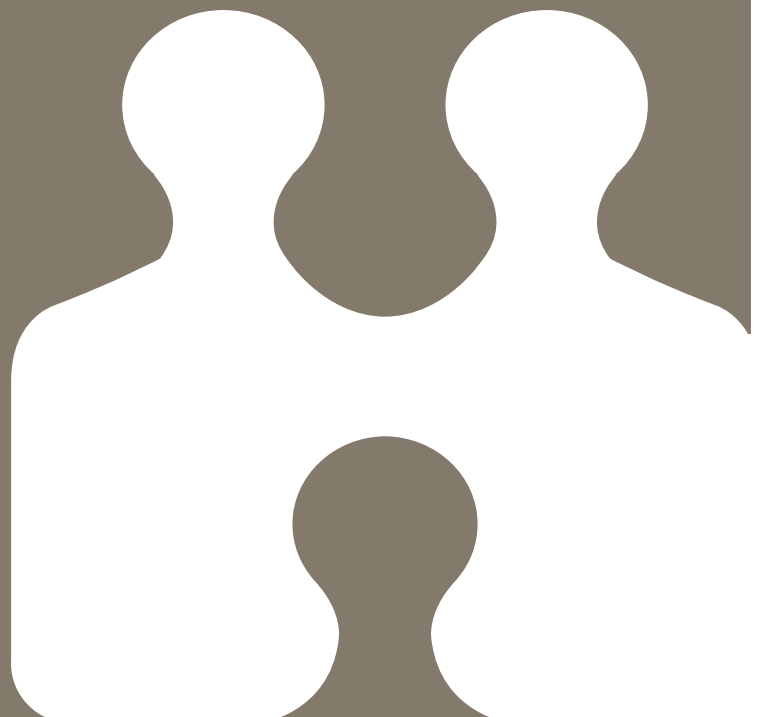


2016

Guidance note: Helping clients put children first



This Guidance was published in September 2016. The law or procedure may have changed since that time and members should check the up-to-date position.

Guidance note: helping clients put children first

Clients going through separation and divorce often ask questions about how best to manage the impact of the process on their children. As family lawyers we may not feel especially equipped or trained to address these queries. Many clients will not seek help from other professionals, such as counsellors or psychologists, so our role as legal advisers provides an important opportunity to provide simple and constructive information and advice that can help these parents put their children at the forefront of the process.

Below are some common questions that often arise, along with general advice and tips that you can pass on to clients or anyone supporting them, if appropriate.

The [Parenting Charter](#) is also a useful tool to help shape general advice to clients about their responsibilities to their children and could be used in discussion with clients.

These questions and answers are not designed to be used in situations where safeguarding issues are raised. In those circumstances, careful thought needs to be given to whether the following advice is relevant and appropriate to give.

How do I tell my children about our separation?

- Be honest and talk appropriately to your children given their ages.
- If possible, both parents should be present.
- Discuss and try and agree what you will say beforehand. Children benefit from hearing similar messages from both parents.
- Keep explanations simple. View things through your children's eyes and avoid blaming each other. Children have a right to love both parents.
- Think through how you will manage your feelings in front of the children.
- Let children know how life will change, including major concerns such as when they will see each parent, where they will live and what school they will go to – whilst providing as much realistic reassurance as possible.
- If they have questions you can't answer, let them know that you are both working out the details, and will let them know the answers when you can.

- Make it clear that the separation has nothing to do with them and that they cannot change things. Children can feel responsible when their parents split up. Let children know that you understand this may be difficult, and that they can ask both parents questions and talk about how they feel either now or later.

How should my former partner and I communicate with one another about our children?

- Your relationship may have ended but your role as parents has not. It can be helpful, especially in the early stages of separation, to behave with a business-like attitude.
- Avoid conversations that encourage conflict.
- Don't spend time and energy trying to control your former partner or the situation. Just be the best parent you can and support your children.
- Try to address issues instead of hanging on to anger and hurt.
- Moving forward is important for you and your children. If you struggle to do so, find some help.
- Whatever your feelings about your former partner, talk to them respectfully as the parent of your children.
- Practise restraint and avoid reacting when angry. Listen to each other's opinions and ideas before responding. You can find online parenting programmes to help with this (see the list of [useful organisations](#) on our website).
- Instead of springing a discussion on your former partner, let them know beforehand that you want to discuss something. Ask to arrange a time that is mutually convenient.
- Avoid using handovers as a time to discuss issues with your former partner. It may be best to telephone or send an email or ask to arrange a time to talk.
- Do not have heated arguments in front of your children. Consider the best times for telephone conversations and make sure your children cannot hear them.
- Follow up agreements or details of conversations in writing. A written follow up can minimise misunderstandings about what was said or agreed.

