

Taking a longer view of contact: The perspectives of young adults who experienced parental separation in their youth

Summary

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Two contrasting case studies

Susan, now aged 29, has very positive memories of having contact with her non-resident mother. In fact, she thinks her parents handled the contact arrangements very well and she can't think of anything she would have wanted changing. Susan's mother left suddenly when she was 11, all three children remaining with their father. She had contact every weekend, staying over once her mother got suitable accommodation, and when they were younger her mother came around to 'babysit' so her father could go out. Susan enjoyed the time she spent with her mother, who always made sure there was 'lots to do'. Her parents were civil to each other and neither ever said anything negative about the other in her presence. The arrangements were flexible and her mother was always willing to change if Susan had other things to do. She had an easy relationship with her mother's new partner, who did not come onto the scene for some years, was introduced to her very gently and, in the early stages, was not around much during the contact weekends. Susan feels she now has a good relationship with both her parents and is quite happy to invite them both to her forthcoming wedding.

In contrast, **Anna** (25) recalls her experience of contact with her non-resident father as very negative. Anna lived with her mother after her parents separated when she was five years old. Every Sunday, for the next nine years, her father collected her and her younger sister and took them to his house where he lived with his new partner, her three children and two children from their new relationship.

Anna says that she saw her father 'out of protest', because her mother insisted that it was very important for her to keep up the relationship with him. One of her earliest memories is sitting at the bottom of the stairs and being prised off the banisters to go with her father. Other vivid memories are sitting waiting while her father either turned up late, or not at all, and her parents having 'blazing rows' at handovers. Both parents continually badmouthed each other. Anna never felt at home at her father's house. She had a difficult relationship with her stepmother, objecting to being made to call her mum, send her mother's day cards and call her parents Nan and Granddad. There was little to do on contact visits except visit a car boot sale or watch television. She would much rather have been at home with her friends. Although as she got older she enjoyed her relationship with her stepmother's children, she felt her father put them first. He bought them more expensive birthday and Christmas presents, and never spent 'quality time' with her and her sister alone.

Anna's mother told her that her father had been a 'brilliant dad' before the separation but Anna cannot remember this at all. She feels her father was not really bothered about seeing her, had focused on his new family and was never really 'a father' to her or bothered getting to know her. At the age of 14 Anna decided to stop the regular Sunday visits and to make her own decisions about whether and when to see her father. Although she has remained in touch, this is more out of a sense of obligation than emotional connectedness and they now have little to say to each other. Her parents remain hostile to each other and after a couple of disastrous experiences Anna says she will not be inviting them both to the same social event again.

The very different experiences of these two young women illustrate many of the key themes in this research study.

Background to the research

Thousands of children experience parental separation every year. An increasing body of international research shows that most will find this event extremely stressful and that some will experience long-term adverse outcomes. An important way of protecting them from such harm is to ensure that they have a positive relationship with each parent. On separation couples must decide how their children's future care is to be organised. The traditional arrangement is for one parent (typically the mother) to be the primary carer, and for the other (usually the father) to become the contact parent. This research study was conceived at a time when there was considerable debate over whether legislation should be introduced encouraging separating parents to share their children's time more equally between them.

This controversy has recently gained pace with the government now intent on amending the Children Act 1989 in a way designed to promote non-resident parents' greater involvement in children's lives. Whatever the outcome of these plans, contact will remain high on the UK family policy agenda. It is also one of the most difficult issues faced by the courts and family justice practitioners. It is therefore crucial for legislators, policy-makers and practitioners to have access to sound empirical evidence which can help inform their thinking. Without it there is a real danger that important changes will be introduced without asking one vital question – what is the long-term impact on the children themselves of the contact arrangements that parents make under the existing law?

This study aimed to address this research gap by documenting the views of young adults who experienced parental separation in their youth.

