

EXPERIENCES OF FAMILY COURT PROCESSES AND PROCEEDINGS:



SUMMARY OF CHILDREN AND YOUNG PEOPLE'S FINDINGS

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A BIT ABOUT THE RESEARCH

The research was carried out by researchers from the Centre for Children's Rights at Queen's University Belfast on behalf of the Commissioner for the Victims of Crime N. Ireland.

In order to collect this information, we interviewed 51 people:

- 10 Children and Young People
- 12 Adult Victims/Survivors
- 6 Court Children's Officers (CCOs)
- 4 Independent Social Workers
- 11 Child/Victim Advocates
- 3 Judges
- 5 Legal Professionals

The research examined:

- How adult victims/survivors of domestic abuse experience (private law) family court proceedings
- How children experience participation in the family courts when there has been domestic abuse in the family
- Examples of best practice inside and outside N. Ireland, and ideas for improving family court proceedings for adult victims/survivors and their children.

Child and Youth Advisors

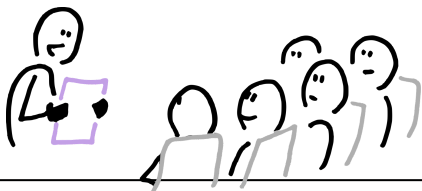
To make sure that we asked children and young people the right things, and in the right way, we worked with a group of young people from the SAY (Social Action Youth) Project, who are supported by Women's Aid.



Through a series of workshops, we discussed

- Who are the most important people to talk to (who could tell us about children's experiences of family courts)?
- What are the best ways to engage with children and young people – what should we ask, how should we ask it, where should we meet them, how do we make them feel safe, comfortable and listened to?
- How do we ensure children's well-being during and after interviews?
- How should we present some of the findings from the research to children and young people?





A BIT ABOUT THIS SUMMARY REPORT

This document provides a summary of the research findings that mainly relate to children and young people.



It is broken into 5 sections:

1

Views and experiences of **children's participation** in family courts processes



2

The specific **impacts** of family court processes on children and young people



3

Post-separation contact – decisions around contact and children's experiences of this



4

Supports available to children when their families are involved with the family courts



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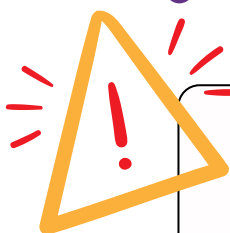
Recommendations for change, especially for making things better for children and young people



You can access the full report here: <https://www.cvocni.org/publications/family-courts-research>

thank
★ you ★

to everyone that took part in
the research !!



Please note that some of what is contained in the summary may bring back difficult emotions and memories for you. You may decide not to read it all at once, or just to read the bits you are most interested in.

If you require support, there is a list of supports at the back of this report.

1

CHILDREN'S PARTICIPATION IN FAMILY COURT PROCESSES

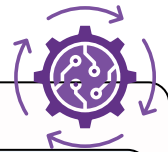
CHILDREN'S RIGHT TO PARTICIPATION

Children have the right to express their views on issues that affect them, and those who make decisions have a responsibility to listen to and take those views into account. This includes in court processes.



Article 12
UNCRC

The FAMILY COURT PROCESS



Children's views are usually collected by a **Court Children's Officer (CCO)**. This is a specially trained social worker. They usually meet with the child on one or more occasions, observe contact with the parent they no longer live with, talk with both parents and anyone else who can help them write their report. They use all of this information to make a recommendation to the courts about what is in the best interests of the child regarding where they live and contact arrangements. CCOs are one of the decision-makers.



Some children might also speak with a **solicitor** who acts on behalf of their parent. These can also express their views to the judge.



The **judge** is the main decision-maker. In making their decision, they rely heavily on the report and recommendations of the CCO.

THE IMPORTANCE OF INVOLVING CHILDREN AND YOUNG PEOPLE

Most adults in the research believe that children's participation is important, but that care needs to be taken in how children are involved.

