**Contact Orders in the Family Courts: a summary**

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Executive Summary

This report summarises the findings of a research project looking at the extent of the use of court orders for indirect, supervised or supported contact. The aims of the project were to get a picture of the extent of use of these types of contact, the reasons why courts would order these types of contact rather than unsupervised direct contact, and of parents’ perceptions of being involved in sometimes highly contentious contact disputes.

The research fell into two main stages. The first stage involved collection of data from a random selection of 343 court records taken from five courts in England and Wales; the second stage of the project consisted in interviews with parents and judges about their experiences of being subject to, applying for, or making contact orders. These interviews supplement the court record data by providing both qualitative data as to the views of those making the orders and those affected by them, and quantitative data about the implementation of court orders and the impact of court involvement in disputes of this sort.

The particular focus of the research was the extent of the use of orders for indirect, supported or supervised contact, and the implications of such orders for the maintenance of a relationship between parent and child. The project aimed to explore the circumstances in which such orders are used and whether there is consistency in the courts’ use of such orders. Another key aim was to discover ‘what happens next’ after the making of a contact order or court involvement in a contact dispute. The project sought to get a picture of the attitude of the affected parties towards court involvement and any orders made; the parties’ experiences of the practicalities of putting the orders into effect; and how successful orders for indirect, supported or supervised contact appeared to be in terms of laying the foundations for progression to direct or unsupervised contact.

**Supervised/supported contact**

Supervised/supported contact tended to be used in two types of scenarios:

* highly problematic cases involving high levels of conflict, allegations of inappropriate parenting, lack of parenting ability, fear on the part of the children, severe mental illness on the part of the non-resident parent, and so on; and
* cases where the supervision or support was ordered to overcome practical obstacles less linked to the child’s welfare, and more to do with the fact that the parents had thus far proved themselves incapable of putting contact into practice without assistance.

The parents in the follow-up sample who had sought supervised contact from the court had usually done so because of their view of the other parent’s likely behaviour. Their most usual concerns were to do with uncontrolled anger on the part of the non-resident parent, and his or her drug and alcohol use while responsible for the children. The non-resident parents who had experienced supervised or supported contact had found it unnecessary, humiliating and unnatural, creating an environment in which it was harder to establish or maintain a meaningful relationship with the child.

The judges saw supervised or supported contact as an extremely useful, short-term measure enabling anxious resident parents and anxious children to be reassured, and offering non-resident parents the chance to prove themselves capable of appropriate behaviour. Supervision, with subsequent reporting back to the court, was also, but more rarely used as a diagnostic tool in cases in which there was real doubt about whether contact ought to go ahead.

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| Issues relating to supervised/supported contact among the cases in the study | |
| Problems with the orders made | Not all orders specified how supervision was to be provided |
| Some orders envisaged supervised contact taking place at a contact centre which offered only supported contact |
| Not all orders were clear about level and purpose of supervision |
| Problems with supervision by family/friends | If the purpose of such supervision is protection of the child, it is questionable to what extent a grandparent or friend will be in a position to offer that protection |
| There is a danger that the designated supervisor might be partisan |

**Key findings in relation to supervised/supported contact were as follows:**

○ supervised/supported contact was ordered 24% of the cases as in interim measure, and in 4% of the cases as a longer-term outcome;

○ supervised/supported contact was used primarily as a short-term measure;

○ types of supervision or support ranged from supervision by the resident parent in his or her home, to supervision at a contact centre or by a CAFCASS officer;

○ orders were sometimes unclear about the type of supervision needed/available in the specified venue;

○ cases involving violence were more likely to involve an order for supervised contact;

○ cases in which contact had never been agreed between the parties prior to commencement of the proceedings were more likely to involve supervised contact;

○ the ‘success’ rate of cases in the follow-up sample involving supervised/supported contact was 50% (where success is defined as achieving on-going unsupervised direct contact);

○ the ‘failure’ rate of such cases (where failure is defined as the complete cessation of contact) was 33%, while substantially less contact than ordered or agreed was taking place in a further 11%;

○ the parents involved in cases featuring supervised or supported contact were less likely to have agreed the outcome of the case and reported more problems putting the contact orders or agreements into practice;

○ the main problems and concerns of parents reported in relation to putting supervised contact into practice were as follows:

– facilities for supervised or supported contact were age-inappropriate, bleak and unappealing;

– the situation was unnatural and not conducive to the development of a meaningful relationship with the child;

– the inadequacy of the support arrangements where contact took place away from a contact centre and supervision/support was provided by friends or family;

– feeling threatened and unsafe as a result of unwanted contact with a former partner.