Aims of the study

The first objective of this project was to give voice to a group of people largely ignored in UK research on post-separation contact; young adults who had experienced parental separation in childhood. It aimed to document their reflections on the contact they had/did not have with their non-resident parent, with particular reference to certain specific research questions: what worked/did not work for them; what was and was not important; what problems, if any, they experienced and how these were dealt with; how far they were able to express their own views about contact and the extent to which those views were taken into account; what they wished had been done differently; what impact they felt the contact they experienced had had on their adult lives, particularly their current relationships with their parents.

Our second objective was to investigate whether their evaluations of contact were associated with any particular characteristics of contact, the involvement of the young person in contact decisions, and the nature and extent of contact problems, including safety concerns and exposure to parental conflict.

One key question which we hoped to address throughout was whether their views about contact and their non-resident parent had changed as they grew older, including their own estimation of the value of contact and their perceptions of how their parents dealt with it.

Study design

There were two parts to the study.

First, a telephone survey of 398 young adults in England who experienced the break-up of their parents' relationship before they reached the age of 16. Ages ranged from 18 to 35, with a mean of 25. Thirty-eight per cent had been less than five when their parent's relationship ended; 47% between five and 12 and 15% teenagers. The interval between parental separation and the survey ranged from three to 32 years, with a mean of 18.3. Fifty-eight per cent of the sample were female, and 88% white. Their parents had typically (80%) been married with most of the rest (14%) having cohabited.

Participants were recruited through a survey agency (TNS-BMRB) which had a database of several thousand young adults who had been previously surveyed – although not on this topic – and were willing to be approached about future research. The agency identified a sample of 6187 prospective respondents, selected to be representative of the population in terms of gender, ethnicity and social grade within each region of the country. These were screened, by telephone, to establish eligibility (respondent experienced parental separation before the age of 16; lived with at least one parent up to 18; both parents were still alive).

Of the 866 who met these criteria, 408 agreed to take part - a response rate of

47%. The 408 were then interviewed by the survey agency using the Quancept Computer Assisted Telephone Interviewing (CATI) system. The questionnaire, which used mainly closed, scale, or Likert format questions, was designed so that interviewees followed one of six different 'paths' according to their main arrangement for residence and contact. Interviews lasted an average of 14 minutes. Data from 10 respondents subsequently had to be discarded, giving a final sample of 398.

The second part of the study consisted of in-depth, face-to-face interviews with a sub-sample of 50 young adults selected from the 222 respondents who agreed to the survey agency passing on their contact details to the university research team and for whom the agency had postal addresses. Our selection criteria for this phase of the study were a) parental separation had occurred after implementation of the Children Act 1989 - because this substantially changed the law - and b) the respondent had had at least some contact with the non-resident parent - since the key objective of the project was to obtain respondents' views about their experience of contact. Eighty of the 114 respondents who met these criteria were invited to take part. These were selected to include a range of contact experiences, both in terms of whether it had been continuous or disrupted, and how positively the respondent had described contact in the telephone survey.

Key themes

● **Children as independent social actors**

Our findings indicate that children often emerge from the shock of their parents' separation with a precocious maturity, a critical awareness of their parents' frailties and considerable clarity over their own needs. Although some separating parents involve their children in discussion over their future upbringing, respondents' accounts suggest that surprisingly large numbers seemed unaware of their children's new found independence, and assumed that they would fall in with whatever arrangements were put in place for their future upbringing. Our data shows that being involved in making decisions about contact was associated with a positive experience of contact, which is consistent with respondents' strong advice to all future separating parents that they should routinely consult their children before organising residence and contact arrangements.

Respondents not uncommonly asserted their independence, typically in adolescence, but sometimes younger, by simply refusing to comply with residence or contact arrangements they considered untenable. A strongly moralistic attitude to the non-resident parent's perceived responsibility for breaking up the family, for example by having an affair, led some respondents to refuse contact. Others responded similarly to non-resident parents' failure to overcome depression, alcoholism, drug abuse or violent behaviour. On entering adulthood, some respondents certainly became less judgmental, but others were unable to let go of their anger or forgive the behaviour.

