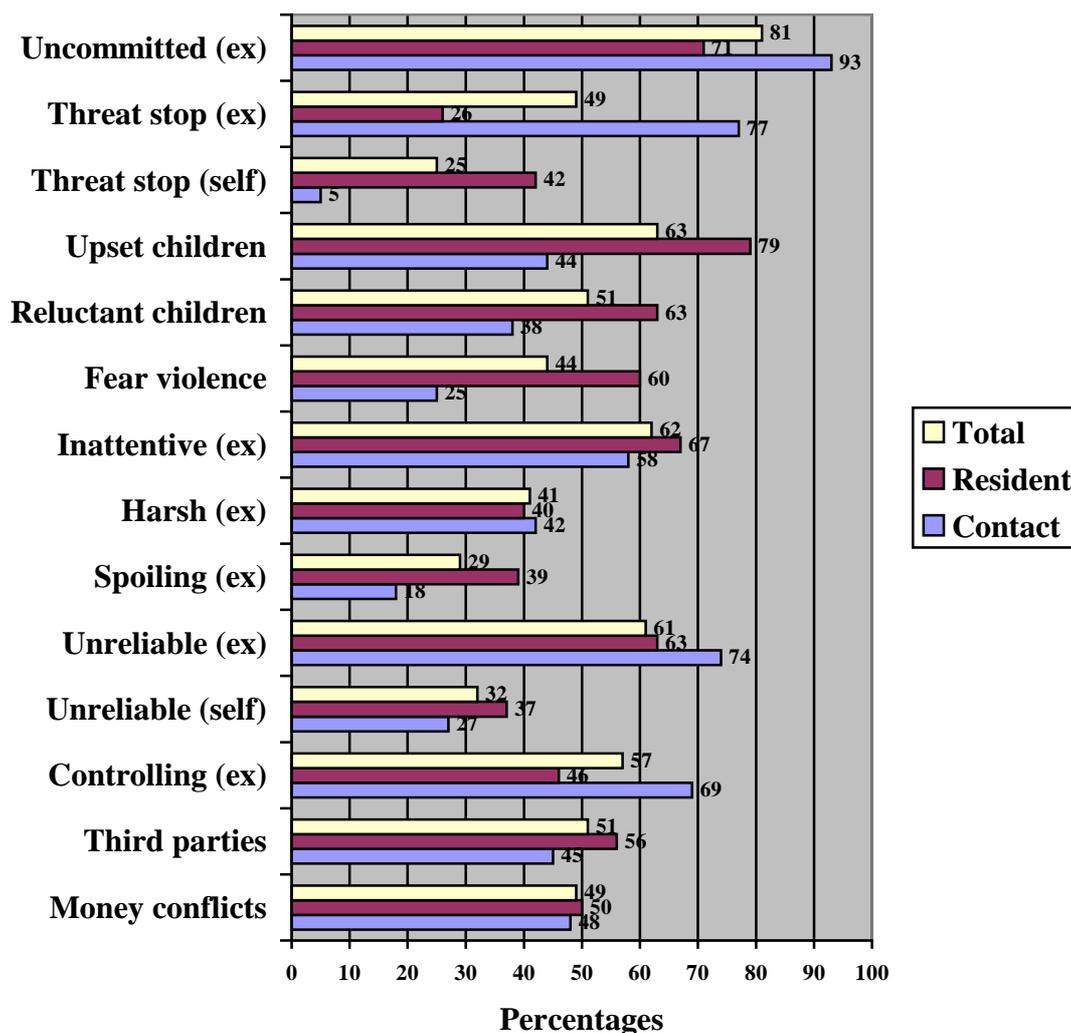
***Commitment to contact***

There were clear differences in the reports of contact and resident parents on the three commitment to contact items. More than three-quarters of contact parents

reported that the resident parent had threatened to stop contact, but very few said they had themselves threatened to pull out of contact (Fig. 7.2). In contrast only one in four resident parents said they had threatened to stop contact and a quarter reported that the contact parent had threatened to withdraw from contact. The difference is statistically significant for both items ( $p < .001^{***}$ ).

An overwhelming majority (93%) of contact parents and nearly three-quarters of resident parents had considered that the resident parent was not committed enough to contact. This too represents a significant difference ( $p < .001^{***}$ ) although a difference between high and very high levels of questioning the other parent's commitment to contact.

**Fig. 7.2. Problems with contact ever occurring**



For base for each question see Appendix 2, pg 134

**Commitment to contact:**

*“Oh yeah, she done that lots of times [threaten to stop contact]. She did, a couple of times, she did sort of try and stop me seeing them and whatever else. But, you know, my eldest boy is quite strong, so he wouldn’t allow it really, ran round to me. Non-resident father*

*“He’s mucked me around so much since we split up. As soon as he left my son was very withdrawn, was having nightmares and everything like that. Then he started to see him again and then for no apparent reason he just stopped seeing him. And then like months later, his mum came round to me saying that she wanted him to have contact with his son and I said, ‘yeah fair enough’. Because I never, ever wanted to stop him from seeing his dad. But then it took him another two weeks for him to phone me. He’d been too busy basically to phone about seeing his child”. Resident mother*

**Children’s reactions to contact**

Whilst contact parents emphasised issues of commitment to contact, resident parents were significantly more likely than non-resident parents to raise issues relating to children’s reaction to contact (Fig. 7.2). Nearly eight out of ten resident parents reported that children had been upset or unsettled by contact and six out of ten that children had been reluctant to go for contact. There was a significant difference in reports between resident and contact parents for both items ( $p = .002^{**}$ ,  $p = .035^{*}$  respectively). Again, however, whilst there is a clear statistical difference in reports, the high level of contact problems in the sample is illustrated by the fact that these two issues were also raised by about four in ten contact parents.

**Children’s reactions- not wanting to go for contact**

*“Well I mean he was OK, but now he’s actually saying he doesn’t want to see him. Since this happened he’s scared of him, scared he’s going to come and hurt him. He keeps saying to me ‘My daddy’s not coming to get me is he, he’s not coming, I don’t want to see him, I don’t like him’”. Resident mother*

*“Well since then they hadn’t wanted to see him. I had asked them independently and also when he used to ring up I would ask them, you know, ‘Do you want to see dad at the weekend?’ and they would both say no. The wanted to see him once for an hour, only for an hour. They went out with him and then they didn’t want to go out with him anymore. So I just, I didn’t encourage them, I didn’t discourage them. I’ve always left the door open that if they wanted to see him they could. It was sort of their own choice”. Resident mother*

*“He doesn’t want to see his mother. He hates her”. Resident father*

### **Child reactions – upset, unsettled or difficult**

*“We do have a problem actually when he comes back and we do have problems with bedwetting. And what we do is when he first comes back we leave him for a while before he goes to bed, otherwise he wets the bed. But then he seems to kick back into normal. After about five days of being home. And then after that he’s back to his and then that’s when he starts again”.* Resident mother

*“She used to be a nightmare to go back to her mum. She just didn’t want to go back. Yeah, she used to scream, play up, she would kick, punch, and that was only like at two years old. So that’s how bad she didn’t want to go back. Now she knows that she’s going to see me two times a week, so I know that she’s still not happy now going home. But I tell her you’ll see me tomorrow, see me next week So she doesn’t play up as much now. But my ex-partner just didn’t want to know. She’s happy with her going back screaming and kicking”.* Non-resident father

### ***Fear of violence***

The other item on which there was a statistical difference in reports was on fear of violence, reported by six out of ten resident parents (Fig. 7.2) and a quarter of contact parents ( $p = .001^{**}$ )<sup>45</sup>. We consider the issue of violence in more detail in Section 8 and 9.

On all the other issues there was a much greater level of agreement between parents about contact problems and no significant differences in reports.

### ***Parenting quality***

The most common parenting quality issue raised concerned attention and supervision. About six in ten resident and contact parents considered that the other parent had not given the children enough attention or appropriate supervision or discipline ( $p = .436$ ). Rather fewer resident and contact parents had had concerns that the other parent might be too harsh or might harm the children, although this was still a concern for four out of ten parents ( $p = .801$ ). The issue of children being spoilt was the least common parenting quality concern for both resident and contact parents ( $p = .053$ ).

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<sup>45</sup> And 64% of women and 23% of men.

**Insufficient attention/appropriate supervision or discipline:**

*"I think he basically let her get away with whatever she wanted and she was very difficult when she come back". Resident mother*

*"He's never, ever looked after them, apart from when I was in hospital with having the children, and the kids being ill. He's never really looked after them, or he'd look after them for a few hours while they were asleep while I was working. That's about it. He's never done day-to-day things, he wouldn't know how to bath one. He can't even cook. He can't use a washing machine, nothing". Resident mother.*

*"She just didn't care, just doesn't care. You don't know the lady. I could blab on all day about it. It upsets me the way she just, you know, I mean they come out of school yesterday and she didn't even feed them. Not on". Contact father.*

**Too harsh or might physically harm the children:**

*"She's too harsh, yeah she is. We discipline in different ways. Too harsh. She will smack before talking. I tend to talk to my children and resolve it verbally rather than physically". Contact father*

**Spoiling:**

*"He'd say, right lets go and spend loads of money on you, because your mother aint got any, that sort of thing". Resident mother*

*"What he does is takes them to somewhere where they're entertained. He cannot do it on his own to be honest, but he knows that. So in spoiling he takes them somewhere, like anywhere, but not on his own in the house. And he'll give them the chocolates, the sweets, the ice-cream, biscuits. It won't be a meal. Or McDonald's, yes, we have lots of McDonald's". Resident mother*

**Reliability**

There were also considerable similarities in parent's reports on reliability in sticking to arrangements. The issue of the ex-partner's reliability was close to the top of both resident and contact parents' concerns, expressed by more than six in ten parents (Fig. 7.2). In contrast the parent's own reliability was one of the least common problems raised by both resident and contact parents ( $p = .346$ ).

### **Reliability/Sticking to Arrangements:**

*“The arrangement was initially that I would give her a list of my weekends for the whole year, which I did. She kept losing copies, so I kept producing copies. But on three occasions she didn’t keep to certain dates. When I turned up to pick them up, they weren’t there, she’d taken them away somewhere and I was quite annoyed by this. That’s why we ended up in court because she wouldn’t stick to the arrangements. I said, all you have to do is just stick to the dates and there’s no problem at all”. Contact father.*

*“I was trying to see my little girl regular. She kept changing, not necessarily the dates. On Father’s Day she let me have her supposedly for the whole weekend. So I told my daughter she could stay for the whole weekend and then within a few hours [ex-partner] sent me a text saying if she wasn’t back by 11:30 the next morning she was going to get in touch with the Police”. Contact father.*

*“He’s the one taking me to Court, yet the first couple of times, the days the Judge has ordered him, he’s been hours late. He phoned me up one of the days couldn’t make it, and this is just the last two weeks when we’ve gone to Court. He’s not committed to it. I personally think it’s all about getting back at me, why he’s doing it”. Resident mother.*

*“He’s always been late, even turns up early. I mean extremely early or extremely late, or doesn’t drop them back on time, or he cancels, or he doesn’t turn up at all”. Resident mother.*

### **Control and influence**

Attempts to control their activities with the children were reported by nearly seven out of ten contact parents and was the fourth most common problem. The issue was less pronounced for resident parents although still reported by nearly half (Fig. 7.2). The difference was close to but did not reach statistical significance ( $p = .053$ ). There was a greater consensus on the issue of unwelcome third parties being involved with the children. This was reported by about half of both resident and contact parents ( $p = .396$ ).

## **Control**

*“I’ve just done things and I think that was part of the problem really, because he, you know, he left and he made that decision to leave. And of course my daughter lived with me and so we’d go and do lots of different things. And that’s what he doesn’t like, you know, that he hasn’t got any control there. And I think that’s what the issue is, that he wasn’t in control of me”.* Resident mother

*“She used to suggest or command when I could see him and when I had to take him back, you know. So I never usually agreed to it, but I had to so that I could see my son, you know. But, there was no contact, you know, I couldn’t phone her up, talk personally with her about anything to do with my son, or the holidays, this is why I went to the lawyers”.* Contact father

## **Conflicts over money**

Despite attempts to separate out the issue of contact/residence and finances with, for example, the creation of the Child Support Agency, for many parents the two issues remain interlinked. In our sample half of resident and contact parents reported that financial conflicts made contact more difficult ( $p = 815$ ).

