

# Practice guide



## Family breakdown and children

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Whatever view may be taken within the Christian community of the sanctity of marriage, the fact remains that rates of divorce within British society have been steadily rising over the last several decades (1). Parents who cohabit are three times more likely to have separated by the time their child is five (2) and, given that rates of cohabitation are also rising, indications for future family stability are not good. The consequences of family breakdown, both in human and in financial terms, are extremely high which is why this subject remains near the top of the government's social policy agenda. However, it is the impact on children that is most worrying as there is a growing body of research evidence that proves that family breakdown, as well as being a major route into poverty, is also very closely associated with poor outcomes for children. One consequence of family breakdown is that many children are losing touch with their fathers. Around one third of 16 year olds now live apart from their biological fathers (3).

An evidence review commissioned by the then DCSF in 2009 concludes:

"On a range of outcomes including educational achievement, behaviour, mental health, self concept, social competence and long term health, there are significant differences between children who experience parental separation compared with children from intact families." (4)

In spite of the fact that there are lots of differences between families, and that every family is unique, it has been clearly demonstrated that children who experience family breakdown are more likely to experience behaviour problems, perform less well at school, leave school and home earlier, become sexually active, pregnant or a parent at an early age and report more depressive symptoms and higher levels of smoking, drinking and other

drug use during adolescence and adulthood. A very thorough review of the available evidence by the Joseph Rowntree Foundation in 1998 (5) concluded that the children of separated families have about twice the probability of experiencing poor outcomes in the long term, compared to children in intact families. At the most extreme level of family breakdown there has been a relentless rise in the number of children entering the care system (6)

## Family law

The Children Act 1989 was a pioneering piece of legislation because it brought together public and private law as they affect children and families. Within the Children Act, the child's welfare is central in all decisions made about children and the concept of 'parental responsibility' replaces that of 'parental rights'. Children are seen to be best looked after by their own parents and the state can only intervene if the child is suffering, or at risk of suffering, from 'significant harm'. With regard to divorce and separation, the principle of parental responsibility attempts to ensure continuity for the child because parental responsibility continues, in law, until the child reaches the age of 18. With very few exceptions (such as when parental responsibility is

extinguished in adoption) parental responsibility continues, post separation, until the child reaches the age of 18. This is in recognition of the fact that, although the relationship between the parents may have broken down, the child still needs their mother and father. Parental separation means that the child can no longer live full time with both parents but he or she will have regular contact ('contact' replaced 'access' in the Children Act) with the non-resident parent.

## Arrangements for the children post separation

When a couple with children split up, decisions have to be made about the children for whom they are jointly responsible. The biggest decisions relate to where and with whom the child will live (residence) and, as a consequence of this, what arrangements need to be made for the child to see the other parent (contact). If there is more than one child and the plan is for the children to live separately then sibling contact also needs to be considered. In the vast majority of cases, parents are able to agree these decisions without recourse to the law courts. However, if the couple are unable to agree on these issues, they may need to get a court to adjudicate by making a court order (now called a Child

Arrangements Order) which deals with questions of residence and contact. Family lawyers help parents negotiate issues arising from divorce and separation, although financial assistance for legal advice through the Legal Services Commission (legal aid) has become very restricted, apart from where domestic abuse is an issue.

CAFCASS (Children and Families Advice and Support Service) is a government agency providing child centred advice and support to families in dispute about arrangements for children. The CAFCASS website provides lots of information and advice to parents who are going through this process and advocates the completion of a CAFCASS Parenting Plan (7) which can be done online. CAFCASS can also help parents come to an agreement about arrangements for their children through mediation (out of court dispute resolution). If all attempts at resolution fail then a court application will be made and a CAFCASS officer (who is a specially trained social worker) appointed to advise the court on the child's best interests. The CAFCASS officer will usually visit the child/children and both parents in order to form a view about what arrangements would best meet the child's needs and then give evidence in Court.

Although grandparents often play a very significant role in the lives of their grandchildren in difficult family circumstances, they do not have a legal right to contact with their grandchildren. They can, however, in certain circumstances, seek the court's permission to apply for a Contact Order and organisations like Grandparents Plus (8) can help with advice and support.

### Can churches help?

There is a great deal of controversy as to what social forces are driving these changes in families and society and churches have their part to play in the ongoing debate about what constitutes 'a good childhood'. Churches can also play an important role in bringing positive teaching on family relationships and promoting the Christian values of loving and honouring one another. Some churches provide marriage preparation and marriage enrichment classes; parenting courses, both for church members and members of the wider community, may also be delivered by churches or hosted in churches. When families are experiencing pressure and adversity of various sorts, pastoral care provided by the church can make a real difference.