As independent players in their own right, respondents formed their own clearly thought out views of their contact with the non-resident parent. We found no evidence to support the common perception that children often resist contact primarily because their resident mothers pressurise them into doing so. Such manipulation was reported, but only extremely rarely and then usually with young children in circumstances where their mothers had good grounds for their own concerns. Our findings suggest that if and when children resist contact visits, they do so, not as brain washed children, but for reasons of their own, often in response to the non-resident parent's own behaviour.

● **The importance of retaining a relationship with both parents**

Our respondents saw contact between children and their non-resident parents as being vitally important in principle, it being a way of reassuring children that they are still loved and important to both parents. This was considered to be the case even amongst those who had never had any contact themselves and those whose own experience of contact had not been particularly happy. Some had even persisted with relationships with non-resident parents throughout their childhood and well into adulthood when their visits held little enjoyment and could even be feared.

But despite this view that contact was immensely important, for many this was a principled answer to a theoretical question which had no reality in their own lives. Many chose to terminate unsatisfactory contact when they felt able to do so, Furthermore, there was overwhelming agreement that there were circumstances, such as an abusive parent/child relationship, where contact should never take place. There was also a strong view that contact should not start or continue if it did not promote the child's best interests and that no contact was better than bad contact.

● **The ingredients of successful contact**

Our findings showed that for contact to be successful it needs to be continuous. Respondents who had had unbroken contact throughout their childhood were most likely to rate their contact in positive terms. Responsibility for contact not happening at all or not being regularly maintained was very largely attributed to the non-resident parent, and typically explained in terms of that parent's lack of commitment to the child. Statistical analysis of the data from the telephone survey indicated that the likelihood of contact being established and maintained was linked with a constellation of pre- and post-separation factors. Most of these were also associated with whether or not contact was a positive experience for the child.

One of the most striking findings of the study was the importance of the pre-separation relationship between the child and the parent who subsequently became non-resident. Where relationships had been very close contact was most likely to be both continuous and a positive experience for the child. The foundations of successful contact, then, are laid down pre-separation.

Respondents were also more likely to rate their experience of contact with the non-resident parent as being positive if the following factors were present: the parents involved their children in the decision-making; there was little or no post-separation conflict between the parents; there was no domestic violence or serious concerns about the care the non-resident parent could provide; the resident parent encouraged the relationship between the child and the non-resident parent; the non-resident parent made time for the child; the child felt equally at home in both the resident and non-resident parent's home; the non-resident parent either did not re-partner or the child got on well with their new partner.

Many of these factors were linked; resident parents were more likely to encourage the child's relationship with the non-resident parent when there was no domestic violence and they were confident about the latter's care of the child, when there had been a good pre-separation relationship between child and non-resident parent and when levels of post-separation parental conflict were low.

The in-depth interviews confirmed the importance of these factors but also highlighted two more subtle and inter-linked factors: the extent to which the non-resident parent was considered to have made an effort to make contact an enjoyable, child-focused experience and whether they demonstrated their commitment to the child. Being subjected to adult pursuits or being ignored were taken as indications of their own lack of importance to the non-resident parent. Equally they were quick to pick up subtle signs indicating the strength or absence of that parent's emotional investment in their relationship together.

● **The relative unimportance of the amount or type of contact**

In contrast our findings indicate that structural matters such as the frequency of contact and its format – when, where and how often contact occurs; the inclusion of overnight stays; whether or not there was a contact schedule - were not strongly associated with respondents' positive experiences of contact or the closeness of their relationship with the non-resident parent.

In terms of frequency, in common with most previous research studies we found that a substantial number of respondents would have liked more contact than they had had. Analysis showed, however, that this desire was typically linked with a wish that contact had been more consistent or dissatisfaction with the original residence arrangements. It is true that where contact had been continuous

respondents with high levels of contact were most likely to feel that it had been sufficient. However, at every level of contact, apart from the very minimal, the majority were satisfied with the frequency they had experienced. Moreover there was no consensus about the optimal level of contact. It is also true that where contact was continuous more frequent contact was associated with a more positive experience. Analysis suggests, however, that this was because those with more frequent contact tended to have had a very close pre-separation relationship with the (future) non-resident parent. The pre-separation relationship also helps to explain the apparent association between higher levels of contact and the closeness of the post-separation relationship.