**Stand-alone indirect contact**

Stand-alone indirect contact was seen by the judges as being appropriate in two types of situation:

* ‘opening the door’ to contact in a situation where there seemed to be good reason not to order direct contact immediately; and
* ‘keeping the door open’ when there was no practical prospect of re-establishing direct contact for the time-being.

**Key findings on stand-alone indirect contact:**

○ indirect contact is an outcome of last resort rarely used by the courts

○ cases in which indirect contact tends to be ordered can be broadly categorised as those where the non-resident parent is seen as **presenting** **a risk to a parent’s or the child’s safety**, and those where **direct contact is not a realistic possibility**, usually because of incarceration or geographical distance. In each type of case weight was given to the children’s opposition to contact.

○ the experiences of the parents of indirect contact were largely negative.

○ the parents had experienced the following main difficulties with indirect contact:

– lack of compliance, the resident parent failing to pass on letters or provide an up-to-date

correspondence address; and

– unwanted contact with their former partner.

It was clear from the experiences of these parents, and from the judges involved in these cases, that adjudication is rarely what is required in contact disputes. This research suggests that what is needed is some way of helping parents post-separation to work through their feelings of hostility, bitterness, jealousy, and so on in order to come to workable contact arrangements, while bearing in mind that contact may not always be safe for parent or child and that safeguards are necessary to ensure that contact is not used as a means of perpetuating abuse and control.

A recurring feature among the follow-up cases was a perception that contact issues were being used either as a means of making a former partner’s life more difficult and unhappy, or as a means of continuing to exert a form of control over the former partner. There were also numerous examples of resident parents who had concerns about the child’s safety during contact, not because of the risk of physical abuse, but because of other risks, often related to drug and alcohol abuse. Disputes could be reduced were the system to acknowledge and, where possible, address concerns of this sort.

Other common triggers for contact disputes in this sample were such things as the resident parent refusing to allow contact with the non-resident parent’s new partner, or the non-resident parent’s refusal to compromise in order to accommodate the child’s social commitments. One way of reducing the incidence of disputes of this sort might be to make parents more aware of the potential damage done to children by their conflict with each other.[[1]](#footnote-1)

This study shows that supervised or supported contact can work well, even though it is not always seen as a positive experience by the parents involved. The ‘success rate’ of cases involving supervision or support in the follow-up sample was higher than that among cases where there was no supervision or support. Facilities for the provision of supervised or supported contact offer an extremely valuable service. There were too few cases to comment on the ‘success rate’ of stand-alone indirect contact, but the parents’ experiences of it were not generally positive. It is a measure of last resort, and seems to represent in some cases the strength of the legal ‘bias in favour of contact’ (as one judge put it) by refusing to ‘give up’ even in cases where establishing direct contact seems highly unlikely.

**Supervised, supported and indirect contact orders: a summary of findings**

**Terminology  
‘supervised/support contact’** is used to refer to both ‘supervised’ high vigilance contact in which interaction and conversation between the parent and child are closely monitored at a specialist contact centre; and ‘supported’ contact (contact which takes place at a contact centre at which neutral third parties are present, or following a hand-over at such a centre, or where the contact order specifies that contact is to take place only in the presence of a named third party, often a family member or friend)

**‘indirect contact’** is used to refer to communication via telephone calls, text messages, e-mail, instant messaging, and so on, as well as the sending of presents and photographs, or school and other progress reports

**‘supplementary indirect contact’** is used to refer to indirect contact which is happening contemporaneously with direct contact

**‘stand-alone indirect contact’** refers to indirect contact which is the only sort of contact taking place between parent and child

**Where did we get our information?**  
We collected data from 343 court records randomly selected from five courts in England and Wales. The number of cases selected from each court reflected the number of cases in each court as a proportion of the total number of cases in all five courts over the study period. The courts comprised three very large courts serving metropolitan areas and two smaller courts. They were located in the Midlands, the North East and South West of England and in South Wales. While we do not claim representativeness, the courts were chosen in order to ensure that the project population included representatives from both highly populated, ethnically diverse city areas and more rural, less populous areas. All the court cases involved an application under section 8 of the Children Act 1989 commenced in 2000 or 2001, and all involved an argument of some sort about contact.

