



# Young Adults' Perceptions of Court Ordered Contact

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# Methodology

- Self selecting
- Self report
- 103 young people aged: 18 – 25;
- 28 Court involved over contact
- Telephone interview
- Limitations of study



# Were the Children Heard?

- In *less than half* of the cases that went to Court were the children's opinions sought and a welfare report prepared.
- Of them, *only a third* felt that they had been able to say everything they wanted to say
- In *under a third* cases did they believe that the Court took proper account of their views.
- **BUT**
- *More than three quarters* of participants in court proceedings over contact said that children's views should always be considered
- *Less than half* felt parents had taken proper account of their views

# Emerging Themes

- Children could not say what they wished to say to the *court welfare officer* in the presence of a parent or other sibling
- That they sometimes felt *patronised* by the Court welfare officer and therefore did not co-operate with him/her,
- CWOs may *not spend enough time* with them in exploring what was for many the first real decision in their lives
- Sometimes CWO's did *not accurately report* what the children had said or convey their meaning accurately to the Court.



# Undue pressure

- Respondents were not specifically asked whether their parents had influenced their views
- But around *1 in 10* reported that they felt that their views may have been biased or may not have been freely given.
- In some cases, this was a theoretical awareness of the fact that the parent with whom they lived may have biased them in their favour,
- In *two cases* children reported being *afraid of the consequences* from their resident parent (one father; one mother) of not going along with that parent's version.



# What would have helped?

- When interviewing children, unknown, formal settings can be intimidating
- Children wanted to be interviewed in familiar surroundings, such as a school office, in the presence of a neutral supporter, experienced and trained with children.
- *'It would have helped if they'd come to the school to interview us; on the child's ground instead of the Court's.'*
- *'Venues could be better, more homely and child friendly'*



# Someone to Inform & Explain

- *A quarter of participants whose parents went to court mentioned how much they would have welcomed more information, and – importantly – explanation.*
- *‘Mum was upset and nervous so she wasn’t in a position to inform me, and Dad was hopeless. It was him taking us to Court’.*
- *‘At the time I felt like the least important person. There should be someone to explain to children what’s happening. They shouldn’t think kids don’t understand. Nothing should be hidden from children. People should be open with them. Children should come first.’*



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- *‘No-one explained what it all meant, and I didn’t want to ask Mum or Dad in case they got upset. If everything was explained clearly, children could make the right decisions.’*



# What might improve the situation? A neutral supporter?

- There may be a need for any neutral support to be trained and/or experienced in children and divorce
- *Three quarters* said that they would have liked someone from outside the family to be with them
- 60% mentioned the importance of having someone neutral.
- *A few* felt that a neutral support was unnecessary and/or intrusive, which may suggest that any such provision may need to be a matter of choice for the child.
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# How Did Court Feel?

- ‘I didn’t like it. I just wanted to be like everybody else, and not do that sort of thing’.
- ‘Mum says she’s sorry now. Dad wasn’t motivated by what I wanted either. . .’
- ‘I was young and hostile towards the divorce and I hated the Court’.
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- ‘No-one ever asked me who I wanted to go with. I was never given an opportunity to discuss my feelings about the contact.’



- ‘I merely wanted the proceedings to end and things to be settled outside Court.’
- ‘I hated the proceedings. It seemed ridiculous not to be able to sort it out between us. It wasted a lot of time and money and the end result wasn’t good for anyone.’
- ‘I only really wanted for this not to happen.’



# The Outcome

- *Over half* felt that the Court's decision was the right one
- *Nearly two thirds* thought it had been worth getting a Contact Order
- *Nearly two thirds* thought the Order had changed things for the better.



- Where the Court Order had helped, it was a matter not only of outcome, but of immediate results. It was seen as resolving conflict and tension
- When Contact Orders had, in the participants' eyes, *got things wrong, the difficulties were exacerbated*, frequently by parents ignoring the Court's ruling



- Age at first Court hearing and gender were not significant factors in whether respondents felt the Court Order had helped.
- In general, respondents reported that the Court Order had helped regardless of the reason for the separation
- Where violence was given as the reason for the divorce or as part of the reason for the divorce, only *a third* said that going to Court had helped. This was probably because in all cases bar one, the fathers' violence continued regardless of the Contact Order.



# Outcomes for the Children

- Where the Court was involved over contact, *half* of respondents reported that their parents had come to 'blows' around the time of separation.
- Outcomes for Court ordered participants were worse across the range of measures, with the exception of GHQ scores measuring current psychological functioning, which remained similar, and the current relationship with the non-resident parent.



- **Respondents whose parents had gone to Court over contact were more likely than those whose parents had not done so, to report –**
- Blaming themselves for the separation/divorce
- Suffering from depression
- Having had suicidal thoughts
- Feeling that their academic work had been affected
- Feeling that they had been affected socially
- Being bullied
- Being suspended or excluded from school
- An insecure attachment on the Relationship Questionnaire
- ***Two thirds*** of those whose parents went to Court said that it had taken them more than 10 years to get over the divorce



# The relationship now

- Those who went to Court over contact were *less likely* to have a good relationship with their resident parent now than those whose parents had not gone to court
- The Court sample were significantly less likely to report that their non-resident parent got a fair deal from the divorce



- Violence was not always a reason for a poor relationship.
- Where violence was cited as a main reason for the divorce
- *Half* did described their relationship with the non-resident parent as poor or non-existent,
- *But half* described it as good



- **Implications for Practice**

- 1. *Children's voices need to be heard in a way that reduces the pressure and tension that already surrounds them.*
- This suggests that they should be interviewed in familiar surroundings, by someone with whom they are familiar or by someone with expertise rather than merely training in this area.



- 2. Should *always ensure* that children are interviewed in the absence of parents and with the knowledge that their *views will not be represented* in a way that suggests that they have ‘betrayed’ a parent.
- 3. Provision may need to be made to ensure that siblings are heard separately.



- 4. Need to pilot the use of a *neutral supporter*, someone who can get close to the child before the interview and who can accompany her in the interview if she so wishes.
- 5. In several cases respondents reported parents (in this sample all fathers) who were extremely violent to the point of being life threatening. These parents did not abide by the Court's contact order.



- 6. It may not always be easy to distinguish between these parents and others whose violence may be exacerbated by the tensions that have brought the family to the Court. However, *in about half of all cases*, children were glad that they had maintained contact with a violent father.
- 6. This may suggest that the idea of limiting contact with violent parents via a Contact Order is flawed in so far as where the parent is dangerously violent, the Contact Order is not enough, and where the parent is not, the Contact Order may limit contact unnecessarily.



# So what does it all mean?

- Young people were not placid consumers of their parents' unhappiness.
- Parents may not have agreed with their perceptions of the events surrounding the divorce,
- BUT these perceptions had a validity of their own and clearly had a profound impact on their later lives.