Overnight stays did not emerge as a significant factor in explaining respondents' positive experiences of contact or the closeness of their relationship with the non-resident parent. Whilst many of those taking part in the face to face interviews were enthusiastic over their value, this was by no means a unanimous view, with others being far less confident that they were necessary or even desirable. There was similarly little statistical or qualitative evidence that a regular contact schedule was an important feature of successful contact arrangements. What respondents did emphasise, however, was the need, on the one hand, for non-resident parents to be reliable about their contact and on the other, to be prepared to be flexible and accommodate the child's needs and wishes, especially as they grew older.

Two key points emerged from the analysis of the structural elements of contact. First, they seemed less important than other factors, such as the continuity of contact, the pre-separation relationship between the child and the non-resident parent, and the quality of contact. Second, and crucially, there is no blueprint for contact which will work for all, or even the majority of children. Indeed one of the central messages of this study is that each child is an individual and that contact arrangements need to be tailored to their unique needs and circumstances.

- **Resident parents were much more likely to facilitate than to undermine contact**

One of our clearest findings was how rarely respondents reported that the resident parent had prevented contact or tried to undermine the relationship between the child and the non-resident parent. It was even more unusual for respondents to say that resident parents had done so for reasons which had little or nothing to do with their children's well-being. Such behaviour was normally reported in the context of violence or concerns about the non-resident parent's capacity to care for the child. While respondents did not always agree with how their resident parent had behaved, most could appreciate the reasons for their actions. It was exceptional for a respondent to say that the resident parent had tried to undermine their relationship purely because of their own feelings about the separation.

In contrast, a strong and consistent theme in both the telephone survey and the interview data was the extent to which resident parents had encouraged the relationship between their children and non-resident parents, in some cases even when they had themselves suffered from the non-resident parent's violence and even when the children themselves opposed the contact.

Although the resident parent's active encouragement of the relationship between the child and non-resident parent was associated with the contact being a positive experience for the child, it did not in itself necessarily ensure that the contact was positive. Nor did any discouragement on the part of the resident parent necessarily undermine the child/non-resident parent relationship.

● **Continuity and change in relationships between parents and children**

Although every child will experience changes in their relationship with their parents, those with separating parents may be more vulnerable to change. Our findings suggest that the process of parental separation can damage children's relationships with both parents, at least in the short term. Respondents recalled being left bewildered and shocked by an event which most found distressing, often having been given no advance warning or explanation of the reasons. At a time when children need the love and support of their parents, it was not uncommon for one or both parents to have retreated from the parenting role, sometimes into depression and continuing conflict.

Respondents' relationships with their non-resident parents were less stable over time and more likely to deteriorate than those with their resident parents. In this context the findings highlight the importance of the pre-separation relationship between the child and the parents who became non-resident. There was a strong correlation between a close pre-separation relationship between the non-resident parent and child and the maintenance of such a relationship throughout later childhood and then into adulthood. Those non-resident parents who had established a good relationship with their children prior to the separation had more chance of maintaining it post-separation, despite undermining factors such as geographical distance and ongoing parental conflict. The reverse proposition also applied; poor relationships rarely improved.

Children's own responses to the non-resident parent's behaviour can play an important part in the trajectory of their relationship. Respondents often withdrew from the relationship when confronted by worrying behaviour such as violence, alcohol and drug abuse, or if they continued to harbour anger over the non-resident parent's responsibility for breaking up their parents' relationship. They were quick to pick up on signs indicating the absence of their non-resident parent's emotional investment in their relationship together – a factor which affected both their enjoyment of contact and the extent to which they felt close to the non-resident parent throughout their childhood, and sometimes into adulthood.