Many adults were **worried about the stress and harm** family court processes could have on children. This was one of the reasons why not all children would be consulted with, e.g. they would not meet with a CCO to give their views on contact arrangements.



Adults

Legal professionals said that about **half of all children did not have access to a CCO**. This means their views were either not presented to the judge, or this was done through a parent or a parent's solicitor.

It was more likely that CCOs would meet with **older children**. Some felt that younger children – those under 8 – were not consulted or only minimally.

I'm a great proponent of children's wishes and feelings being reflected, but children not being put under pressure or their wee lives interrupted. So it's a balance for me and it depends on the age.

(Legal professional)



Children and Young People (CYP)

Children and young people (CYP) felt that **all children should be offered the option to participate**, in different ways, and at different points in the process.

CYP knew that the process was difficult, because they were living through it. It was important for people to understand this.



Just making them feel included at some point. (...) just enough that they know what's going on.

(CYP)

you've always got to remember the kids that go through that [domestic abuse] are always going to grow up and be more emotionally mature. Because they've already seen it happen. You can't shelter the kid from it. ... what's done is done. Like don't just baby them

(CYP)

CCOs

CCOs in this research showed **great care and concern for the wellbeing of children** whose families were going through the family courts, but there were often a lot of pressures on their time.

CCOs were very concerned that children felt they had to make the final decision about contact.

CCOs were also concerned that some parents might put pressure on children so part of their job was trying to work out what children themselves thought and wanted.

CCOs talked about the wide range of child-friendly methods they used to collect children's views. This was not always reflected in children and young people's experiences.

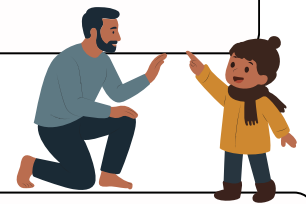
CHILDREN AND YOUNG PEOPLE'S EXPERIENCES OF BEING CONSULTED

Two young people in this study described **positive experiences with CCOs**. They felt they explained the process to them in a way they could understand, took time with them, were caring, and listened to them. One young person explained their experience: →

The other eight young people shared **less positive** experiences. They described a range of situations which all led to a lack of meaningful participation.

she just kind of let me do what I had to do to let myself speak. She didn't ask me like pressing questions I think she was really nice. ... She just kind of gave me like the time that I needed to adjust myself to what was happening and like I was also in a familiar space and stuff. ... And I eventually talked to her about it and she was just like a lot kinder and more willing to help me.

(CYP)




I found them quite difficult.... Like, just the things she was asking,... I couldn't process it fully. It was like really big words. Like I can't even remember what she said. (CYP)

Like she [CCO] tried to get me to speak and then because I was so anxious all the time and I couldn't have my mum or anyone else in there. She would just be like "okay, you just don't want to talk to me" (CYP)

So you're almost like suppressing what you're trying to say. ... if you don't know what's going to happen with it, you're going to have to like, almost assume the worst of it ... it just completely limits what you're going to say. (CYP)

Situations leading to a lack of meaningful participation

- ▶ **Not feeling prepared** for meeting the CCO. Some felt scared, others were suspicious. They saw them as a stranger.
- ▶ There was **little time** to develop relationships of trust or comfort. Most remembered only meeting the CCO once.
- ▶ Some were **confused** about the process. Most did not remember being told why they were meeting or how the information they provided would be used.
- ▶ Some described **the questioning as intensive**, others felt contact was being pushed. 
- ▶ All of this could cause children to **shut down** – be unwilling or unable to share their views.
- ▶ The **physical spaces** where children and young people described meeting CCOs were not comfortable, welcoming or child-friendly. Most described them as being **formal and office-like**. Some described the situation and the nature of questions as **similar to a police interview**.

she [CCO] was sitting behind the desk ... it was as if we were like, having a jail interview or something.... With a police officer (CYP)