## **Conflicts over money**

*“I was annoyed, to be frank, when she wouldn’t let me see my daughter, very annoyed. I said, if I can see her, I’m going to pay for her all the way, but, what money I give will go to my daughter, nobody else. It got to the point when my solicitor then wrote to hers saying, this is not going to happen any more, gas bills, electric bills are not going to be met by my client and started to focus her mind through the solicitors to be more reasonable, because she had no reason to be, she had no reason to be uncooperative, when I was giving her all this money”.* Contact father

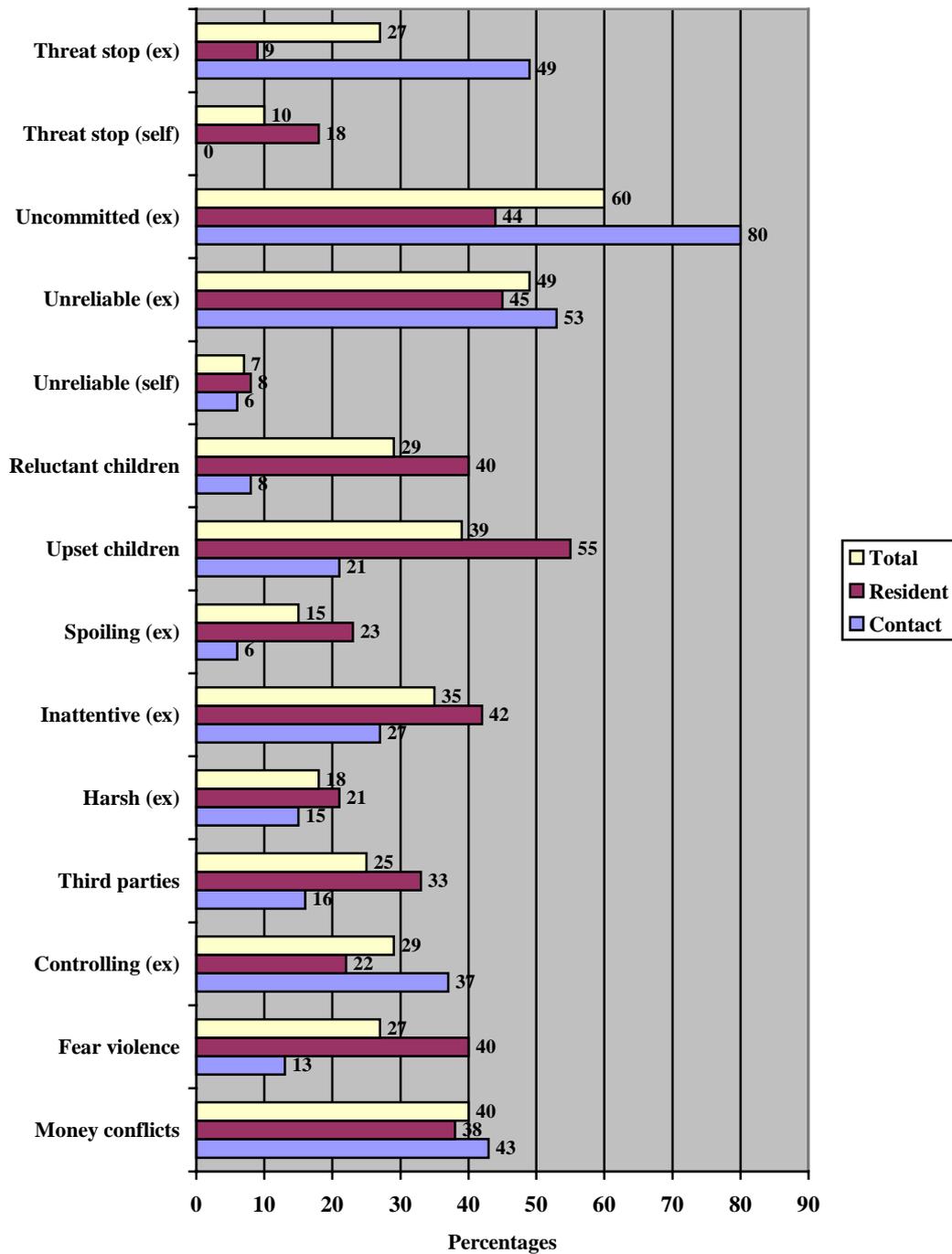
## **7.6. The incidence of chronic contact problems**

In the previous section we looked at parent reports of whether contact problems had ever occurred. We now turn to look at how often contact problems were reported to have been occurring in the few months leading up to the application, focusing particularly on ‘chronic’ problems, or problems that were reported as occurring ‘often’ or ‘always’<sup>46</sup>.

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<sup>46</sup> The percentages of contact problems occurring never, rarely/sometimes, often/always, means, standard deviations and significance levels are set out in Table 6.3 of the Appendix.

**Fig. 7.3. Problems with contact occurring 'often' or 'always'**



For base for each question see Appendix 2, pg 134

Half of the sample identified three chronic contact problems: the commitment to contact of the ex-partner, conflicts over money and contact arrangements not adhered to by the ex-partner (Figure 7.3). Only four issues (ex-partner too harsh,

spoiling, threat to stop contact by self and self not sticking to arrangements) were reported as chronic by less than a quarter of the sample.

The frequency of contact problems also threw up interesting similarities and differences in the reports of resident and contact parents. For resident parents the most common 'chronic' issues or problems were, in descending order:

1. Children upset or unsettled or difficult to manage, 55%
2. Ex-partner not sticking to arrangements, 45%
3. Ex-partner not committed to contact, 44%
4. Not enough attention, supervision or discipline by the ex-partner, 42%
5. Children not wanting to go for contact, 40%
6. Fear of violence, 40%

For non-resident parents the most common chronic problems were:

1. Ex-partner not committed to contact, 80%
2. Ex-partner not sticking to arrangements, 53%
3. Threats to stop contact by ex-partner, 49%
4. Conflicts over money, 43%
5. Ex-partner tried to control your activities, what you do with the children, 37%
6. Not enough attention, supervision or discipline by the ex-partner, 27%

Again, what is striking about the lists are both the similarities and differences in the lists of the top six chronic problems. Both resident and contact parents reported that the other parent was not committed enough to contact, did not stick to arrangements or provided enough attention, supervision or discipline. On the other hand some chronic issues were highly status or gender-specific. Resident parents reported 'welfare' related issues of fear of violence, children being upset by contact or not wanting to go for contact; contact parents reported 'power' related issues of control over contact activities and threats to stop contact.

In terms of the frequency of problems the gap between resident and contact parents is somewhat wider than for the mere presence or absence of problems. All items where there was a significant difference in reports for problems ever occurring were still significant in terms of how often they were reported to have occurred. But two extra problem areas produced significant differences in terms of frequency rather than mere presence of the problem. Resident mothers were significantly more likely to report differences in the frequency of the ex-partner spoiling the children ( $p = .030^*$ )

while contact fathers reported that attempts to control activities occurred more often than resident mothers ( $p = 0.45^*$ ). On all three commitment issues, overall commitment, and threats to stop contact by ex-partner and self, there remained a significant difference between resident and contact parents reports (all  $p < .001^{***}$ ). Resident mothers were also significantly more likely than contact fathers to report more frequent occurrences of children being upset ( $p = .002^{**}$ ) and children not wanting to go for contact ( $p = .015^{**}$ ) as well as to report fear of violence making contact more difficult ( $p < .001^{***}$ ). There were no significant differences for the remaining items.

### **7.7. Packages of contact problems**

We were also interested to explore the relationship between contact problems. In other words, to explore for each parent, which contact problems tended to go together<sup>47</sup>. The best way to achieve this is by factor analysis<sup>48</sup>.

The varimax rotation of three components<sup>49</sup> explained 44.6% of variance. Ten of the fourteen items loaded strongly onto one of the three components. The first factor, which we have labelled 'contact undermining' appears to represent the package of concerns typically expressed by contact fathers. This factor combines a lack of commitment, threats to stop contact, the ex-partner not sticking to the contact timetable and the ex-partner controlling activities.

In contrast the factor analysis suggests that resident parents typically present one of two different packages of concerns. The first factor combines children's reluctance to have contact, being upset by contact and the ex-partner spoiling the children. We have labelled this as 'reactive welfare' in that it denotes concerns with child well-being but with the child's reaction as the possible driver. In contrast the 'active welfare' factor combines children seeing people you don't want them to see, fear of violence with threats to stop contact by self. These results will need to be replicated with a larger sample. However they do suggest that while contact parents have a fairly uniform experience of contact problems, resident parents may be experiencing

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<sup>47</sup> The case studies in Section 9 also explore this issue at an individual family level.

<sup>48</sup> The sample size is relatively small for such an analysis as indicated by a Kaiser-Meyer-Olkin value of .534, however the correlation matrix contained many coefficients of .3 and above and Barlett's Test of Sphericity was  $< .001$ . On this basis, and given that this is the first study of its kind in the UK, we decided that a principal components analysis (or factor analysis) was appropriate.

<sup>49</sup> Five components had eigenvalues over 1, accounting for 18.9%, 14.8%, 10.9%, 9% and 8.3% of variance respectively.

two different types of contact problems, one related to risk and the other to children finding contact difficult for other reasons.

**Table 7.4. Varimax rotation of three factor solution for contact problems**

	Component 1: 'Contact undermining'	Component 2: 'Reactive response'	Component 3: 'Active response'
A threat to stop (having) contact (ex)	.747		
Uncommitted (ex)	.634		
Unreliable (ex)	.568		
Controlling (ex)	.530		
Unreliable (self)			
Upset children		.786	
Reluctant children		.719	
Spoiling (ex)		.507	
Inattentive (ex)			
Money conflicts			
Third parties			.744
Fear violence			.719
Threat to stop (having) contact (self)			.690
Harsh/might harm (ex)			
Percentage of variance explained	15.7%	15.3%	13.5%

*Only loadings above .5 are displayed*

## 7.8. Comparison with community samples

The final issue to consider in this section is how the contact problems identified in our sample might compare with community samples. We have suggested above that the extent of contact problems appear to be high. There is, however, no obvious yardstick against which to draw a comparison. To date there has been relatively little analysis of the nature and frequency of contact problems in UK community samples. The closest comparison is an American community study of parents petitioning for divorce by Wolchik *et al.* (1996). Although that study was based on separate lists of contact problems for residential and non-residential parents,<sup>50</sup> and the legal and social context

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<sup>50</sup> In this study we made a deliberate decision to pose exactly the same questions to both resident and non-resident parents.

is different, there is some merit in comparing the responses of the UK court and US community samples where similar items were utilised in the two studies.

If we look at resident parent reports of contact problems first, there was some similarity between the two samples in the emphasis on children being upset or difficult to manage after contact and broadly similar concerns about third parties being present at contact (Table 7.5).

However, in other respects the resident parents in our study reported different concerns and at a greater frequency than the US resident parents. The most common problem in the US study of the non-resident parent spoiling the children was one of the least common concerns in our sample. In contrast the (probably) more contact-threatening issues of contact arrangements not being stuck to occurred five times more frequently in our sample compared to the US sample and children not wanting to go for contact about 1.75 times more frequently. The two items on children not getting enough attention or being physically harmed were also reported at much higher rates in our study, although on these two issues the difference may well be attributable to the more specific wording of the questions in the US study.

**Table 7.5: Comparison of resident parent reports of contact problems ever occurring, percentages**

	In-court conciliation % (n=88)	Wolchik <i>et al.</i> Wave 1%
Children upset, unsettled or difficult to manage when returning from or coming to contact	80	58-69 <sup>51</sup>
You thought the other parent did not give the children enough attention or appropriate supervision/discipline	67	39 <sup>52</sup>
Children not wanting to go for contact	63	38 <sup>53</sup>
Contact arrangements not stuck to by the other parent (e.g. lateness, cancellation, frequent changes)	63	12 <sup>54</sup>
The children met or spent time with people you did not want them to see when he/she/they were with the other parent	56	42 <sup>55</sup>
You thought the other parent may have been too harsh in disciplining or might physically harm the children	40	7 <sup>56</sup>
The other parent spoiled the children	39	74

<sup>51</sup> “My child is more difficult than usual to manage upon returning from visitation”, 69% and “My child is upset or depressed upon returning from visitation”, 58%

<sup>52</sup> “My child is neglected or ignored during visitation”

<sup>53</sup> “My child does not want to visit with nonresidential parent”

<sup>54</sup> “Nonresidential parent picks up and returns my child at the scheduled times” (reverse coded)

<sup>55</sup> “Nonresidential parent spends time with people I don’t want my child to be around”

<sup>56</sup> “My child is physically harmed/abused during visitation”

We can compare only two items for contact parents. On both items though far more contact parents in our sample reported problems occurring. Contact arrangements not being stuck to occurred at double the rate of the US study and the other parent trying to control activities at three times the rate (Table 7.6).