In adulthood, respondents were more likely to be close to their resident parent than their non-resident parent. Ongoing parental conflict was strongly indicative of poor relationships in adulthood, as was the perceived absence of the non-resident parent's emotional investment in the young adult's life. Nevertheless, children's relationships with their non-resident parents were not always irretrievably damaged and could sometimes be sustained and repaired with respondents, in adulthood, becoming less judgemental, particularly when the non-resident parents demonstrated a fresh commitment to their children's lives.

● **The changing perspectives of children and young adults**

Our findings support our original proposition that young adults are well able to reflect on the way that their childhood experiences of contact feed into their relationships with their parents throughout their childhood and then into adulthood. Their recollections provide an important repository of information about what works and what does not work in contact arrangements both in the long and short term.

The telephone survey data showed how childhood interpretations of parents' motives, (notably non-resident parents' motives underlying their failure to maintain continuous contact with their children), could sometimes, in adulthood, be replaced by a subtly different interpretation of what had occurred, although

their interpretations were as likely to be more negative as more positive. This does not suggest that children rewrite their past on becoming adults, rather that they acquire a different understanding of past events.

Children's attitudes sometimes changed as they grew older. Most, looking back over their childhood, seemed satisfied that their own childhood views about their parents had not been wildly inappropriate and that if and when they were consulted over aspects of their contact and residence arrangements, their responses had been the right ones. In rare cases, however, some, as adults, regretted choices their separating parents had allowed them to make themselves - most particularly over which parent they wished to live with in future. These respondents felt their decisions had been misguided and had led to very poor outcomes - unlike others who had been unworried by making similar choices.

Children who had strongly disapproved of their parents' behaviour sometimes became far less judgemental as they grew into adulthood. Some had acquired a greater tolerance and sympathy for their parents' faults and felt able to forgive non-resident parents for behaviour that as children they had considered wholly reprehensible. Others, however, as adults, never lost their childhood disapproval of their parents' behaviour, with no later improvement in their relationship.

Implications

● Implications for separating parents

Many parents can take heart from the findings of this study: a substantial proportion of respondents felt that their parents had done a very good job in organising their children's contact arrangements on separation: 42% of the respondents to the telephone survey, for instance, said there was nothing their parents could have done differently and 38% that, if they were ever to be a separated parent, they would handle things pretty much as their parents had. Over half rated their contact positively and 75% were, as adults, still in touch with their non-resident parent.

Nonetheless the data also indicates that many respondents wished their parents had managed the separation and post-separation parenting more effectively. Parents need to prepare their children for the separation, to explain the reasons for it and to support their children through it. Many respondents described parents abandoning their usual parental role in the aftermath of the separation and becoming less emotionally available, leaving them feeling very alone and unsupported and sometimes concealing their distress in order to protect their parents. Children are particularly disturbed by parents whose behaviour dramatically changes, becoming depressed, resorting to substance abuse, or looking to their children for support. Parents may need to seek help for themselves to enable them to support their children at this time, and, in some instances, seek external help for their children.

The importance respondents attached to contact, particularly as a way of reassuring them that they are still loved by the non-resident parent, means that, unless contact is not in a child's interests or contrary to their wishes, it should be established as soon as possible and maintained. Our data suggests that it is non-resident parents who particularly need to take heed of this – overwhelmingly, where contact was not established or sustained, our respondents attributed the responsibility for this to the non-resident parent.

However it also seems to be important that, provided contact is in a child's best interests, resident parents, for their part, actively encourage the relationship.

There is no blueprint for successful contact. Hence parents should not get too worried by issues such as frequency and overnights. What is important is that they tailor the arrangements to the age, needs and circumstances of the individual child, the quality of their pre-separation relationship with the non-resident parent and, above all, their own views. A clear message from the study was that parents should be more keenly aware of their children's maturity and their capacity to discern their own needs and, unless they are infants, should always consult them before establishing residence and contact arrangements. Genuine consultation with children should produce contact arrangements with which children are themselves happy. It is unlikely that a child's relationship with a non-resident parent will be enhanced by being physically coerced into unwanted contact.