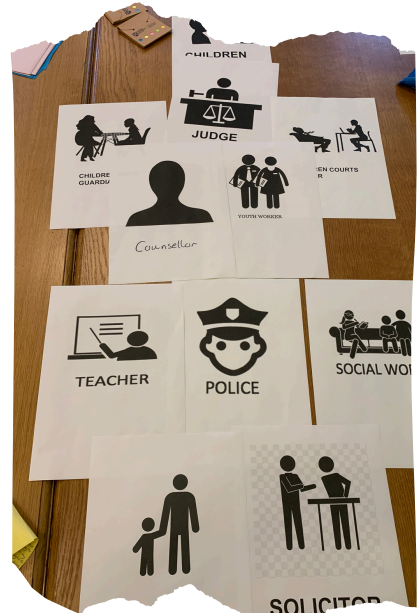
Those who had met with solicitors described similar experiences but they thought this was more understandable as they were not trained in working with children, nor were they necessarily representing their voices.



TAKING CYP'S VIEWS INTO ACCOUNT

Those children and young people who reported more positive engagement with CCOs felt that they had been listened to, with their views influencing decisions.

However, most children and young people we spoke to did not think they had been listened to.

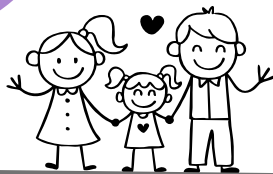


they seemed kind of like they were telling you what was going to happen instead of asking you what you wanted to happen. (CYP)

I felt useless in a dynamic where it was all about me... No. I didn't feel listened to at all. (CYP)



lawyers and solicitors and all that are very good with their words. But I didn't think they'd ever go against the child that they're in charge of, you know? It felt like he just wanted to have a 'happy family' back together instead of what I in fact wanted. (CYP)



Reasons they did **not** feel listened to

- ✗ Children had not felt able to express their views in meetings.
- ✗ Children did not know how their views would be used, so they did not share them.
- ✗ Children felt the CCO had already made a decision, so it didn't matter what they said.
- ✗ They had expressed their views but decisions were made that did not reflect these (e.g. children expressed they wanted no contact with one parent, but the court granted this).

CCOs

CCOs explained that they did listen to children's views and that they put these into their report.

They said: 'the child's voice is powerful', but it is only one part of the information they provide to the judge.

Judges

Judges said they take children's views into account when they made their decisions but that they weigh these up with other evidence to decide what is in the best interests of the child.

Factors that could impact on the weight given to children's views

- ★ Older children's views were given more weight – there was concern about the understanding of younger children.
- ★ If it was felt parent/s influenced children's views, less weight would be given to them.
- ★ If children acted differently in contact, to what they said about contact, more weight could be given to the observation of contact.
- ★ If a judge disagrees with what is in a child's best interests.

Unless the child is a teenager, then I really don't hear their voice being heard in court. ... Other than that, I feel like the children's choices aren't heard. They're not listened to. They're not believed. ... If you're ever younger than like ten, eleven, then it's almost seen like it's coming from mum, not coming from the child. (Child/Victim Advocate)

No it has to be what is in the child's best interests. The child's best interests are paramount. Not the wishes of the child. (Judiciary)



FEEDING BACK DECISIONS TO CHILDREN

CCOs and judges



CCOs and judges said they rarely provide feedback on their decisions to children. There is no legal requirement for them to do so and there are a lot of time pressures on them already.

However, most were willing to consider this and to think about appropriate ways in which this could be done.

Children and Young People

Children and young people would like the **option** of being provided with feedback on court decisions – either from the CCO or judge.

This could help them understand why decisions were made and show them how their views were taken into account.

This was felt to be important even in cases where court decisions were different to children's wishes.

If the judge can say, 'I have listened to what you told the CCO and this is what I've decided, and this is why', it's so much more helpful to kids, even if there is that sort of injustice of it's not what they wanted, they can sort of rationalise it a bit better in their head.