What can I do to make planning activities and events at two homes easier?

- Support your child's need for both parents to be involved. Don't exclude your former partner. The two most important people to your child are usually mum and dad – and the involvement of both parents is hugely beneficial to children.
- Be responsible for sharing information with the other household. Leaving children to do this sends a subtle message that the other parent's involvement is unwelcome. Remember, you still have a responsibility to your children.
- Seek support from the other parent before agreeing that your children may do or take part in an activity. If you can't agree, seek middle ground, support the activity for your children and work out boundaries with your former partner later.
- Keep your word. Being around your former partner may be hard, but don't make things worse for your children by failing to show up at events when they are expecting you.
- Enjoy the moment. Make the most of the precious time you have to cheer at games, applaud performances and work with your child on projects. Be positive.
- Consider how you could make things easier for your kids. Carry an extra set of activity items in case the children forget them; share information with the other parent even if they don't with you; enjoy sharing an activity with your child.

What can I do to ensure the time I spend with the children is as positive as possible?

- Always be on time for collection and return. If you are running late, inform your former partner but make sure it is an exception. Return any items your children brought with them, unless otherwise agreed with your former partner.
- Be prepared. Plan in advance how to spend the time with your children. If the contact is to be spent in a contact centre, bring along games or activities that your children will enjoy.
- Don't ask your children inappropriate questions. This is not an opportunity to find out about your former partner so refrain from asking questions about them or about adult issues.
- Show a genuine interest in your children. Ask them lots of questions about how they are doing, their school, friends, hobbies etc.

- Keep to the care arrangements so that your children have the stability of a pattern and you and your former partner can plan accordingly. If you cannot keep to the arrangements, give your former partner as much notice as possible and be prepared to arrange alternate care for the children if your former partner already has plans.

My former partner is influencing the children against me – what can I do?

- Don't behave in the same way as your former partner. You may not have control over the other parent's actions but you do have control over how you respond and how you handle the situation with your children.
- Maintain contact and be consistent with your children. When children are being actively encouraged to reject a parent they need an alternative perception of reality. Continue to follow through with what you say you will do, for example through texts and emails.
- Do not put your children in the middle of adult issues. If you are angry about something the other parent has done, address that issue with the other parent or the court, not your children.
- Don't blame your children for the rejection. In normal parenting situations it is reasonable to hold your children accountable for inappropriate and disrespectful behaviour. But these dynamics are not normal circumstances. Children are being placed in a situation where, in order to be embraced by one parent, they must reject the other. If your relationship with your children is in jeopardy the first and most important goal is to preserve your relationship and emotional connection with your children.
- Try to understand your children's position. It is incredibly stressful and difficult for children when they are placed in a situation where they must side with one parent over the other. Consider the stress you are experiencing as an adult in dealing with this issue and imagine how your children feel having to live with this stress day after day.
- Avoid taking the rejection personally. While it is incredibly painful to be rejected by your children, it is important to understand it is not a situation your children can control or successfully manage without support.
- Offer children an alternative perception of reality whenever possible. It is okay to say that you do not agree with how the other parent is handling this situation. However, be careful not to blame, judge or criticise the other parent – these actions may push your children further away. Because this is such a difficult and frustrating situation, some parents may feel that if they tell their children the 'truth', try to set the record straight and aggressively fight the situation, their children will see they are obviously the victimised parent. In most cases, this will not happen. Furthermore, when parents do

this they are also engaging in inappropriate behaviour by asking the children to choose one parent as right and one as wrong.

- Give clear and consistent messages to your children. These messages might include:
 - You do not have to pick or choose one parent over the other.
 - Your feelings do not have to be the same as ours.
 - You should always be able to love both of your parents.
- Don't give up. When dealing with high-conflict situations it can be hard to see how your actions are making a difference. In some parent–child relationships it may take years before you will see the results of your choices and efforts. Don't make the mistake of thinking you do not matter to your children – you do.

And, as a general rule, remind your clients that their children make up 50% of them, and 50% of their other parent. Criticising a former partner can mean hurting one-half of their own children.

Useful resources

[Separation and Divorce: Helping Parents Help Children](#)

Available as a free PDF, this book helps parents to help their children through a divorce. A hard copy is also available to order. It also has a 'helpful organisations' section at the back of the book which may be useful for your clients.

Alternatively, you can signpost people to the Resolution website, which lists a number of national organisations that may be useful. Available at www.resolution.org.uk/usefulorgs