**Table 7.6: Comparison of non-resident parent reports of contact problems ever occurring, percentages n=88**

	In-court conciliation %	Wolchik <i>et al.</i> Wave 1 %
Contact arrangements not stuck to by the other parent (e.g. lateness, cancellation, frequent changes)	74	41-32 <sup>57</sup>
The other parent tried to control your activities/what you did with the children when they are with you	69	23 <sup>58</sup>

In their study Wolchik *et al.* (1996) conclude that visitation problems were “extremely common” and that there was a “high rate of visitation problems” amongst the sample. There are difficulties in directly comparing the two studies, set as they are in different socio-legal contexts and with different questions and question wordings. However where a reasonable comparison between responses can be made it does appear that the extent and possibly the type of contact problems are different, with a much higher proportion of the UK sample reporting contact problems. It seems likely, although this would need to be tested on a UK sample, that the extent of contact problems in court samples is of an entirely different magnitude to community samples.

## 7.9. Summary

The extent of contact problems in the sample was both high and wide-ranging, spanning issues of commitment to contact, reliability, parenting quality, child reactions, control and conflict. Resident and non-resident parents reported equally high levels of contact problems and both groups questioned each other’s commitment to contact and reliability in keeping to arrangements. Although on some issues resident and contact parents reported remarkably similar problems with the other, on other issues the reports of problems were highly status or gender-specific. Resident parents raised more concerns with ‘welfare’ related issues of fear of

<sup>57</sup> “The residential parent changed your planned visitation on short notice”, 41% and “The residential parent didn’t have your child ready for scheduled visits”, 32%

<sup>58</sup> The residential parent tried to control your activities with child during visitation

violence, children being upset by contact or not wanting to go for contact; while contact parents reported 'power' related issues of control over contact activities and threats to stop contact.

## 8. Domestic violence and child protection concerns

### 8.1. Introduction

In this section we focus in more detail on issues to do with risk and harm for parents and children. We start with issues of violence and abuse against adults and then turn to concerns about risks to children. The section concludes with an exploration of the relationship between the two issues.

### 8.2. Risks to adults

#### *Violence and abuse within the relationship*

The overall level of violence and abuse reported from women was high. In all 17 women (38%) cited domestic violence/physical abuse as a reason for the separation and 13 (29%) cited mental or verbal abuse. Over half of all women (53%) reported that either physical and/or emotional abuse had led to the separation. In all cases the allegations by women were against their former partner.

A small number of men reported that risk issues had caused the separation. One man cited his former partner's violence to a child and two men (5%) cited their former partner's emotional abuse of themselves.

#### *Injunctions*

Another indicator of the level of perceived threat is the number of injunctions reported. The court welfare study of Buchanan *et al.* (2001) reported that 17% of cases had had injunctions at some stage and 8% had injunctions in force at the start of proceedings. In our sample the figures were slightly higher with injunctions in 15 of the 59 cases<sup>59</sup> (25%), eight of which (14%) were in place at the start of proceedings.

However the presence or absence of injunctions is not necessarily an accurate measure of the (perceived) level of threat. In some cases women did not pursue an injunction because they had not approached solicitors in time, felt that an injunction would not protect them or might provoke their former partner. On the other hand, men who reported that an injunction was in place typically argued that it was simply a means for their ex-partner to get back at them and denied any violence (see Box).

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<sup>59</sup> The unit of analysis here is the family rather than individual. In four out of the seven cases where we had reports from both parents, the woman reported that there had been an injunction while men denied it. The analysis is based on the woman's report where there is an inconsistency.

### **Injunctions and domestic violence:**

*“At the end of it I had to move out for all our safety. But it’s too difficult to get any sort of injunction because a lot of violence happens and it is my word against his. I just think that women don’t tell a lot about what is going on then because they are intimidated. When I told my solicitor, it was too far in the past and he just said I should have reported it immediately”.* Resident mother, no injunction

*“[Details of incident] So I had to phone the Police on him. They wanted me to press charges against him, but I said, I had enough hassle with, because he’s taking me to Court. I said, I wouldn’t want to annoy him more, you know, to have him coming round here and what have you. But I think they still called him in though, because they said, oh well we might press charges ourselves. I know that he had to go down the Police Station a good couple of times. Now, you know, I’d be worried especially that I’ve gone to Court and told them. Because he threatened me before, said if I dared say any of that it would be the sorriest thing I said.”.* Resident mother, no injunction

*“It’s the usual thing not to harass, intimidate, threaten, get anyone else to do any of the above. In fact ridiculous things, because none of them had happened in the first place. So neither one of us took a blind bit of notice of it. It’s not the first time it’s happened to me by the way. As soon as I split up with my wife this time they both got together and basically almost like compared notes and my wife then took out exactly the same procedure against me as my first partner did. Exactly. Even to the extent the wording of injunctions and things, the violence and all that. And they both know there’s never been any violence at all”.* Contact father with injunction against him

*“She was bringing the Police in for no reason. All the Police did was they gave me a caution and said ‘Go away, stay away from the woman, she’s dangerous’. That’s what basically the Police said to me”.* Contact father, no injunction

### **Post-separation violence**

At the time of the application 64% of women and 23% of men reported that a ‘fear of violence made it more difficult to sort out problems with the ex-partner’. In addition, 40% of women and 14% of men reported that this had occurred often or always. The level of fear reported by women, but not men, is considerably higher than a large-scale study of family mediation clients responding to exactly the same question wording (Davis *et al.* 2001). In their study 44% of women and 22% of men reported a fear of violence.

The ‘fear of violence’ question does not, of course, specify the source of the fear. An inspection of the interview transcripts revealed quite distinctive patterns. For women

the fear of violence was primarily a fear of violence from the former partner and occasionally also from the father's new partner or extended family. For fathers the fear was equally divided between the father's fear of violence from the mother and from the mother's new partner (see Box).

**Father's reports of violence from ex-partner and mother's new partner:**

*"We had that big argument that she [ex-partner] attacked me and she smashed the car up and everything, in front of my son. She went absolutely mad. And I basically disappeared with him after we had the big row, and I took him away, because she beat me up and attacked me. The Police were useless. They never turned up on three occasions when she attacked me. She's got a temper. She always had, but I didn't think she'd ever do it in front of him".* Non-resident father

*"Her new bloke threatened me".* Non-resident father

*"They rung me up out of the blue about a month ago and said you can come and see him whenever you like. So I was there in ten minutes, to which he [mother's new partner] stuck one on my nose so I've just whipped him straight over the top of my head and stuffed him into the concrete path and proceeded to jump up and down on him".* Split residence father

**Mother's reports of violence from ex-partners and associates:**

*"Well he did threaten, I mean he was abusive on the door and he did threaten my new partner on one occasion when he brought her back. He sort of threatened to kill him." Resident mother*

*"It's mental violence. It's grabbing hold of you. It's shaking you. It's picking up the phone and teasing you. He'll pick up the phone and say the most awful things, yeah, all the time. He'll come round the house and just drive round the house for hours. He'll come round and put a note through the door saying I'm outside".* Resident mother

*"[Father's extended family member] says this to me 'I deal with people by getting their legs broken'. And they get like a delinquent thrill from it and they're really incredibly incredibly immature and I was very frightened really of both of them".* Resident mother

**Continuity and discontinuity in violence**

One important question in relation to contact is whether domestic violence continues post-separation, stops at separation or starts after separation. In the court welfare study (Buchanan *et al.* 2001) domestic violence was reported in 78% of cases during the relationship, continued after the relationship in 64% of cases and started post-

relationship in 14% of cases. In this study 53% of women reported physical or emotional abuse as a cause of the separation, with actual or fear of violence continuing post-separation for 40% of women. Actual violence or fear of violence prior to the application was reported by 24% of women who had not reported violence during the relationship.

### **8.3. Child protection issues**

The extent of child protection concerns also approached the high levels reported in the court welfare study of Buchanan *et al.* (2001). In 18 cases in the Essex study (31% of families in the sample) there had been some involvement with social services since the separation. In comparison 36% of families in the court welfare sample had ever been linked with social services (Buchanan *et al.* 2001). The contact with social services, ranging from advice seeking about contact problems to contact related child protection referrals, was very largely initiated by resident parents. Sixteen (33%) resident parents reported contacting social services compared to only three (8%) non-resident parents.

On two other measures our sample compares broadly to the court welfare sample. Forty seven per cent of women and 34% of men had at some point considered that their ex-partner was too harsh or might harm the child. In the court welfare sample concerns about a possible risk to the child were expressed in 48% of cases (Buchanan *et al.* 2001). In terms of any expression of concern about parenting behaviour (spoiling, inattentive/lack of supervision or harsh/might harm) 80% of women and 60% of men in our sample expressed concerns compared to 86% in the court welfare sample (Buchanan *et al.* 2001).

**Insufficient attention/appropriate supervision or discipline:**

*"I felt that he was an unfit father, I'm sorry, because of what the children had actually. The children had said that he'd left them in the car whilst he'd gone and scored some drugs and they were scared because it was dark and they were alone in the car and they wanted to run back to mummy". Resident mother*

*"Well there's so much drugs, you know. There's heroin in the house. I wouldn't mind if they was just smoking the odd joint or something like that, but there was seven grams of smack on the table that [child] picked up and threw all over the kitchen. Now seven grams of smack is no little amount". Resident father*

**Too harsh or might physically harm the children:**

*"... the social worker advised me to stop contact. A few times the children had come back to me and said, dad tried getting us and I've had the Police involved. I've actually drove them to the Police Station many times because they were terrified. They're actually afraid of their dad". Resident mother*

*"I think that my children shouldn't see him at all. He's a nut case, but then that's my opinion. I understand the need for them to see their dad, but I think he needs psychiatric help first". Resident mother*

*"I mean basically I see what happens with her. She still won't let me have her bedroom window open at night, in case, in her own words, my dad might come in and get me, you know." Resident mother*

**8.4. The overlap between domestic violence and child protection concerns**

Finally we turn to the relationship between domestic violence and child protection concerns. In this section we confine the analysis to the reports of mothers only (n = 45).

In terms of the overall sample there was no clear link between reports of physical abuse/domestic violence and child protection issues. Women's reports of fear of violence and concern that the ex-partner was too harsh or might harm the children were not correlated ( $\rho = .245$ ,  $p = .135$ ). Nor was there a difference in concern about the ex-partner being too harsh or potentially harming the children between women who did or did not cite domestic violence ( $p = .317$ ), or women where an injunction was ever or never in place ( $p = .546$ ).

Rather than a straightforward linkage between domestic violence and child protection, there appeared to be four different ways in which the two issues were, or were not, related.

- *Risk to self and risk to children.* Thirteen women (36%) reported a fear of violence and a concern that the ex-partner might be too harsh or might harm the children. Eight (18% of women) cited domestic violence as a reason for separation and had contact with social services.
- *Risk to self but not to children.* Eleven women (31%) reported a fear of violence but not a concern that the ex-partner might be too harsh or might harm the children. Nine women (20%) cited domestic violence as a reason for separation but had had no contact with social services.
- *Risk to children but not self:* Four women (11%) did not report a fear of violence but had reported a concern that the ex-partner might be too harsh or might harm the children. Seven women (16%) did not report domestic violence as a reason for separation but had had contact with social services.
- *No risk:* Eight women (22%) reported neither a fear of violence or a concern that the ex-partner might be too harsh or might harm the children. Thirty women (47%) did not report domestic violence as a cause of the separation and had no contact with social services.

The relative size of the groups depends to some extent on the measure used. On both combinations of indicators women reporting a risk to the children but not to the self was the smallest group, while women reporting a risk to the self but not the children was the second largest group. It is of concern, however, that 36% of women reported fears of violence both towards themselves and their children. It is important to point out though that about a quarter of women reported neither concern.

### **8.5. Supervision of contact**

Although there was a high level of concern about domestic violence and child protection issues within the sample, very little contact was supervised or had been supervised prior to the application. Only one resident parent reported that contact was taking place at a supervised centre, two at a supported contact centre and two reported that contact was supervised by relatives.

## **8.6. Summary**

The level of domestic violence reported by women in the sample was high, in many cases with a fear of violence continuing, and in some cases apparently starting, after the separation. The level of child protection concerns and concerns about parenting quality was equally high for both men and women. On both areas of risk, to adults and children, the levels approached those reported in court welfare report samples. In about a fifth to a third of cases, depending on the combination of measures used, women reported concerns about both risks to themselves and to children. Despite the number of concerns about violence very little contact was supervised, although in many cases where there were concerns contact was not taking place at the point of application.