We contacted all the parents in our sample for whom contact details were available, asking them to take part in our follow-up interviews. The response rate was disappointing. By the end of the project we had obtained follow-up information from 60 parents. Four of these were former partners, meaning that we received follow-up data in relation to 58 cases (17% of the cases in the sample).The follow-up interview sample comprised: 27 resident mothers (45%); 22 non-resident fathers (37%); 8 resident fathers (13%); 2 non-resident mothers (3%) and 1 mother who was both a resident and a non-resident parents (her daughter lived with her, her son with his father). About half the interview sample had initiated the current court proceedings (53%).

We also interviewed 10 circuit and district judges who had been involved in the cases in the sample in order to gain an insight into their general approach to contact disputes, and to get a picture of the circumstances in which they might consider it appropriate to order supervised, supported or indirect contact.

Part 1: The court record data

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| The sample cases – some facts and figures | | | |
| 98% had begun with an application for a contact or residence order  2% with an application for a specific issue or prohibited steps order | | In many cases further orders were applied for in the course of the proceedings | |
| 94% of the proceedings were inter-parental | 69% of the proceedings were initiated by fathers  26% by mothers | | Nearly all the other applications were made by grandparents (most often grandmothers), with a tiny number being made by others: two aunts, two step-fathers, and one set of carers |
| In just over a fifth of the cases the original application had been made by the person with whom the children lived | Ignoring those cases where residence was shared, or where there had been changes of residence, 62% of the applications by mothers were brought by resident mothers, whereas only 10% of those by fathers were brought by resident fathers. | | |
| Three-quarters of the proceedings had lasted a year or less, with just over half (52%) being resolved within 6 months of the application  Average duration: just under 9 months  Longest case: nearly 3 years | Length of proceedings apparently affected by:  **the number of judges involved** – 80% of the cases heard by only one judge were resolved within 6 months, compared to only 42% of those involving three judges  **whether welfare, medical or expert report requested** – cases involving a welfare report lasted, on average, twice as long as those that did not | | |
| Arrangements before the proceedings  in 68% of the cases the children lived with their mother  in 15% they lived with their father  in 8% the children had lived with both their mother and their father for a period after the separation  in 6% there was some sort of shared care arrangement, either in the form of one or more siblings living with each parent, or of the child or children sharing their time between the two homes on a roughly equal basis  in 4% the children lived with a grandparent or other carer | | | |

**What were the disputes about?**   
The circumstances of the cases in the sample were very varied. In some cases the parents had been involved in protracted, and often extremely bitter, litigation over the children almost from the moment of their separation. In others, the involvement of the court was more contained, sometimes because an acceptable and workable solution had been found – either by agreement between the parents or by virtue of a court order – sometimes because a parent gave up the fight and withdrew from the proceedings. In some cases the parents were in dispute, it appeared, about everything possible in their particular circumstances: money; what had or had not happened during their relationship (particularly in relation to the various ways in which they had or had not abused each other, physically or otherwise); where the children should live; whether there should be contact with the non-resident parent and if so, how much and when; whether there should be contact with a parent’s new partner; whether contact should be supervised; whether other terms should be imposed (such as an ban on taking the child in the car on the motorway, or a prohibition on allowing the child to spend time with a particular person). In others, there were one or two problematic elements to the contact arrangements which the parents needed assistance in resolving, for example, a change in timing of contact was requested because of a change in the parent’s working hours, or one parent wanted to take the child away on holiday. In a number of cases the dispute arose as a result of the difficulty of accommodating the child’s hobbies or social life within the contact arrangements. In some cases, there had been an initial period during which the parents had been able to make mutually acceptable arrangements on an amicable basis, followed either by a general deterioration in their relationship, or more commonly, by a specific ‘trigger’, which had led to the arrangements breaking down and the eventual involvement of the court. Many of the cases seem to have been triggered by one parent re-partnering, or by the fear that the children may be removed from the jurisdiction by the other parent.