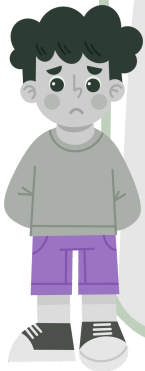
(Child/Victim Advocate)



2

IMPACTS ON CHILDREN OF FAMILIES GOING THROUGH THE FAMILY COURTS

We asked children and young people, parents and child/victim advocates how they thought going through family courts specifically impacted children. This is a summary of the main issues discussed.



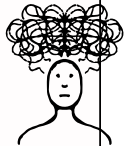
It's really hard seeing her [mum] upset and I've no idea, I can't even guess what it's about because I haven't had enough contact with judges, solicitors, and that. It's just hard.

(CYP)

While parents often tried to **protect** children by not involving them in family court processes, most children **knew** there was something going on.

This was because they could **see** their parents' stress or upset, overhear bits of conversations or be told some things by one parent.

Some children **worried** a lot about one/both parents because they could see their distress.



Family court processes were often long and drawn out.

They could cause **disruptions** to children and young people's everyday lives over long periods of time.

Children and young people spoke of the **impacts on friendships and social life**.

New living or contact arrangements could impact **social and leisure opportunities** (e.g. attending after school activities, weekend sports, birthday parties).

Some felt they had to grow up fast.

I just stopped caring about relationships with like my school mates. ... because I gained a lot of emotional maturity so fast ... you sort of realise at that age that a lot of things are different than how you actually thought. That glassy, happy kid filter, it's like, no way, you're in the adult world. (CYP)

Like I was stressed. Like, I don't know how to process it.

Then I just couldn't understand everything, didn't know what it all meant and it was just corrupting my head.

(CYP)

Attending school or concentrating when in school could be difficult as there was so much going on in children's home lives.

Some children suffered from **anxiety**, others spoke of **stress** or **fear**.

A few young people remembered being physically ill, being **unable to eat or sleep** and feeling emotionally and physically **exhausted** all the time.



CHILDREN'S EXPERIENCES OF POST SEPARATION CONTACT

The research revealed that family courts usually grant **some level of contact** with the non-resident parent, and that it is 'very rare' that no contact would be granted.

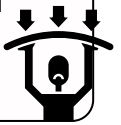
I didn't really want to go see my dad, because I always remembered why they split up. And I just didn't want to see him. And then the first thing that came out of the courts was that we were seeing him. (CYP)



Children and Young People

Some children and young people in the research felt '**forced**' and '**pressured**' into agreeing to forms of contact they were not happy with, especially when they were younger.

Some who had expressed that they did not want any contact felt that their wishes had not been taken into account – this could cause stress, upset and confusion for children.



Professionals

Some professionals felt that children and young people could be protected through having **indirect contact** such as receiving letters or having video calls and they might also benefit from having contact **build up gradually**.

BUT

I guess I just felt really guilty about it because, I had to keep seeing him and at this point he was becoming a lot more emotional because he wasn't seeing his children and I had to see that and it just made me feel really shit about the decisions I'd made. The things that I'd said. (CYP)



Children and Young People

Some children and young people felt that contact could **build up too quickly** into overnight visits.

Others also said they were still anxious about indirect contact and sometimes receiving a letter or phone call could be worrying.

Some children were aware that contact had an impact on their resident parent. They realised that even having indirect contact meant that their resident parent had to receive emails or phone calls from the perpetrator which made them anxious or fearful.

Sometimes children felt manipulated by the non-resident parent, being made to feel guilty for not wanting to attend contact or having to change their own arrangements to suit their parent.

Some young people talked about **struggling with emotional wellbeing after contact visits** and parents described their children having some behavioural changes – for example, withdrawing from social contexts and having angry outbursts.

The research shows that it is important to take children's views on contact seriously, especially when they say they do not want to see their non-resident parent.

Children need to be consulted when decisions are being made about contact, but they also need to be consulted as contact progresses.