## 9. Paired case histories of the nature of contact problems and the contact dispute

### 9.1. Introduction

In Section 7 we presented a largely quantitative analysis of the nature of the contact problems at the aggregate level, noting both the similarities as well as the differences in the perspectives of resident and contact parents and men and women. We also began, with the factor analysis, to identify particular packages of contact problems. In this section we take advantage of the large number of paired interviews in the sample to extend this analysis by presenting individual case summaries drawn from the interviews with both parents.

We have two aims in presenting the case studies. First, it enables us to take a closer look at the similar and divergent perspectives of parents at an individual family level<sup>60</sup>. Secondly, by grouping the case studies according to the predominant issues raised in each dispute, we aim to gain greater insight into the combinations of issues that families present to the courts.

We have arranged the twenty nine case studies into three groups according to what appeared to be the most prominent issues in the case, although some cases did contain multiple issues. The three groups were:

- *Blocking + Safety* (18 cases). Where the non-resident parent reported that the resident parent was frustrating contact, while the resident parent reported that the non-resident parent presented a risk to themselves and/or the child.
- *Mutual lack of commitment* (9 cases). Where the resident and non-resident parent both reported that the other parent was not committed to contact.
- *Flexibility and communication* (3 cases). Where both parents reported a lack of flexibility in the other in agreeing contact timetables

In presenting the case histories we attempt, so far as possible, to include mutually-agreed factual material and then to detail the concerns and perspectives of each party. We do not, and indeed cannot, attempt to identify which is the 'true' account, but instead try to give a neutral and fair account of how each parent viewed the situation and the concerns each had.

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<sup>60</sup> For this reason we have not produced case studies for families where only one parent was interviewed.

We recognise that participating parents will be likely to be able to identify their case history. In order to preserve confidentiality we have therefore only included information and concerns that we are certain that both parents would have already heard the other parent express, at, for example, the in-court conciliation appointment. Where parents had raised other concerns or issues in the interview, that we were not sure that the other parent was aware of these, then we have not included it in the case history. For this reason also we have not used any quotations in this section.

All case studies are resident mother/contact father arrangements and first applications unless stated otherwise.

## **9.2. Blocking + safety cases**

### **Pair 1**

Separated for a year with one early teenage child. Staying contact with the non-resident father had been established and was continuing on an alternate weekend basis. However both parents felt the other was unreliable, failed to stick to the arrangements and attempted to control the other through contact. The father detailed frequent last minute changes and cancellations. The mother had concerns about the father's violence and threatening behaviour to her during and after the separation. The father's application was to define contact.

### **Pair 5**

Separated over seven years with an eight year old child. Both parents reported that the father has bi-polar disorder and that the father abducted the child in 2001 after a manic episode. The accounts differed as to the level of violence involved. The father was charged with abduction and sectioned. Contact had not taken place for two years subsequently. The father had applied to resume contact. Contact had then taken place at a supervised contact centre. The father was seeking to have contact at a supported contact centre or unsupervised contact. The mother reported that the supervised contact had gone well but still had ongoing concerns about the safety of the child and wanted to keep contact at the supervised contact centre.

**Pair 6**

Separated for a year with an infant school aged child. Contact had been informally agreed, with weekend staying visits and visits during the week. Contact had broken down approximately six months earlier, although the reasons were disputed by the parents. The father reported that the mother had stopped contact when he had started a new relationship. He also alleged that the mother had been violent to him. The mother reported that contact had stopped after an argument over the child's possessions, which had led to the father attempting to assault her and an actual assault by the father's new partner. The father's application was for a defined contact order.

**Pair 7**

Separated about eight months previously with one pre-school child. The mother alleged that the relationship had broken down because of an assault on her and the child, an allegation disputed by the father. The mother obtained an injunction against the father and subsequently applied for a residence order to prevent the father abducting the child and to initiate supervised contact for the father. The father made a counter-application for unsupervised contact. Contact had then taken place regularly at a supported contact centre. Prior to the scheduled review session both parents reported that the relationship between them had improved and the mother was agreeing to unsupervised contact.

**Pair 8**

Separated for three months with two toddlers. The parents gave conflicting accounts of the reason for the separation, with the mother citing threats and intimidation and the father citing the interference of in-laws. Contact had initially been agreed informally. However the father alleged that the mother kept breaking the agreement and also reported the mother to social services on the grounds of the mother's neglect of the children. The mother, in turn, had alleged that the father had abducted the children and was not providing appropriate care while the children were with him.

**Pair 10**

Separated for four years with two teenagers and one younger child. Contact had been difficult from the separation and there had been up to four previous contact applications. Contact had been taking place on a monthly basis but had broken down nine months previously, following an argument between the father and the eldest child. The father reported that the mother had then accused him of being abusive,

that she was trying to reduce contact, did nothing to encourage contact and was wanted control. His application was for a resumption of contact on a fortnightly basis. The mother reported that the children were old enough to make their own decisions, that they either did not want contact or wanted contact on a monthly basis only.

#### **Pair 11**

Separated for four years with one nine year old. Both parents reported that an injunction against the father had been obtained by the mother in another jurisdiction. The mother reported that this was following harassment and violence towards her, although the father denied this. The mother, and then the father, had subsequently relocated back to the UK, although living a substantial distance apart. Two weeks of contact had occurred over the last two years, the last time eight months ago. The father reported that the mother was not committed to contact or sticking to the contact timetable. His application was for Parental Responsibility and defined contact at holiday times. The mother reported that the father was erratic in sticking to arrangements that had already been agreed. She reported that the child did want contact but had concerns about the father's violence to herself and would not disclose her address.

#### **Pair 13**

Separated two years ago with a two year old child. Conflicting accounts were given for the cause of the separation, with the mother citing domestic violence by the father and the father citing infidelity. Contact had been intermittent at the beginning and had then been stopped by the mother, according to her because the father had been violent to her extended family members. Contact was re-established on a weekly visiting basis following an application by the father. The current application from the father was to extend contact to staying contact. The mother was opposed to staying contact as she felt the child was too young and because of the history of violence. Both parents also cited financial disputes as impacting on contact.

#### **Pair 17**

Separated for one year with two children under five. Both parents reported that an injunction was in force to prevent the father harassing the mother or her child from a previous relationship. Contact had been established with a degree of flexibility for a visiting day each weekend with some stayovers. Contact had recently broken down. The father reported that the mother was retaliating because her life was not going well and that she had made up the allegations of violence. The mother reported that

she had been supportive of contact but that the father was drinking heavily, was leaving the children in the care of an elder child and that the father was talking to the children about inappropriate topics.

**Pair 18**

Separated for two years with a teenager and infant school age child. Contact had broken down a year ago. Prior to that, contact had been intermittent and supervised by extended family members. Both parents reported that an injunction was in force against the father. The mother reported that the father had threatened to kill the children, was harassing her and had hit her car with the children inside. The father denied all allegations and reported that the mother was blocking contact.

**Pair 19**

Separated for a year with one toddler. Contact had been occurring on an almost daily basis at the mother's home, had then taken place three times a week at a nursery but had recently broken down. The father had then applied to reinstate and extend contact to include staying contact. The mother reported concern about the father's past drug use, the continuing intravenous drug use of his associates with contact with the child, the quality of the father's parenting and fear of violence.

**Pair 20**

Separated for two years with two infant school children. Contact had been weekly, then fortnightly staying contact with one evening a week, but had broken down a few months earlier. The father reported that the mother had simply stopped contact for no reason. The mother reported that she had stopped contact because the children were finding it upsetting, that they were being bullied by the father's stepchildren and that the father was too harsh in disciplining the children. The father's application was to resume contact on a weekly basis and half the holidays.

**Pair 24**

Separated for a year with a three year old child. Following a previous application, visiting contact once a fortnight had been taking place for the last six months. The father was now applying for staying contact and a penal notice. The mother was opposed to staying contact as she felt the child was too young and the father was not able to provide adequate or sensitive care. The father felt that the mother was trying to control him while the mother felt that the father was trying to control her.

**Pair 25**

Separated for six months with a toddler. Contact had been for two hours three times a week but had broken down three months earlier after an incident between the parents. The father said he had broken down a door in frustration, partly due to limited contact. The mother said she and the paternal grandfather had also been assaulted in the incident and there had been an injunction. The father considered that the incident was a one-off whilst the mother considered that the father posed a risk to the child. The father was seeking to resume and extend (unsupervised) contact and the mother was seeking supervised contact.

**Pair 26**

Separated for eighteen months with a middle school age child. The father reported that the relationship had ended due to financial difficulties, while the mother reported physical and emotional abuse to herself. Contact had been taking place on a weekly visiting basis but had broken down a few months previously following an incident during contact. The father reported a disagreement with the child and the child had wanted to return home immediately. The father reported that he had returned the child eventually but the mother had then said the child did not want further contact. The mother reported the same incident but said that the child had been distressed and frightened by the father's behaviour during and after the incident. The father reported that the mother was not supportive of, or possibly undermining, contact, while the mother reported that the child had already been reducing contact before the incident. She also considered the father's accommodation to be dangerous.

**Pair 27**

Separated for five years with two middle school aged children resident with the father. For three years the mother had had staying contact every weekend at the father's house and for the last year at her own house. Contact had broken down in the last three months. The (non-resident) mother reported that the (resident) father had accused the mother's new partner of putting the children in danger while they were in the care of the mother's new partner. The father had then confronted the mother's new partner and then stopped contact. The father reported that the mother was unreliable and had stopped contact because the mother was not taking responsibility for the children. The mother reported a history of domestic violence by the father and attempts to block contact.

**Pair 28**

Separated for two years with an infant school aged child. Contact had been a fortnightly weekend staying basis since separation, with some breaks, but had ceased completely a few months prior to the father's application to resume contact. The father's perspective was that the mother wanted to be in control and had stopped contact in the past. The mother's perspective was that the father had been verbally abusive early on, the father's new partner had been verbally abusive to the child, no child support had been paid and that she was unable to contact the father during contact. Both parents felt that contact was being used to get back at the other parent.

**Pair 29**

Separated for a year with three teenage children. Contact on a staying contact basis had been occurring irregularly since the separation with periods of no contact. The resident mother had made the application because she was concerned about the children being abducted. The father reported that contact had initially been regular but that had been stopped by the mother because it was going well. The mother reported that the sporadic pattern of contact was difficult for her and the children. Both parents reported that an injunction was in place. The father reported that he had been arrested for harassment simply for trying to get in touch with his children, while the mother reported a history of domestic violence.

**9.3. Mutual lack of commitment cases****Pair 2**

Separated for two years with a two year old child. Problems with contact had begun shortly after separation. The non-resident father's perspective was that the mother had initially been unwilling to allow any contact. Two hours a week had then been agreed through solicitors. The father applied for a contact order to extend contact to staying contact and for PR. The mother's perspective was that the father had not been committed to contact in the beginning, had often been late in picking up or returning the child, that the proposed extended hours was too long for a young child and that child support was not being paid.

**Pair 3**

Separated within the last year with three children of pre-school and infant school age. Contact with the non-resident father had worked briefly on a one day a fortnight visiting basis, but had broken down about five months earlier. The father had applied to reinstate and extend contact and to acquire PR. The father reported that the mother had stopped contact because of her concerns over the standard of his care of the children, an allegation that he strongly denied. The mother reported that the father had had minimal involvement or interest in the children pre-separation, and had subsequently made little effort to see the children, or to interact with the children at contact. She said that she had made several attempts to encourage the father to have contact.

**Pair 9**

Separated for six months with two children of infant school age. Contact was on a visiting basis only. The father had applied for a contact order two months after the separation. The father was alleging that the mother had been threatening to stop contact and was not sticking to the informally-agreed timetable. The mother was alleging that the father had not been interested in contact and that she had put herself out to ensure contact although the children had found contact upsetting.

**Pair 12**

Separated between two and three years with two teenage children. The parents gave conflicting accounts of the reason for the separation, the father because of the mother's infidelity and the mother because of ongoing domestic violence by the father. The eldest child had not had contact since the separation. The father reported that this was due to the mother's influence, the mother reported that it was the child's choice. There had been one previous application when contact with the youngest child was established on a fortnightly staying basis by agreement. The timetable had been broadly stuck to although there were a number of occasions when it had broken down. Both parents reported that on two occasions this had happened when the mother had made alternative plans that clashed with the contact timetable, including taking the child abroad on holiday. The father's perspective was that the mother was undermining contact. The mother's perspective was that she wanted the father to be more involved in parenting, that she had needed a break and that she had offered alternative dates or to leave the youngest child in the father's care.