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| Violence and abuse in the cases | |  | |
| Using a broad definition of domestic violence (to include physical verbal and sexual abuse, harassment, and damage to property) we found that some sort of violence was alleged in half the cases in the sample | | | |
| 38% involved allegations of physical violence  Physical violence was held to proven in 5% of the cases, and was admitted in a further 5%. In another 5% a non-molestation order had been made | | 5% involved allegations of harassment or threatening behaviour | |
| just under 3% involved allegations of sexual abuse of the children | |
| just under 3% involved allegations of child neglect | |
| psychological abuse, verbal abuse and damage to property were alleged a handful of cases (less than 1% each) | |
| Although some sort of violence was alleged in 50% of the cases, and physical violence in 38%, only 4 cases (2%) had involved a preliminary hearing to establish facts | | | |
| Alcohol, substance abuse and mental health problems | | | |
| in 12% of the cases one of the parties’ alleged alcoholism or heavy drinking was at the core of the dispute | 6% involved allegations of other drug abuse | | 2% involved allegations of both alcohol and drug abuse |
| mental health problems were said to be at the root of the family’s difficulties in 5% of the cases | a further 2% centred around mental health difficulties coupled with alcohol or drug abuse | |  |

**Why had the applicants gone to court?**Resident parents tended to talk in terms of seeking to protect their children, either from a specific perceived threat of physical or emotional harm, or because of a more low-level concern about the contact parent’s ability to care for the child. Non-resident parents on the other hand, particularly fathers, frequently focussed on their ‘rights’. The majority of the parents, resident and non-resident, presented themselves as being in favour of continued contact, albeit that some were opposing contact in their particular circumstances, or were experiencing real difficulties making contact work.

It was striking from talking to the parents that, for some at least, litigation over the children had become almost a way of life. They thought and spoke quite naturally in terms of lawyers, court appearances, court orders, rights, and enforcement measures, and seemed to have become so used to litigation that it had become the normal way for them to deal with any disagreement or challenge to their arrangements or routine. We do not know whether this was a result of an innate litigiousness among these parents, or of sheer desperation, or of their having become inured to the legal system to such an extent that they were unable to think outside it. This attitude was not universal, however, with other parents seeing court as the last resort in an otherwise impossible situation, as this father explained:

*At the time, my wife and I would not have been able to agree on any arrangements for our son, as our relationship was extremely hostile, so this was the only way forward.****Non-resident father, now content with contact arrangements.***

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| Main reasons applications made (n=335) | *Frequency* | *Per cent* |
| More/different contact sought | 94 | 28 |
| Contact previously denied | 82 | 25 |
| Resident parent seeking residence order | 64 | 19 |
| Non-resident parent seeking residence order | 45 | 13 |
| Respondent’s behaviour:  Violence/abuse  Refusal to return children  Other | 15  15  17 | 5  5  5 |
| Children do not want contact | 3 | 1 |

**The court orders made**

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| Orders made in the sample cases | | | | | | | | | | | |  | |
| Interim order/s made in 71% of cases | | Of the cases involving interim orders:  60% featured interim orders for direct, unsupervised contact  22% featured interim orders for supervised/supported contact only  12% featured interim orders for supervised/supported contact followed by another order for unsupervised contact  2% featured an interim order for stand-alone indirect contact only  3% featured an interim order for ‘no contact’ | | | | | | | | | | | |
| 74% of cases were resolved by final court order at date of data collection | | **70% were resolved by a contact order** | | | | | | Among the **contact orders** made:  86% were for direct unsupervised contact  6% were for supervised/supported contact  6% were for stand-alone indirect contact  1% were for ‘no contact’ | | | | | |
| **4% were resolved by some other order** | | | | | | Of these:  75% were residence orders  25% were family assistance orders | | | | | |
| 26% of the cases involved no final order | | In 33% of these no information was available about how the case had been resolved. | | | | | | The remaining 67% broke down as follows:  14% resolved consensually  27% applications withdrawn  11% appeared abandoned by parties  10% dismissed/struck out  6% on-going at time of data collection | | | | | |
| 70% of cases resolved by court order were resolved by a consent order | | **70% of all contact orders were by consent**  57% of supervised/supported contact orders were by consent  50% of orders for indirect contact only were by consent | | | | | | | | | | | |
| Case outcomes where violence/abuse alleged | | |  | | | | Allegations of violence/  harassment (n=156) | | | | No allegation of violence/  harassment (n=166) | | |
| No order made | | | | 26% | | | | 27% | | |
| Unsupervised direct contact ordered | | | | 57% | | | | 66% | | |
| Supervised/supported contact ordered | | | | 6% | | | | 2% | | |
| Indirect contact only ordered | | | | 6% | | | | 3% | | |
| Resolved by consent | | | | 61% | | | | 68% | | |
| Case outcomes compared by previous contact arrangements | Prior contact arrangements | | | Direct contact | | Supervised/  supported  contact | | | Stand-alone indirect contact | Order of no contact | | | No order |
| Regular agreed contact (n=121) | | | | 79% | <2% | | | <2% | none | | | 17% |
| Irregular agreed contact (n=24) | | | | 63% | none | | | none | none | | |  |
| Problematic/sporadic contact (n=89) | | | | 61% | 6% | | | 3% | 2% | | | 28% |
| Supervised contact (n=15)  (1 case ended in a Family Assistance Order) | | | | 33% | 33% | | | none | none | | | 27% |
| Indirect contact only (n=8) | | | | 50% | 13% | | | 13% | none | | | 25% |
| No contact (n=47) | | | | 26% | 2% | | | 19% | 2% | | | 51% |