Having consulted their children, some parents may choose to share their children's care more or less equally between them. However parents can also feel confident that the more traditional arrangement involving one parent being the primary carer and the other maintaining regular contact with them, works well and is in no sense second best. Simply seeing the non-resident parent, however, is not enough: as noted above, a number of ingredients contribute to successful contact. One of the most important, however, is that the non-resident parent demonstrates that they have an emotional investment in the child by providing a child-focused experience and showing them that he or she has a real interest in them.

It is also vital that parents do their utmost to overcome any hostility they feel towards each other and attempt to co-operate over matters to do with their children. Parental conflict not only has a psychologically damaging impact on children but it impairs their relationships with both parents, often well into adulthood and seriously undermines their enjoyment of contact with the non-resident parent. One young woman spoke for many in giving the following advice to separating parents:

Keep in contact with the child and talk to each other a lot about what's going on. Have an agreed plan about what you're going to do with your child for the next week, two weeks to a year, what do you want to happen. Don't involve your child in your arguments, keep them away from it and talk to them about what's happening, you know, remind them that it's, you know, what is going on and that old story, you know, keep on telling them that you love them and it's not their fault.

● **Implications for service provision and service providers**

Practitioners involved with separating families will not be surprised by our respondents' advice about how best to manage separation and post-separation parenting. The list of strategies, which reinforces similar findings of earlier studies with children, includes: forewarn children about the impending separation and give them explanations; avoid exposing children to parental conflict; consult children but do not give them inappropriate choices; design contact arrangements to suit each individual child, taking account of their own circumstances.

The research, however, also highlights the need for support services to be readily available to both parents and children. Children very often find their parents' separation an emotionally damaging experience, made worse if their parents become overwhelmed by their own practical and emotional problems and are unable to parent them as they had done before or to support them through the process. Some respondents who, as young adults, had developed severe

emotional difficulties, attributed this to having no one to confide in as children.

Many respondents considered that their own emotional problems had been exacerbated by their parents' response to the distress of their separation, with some developing severe depression or turning to alcohol, leaving their children with grossly impaired parenting. Separating parents often need swift medical and therapeutic treatment for specific problems, but would also benefit from external counselling support and education programmes to help them deal with separation more effectively. Such programmes would be particularly beneficial if they not only helped parents cope with their new separate lives but also promoted their relationships with their children through assisting them to develop skills in co-parenting and managing conflict.

● Implications for the courts

Although few respondents said that their parents had been involved in litigation the study produced much that is relevant to the courts. Since the children involved in such cases are already suffering from their parents' conflict, it is important that they benefit from the order the court makes. It should make matters better, not worse.

The data suggests that the courts' current approach that contact is almost always in the interests of children is not sufficiently nuanced but should take account of the child's need for good contact rather than simply any contact. One of our clearest findings is that it depends entirely on the individual child and parents in question whether contact will benefit that child in the short or long term. Successful contact is associated with a number of complex and inter-related factors, including such matters as a good quality relationship between the non-resident parent and child, the absence of conflict or domestic violence, no serious concerns about the non-resident parent's caring abilities, the child's own willingness to have contact.

Some of these factors are unlikely to characterise court cases – notably absence of parental conflict and no domestic violence or serious concerns about the non-resident parent's care. Hence it is imperative that courts are able to obtain a thorough assessment of the child and his or her family background providing them with all the information they need to predict with any confidence that a good contact experience will emerge from their orders. Only this sort of detailed information will enable each court to tailor the contact order to the needs of the individual child and the circumstances of their family. Regrettably, under current circumstances, Cafcass cannot always provide this sort of assistance.

It is also vital that the court hears the views of the child. Contact arrangements which do not accord with children's views are not likely to be successful. We acknowledge that cases in which children appear to be unreasonably resisting contact present courts, with their pro-contact stance, with a dilemma. The findings from this study, however, indicate that before a court takes the draconian step of overriding a child's wishes, the underlying cause of resistance should be very carefully explored to ensure that important information about the child's relationship with the non-resident parent is not overlooked. Our findings suggest that parental alienation is extremely rare in the general population and that when children resist contact with the non-resident parent they often do so for their own independently formed reasons.