**Pair 14**

Separated for nearly a year with one toddler. Contact had taken place only once or twice since the separation. The father considered that the mother was trying to get back at him through contact and he was now unable to contact her as she had changed her phone number. The mother's perspective was that the father had had two contacts and then just stopped and that she had changed her phone number because she was being harassed by two associates of the father who were subsequently arrested.

**Pair 15**

Separated for one year with two children of infant/middle school age. There had been no contact since separation with the eldest child, while contact was for two hours weekly with the youngest child. The father's application was to resume contact with the oldest child and to acquire PR. The father reported that his motivation to apply for contact was on behalf of the paternal grandparents, as he would not otherwise force the oldest child to have contact, although he did consider that the mother was influencing the child. The mother questioned the father's commitment to contact. She considered that the father had not sought contact for several months after the separation, had then been blanked by the eldest child and then had given up. The mother wanted the father to have more contact than two hours weekly and to spend one-to-one time with the child.

**Pair 16**

Separated for six months with one teenager. The parents lived about 100 miles apart and there had been two staying contacts since separation. The father reported that the mother had been blocking all contact or only allowing contact at impractical times. The mother reported that the father had never been involved with the child and was erratic in contact. Both parents also reported that the father had been cautioned for harassment of the mother, a charge the father disputed. The application was by the father to transfer residence to him so that his employer would pay boarding school fees.

**Pair 21**

Separated for eight years with a middle school age child. Contact had been occurring on an fortnightly visiting only basis since separation, but had broken down six months earlier, about the time that the father had relocated much further away. The father reported that the mother was not committed to contact. The mother reported that the father had not attempted to have contact for long periods including since the move, had been unreliable and that the child was now refusing to have contact.

**Pair 22**

Separated for three years with two infant school aged children. There had been a number of previous applications. Contact had recently been taking place at a supported contact centre but had broken down six months earlier, according to the father because he had been homeless and had not been able to afford to travel to the venue. The father's application was to resume contact and to have staying contact at his new home. The mother had concerns about the father's health, ability to care for the children and whether the father would stick to any new arrangements.

**9.4. Flexibility and communication cases****Pair 4**

Separated over two years ago with one infant school aged child. Contact was continuing on a 24 hours every weekend basis, as had been agreed informally between the parents from separation. The non-resident father considered that he was being controlled after the mother had refused him permission to take the child abroad. The father subsequently applied for increased contact, although moved to a fortnightly rather than weekly basis, and to take the child abroad on holiday. The mother said she was opposed to the holiday abroad because the father had not had contact for that length of time. She also wanted contact to remain at the same frequency and to have the father's home address and phone number. Both parents acknowledged that disputes about the amount of child support being paid were getting in the way of contact.

### **Pair 23**

Separated for 1 year but continuing to co-reside in the matrimonial home. There were four children from infant school to mid teenage. The children had not had formal contact with the father for about six months and the parents communicated only through solicitors. The mother reported that social services had advised her to keep the children away from the situation as much as possible. The conciliation appointment was set up under the initiative of the District Judge as part of the divorce proceedings. The parents were moving to separate houses and both parents were agreed to fortnightly staying contact but were in disagreement about holiday contact and when contact should resume.

### **9.5. Summary**

We categorised the 29 paired case studies into three groups. The largest was the 'Blocking + Risk' where non-resident parents reported that the resident parent was obstructing contact while resident parents reported that contact posed a risk to themselves and/or the child. The second biggest group (the mutual lack of commitment) were cases where both resident and non-resident parent reported that the other parent was not committed to, or sticking to, contact. The third group consisted of two cases where both parents reported that the other was inflexible and could not agree to a timetable.

In many ways the case studies tie in with the factor analysis presented in Section 7.7. Almost all non-resident parents presented a single issue to the courts, that the resident parent was frustrating contact. In contrast resident parents typically presented two separate, although sometimes overlapping issues, most commonly that contact presented a risk to themselves and/or the child, or less frequently, that the non-resident parent was not committed to contact. Very few, if any, resident parents appear to dispute the principle of contact, however.

Perhaps the most striking point to emerge from the case studies, however, is the degree of polarisation that exists in the accounts of individual pairs of parents. The case studies highlight that parents present to the courts mutually exclusive and competing 'his' and 'hers' accounts based on widely divergent concerns and interpretations.

## 10. Parent and Child Well-being

### 10.1. Introduction

Our last set of findings concerns parent and child well-being. The data in this section is based on two standardised scales measuring adult and child well-being. In addition, we present the results of three open questions asking interviewees to comment on how they, their ex-partner and the index child were coping with the separation and contact dispute.

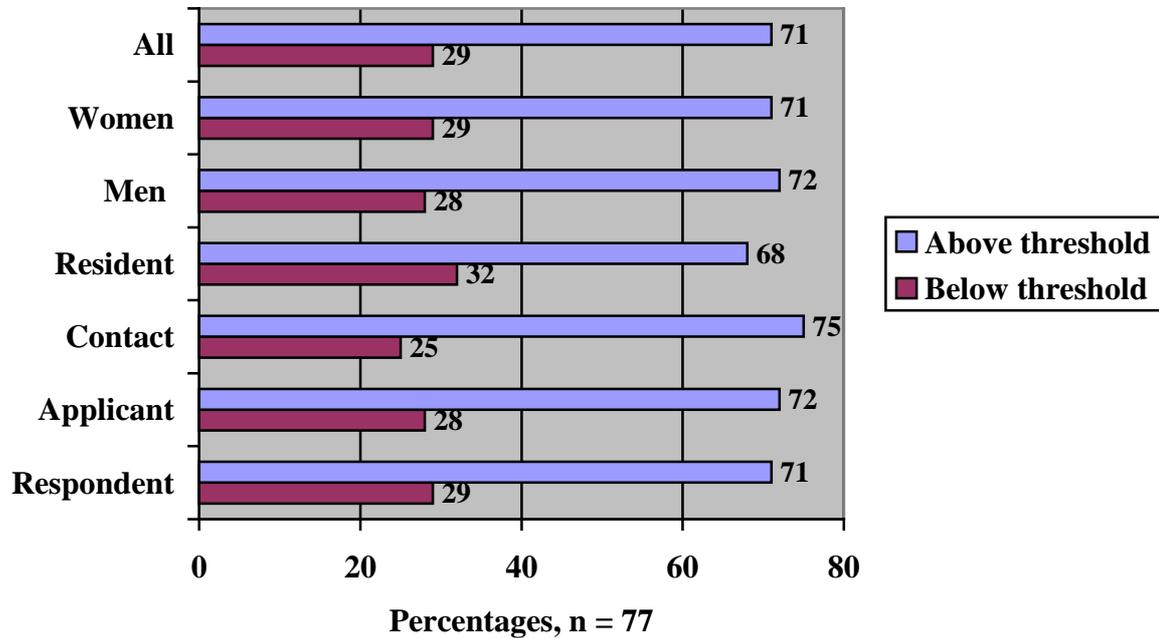
### 10.2. Parent well-being

#### *General Health Questionnaire*

Our primary method for assessing adult well-being was the 12-item General Health Questionnaire (Goldberg & Williams 1988). The GHQ is a widely used and well-validated measure of transient psychological disturbance. As such it is highly suitable to assess distress in a population undergoing significant life events. The measure was also used in the study of parents involved in the court welfare process (Buchanan *et al.* 2001), thus providing an appropriate and useful comparison. In the court welfare study a majority of parents reported disruption to their normal psychological functioning. At the baseline phase 84% of mothers and fathers, 85% of respondents to applications and 83% of applicants had above threshold scores (Buchanan *et al.* 2001:76). That compares to a general population norm for England and Wales of 27% (Taylor *et al.* 1999).

Our sample consisted primarily of parents involved in contact disputes where a court application had been made rather than the selected sample of (usually) more difficult and/or complex cases where a welfare report had been ordered. In addition, the majority of parents were attending court for the first time. Even so 71% of parents scored above the threshold on the GHQ, almost three times the general population norm, and not very far behind the level of disruption to normal functioning reported in the court welfare sample. As in the court welfare study the level of distress reported by men and women was remarkably similar (Fig. 10.1). There were no significant differences by sex ( $p = .943$ ), residential status ( $p = .516$ ) or between applicants and respondents to applications ( $p = .885$ ).

**Fig. 10.1. General Health Questionnaire Scores**



The level of distress did not relate to the continuation or quantity of contact. There was no difference between parents scoring above or below the threshold by hours of contact per month at application ( $p = .672$ ), if contact was occurring at application or not ( $p = .280$ ) or whether contact had taken place in the last six months or not ( $p = .056$ ). Nor was there any difference between the two groups by time since separation ( $p = .680$ ), the duration of contact disputes ( $p = .959$ ) or in the number of court applications ( $p = .895$ ). What this might suggest is that it is not the length or 'entrenchedness' of the dispute that is significant but rather the mere presence of a dispute requiring attendance at court.

***How the interviewee was coping***

In addition to the GHQ we also asked interviewees how they had been coping with the separation and contact dispute, and then also how they thought that their ex-partner had been coping. These open questions were subsequently transcribed and coded by the research team.

The responses to the question of how the interviewee had been coping in many respects affirmed the results of the GHQ, with high levels of stress reported and little differences between the reports of resident and non-resident parents (Table 10.1).

**Table 10.1 Researcher-ratings of self coping with separation/dispute question, numbers n=87**

	Resident parents	Non-resident parents	Total
Downward trajectory/feeling worse	1	0	1
Stressful/highly stressful	27	28	55
Stressful but had to keep going	6	2	8
Upward trajectory, much improved	7	2	9
Fine, no problem	7	7	14
Total	48	39	86

Twenty-three parents (27%) reported that they had been coping without problems, or were much better than they had been (although five of the thirteen parents who reported that they had not had any problems scored over the threshold on the GHQ). For the majority of resident and contact parents, however, the experience was simply described as very stressful. Although the perceptions of the causes of the stress might differ, what was also clear was that the psychological experiences of resident and contact parents, and men and women, were very similar (see box).

**High stress:**

*“It’s been very stressful, it’s upset my family and my friends. And not having the routine, you can’t cope, you can’t plan. He can ruin a whole weekend, to be honest. I was due for an interview and I had a phone call from him and it completely destroyed me and I didn’t go for the interview, because I was in such a mess and I never got another interview. I’ve had a small accident in the car, for example, because I haven’t been concentrating and I know that. I have had sleepless nights. I have been depressed. I feel completely helpless. To be fair I’m actually a confident person and I would say that that definitely died”.* Resident mother

*“Terrible for me, sort of like a nightmare. I’ve actually lost my job through the whole thing, I was there for like years and just recently it just got too much for me, I couldn’t concentrate on my work, I couldn’t get motivated into going to work, so I didn’t. In fact I just gave it up. I said I can’t, you know, give 100%, so, you know, I’ll have to leave”.* Contact father

***How the ex-partner was reported to be coping***

We also included an open question about how the ex-partner was coping as a means to explore the level of empathy towards the former partner. The responses produced a very different picture from the GHQs and to the reports of interviewees of their own coping.

Nearly a third (29%) of the sample reported that they did not know or could not say how their ex-partner was coping, including three parents who went further by reporting that they did not care (Table 10.2). The difficulty that parents had in answering the question may reflect a lack of communication between parents, although only five of the twenty-two parents who answered with a 'don't know' had reported no communication. It seems more likely that for many parents the lack of a response reflects a difficulty in seeing, or acknowledging, the former partner's perspective<sup>61</sup> or their distress.

**Table 10.2 Researcher-ratings of ex-partner coping with separation/dispute question, numbers n=87**

	Resident parents	Non-resident parents	Total
Don't know/Don't care	15	10	25
Fine	4	5	9
Badly (reproving)	13	8	21
Hostile/controlling	13	14	27
Finding it hard/stressful	3	2	5
Total	48	39	87

The range of other responses was diverse. Nine ex-partners were reported to be doing fine, although without further elaboration. The coping of twenty ex-partners (23%) was described in a reproving rather than concerned fashion. These ex-partners were described as coping badly, had brought the situation on themselves or were resorting to drink or drugs. Twenty seven parents (31%) reported that the ex-partner was coping through acts of hostility to the interviewee, either having won a temporary or pyrrhic victory, by trying to control the interviewee or by being vindictive or point-scoring.

In overall terms there were few differences in the responses of resident and non-resident parents. The only major difference was that resident parents reported that non-resident parents were coping by attempting to control them while non-resident

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<sup>61</sup> Two other questions asking interviewee's to acknowledge the other parent's perspective also produced a significant minority of non-responses. See section 5.8 above.

parents reported that resident parents were coping by being vindictive or point-scoring (see box).