**A. Interim orders**Orders were considered to be ‘interim’ for these purposes if they were short-term, time-limited orders, or if they were superseded by a subsequent order. An interim contact order (or several) was made in most cases in the sample. Most of the interim orders made were for unsupervised, direct contact between child and parent. Around a quarter of the sample featured an interim order or orders for supervised/supported or stand-alone indirect contact, or some combination of the same. Just under a quarter of the sample involved an interim order for supervised/supported contact.

**Interim orders for supervised/supported contact**Interim orders for supervised/supported contact tended to involve formal supervision either at a contact centre, or through CAFCASS. Often the contact was supervised for the purposes of preparing a report for the court. The cases in which the court moved from an interim order for supervised/supported contact to an interim order for unsupervised contact usually followed one of two patterns: in some an order for a period of supervised/supported contact was made, followed by a further court hearing at which another interim order allowing unsupervised contact was made; in others one order was made requiring a small number of supervised/supported contact visits to take place before unsupervised contact could begin. While in those cases following the first of these patterns, there was a further opportunity for consideration of the developing circumstances, and the possibility of a number of outcomes, the same could not be said of those cases following the latter pattern, in which the decision to move from supervised/supported contact was taken at the initial hearing, and therefore without the benefit of further information as to how the supervised/supported contact had gone.

**Interim orders for indirect contact**Only a small proportion of cases involved interim orders for stand-alone indirect contact. In most of these cases a period in which stand-alone indirect contact was ordered was followed by a further interim order for supervised or unsupervised direct contact. In only five cases – 2% of the cases where an interim order was made, less than 2% of the sample as a whole – was stand-alone indirect contact the only contact ordered at the interim stage. All of these cases involved children who lived with their mothers, and all involved particularly problematic circumstances of one sort or another. Violence by the father against the mother featured prominently in two of the cases, and drug related criminal offences in two more. In nearly all of these cases there had been no contact between father and child for one or two years. One father had been in prison for most of the child’s life, one mother had stopped contact after the father was arrested for drug offences two years prior to the current application, one father had gone to live abroad a year prior to the application and had not been in touch with the child since he left. In one case the order for stand-alone indirect contact followed the father’s removal of the child from the refuge where the mother and child had gone following serious domestic abuse. In that case the children were on the child protection register because of the father’s violence towards them. The father had been found guilty of assault against one of the children.

**Interim orders for no contact**An interim order for **no contact** was made in only 2% of the cases in the sample. These cases involved the following highly problematic circumstances: breach of non-molestation orders on the part of the contact parent; a refusal to return the child following contact; the unexpected removal of the child from the jurisdiction during contact; allegations of physical or sexual abuse of the child; and a violent incident on the part of a contact parent suffering from serious psychiatric problems. In all of these cases, the interim order for no contact followed one or more previous interim orders for unsupervised or supervised/supported direct contact.

**B. Final orders**Tothe extent that any order in cases of on-going intra-familial conflict can be described as ‘final’, we use the term to refer to those orders that were not time-limited, were not intended as short-term measures, and had not been superseded by another order. Nearly three-quarters of the cases had been resolved by a final court order at the time of data collection.

The most frequently occurring order, accounting for the outcome in 61% of the cases, was an order for direct, unsupervised contact. 4% of the cases resulted in a final order for supervised/supported contact, and 4% in an order for stand-alone indirect contact.