It would be naïve to think, though, that churches would not be affected

by family breakdowns within their own congregations and therefore all churches need to be prepared to respond wisely and compassionately to the reality of family breakdown in their midst. This Practice Guide aims to offer some guidance to churches wanting to care for and help children affected.

We know from our own experience and observation, as well as from reading and research, that children have basic needs to be loved, affirmed, valued and believed in. They need to know, at a deep level, that key adults in their lives (their parents and carers, especially) pay attention to them, notice them and hold them in their minds, when they are not there physically, as well as when they are there beside them. They need stability, consistency and continuity, a life that is ordered and has boundaries, but within which they are free to explore and grow. Of course, there are transitions in every child's life, whether this be the arrival of a new sibling, the move to a new family home or starting at a new school, but the child's attachment to their main care givers provides an anchor and helps them stay rooted and settled.

Any change in caregiving arrangements for a child, however, is a different level of change which requires an adjustment that is more

difficult and potentially painful for the child. Depending on the age and stage of development of the child, the loss of a parent (and it will seem like that to the child) through divorce and separation may be acutely felt. Parents, who are dealing with their own, often conflicted feelings about what's happening to their family, have the added pressure of trying to talk to their child about a painful and emotive subject. All members of the family will be affected by this change, the effects of which will ripple through the nuclear family, into the wider family and even into the church family.

Given the difficulty in making this adjustment what can churches do to help?

- **Understanding.** Churches should be accepting, inclusive and non-judgmental towards families when they are going through this difficult transition. Taking sides and allocating blame will not help.
- **Information and advice to families.** Parents need to know where they can find legal help or mediation services and they need to be directed to CAFCASS and other sources of advice and support.
- **Pastoral care for the adults.** It may be very challenging, in

practice, for the same church to provide pastoral help and support to both parents who are going through a separation, especially if it is contested. If the children stay with the mother and the father moves away from the family home, which happens in the majority of cases, then the local church may be better placed to support the mother and children whilst arranging for the father to be supported elsewhere (if this is what he wants).

- **Time for the children.** The children will need lots of reassurance and time to get used to the new arrangements. If the children are involved in children's activities at church then the children's workers will need to know about the changes that are going on in the children's home lives. Depending on the particular child, it may be helpful to give the child the opportunity to talk about what is happening to a trusted adult by facilitating some one-to-one time when the child can talk about how they feel about what's happening in their family.
- **Safeguarding.** If there is a high level of conflict between the parents then we know that this is very damaging to the children. Where there are concerns

around domestic abuse there will need to be close liaison between the church and the statutory authorities (see our Practice Guide on Domestic Abuse). Any attempts to counsel the adults with the aim of family reunification would be inappropriate and possibly dangerous. In acrimonious and conflicted separations it is particularly important for the church to remain neutral and child centred as there is a danger of well-meaning church members getting caught up in endless disputes about child care.

- **Contact matters.** Children have a right to continuing contact with the non-resident parent after separation and this is important to their identity and self-esteem (policy has changed in this regard in that contact is now seen less as a 'parental' right and more as a right for the child). Because, more often than not, it is the father who moves away from the family home, there can be a tendency for fathers to become marginalised and drift away from their children. However, a study reported by the Fatherhood Institute in 2013 shows that the overall picture of contact between fathers and non-resident children is a positive one, with 59% reporting seeing or contacting

children not living with them at least once a week and 81% saying they are very or quite close with their children. The report also reveals that an estimated 129,000 of men (13% of non-resident fathers) say they have no contact at all with their children (9).

Many churches are family friendly environments that could do more to support contact between children and non-resident parents. There is a desperate shortage of warm and welcoming venues where children can enjoy some contact time with their parent and this is one area where churches, with some professional support and supervision, could make a significant contribution (10). Although the requirements for providing supervised contact are likely to be beyond the capacity of most churches, providing a safe and neutral environment for supported contact is well within the means of many churches and other community organisations.

## Source

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4. Ann Mooney, Chris Oliver and Marjorie Smith (2009) Impact of Family Breakdown on Children's Wellbeing, page 1
5. Rodgers B and Pryor J 1998 Divorce and Separation: the outcomes for children
6. Judge Mumby 15th View from the President's Chamber, September 2016
7. [www.cafcass.gov.uk/grown-ups/parenting-plan.aspx](http://www.cafcass.gov.uk/grown-ups/parenting-plan.aspx) (accessed 21.03.2017)
8. [www.grandparentsplus.org.uk/lostcontact](http://www.grandparentsplus.org.uk/lostcontact) (accessed 28.03.2017)
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10. See National Association of Contact Centres. To find a contact centre in your area: [www.naccc.org.uk/find-a-centre](http://www.naccc.org.uk/find-a-centre) or to find out about how your church can help: [www.naccc.org.uk/get-involved/candidate-status-new](http://www.naccc.org.uk/get-involved/candidate-status-new) (accessed 21.03.2017)

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