**Ex-partner coping: control and point-scoring**

*"I feel like we're trying to move on. Me and my son are trying to move on, only he's still in my mind and still controlling it and that's what he wants. To me he's just cold and calculating. It's just like water off a ducks back. And I think it's like input from other people as well, and I can imagine them sitting there, oh how can we get to her now, sort of thing. And the only way he can get to me is through my son".* Resident mother

*"I don't know. Because he's very, to my way of thinking, very arrogant, very dictatorial. I want. I will have. You've got to do. So I tend not to think about that".* Resident mother  
*"He's done it his way, to his rules. So I think he's coped perfectly, because he's done exactly as he pleases".* Resident mother

*"Well she's probably just laughing, because she's better off now than what she was before and she holds all the cards".* Contact father.

*"She's loving every minute of it".* Contact father.

*"My ex-wife likes to score points. She doesn't like to lose. So I would guess, I don't know how she'd react, I'm not sure how she's going to take to this [agreement on contact]".* Contact father.

It was striking that only five (6%) of parents acknowledged that the other parent was finding the situation as hard, or nearly as hard, as the themselves, given that 71% of parents scored over the threshold on the GHQ and the level of distress reported in the open question about how the self was coping (see box).

**Ex-partner coping: finding it hard, stressful**

*"She says she's been having a hard time. It hasn't been easy for her".* Contact father.

*"I don't really know. Being fair I think it's as stressful for him as it is for me".* Resident mother.

### 10.3. Child well-being

#### ***Strengths and Difficulties Questionnaire***

We measured child well-being using the age-appropriate parent-report Strengths and Difficulties Questionnaire (Goodman 1997). In total 35 resident parents and 23 contact parents completed 58 SDQs on 41 index<sup>62</sup> children from 59 families. The SDQ reports included 17 pairs where both parents reported on the same child.

Thirty parents did not complete an SDQ. For nineteen parents this was because the child was under three years, six non-resident parent had not seen the index child for more than six months and five parents did not have the time to complete the last section of the questionnaire.

The age of the index child ranged from 3-14 years, with a mean of 7.66 years ( $SD = 3.312$ ). On a per family basis there were 17 boys and 24 girls. Including the 17 paired reports there were 22 boys and 36 girls.

In overall terms, the SDQ Total Difficulties scores revealed levels of difficulties substantially higher than general population norms. The UK mean score<sup>63</sup> for the parent-completion SDQ is 8.4 ( $SD = 5.8$ ) (Meltzer *et al.* 2000). In this study the resident parent mean was 13.77 ( $SD = 8.752$ ), the contact parent mean was 10.48 ( $SD = 6.222$ ) and the overall mean was 12.47 ( $SD = 7.954$ ). In terms of case categorisation approximately 10% of general population scores fall into the abnormal range, 10% in the borderline range and 80% in the normal range (Meltzer *et al.* 2000). In our study just under half of children, according to resident parent reports, were in the normal range, with borderline/abnormal scores at 2.5 times the national average (Fig. 10.2). Non-resident parents were less likely to report borderline and abnormal scores, with 70% of children in the normal range on non-resident parent reports. Nonetheless this is still above the national average.

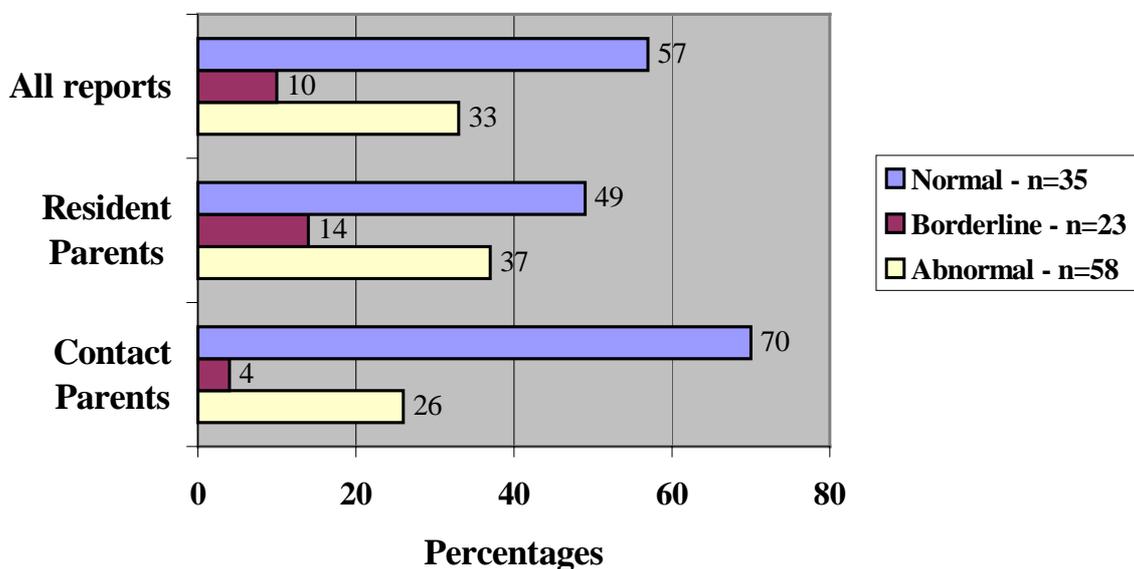
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<sup>62</sup> The index child was the child named on the application whose first name was closest to the beginning of the alphabet. If that child was under three we chose the child whose first name came second alphabetically.

<sup>63</sup> Based on a sample of 10,298. The Total Difficulty Score ranges from 0-40 with low scores representing higher levels of well-being.

In practice the resident parent reports are likely to be a more accurate measure of child well-being given the limited or no contact that many non-resident parents were having at the time of the application<sup>64</sup>. It is worth pointing out too that where there were reports from both parents on the same child there was limited consensus. While nine of the seventeen pairs produced consistent reports, eight pairs of SDQs placed children in different categories.

**Fig. 10.2 SDQ Scores: Resident, contact and all parent reports**



The high level of child distress reported by the resident parents in our sample compares with the court welfare sample of Buchanan *et al.* (2001). In that study, also relying on resident parent reports, 54% of children were in the normal range, 21% borderline and 25% abnormal.

As with the court welfare study, and based on resident parent reports, boys in our sample had higher scores (mean = 17.08, *SD* = 10.476) than girls (mean = 11.82, *SD* = 7.109). The difference was not statistically significant ( $p = .086$ )<sup>65</sup>. There was no

<sup>64</sup> It also avoids the problem of double-counting of the same child where both parents produced SDQs.

<sup>65</sup> Including resident and contact parent reports, boys still had higher scores (mean = 15, *SD* = 9.268) than girls (mean = 10.92, *SD* = 6.708). The difference was close to, but did not reach statistical significance ( $p = .057$ ). The remaining analyses are based on resident parent reports only.

relationship between child age and SDQ scores ( $r = .097$ ,  $p = .579$ ). There was also no difference between scores for children where contact was occurring at application or not ( $p = .377$ ) or children who had contact within the last six months or not ( $p = .194$ ).

***How the child was coping***

Finally the responses to the open questions about how the child was coping produced diverse responses. Nearly half the sample reported that the index child was doing fine or was unaware of, or unaffected by, the separation or contact dispute. Interestingly more than half of the children described as unaware and unaffected were nonetheless given borderline or abnormal SDQ scores by that parent. Where children were reported to be upset or distressed most parents attributed this largely to the behaviour of the former partner, by putting pressure on the children, blocking or not turning up for contact, being upset by contact or by practical changes initiated by the former partner (Table 10.3).

**Table 10.3 Researcher-ratings of child coping with separation/dispute question, numbers n=87**

	Resident parents	Non-resident parents	Total
Unaware and unaffected	10	8	18
Fine	12	8	20
Can't say (no contact)	0	6	6
Emotional pressure, blackmail, poisoning	2	4	6
Upset by conflict	4	1	5
Upset by contact/resumption of contact	13	0	13
Missing absent parent, lack of contact/contact routine	7	10	17
Upset by practical changes (house, schools etc.)	0	2	2
Total	48	39	87

#### **10.4. Summary**

Using standardised measures, both adults and children were reported as having levels of psychological distress well above community norms and similar to parents and children involved in the court welfare reporting process. The GHQ and open question about how parents were themselves coping highlighted strong similarities in the level and nature of parental distress between resident and contact parents. However, parents demonstrated limited empathy and high levels of distrust and anger when commenting on how their former partner was coping. Parent's interpretation of how children were coping often appeared to relate to their perspective on the contact dispute, with child distress linked to the behaviour of the ex-partner.

## 11. Conclusions and Implications

The aim of this report was to provide a detailed picture of who applies for contact orders and why. What has been evident is that parents who reach the courts face significant challenges, in terms of the number, range and chronicity of contact problems. On all measures where we can draw a comparison, this court sample were facing difficulties of an entirely different magnitude from the wider population of post-separation families or the general population. These include the breakdown of contact, parental relationship quality, communication patterns, shared decision-making, supporting the children's relationship with the other parent, satisfaction with arrangements, the extent of contact problems, fear of violence impacting on contact problems<sup>66</sup> and parent and child well-being. While the profile of contact applications cases differed sharply from community samples, in contrast, on many indicators, the level of difficulties was approaching or at the same level of parents involved in the court welfare report process.

The level of parent and child distress reported by parents was worryingly high. Both resident and contact parents reported equally high levels of disruption to their normal psychological functioning. A substantial number of children were also clearly struggling, on resident parent reports, at the level found in court welfare report samples. Equally worrying is the presence of multiple risk factors associated with poorer outcomes for children (for a review see Depner 2002). All the children in this study had experienced parental separation. In addition, the sample reported disproportionately high levels of economic adversity, interparental conflict, tenuous or conflicted contact and reports of domestic violence and child protection issues. The level of disruption to the psychological functioning of resident parents, and the potential impact on parenting quality, is also of concern given the critical importance of the resident parent-child relationship in facilitating children's post-separation adjustment (Dunn *et al.* 2003). Although children were facing multiple risk factors, and demonstrating well above community levels of distress, very few parents reported working together to discuss any problems children might have.

The overall level of difficulties and conflict reported by the sample came as some surprise given that the great majority were at the first stage of involvement in court

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<sup>66</sup> Compared to family mediation clients.

proceedings, with very few families who had been involved in multiple proceedings. Recent debates and reviews have highlighted deficiencies in the family justice system and raised concerns about whether the courts make things worse for families (see Introduction). What this study suggests is that, although involvement with the courts may exacerbate the conflict and increase levels of stress, it is clear that parents are already highly conflicted and polarised before they enter the court system. As we have indicated, parents who become involved with court applications differ substantially from the wider population of divorcing and separating parents and they present the courts with a significant challenge.

Positively reframed, however, what this means is that the courts are only dealing with cases that do require external intervention. Reasonably effective filters appear to be in place preventing cases being drawn into the court process which do not need to be there. The most effective gatekeepers appear to be parents in the general population, the majority of whom appear to be managing contact fairly well and are satisfied with the arrangements they have (Blackwell & Dawe 2003).

The other positive aspect of the study is that although parents involved in court proceedings were already polarised, for the overwhelming majority the contact dispute was not long-standing. This does suggest that effective 'early' intervention could prevent disputes becoming further entrenched.

The results from this study indicate that an effective intervention would require three components. The first component would be an effective method of risk assessment and risk management. The second would be a rigorous mechanism to assist parents in making decisions about contact timetables where contact is appropriate. The third, and equally critical, element is some form of intervention to enable parents to work more effectively together as co-parents, addressing issues of collaboration, trust and empathy towards each other and to their children. Without all three elements it is difficult to see how the level of stress and anxiety experienced by the parents can be reduced, or how contact could be made to work comfortably and safely for children.