There was a final order for ‘no contact’ in just three cases – just under 1% of the sample. In each of these cases previous violence was either proved or admitted, or a non-molestation order had been made. Two of the cases involved a welfare report, and one an expert report. In one case the father had breached a non-molestation order by going to the mother’s home and had received a suspended prison sentence for the breach. He had snatched the child from her pram and refused to return her to her mother. The court had finally ordered that he should have no contact with the child. In the second case the father had been violent towards the mother throughout their relationship, including when she was pregnant, a non-molestation order had been made and there had been threats that the child would be forcibly removed from the mother by the father or his family. In the third case, both the father and mother were in prison for a spell, both parents had a history of violence and the children, who were living with their grandfather, did not want contact.

Cases involving allegations of physical violence, harassment, sexual abuse or neglect of children featured disproportionately among the cases in which supervised/supported, indirect or no contact was ordered. Amongst the cases in which a final order for supervised/supported, indirect, or no contact was made, 72% involved such allegations, while only a quarter involved no allegation of any sort of violence (the comparative proportions among the sample as a whole were 45% and 48% respectively).

**Types of supervision used**In over half of the cases involving either an interim or a final order for supervised/supported contact or both, a contact centre was used at some stage in the proceedings. In the remaining cases, supervision was carried out by CAFCASS, or in a few cases, social services, or by family members or friends.In five cases supervised/supported contact appeared to have been ordered with no provision being made as to how this was to be put into practice.

In relation to the comparison of outcomes according to previous contact arrangements (see table on orders made), the one category of cases that stands out here is that containing cases in which no contact was taking place prior to the commencement of the current proceedings. Among these cases, the rate at which direct contact was ordered is noticeably lower and the rate at which indirect contact was ordered is noticeably higher than among every other category. Cases where there had been *no* contact prior to the current proceedings were the only category in which the most frequent final outcome was *not* an order for direct contact.

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| Interim to ‘final’ orders | | | | | |
| Final order made | | **Cases involving interim**  **unsupervised contact**  **(n=103)** | | **Cases involving interim supervised contact**  **(n=52)** | **Cases involving interim**  **indirect or no contact**  **(n=14)** |
| Direct unsupervised contact | 98% | | | 58% | 64% |
| Supervised/supported contact | | | 2% | 19% | 7% |
| Stand-alone indirect | none | | | 19% | 29% |
| No contact | | | none | 4% | none |

9% of the cases followed the pattern of **a period of supervised/supported contact followed by an order for unsupervised contact:** there had been allegations of physical violence or harassment in 63% of these cases and of sexual abuse in 7%. There was a finding of fact hearing in only 7% (2) of the cases. Violence was proven or admitted, or there was a non-molestation order in 27% of these cases. These cases were more likely than the sample as a whole to have involved some sort of report to the court: 87% of these cases, as compared to 67% of the sample as a whole, involved some sort of report; 80% involved a welfare report, 20% involved a medical expert’s report, and 7% a social services report. The court had clearly followed the recommendations of the welfare report in most (88%) of the cases in which a welfare report had been provided, while the recommendations of the expert reports were followed in 50% of applicable cases (the remaining cases did not necessarily involve the court ignoring the recommendations, in some there were no recommendations as such, while in others it was unclear from the court file whether any specific recommendations had been made).

**10%** per cent of the sample cases had followed the pattern of **a period of supervised/supported or stand-alone indirect contact followed by a final outcome of ‘no order’:** allegations of violence (as broadly defined) were a feature of 63% of these cases, with allegations of physical violence or sexual abuse made in more than half (57%). In the majority of these cases (86%) a welfare or expert report or both had been provided to the court during the course of the proceedings. Three-quarters of the cases involved a welfare report, one quarter an expert report, and 17% involved both types of report. It was not possible to discern from the court records whether the recommendations of the experts in these cases had been followed. In the majority (70%) of those cases involving a welfare report, it was clear that the recommendations of the report had been followed.

7% of the **cases involved interim orders for a period of stand-alone indirect contact or that no contact should take place for a time:** the cases in which there had been a ‘no contact’ interim order fell into two categories: those in which the ‘no contact’ order was preceded or followed by another interim order for contact of some sort, and those where it was not. All those cases that had involved interim orders for direct contact, but with a temporary suspension of contact, usually coupled with a direction that reports or assessments of the family be prepared, resulted in a final order for direct, unsupervised contact. Neither of the cases where there was an interim order for no contact, and no other interim order, resulted in a final order, and in neither was it possible to tell what the final outcome was.

