



# Taylor *Bracewell*

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### SEPARATION AND YOUR CHILDREN

Separation is such a stressful time for parents that it is not always easy to think of the needs of your children. But the way you handle things now will have a lasting influence on the children. Above all remember that continuing conflict between you and your partner during and after separation, as well as severely undermining your effectiveness as a parent, is far more likely to adversely affect the children than the separation itself.

When dealing with the children, it is what is right, not who is right, that is important and you need to decide what is best for the children and not for you or your partner.

#### **When parents split up, children need:**

##### **1. Information**

Even young children understand more than their parents think, and they need, and deserve, an explanation why one of you is leaving home. Give them as much warning as possible and tell them in a way they can understand. Also, the story of your separation may have to be told regularly as the children grow older and are more able to understand what has happened. When mum or dad has left, children often think that it is their fault. They should be told that you are parting because you can no longer live happily together, but that it does not alter your feelings for them and that you both still love them.



##### **2. Opportunities to express their feelings**

All children are affected, though some may not show it. They may need gentle encouragement to talk about what the separation means to them, and for you to accept their feelings about it. Teenagers, who often find it difficult to talk to their parents anyway, may be helped by confiding in someone outside the family, e.g. a close friend, teacher, school counsellor or youth leader. It can often be helpful to tell your child's teacher so that the school can be aware of possible distress. Older children may also seek comfort in accessing online forums for children in similar situations such as [www.voicesinthemiddle.org.uk](http://www.voicesinthemiddle.org.uk) or [www.familyinitiative.org.uk](http://www.familyinitiative.org.uk).

##### **3. A chance to go on seeing the absent parent**

Children need to remain aware that they have two separate parents, not one. After divorce/separation/judicial separation both parents retain "parental responsibility". If parents are not married Fathers can acquire parental responsibility by agreement or Court Order, and for a child born after the 1<sup>st</sup> December 2003, the father being registered on the Birth Certificate. You and your spouse may be separating, but that does not mean you are "divorcing" your children. If at all possible, children need to go on seeing their absent parent and, if appropriate, to have a say in how, when and where these visits take place. Whatever happens, children do not forget about their

origins and, one day, will want to know what decisions were made, and why, and all about a parent with whom they have lost contact.

#### **4. To be able to respect both parents**

Unhappy parents sometimes express their feelings, consciously or unconsciously, about their partner, to the child. Most children love both their parents and you should try, however strongly you are tempted, not to push them into taking sides. Furthermore, if a child is led to believe that one parent is a "bad lot" then he/she may feel that half of him/her is a bad lot too! So remember, it is you who are getting divorced or separated, not the children, and they cannot, and should not be expected to share the same feelings as their parents.

#### **5. Their parents to respect one another**

In the interests of the children, separating or divorcing parents need to understand one another - the parent with whom the child lives needs to grasp what it is like to only have contact visits at weekends and the other parent needs to recognise the pressure of providing round-the-clock care for the children single handedly.

#### **6. As much continuity as possible in their normal routine**

At times of change, children, like the rest of us, find comfort and security in the familiar. It helps to keep to a regular routine for their meals and bedtime, and to continue to go to school and see their friends.

#### **7. To have their future welfare planned by their parents, not by a Court**

The Children Act encourages parental responsibility and discourages court intervention. Long court cases can cause children further stress and hurt as parents try to prove who is right. In any case, parents are in a better position to say what is best for their children than any court. You must be careful not to make the child feel at any time that he/she is being asked to choose between his/her mum or dad.

#### **8. Consideration of their feelings when parents begin new relationships**

Parents' new relationships can be upsetting for children of all ages. Try to imagine what your child could be feeling and allow time for the situation to be accepted.

These guidelines are intended to help you and help your children if you are faced with separation or divorce. They are not always easy to follow, so don't worry if sometimes you do not succeed.

### **Contact with Children**

It is important to accept, from the start, that children have a right to contact with both parents and not vice-versa. Contact is to meet a child's needs and not the wishes of the parent.

Contact with both parents helps to reduce a child's feeling of rejection, removes the fear of losing the absent parent altogether, and shows the child that he/she is still loved by both parents.

For these reasons, parents with day to day care should always encourage contact with the absent parent, even if it appears an intrusion, and not put obstacles in the way.



Children need to feel that they have the support and permission of the parent they live with, to see the absent parent. It is easy for parents to agree, but to give unconscious messages to the children which say, "I'll be upset if you go". The children are then locked in a conflict of loyalty.

In fact, the burden lies with the parent with care to encourage the absent parent to feel involved in the children's upbringing by way of information about what the child is doing, the dates and times of school events and perhaps by delegating to the absent parent important tasks such as taking their son to football, or their daughter to dancing.

Of course this requires communication between parents as well as co-operation and flexibility. Even if you are still very angry with each other, try if you can to talk at least in a business-like manner to your partner where issues affecting the children are concerned. Certainly do not use the children as messengers or involve them in any conflict between yourselves.

## **Some Important issues**

### **1. Style of child rearing**

The contact parent will do things differently and the custodial parent needs to accept this (no two parents will ever agree totally about child rearing). It's necessary to play down minor differences in approach and not to allow yourself to be tested out by a child e.g. "Daddy lets me stay up until eleven o'clock", or, "Mummy says I can leave my vegetables". But the absent parent must accept the parent with care bears the brunt of day-to-day care of the child and should not undermine routine unnecessarily.

### **2. Discipline**

Again, parents will have different approaches to discipline, but, as with other important issues, it might be worth discussing the issue before contact visits commence to establish some consistency and so that the child does not play one parent off against the other.

### **3. Contamination**

"He learns bad habits from his father", is an often-heard complaint regarding contact visits. However, short periods of contact are unlikely to affect the child's overall development and anyway the accusation is often more of an excuse than a real anxiety.

### **4. Buying affection**

Parents with care often feel that the absent parent is trying to buy the child's favour through sweets, presents, outings, etc., but the absent parent with care has limited time to show that he/she loves the children and might well have a tendency to spoil the children in the short time available.



## **Some Do's and Dont's about contact visits**

- DO be punctual. Lateness leads to conflict between parents and may spoil the visit for the child.

- DO establish a pattern for contact visits as soon as possible. The desire for "clean breaks" or "settling-in" periods are more to do with the parents' needs than the needs of the children.
- DO deal frankly, but sympathetically, with the issue of new partners - both with your former partner and with the children.
- DO recognise that, as children get older, they have friendships, school activities, hobbies etc., and contact arrangements need to take these into account.
- DO, where time and space permits, spend time simply being WITH your children. As an absent parent, this will help your relationship with your children more than organised activities.
- DON'T blame every physical ailment on the last contact visit! Psychosomatic symptoms could be just as much caused by the disapproval (direct or indirect) of the parent with care as by the contact visit itself.
- DON'T question the children about your ex-partner's personal life (they feel like spies and feel guilty and confused).
- DON'T use the children to get at your ex-partner (for instance by denying contact because of your own anger and bitterness).
- DON'T encourage the children to take sides - it is you who are getting divorce, not the children.

If you can follow these guidelines (and don't worry if you can't follow them all) then contact visits will be a positive and enriching experience for the children that will assist their development into adulthood and their sense of personal wellbeing.

Taylor Bracewell Solicitors is a dynamic and forward thinking legal firm with offices in Doncaster and Sheffield. We are passionate about providing individual service and connecting with our clients on a one to one basis. This enables us to fully understand our clients' legal needs and deliver exceptional value in all our services.

If you would like more information about family or would like to arrange an appointment to discuss matters further please contact us on 01302 341414 or 0114 272 1884.



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