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## Appendix 1. Comparison Study Research Designs

Study	Community or court sample	Principal focus	Recruitment	Sample size	Informants
Blackwell & Dawe (2003)	Community (9% of resident and 13% of non-resident parents had arrangements made at court)	Frequency of contact and satisfaction with contact arrangements	Module component of National Statistics Omnibus Survey	935 parents (649 resident, 312 non-resident and 26 both resident and non-resident)	Resident and non-resident parents
Buchanan et al. (2001)	Court	Parent/child experiences of court welfare report process	Via court welfare service	100 parents from 73 cases	Mothers (52%), fathers (48%)
Dunn et al. (2003)	Community	Child adjustment and association with contact and parental relationships	Representative cohort drawn from longitudinal study recruited originally by health professionals	162 children	Resident mothers
Maclean & Eekelaar (1997)	Community	Parental obligations between parents and to children in different family types (formerly married, formerly	Screened from large continuous omnibus survey conducted by market research	249 parents	Resident (78%) and non-resident parents (28%).

		cohabited, never lived together)	organisation		
Smart et al. (2003)	Court	Resident and contact applications	Court files	430 cases from three courts	Court files
Smith (2003)	Community (<3% involved in court proceedings)	Stepfamily processes and outcomes, including contact with non-resident parent	Representative sample via schools	170 resident parents (with a living non-resident parent)	Resident parents (96% were resident mothers)
Walker et al. 2004	Community ("very few" involved in court proceedings)	Two year follow-up of parents who had attended an information meeting following a petition for divorce		Approximately 800 non-parents	Resident (60%), non-resident (31%) and shared care parents (9%)
Wolchik et al. (1996)	Community	Resident and nonresident perspectives on visitation problems	Recruited from court files of court petitioners	93 couples at Wave 1	Resident and nonresidential parents

## Appendix 2. Test Results

### Section 1. Socio-demographic characteristics

Mean age of parents by former marital status

	<i>t</i>	Df	<i>p</i> = (two-tailed)
Married/non-married	1.996	86	.049*

Mean number of children by former marital status

	<i>t</i>	Df	<i>p</i> = (two-tailed)
Married/non-married	2.697	86	.008**

Mean age of oldest child by former marital status

	<i>t</i>	Df	<i>p</i> = (two-tailed)
Married/non-married	3.903	86	<.001***

### Section 2. Litigation history

Number of applications by former marital status

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Married/non-married	817.000	46, 42	.120

Months between separation and start of contact problems

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Married/non-married	900.500	46, 42	.580
Female/male	923.000	45, 43	.708
Applicants/respondents	933.500	41, 47	.800
Resident/contact	946.500	48, 40	.909

Months between start of contact problems and application

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Married/non-married	456.000	36, 26	.829

Months between separation and application

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Married/non-married	332.500	36, 26	.053

Overall duration of contact problems (to application)

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Married/non-married	885.500	46, 42	.500

### Section 3. Contact patterns

Any direct contact at application

	Pearson $\chi^2$	N	Degrees of freedom	$p =$ (two-tailed)
Female/male	.720	88	1	.396
Resident/contact	2.189	88	1	.139
Resident mothers/contact fathers	1.517	81	1	.218
Applicant/respondent	.171	88	1	.680
Married/non-married	.050	88	1	.823

Regularity of contact (contact occurring at application)

	Pearson $\chi^2$	N	Degrees of freedom	$p =$ (two-tailed)
Female/male	2.199	43	1	.138
Resident/contact	.612	43	1	.434
Married/non-married	2.199	43	1	.138

Regularity of contact (contact within the last six months/recent contact)

	Pearson $\chi^2$	N	Degrees of freedom	$p =$ (two-tailed)
Female/male	.127	65	1	.722
Resident/contact	.043	65	1	.835
Married/non-married	1.394	65	1	.238

Regularity of arrangements and likelihood of breakdown of contact

	Pearson $\chi^2$	N	Degrees of freedom	$p =$ (two-tailed)
Regularity and contact breakdown	.022	65	1	.883

Mean age of the oldest child of the family by staying/visiting contact

	$t$	Df	$p =$ (two-tailed)
Staying/visiting	2.771	77	.007**

Staying and visiting contact by former marital status

	Pearson $\chi^2$	N	Degrees of freedom	$p =$ (two-tailed)
Married/not married	7.099	65	1	.008**

Quantity of contact (hours per month) and age of oldest child

N	<i>Rho</i>	<i>p</i> = (two-tailed)
65	.108	.394

Quantity of contact (hours per month) and age of youngest child

N	<i>Rho</i>	<i>p</i> = (two-tailed)
65	.167	.183

Quantity of contact (hours per month) and distance (in miles)

N	<i>Rho</i>	<i>p</i> = (two-tailed)
65	-.047	.707

Quantity of contact (hours per month) and time since separation (in months)

N	<i>Rho</i>	<i>p</i> = (two-tailed)
65	-.052	.678

Quantity of contact (hours per month) by former marital status

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Married/non-married	417.000	38, 27	.201

Quantity of contact (hours per month) and number of court applications

N	<i>Rho</i>	<i>p</i> = (two-tailed)
65	-.438	<.001***

Any indirect contact at application

	Pearson $\chi^2$	N	Degrees of freedom	<i>p</i> = (two-tailed)
Men/women	1.096	88	1	.295
Resident/contact	2.595	88	1	.107

Indirect contact and age of oldest child

	<i>t</i>	Df	<i>p</i> = (two-tailed)
Indirect contact yes/no	2.486	86	.015**

## Section 4. Past relationship

Length of relationship by former marital status

	<i>F</i>	Df	<i>p</i> = (two-tailed)
Married/not married	17.717	2	<.001***

Stability of relationship by sex

	Pearson $\chi^2$	N	Df	<i>p</i> = (two-tailed)
Men/women	.923	87	1	.337

Initiator of separation by sex

	Pearson $\chi^2$	N	Df	<i>p</i> = (two-tailed)
Men/women	17.475	88	4	.002**

Grouped first reason for separation by sex

	Pearson $\chi^2$	N	Df	<i>p</i> = (two-tailed)
Men/women	21.303	88	3	<.001***

Drinking/drug abuse by sex

	Pearson $\chi^2$	N	Df	<i>p</i> = (two-tailed)
Men/women	3.762	88	1	.052

Mental/verbal abuse by sex

	Pearson $\chi^2$	N	Df	<i>p</i> = (two-tailed)
Men/women	9.136	88	1	.003**

Infidelity (actual or suspected) by sex

	Pearson $\chi^2$	N	Df	<i>p</i> = (two-tailed)
Men/women	.010	88	1	.919

Domestic violence/physical abuse by sex

	Pearson $\chi^2$	N	Df	<i>p</i> = (two-tailed)
Men/women	16.986	88	1	<.001***

Initiating separation by domestic violence as reason for separation

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
DV/No DV	152.500	16, 29	.035*

Interest in reconciliation pre-application by sex

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Men/women	770.500	43, 45	.025*

Interest in reconciliation and time since separation

Sex	N	<i>Rho</i>	<i>p</i> = (two-tailed)
Men	43	.395	.009**
Women	45	.167	.274

Felt would never get over the breakup by sex

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Men/women	720.000	43, 45	.024*

Felt would never get over the breakup and time since separation

Sex	N	<i>Rho</i>	<i>p</i> = (two-tailed)
Men	43	.397	.013*
Women	45	.205	.178

Felt would never get over the breakup and interest in reconciliation

Sex	N	<i>Rho</i>	<i>p</i> = (two-tailed)
Men	43	.60	<.001***
Women	45	.382	.010**

Felt would never get over the breakup and initiator of separation

Sex	N	<i>Rho</i>	<i>p</i> = (two-tailed)
Men	43	-.236	.128
Women	45	-.316	.034*

Ex-partner did not deserve to be happy by sex

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Men/women	582.000	43, 45	<.001***

Wanted to get back at ex-partner by sex

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Men/women	757.000	43, 45	.038*

Deserve to be happy and wanting to get back at

Sex	N	<i>Rho</i>	<i>p</i> = (two-tailed)
Men	43	.642	<.001***
Women	45	.638	<.001***

Deserve to be happy and time since separation

Sex	N	<i>Rho</i>	<i>p</i> = (two-tailed)
Men	43	-.075	.633
Women	45	.045	.481

Wanting to get back at and time since separation

Sex	N	<i>Rho</i>	<i>p</i> = (two-tailed)
Men	43	-.042	.792
Women	45	.192	.205

Wanting to get back at and number of previous applications

Sex	N	<i>Rho</i>	<i>p</i> = (two-tailed)
Men	43	-.061	.698
Women	45	-.173	.256

Deserve to be happy and number of previous applications

Sex	N	<i>Rho</i>	<i>p</i> = (two-tailed)
Men	43	-.136	.385
Women	45	-.131	.390

Deserve to be happy and hours of contact per month (current contact only)

Sex	N	<i>Rho</i>	<i>p</i> = (two-tailed)
Men	32	-.166	.363
Women	33	-.156	.385

Wanted to get back at and hours of contact per month (current contact only)

Sex	N	<i>Rho</i>	<i>p</i> = (two-tailed)
Men	32	-.304	.091
Women	33	-.129	.476

Not deserve to be happy (men)

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Contact at application, yes/no	173.000	23, 20	.078
Recent contact, yes/no	105.500	32, 11	.049

Get back at ex-partner (men)

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Contact at application, yes/no	199.000	23, 20	.306
Recent contact, yes/no	138.000	32, 11	.301

Not deserve to be happy (women)

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Contact at application, yes/no	217.000	20, 25	.427
Recent contact, yes/no	192.500	33, 12	.889

Get back at ex-partner (women)

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Contact at application, yes/no	244.500	20, 25	.890
Recent contact, yes/no	192.000	33, 12	.889

Repartnering status

	Pearson $\chi^2$	N	Df	<i>p</i> = (two-tailed)
Men/women	1.113	88	3	.774
Resident/contact	.715	88	3	.870
Time since separation (Kruskal-Wallis test)	17.678	88	3	.001**

New partner or still single women and attachment/anger

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Interest in reconciliation	249.000	23, 22	.878
Get over the separation	238.500	23, 22	.694
Ex-partner deserving to be happy	217.500	23, 22	.395
Get back at ex-partner	250.500	23, 22	.950

New partner or still single men and attachment/anger

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Interest in reconciliation	222.500	24, 19	.871
Get over the separation	158.000	24, 19	.072

Ex-partner deserving to be happy	205.500	24, 19	.485
Get back at ex-partner	188.000	24, 19	.185

## Section 5. Co-parental relationship

### Quality of relationship

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Resident/contact	706.500	48, 40	.014*
Female/male	802.000	45, 43	.108
Resident mothers/contact fathers	627.000	43, 38	.036*
Married/non-married	945.500	46, 42	.842
Contact at application, yes/no	944.500	43, 45	.823

### Frequency of communication

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Resident/contact	716.500	47, 39	.073
Female/male	852.000	44, 42	.521
Resident mothers/contact fathers	642.000	42, 37	.173
Married/non-married	918.000	45, 41	.968
Contact at application, yes/no	667.000	41, 45	.023*

### Share making major decisions

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Resident/contact	931.500	48, 40	.707
Female/male	952.500	45, 43	.844
Resident mothers/contact fathers	798.500	43, 38	.777
Married/non-married	840.000	46, 42	.098

### Share day-to-day decisions

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Resident/contact	936.000	48, 40	.736
Female/male	961.500	45, 43	.933
Resident mothers/contact fathers	804.500	43, 38	.836
Married/non-married	803.000	46, 42	.022*

Discuss children's personal problems

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Resident/contact	851.500	48, 40	.206
Female/male	875.500	45, 43	.285
Resident mothers/contact fathers	725.500	43, 38	.223
Married/non-married	802.500	46, 42	.057

Shared decision-making scale

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Resident/contact	864.000	48, 40	.290
Female/male	896.000	45, 43	.432
Married/non-married	807.500	46, 42	.081
Recent contact/no-never contact	494.500	65, 23	.002**

Ex-partner help build your relationship with the children

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Resident/contact	797.000	46, 40	.045*
Female/male	819.500	43, 43	.088
Resident mothers/contact fathers	674.500	41, 38	.037*
Married/non-married	864.000	45, 41	.341
Recent contact/no-never contact	621.000	63, 23	.057

You were flexible

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Resident/contact	610.000	46, 35	.054
Female/male	688.500	44, 37	.216
Resident mothers/contact fathers	544.500	42, 33	.037*
Married/non-married	802.000	44, 37	.906
Recent contact/no-never contact	341.500	61, 20	.001**

Ex was flexible

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Resident/contact	810.000	45, 38	.601
Female/male	829.000	43, 40	.720
Resident mothers/contact fathers	725.500	41, 36	.223
Married/non-married	802.000	45, 38	.906
Recent contact/no-never contact	341.500	62, 21	.001**

Trust ex-partner to stick to any agreement that might be made

	Pearson $\chi^2$	N	Df	$p =$ (two-tailed)
Resident/contact	1.980	47, 39	3	.577
Female/male	2.817	44, 42	3	.421
Resident mothers/contact fathers	2.374	42, 37	3	.499
Married/non-married	.410	45, 41	3	.938
Contact at application: yes/no	.288	44, 42	3	.962

Your ex-partner trusted you to stick to any agreement that might be made

	Pearson $\chi^2$	N	Df	$p =$ (two-tailed)
Resident/contact	2.776	48, 39	3	.428
Female/male	3.093	45, 42	3	.378
Resident mothers/contact fathers	2.992	43, 37	3	.393
Married/non-married	12.999	46, 41	3	.005**
Contact at application: yes/no	2.099	43, 44	3	.552