A quarter of the cases in which stand-alone indirect contact had been ordered on an interim basis ended with a final order for stand-alone indirect contact, and another quarter ended with a final order for direct, unsupervised contact. Nearly half of these cases ended with no court order, while one case resulted in a final order for supervised or supported contact.

**Key findings from court record sample**

Most cases resulted in an order for direct, unsupervised contact:   
61% of the cases resulted in an order for direct unsupervised contact4% resulted in an order for supervised/supported contact only4% resulted in an order for indirect contact onlyless than 1% resulted in an order for no contact

The proportion of cases in which the parties consented to the final outcome was high, but considerably lower where supervised or supported contact was ordered. These outcomes are consistent with the idea that judges resort to making orders which involve supervised/supported, indirect or no contact only in very limited and problematic circumstances.

Part 2: The parent interviews

The follow-up interview cases presented a wide variety of circumstances, from one-off disputes about a week’s holiday, to highly conflicted disputes featuring allegations of violence, abuse and neglect. While some of the cases involved an application to court following a denial of contact, **most had at their core concerns about the care the other parent gave the child**. These concerns, of course, were varied. Some, like the resident mothers’ worries about their children not doing their homework, or being returned from contact late, might seem a trivial basis for a legal dispute. Others were far more serious. There were resident parents in the sample worried that the non-resident parent was simply not capable of looking after the children, either through lack of experience, or through incompetence because of drink or drugs or mental health problems. Other resident parents were opposed to contact on the basis that the non-resident parent upset the children by making threats to kill or harm the resident parent in the children’s presence, and/or used contact visits as an opportunity to question the children as to the resident parent’s activities and lifestyle. Concerns about the non-resident parent’s excessive drinking were common. In several cases it was alleged that the child was at risk of abuse at the hands of a relative of the non-resident parent.

Non-resident parents in the follow-up sample had sometimes been denied contact and were seeking to re-establish it, and in other cases were seeking more or different contact or a change of residence because of concerns they had about the care given to the children by the resident parent. Many denied the allegations of violence or irresponsible behaviour made against them in the course of the proceedings, although the credibility of these denials was in some cases tested by subsequent convictions for drink-driving, positive results in drug tests and the making of non-molestation orders.

**Contact orders and arrangements among the interview sample**The amount and frequency of contact ordered or arranged among the cases in the follow-up sample varied from case to case, but there were certain patterns which predominated. At one end of the spectrum were open-ended court orders for ‘reasonable contact’, with the parents being left to sort out for themselves what was ‘reasonable’ and how it was to be achieved. Orders of this nature did not feature often, probably because the parents’ lack of ability to agree and co-operate was ultimately the reason why these parents had resorted to litigation. More common were orders specifying, to a greater or lesser degree, the days on which contact was to take place, the start and end time for the contact, and how holidays and ‘special’ days like festivals and birthdays were to be accommodated within the arrangements.

The most common arrangement was along the lines of contact every other weekend, plus an evening or after-school visit mid-week. The weekly contact was usually supplemented in these cases with either half the school holidays, or an agreed number of weeks in the school holidays. Special arrangements were often made to cover festivals and birthdays. Among the cases featuring such arrangements there was considerable variation as to the amount of flexibility built in to the arrangements. In some families, days and times specified in the order were rigidly adhered to, while in other cases there were varying degrees of flexibility.

*Well, I might see them one day one weekend and I may see them one day in the week. It’s very flexible now and we’ve sorted things out ourselves without … the law of the land, the incompetence of CAFCASS and the parasite of her [mother’s] legal aid solicitor.* ***Non-resident father***

Some parents had arrangements more closely approaching an equal sharing of the children’s time, while at the other end of the spectrum were those cases where contact was extremely sporadic or very infrequent, or in which contact had ceased altogether.