4

SUPPORTS

The research found that children and young people often did not have much preparation for their involvement in family court processes, particularly in meeting CCOs.



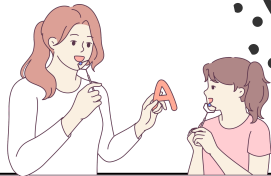
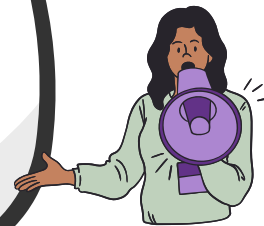
Child/victim support workers were sometimes able to offer support.

They felt that because the process could be confusing and stressful that children needed support before meeting CCOs, and afterwards.



Sometimes parents were told not to prepare them as this might be seen as influencing, but often parents did not have the right information in order to prepare children.

the pre-CCO meeting and the post-CCO meeting could probably be a lot more therapeutic and a lot more understanding around like, you know, the trauma that they're having to go through. Yeah. There's not really anything before it to prepare them and then as I said after to support them with everything that's going on. (Child / Victim Advocate)



Some children and young people had access to some supports like play therapy and school counselling but generally supports were not specialised to experiences of domestic abuse.

Children and young people felt it could be hard to speak to several people about their experiences.

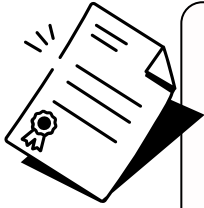
Some children and young people benefited from supports from family members – aunts, uncles and grandparents – who they could trust and felt comfortable speaking to.

CONTACT POINTS, SUPPORTS & OTHER USEFUL INFORMATION

- Contact your local Women's Aid - <https://www.womensaidni.org>
- Childline - **080001111**
- Domestic abuse helpline - **0808 8021414**
- SAY (Social Action Youth - youth project and information on healthy and unhealthy relationships)- <https://www.sayni.org.uk/>
- Ulster University Family Courts information - <https://www.ulster.ac.uk/familycourtinfo>
- Northern Ireland Commissioner for Children and Young People (find out about your rights) - <https://www.niccy.org/children-and-young-people/>

5

WHAT NEEDS TO BE DONE



Based on the findings from the research, we have set out several recommendations co-designed with children and young people from the SAY project. The following relate specifically to children and young people:



There should be specialised training for judiciary (judges), legal professionals, CCOs and independent social workers on the experiences and impacts of domestic abuse on children and young people.

CCOs should be appointed earlier and for longer so that children's views are heard throughout the process. To help build relationships, children and young people should always meet the same CCO.



Co-design with children and young people a child-friendly resource advising about the process: who is who, what they will be asked, how their information is used and how decisions are made.

Consult children on how they would like to tell their views to the court.



Have compulsory formal ways of feeding back decisions to children and young people. Consult with children and young people on ways that feedback could be done.

Fund specialist domestic abuse support workers for children to help them prepare and to provide support **before, during and after** the process. Resource opportunities for family and peer support.





GLOSSARY



← → ↻ 🔍 Court Children's Officer (CCO)

A specially trained social worker who makes recommendations to the court about children.

← → ↻ 🔍 Child/victim advocate

Those working for organisations who support adult and child victims/survivors of domestic abuse.

← → ↻ 🔍 Family court (private law)

Specialised courts which make decisions about arrangements for children when parents (or those with parental responsibility) don't agree. This could be, for example, deciding where a child lives or whether they have contact with both parents.

← → ↻ 🔍 Independent social worker

A qualified (trained) social worker who does not work directly for a Health and Social Care Trust. They can work for different agencies or be hired by parents to speed up court processes. They are independent experts who make recommendations to the court about children.

← → ↻ 🔍 UNCRC

United Convention on the Rights of the Child - An agreement made by governments to protect the rights of children. The Convention contains 42 rights. You can find a summary here: <https://www.unicef.org/child-rights-convention/convention-text-childrens-version>