Keeness of ex-partner to sort out contact problems pre-application

	Pearson $\chi^2$	N	Df	$p =$ (two-tailed)
Resident/contact	20.213	48, 37	4	<.001***
Female/male	20.634	45, 40	4	<.001***
Resident mothers/contact fathers	21.465	43, 35	4	<.001***
Married/non-married	1.820	45, 40	4	.769
Contact at application: yes/no	.455	43, 42	4	.978

Keeness of ex-partner to sort out contact problems pre-application

	Pearson $\chi^2$	N	Df	$p =$ (two-tailed)
Resident/contact	4.686	48, 39	4	.321
Female/male	3.343	45, 42	4	.502
Resident mothers/contact fathers	3.952	43, 37	4	.413
Married/non-married	3.989	46, 41	4	.408
Contact at application: yes/no	4.155	43, 44	4	.385

## Section 6. Satisfaction with arrangements pre-application

### Satisfaction with residence

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Resident/contact	288.000	48, 40	<.001***
Female/male	442.500	45, 43	<.001***
Resident mothers/contact fathers	258.000	43, 38	<.001***
Non-resident parents only, contact at application: yes/no	159.000	23, 17	.329

### Satisfaction with level of involvement

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Resident/contact	106.500	48, 40	<.001***
Female/male	251.500	45, 43	<.001***
Resident mothers/contact fathers	97.000	43, 38	<.001***
Non-resident parents only, contact at application: yes/no	175.500	23, 17	.588

### Satisfaction with quantity of contact

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Resident/contact	612.000	48, 40	.002**
Female/male	602.500	45, 43	.002**
Resident mothers/contact fathers	497.000	43, 38	.002**
Non-resident parents only, contact at application: yes/no	137.500	23, 17	.113

### Contact direction

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Resident/contact	376.000	48, 40	<.001***
Female/male	396.500	45, 43	<.001***
Resident mothers/contact fathers	292.000	43, 38	<.001***
Non-resident parents only, contact at application: yes/no	193.500	23, 17	.957

Satisfaction with contact quality

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Resident/contact	703.000	41, 36	.711
Female/male	740.000	39, 38	.992
Resident mothers/contact fathers	610.000	37, 34	.821
Non-resident parents only, contact at application: yes/no	139.000	22, 14	.642

Satisfaction with money/property

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Resident/contact	744.000	48, 40	.063
Female/male	752.000	45, 43	.064
Resident mothers/contact fathers	621.500	43, 38	.057

**Section 7. Contact problems pre-application**

Mean number of contact problems (recent contact, n = 65)

	<i>t</i>	Df	<i>p</i> = (two-tailed)
Resident/contact	.918	63	.362

Number of domains where contact problems occurred (recent contact, n = 63)

	<i>t</i>	Df	<i>p</i> = (two-tailed)
Resident/contact	.925	63	.358

Contact problem ever occurring, by resident and contact parent

Problem/Issue	N	Pearson $\chi^2$	Df	Significance level
Ex was not committed enough to contact	48, 40	6.571	1	< .001***
Contact arrangements not stuck to by the other parent (e.g. lateness, cancellation, frequent changes)	38, 34	.888	1	.346
Child(ren) upset, unsettled or difficult to manage when returning from or coming to contact	38, 34	9.288	1	.002**
You thought the other parent did not give the child(ren) enough attention or appropriate supervision/discipline	36, 33	.606	1	.436
The other parent tried to control your activities/what you did with the child(ren) when they are with you	37, 35	3.755	1	.053
Child(ren) not wanting to go for contact or return home after contact	38, 34	4.462	1	.035*
The child(ren) met or spent time with people you did not want them to see when he/she/they were with the other parent	36, 31	.720	1	.396
Conflicts over money (child support, property etc) made contact more difficult to negotiate or manage	48, 40	.055	1	.815
A threat to stop (having) contact by the other parent	46, 39	21.821	1	< .001***
Fear of violence made it more difficult to sort out problems with your ex-partner	48, 40	11.090	1	.001***
You thought the other parent may have been too harsh in disciplining or might physically harm the child(ren)	38, 33	.064	1	.801
Contact arrangements not stuck to by you (e.g. lateness, cancellation, frequent changes)	38, 34	.888	1	.346
The other parent spoiled the child(ren)	39, 33	3.558	1	.059
A threat to stop (having) contact by you	45, 40	15.772	1	< .001***

Frequency of contact problems occurring, percentages, means, standard deviations, and significance levels

Problem/Issue	Never %		Rarely/ some- times %		Often / Always %		Mean		Std. Dev.		N	Signifi- cance level
	RP	CP	RP	CP	RP	CP	RP	CP	RP	CP		
A threat to stop (having) contact by ex	74	23	17	28	9	49	1.44	2.92	0.914	1.412	46,39	<.001***
A threat to stop (having) contact by you	58	95	25	5	18	0	2.16	1.12	1.547	0.431	45,40	<.001***
Ex was not committed	29	8	27	13	44	80	3.06	3.96	1.605	1.341	48,40	<.001***
Contact arrangements not stuck to by ex	37	27	18	19	45	53	2.81	3.19	1.674	1.625	38, 34	.283
Contact arrangements not stuck to by you	63	74	29	21	8	6	1.69	1.50	1.091	1.140	38,34	.381
Child(ren) not wanting to go for contact	37	62	24	21	40	18	2.94	1.85	1.523	1.347	38,34	.015**
Child(ren) upset, unsettled or difficult	21	56	24	24	55	21	3.56	1.96	1.458	1.248	38,34	<.001***
The other parent spoiled the child(ren)	62	82	15	12	23	6	2.25	1.35	1.723	0.892	39,33	.030*
Not enough attention or supervision/discipline	33	42	25	30	42	27	3.03	2.50	1.675	1.606	36,33	.150
Too harsh in disciplining, might physically harm the child(ren)	61	58	18	27	21	15	2.22	1.88	1.518	1.243	38,33	.928
The child(ren) met or spent time with people you did not want them to see	44	55	12	29	33	16	2.59	2.00	1.682	1.414	36,31	.163
The other parent tried to control your activities	54	31	24	32	22	37	2.09	2.93	1.444	1.668	37,35	.045*
Fear of violence	40	75	21	13	40	13	2.85	1.79	1.698	1.320	48,40	<.001***
Conflicts over money	50	53	13	5	38	43	2.36	2.52	1.782	1.661	48,40	.778

Threat to stop (having) contact by ex-partner, frequency of occurrence

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Resident/contact	364.500	46, 39	< .001***
Female/male	319.500	43, 42	< .001***
Resident mothers/contact fathers	239.000	41, 37	< .001***

Threat to stop (having) contact by self, frequency of occurrence

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Resident/contact	555.500	45, 40	< .000***
Female/male	542.500	43, 42	< .001***
Resident mothers/contact fathers	436.500	40, 38	< .001***

Ex not committed enough to contact, frequency of occurrence

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Resident/contact	532.500	48, 40	< .001***
Female/male	433.000	45, 53	< .001***
Resident mothers/contact fathers	382.000	43, 38	< .001***

Ex not sticking to arrangements: late, cancel, frequent changes, frequency of occurrence

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Resident/contact	554.000	38, 34	.283
Female/male	492.000	37, 35	.070
Resident mothers/contact fathers	445.500	35, 32	.137

Self not sticking to arrangements: late, cancel, frequent changes, frequency of occurrence

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Resident/contact	582.000	38, 34	.381
Female/male			
Resident mothers/contact fathers			

Children not wanting to go for contact, frequency of occurrence

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Resident/contact	445.00	38, 34	.015**
Female/male	410.000	36, 36	.004**
Resident mothers/contact fathers	338.500	34, 32	.005**

Children upset, unsettled or difficult when coming or going, frequency of occurrence

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Resident/contact	322.000	38, 34	<.001***
Female/male	353.000	37, 35	.001***
Resident mothers/contact fathers	276.000	35, 32	<.001***

Ex spoiling the children, frequency of occurrence

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Resident/contact	490.00	39, 33	.030*
Female/male	444.500	37, 35	.004**
Resident mothers/contact fathers	380.500	35, 31	.010**

Ex not enough attention, supervision or discipline, frequency of occurrence

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Resident/contact	478.500	36, 33	.150
Female/male	587.000	35, 34	.921
Resident mothers/contact fathers	439.000	32, 31	.413

Ex too harsh in discipline or might physically harm children, frequency of occurrence

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Resident/contact	620.000	38, 33	.928
Female/male	520.500	36, 35	.156
Resident mothers/contact fathers	474.000	34, 31	.435

Children see people you don't want them to see, frequency of occurrence

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Resident/contact	454.500	36, 31	.163
Female/male	529.000	34, 33	.667
Resident mothers/contact fathers	399.000	32, 29	.311

Ex tries to control your activities/what you do with the children, frequency of occurrence

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Resident/contact	478.500	37, 35	.045*
Female/male	539.000	36, 36	.197
Resident mothers/contact fathers	429.000	34, 33	.082

Fear of violence makes it more difficult to sort out problems with ex, frequency of occurrence

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Resident/contact	584.000	48, 40	< .001***
Female/male	556.500	45, 43	<.001***
Resident mothers/contact fathers	454.000	43, 38	<.001***

Conflicts over money make contact more difficult, frequency of occurrence

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Resident/contact	929.000	48, 40	.778
Female/male	961.000	45, 43	.957
Resident mothers/contact fathers	801.000	43, 38	.870

### Section 8. Domestic violence and child protection

Frequency of fear of violence and ex-partner too harsh/might harm

Sex	N	<i>Rho</i>	<i>p</i> = (two-tailed)
Women	45	.245	.135

Ever concern about ex-partner being too harsh or potentially harming the children

	Pearson $\chi^2$	N	Df	<i>p</i> = (two-tailed)
DV cited as reason for separation, yes/no	1.001	45	1	.317
Ever an injunction, yes/no	.365	45	1	.546

### Section 10. Parent and child well-being

GHQ Above and Below threshold scores

	Pearson $\chi^2$	N	Df	<i>p</i> = (two-tailed)
Male/female	.005	77	1	.943
Resident/contact	.423	77	1	.516
Applicant/respondent	.021	77	1	.885

GHQ Thresholds and contact patterns

	Pearson Chi Square	N	Df	<i>p</i> = (two-tailed)
Contact at application	1.169	77	1	.280
Recent contact	3.654	77	1	.056

GHQ Thresholds

	Mann Whitney <i>U</i>	N	<i>p</i> = (two-tailed)
Time since separation	568.500	22, 55	.680
Hours of contact per month	567.500	22, 55	.672
Number of applications	595.500	22, 55	.895

SDQ Scores by gender of index child

	<i>N</i> =	<i>t</i>	Df	<i>p</i> = (two-tailed)
Resident parent report only	35	1.771	33	0.86
All parent reports	58	1.943	56	0.57

SDQ Scores by age of index child

	<i>N</i> =	<i>r</i>	<i>p</i> = (two-tailed)
Resident parent report only	35	.097	.579
All parent reports	58	.081	.547

SDQ Scores by contact at application or not

	<i>N</i> =	<i>t</i>	Df	<i>p</i> = (two-tailed)
Resident parent report only	35	-.896	33	.377
All parent reports	58	-1.227	56	.225

SDQ Scores by contact within last six months or not

	<i>N</i> =	<i>t</i>	Df	<i>p</i> = (two-tailed)
Resident parent report only	35	-1.326	33	.194
All parent reports	58	-1.561	56	.124

DCA Research Series No. 1/05

**A Profile of Applicants and Respondents in Contact Cases in Essex**

Although the majority of parents make their own contact arrangements informally and are satisfied with them, a small minority of parents turn to the courts to resolve contact disputes. This report seeks to provide a clearer understanding of which parents do take contact problems to court, what problems they have and how the families and their problems compare to non-court users. The research is based on interviews with eighty-eight parents making contact applications in one county in mid 2003.

The study begins with a socio-demographic profile of parents involved in proceedings. It then moves on to explore litigation histories, the pattern of contact prior to proceedings, the co-parental relationship, contact problems and parent and child well-being. The majority of parents were at the first stage of involvement in court proceedings, with very few families who had been involved in multiple proceedings. However, compared to samples of non-court families, the parents who reached court already faced serious challenges. These challenges included contact breakdown, poor co-parental relationships, the range and extent of contact problems, child protection and domestic violence concerns and lower levels of parent and child well-being. Although debates about contact have become increasingly polarised on gender lines, the report also highlights both the similarities and differences in the experiences of men and women.

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