The courts should therefore be extremely cautious before they extend the use of

transfer of residence orders as a sanction when a resident parent is refusing to comply with a contact order on the grounds that the child does not want contact.

The courts should also be cautious about increasing the use of shared residence orders, and should take account of the advice of the young adults in this study - viz that such orders should *not* be made unless: parents live very close to each other; children can attend the same school; parents are on good terms; parents can provide their children with two sets of rooms, clothes and school equipment. Above all the children themselves should be happy with such an arrangement.

● Implications for policy makers

The research findings presented above on the support needs of children and parents strongly endorse the government's declared intention to increase service provision for separated and separating families. Similarly, our findings that positive relationships post-separation are rooted in pre-separation family life indicate that policy initiatives to encourage the involvement of fathers in the upbringing of children in intact families are to be welcomed.

In contrast they challenge another limb of family policy which is to amend the Children Act 1989 so as to encourage cooperative parenting. Consultation on the government's proposals for change ended in September 2012. Subsequently the government announced that it intended to proceed with its favoured option, which introduces a presumption into the Act. The court, when considering applications relating to children, is under a duty '*as respects each parent ...to presume, unless the contrary is shown, that involvement of that parent in the life of the child concerned will further the child's welfare.*' (Draft Clause 2A Children Act 1989; see also DfE 2012).

While superficially a formula of this nature may seem to do no more than give statutory weight to the court's existing pro-contact stance, our research supports critics who consider it to be ill-advised. An undoubted aim of the planned legislation is to encourage the courts to order more generous contact than they do already. Our research indicates, however, that different children will be satisfied with different amounts of contact and that the quantity of contact is less important than the quality of the child's experience. Successful contact is linked to a number of inter-related factors, including the absence of conflict or domestic violence between the parents *and* children enjoying good pre-separation relationships with their non-resident parents. Our findings notably highlight the significance played by this last factor. If the child's pre-separation relationship with the non-resident parent was good, post-separation contact is likely to be beneficial. However when it was poor, court-ordered contact may be of little benefit to the child and, depending on other factors, may even be seriously damaging.

New legislation is also likely to encourage the already increasing use of shared residence orders, even when parents are in conflict. As noted above, participants in this study queried the wisdom of this, with most considering that it could only work when certain conditions were met.

There is also a risk that any new legislative imperative will make it even more difficult for children who do not wish to have contact, or resident parents who consider it is not in their best interests, to have their voices heard and taken seriously. Yet our research indicates that children usually have very well thought out reasons for objecting to contact, that manipulation by a resident parent is rare, and that resident parents are far more likely to encourage a child's relationship with the non-resident parent than to impede it.

If the proposed legislation is to proceed, it will be imperative that the courts have access to detailed information about the child's circumstances, needs and wishes and, where children are resisting contact, to the services of a child's separate representative. Without this they cannot be confident that any contact order they make will meet each child's individual needs. As signatory to the UN Convention on the Rights of the Child, the UK is committed under Article 12 to provide children with the opportunity of being heard in any judicial proceeding, directly or through a representative or an appropriate body. The courts are already hampered in their ability to order welfare reports because Cafcass is over-burdened, and separate representation is rarely ordered. Hence this would require the allocation of considerable extra resource.

Our research suggests, however, that the proposed legislation should not proceed. Rather the courts should retain an unfettered discretion to determine whether or not the welfare of the particular child in question would be furthered by the involvement being sought by the litigant parent. This would accord most closely with one of the major themes in this research, the importance of tailoring contact arrangements to the needs and wishes of the individual child in their particular circumstances. In contrast, the government's preferred option would commit the courts to adopting a simplistic, broad-brush approach to the subtle complexity of child-parent relationships. In its present form, section 1 of the Children Act 1989 ensures that each child's individuality is respected by the courts, in so far as any order the courts make must be designed specially with this child's particular needs in mind. Parliament should consider very carefully before removing this essential safeguard.