|  |  |  |  |
| --- | --- | --- | --- |
| The interview sample cases: some facts and figures | | | |
| The cases could be classified as being primarily based on one of the following:   * serious concerns over care * minor concerns over care * problems relating to reliability * one-off issues (like holidays) * denial of contact | Cases involving minor concerns over care were more likely to result in a final order for unsupervised direct contact than other cases, but not much more likely: 78% of the former, as compared to 68% of the cases in which serious concerns lay at the heart of the dispute and 63% of cases which arose as a result of a denial of contact | | |
| In 55% of the follow-up cases, the parents had agreed to the outcome of proceedings | Almost half of the parents interviewed described themselves **as satisfied or very satisfied** with the agreed outcome | | While almost half said they were **unhappy or very unhappy** with the agreed outcome |
| A small number of the parents reported no difficulties putting the contact orders/agreements in to practice  Some reported minor problems  Most reported that putting the order or agreement into practice had been problematic or extremely problematic | | | |
| Post-court developments  contact taking place according to order/agreement: 33%  contact arrangements had changed: 67%  most of the parents reporting a change were unhappy with the change in arrangements  in the majority of the cases where there had been a change in arrangements, the change had not been by agreement | | ***How had contact changed?***  Minor decrease in amount of contact: 12%  Substantially less contact than ordered/agreed: 22%  Cessation of contact: 22%  Improvements in arrangements: 3%  Older child makes own arrangements now: 5%  Children now live with other parent: 3% | |

The high proportion of parents who had agreed to contact arrangements with which they were not satisfied tallies with the picture some of them painted of the pressure to reach agreement at every stage of the court process. The experiences reported by these parents underline the need to ensure that agreements entered into are genuine, and not in reality the outcome of an exercise of authority by stealth. This distinction might be particularly important where a parent has concerns about the safety or well-being of a child during or as a result of contact; concerns which tend to be downplayed by the system. In our sample some such parents felt pressurised into agreeing to contact arrangements with which they were deeply unhappy – for example, the mother whose concerns over her husband’s alcohol abuse were ignored, until he was caught drink-driving on his way to collect their daughter for a contact visit.

|  |  |  |  |
| --- | --- | --- | --- |
| Interview sample cases featuring supervised/supported contact | | | |
|  |  | Supervised/supported contact ordered (either interim or final order) | No supervised/  supported contact ordered |
| Agreed outcome | | 44% | 59% |
| Satisfied or very satisfied with outcome | | 17% | 34% |
| Putting order into practice was ‘extremely problematic’ | | 50% | 26% |
| Putting order into practice was ‘extremely problematic’ or ‘problematic | | 78% | 61% |
| Contact taking place according to final order (or situation better than final order) | | 50% | 30% |
| Contact arrangements had changed | | 50% | 70% |
| Minor decrease in amount of contact | | 1 case | 28% |
| Substantially less contact than ordered/agreed | | 12% | 28% |
| Cessation of contact | | 33% | 15% |
| Improvements in arrangements | | none | 5% |

**Problems with contact**Most of the parents interviewed reported that putting the contact arrangements into practice had been problematic for them.

***The contact parents’ accounts***  
For nearly all the contact parents the basic problem could be summarised in the idea of the ‘obstructive resident parent’. The contact parents offered a number of reasons why contact had been made difficult, or reduced, or stopped unilaterally by the resident parent: ill-will; presence of new partners; linking of contact and maintenance; resident parent being unreliable; and resident parent being inflexible and unaccommodating.

The resident parent was often seen as simply seeking to make life difficult for the other parent with no specific motivation or explanation for his or her behaviour beyond the general bad feeling between the parents following the breakdown of their relationship.

*… she just broke [the order] and it took me six months to get back into court for a judge to, what, in the six month period of waiting to go to court the contact order was no longer viable and they had to do another one and I had six to eight months of not seeing my child! A phenomenal amount of time. But there’s no recourse. There’s orders made that can’t be enforced.* ***Resident, previously non-resident, father***

Some parents described the contact order as a ‘weapon’ used by the other parent to punish them. In cases such as these, the problems with contact, at least as far as the contact parent was concerned, arose out of simple ill-will on the part of the other parent stemming from the breakdown of their relationship, and leading to actions designed to punish or control or simply annoy. Sometimes the parents had been able to work through their difficulties and had managed to find ways of organising regular problem-free contact. In other cases, contact was significantly reduced, or even stopped altogether as a result, in the eyes of the contact parent, of the resident parent’s behaviour.

The second sub-category of ‘obstructive resident parents’ consisted of those who stopped or disrupted contact because the contact parent had re-partnered. Disruption of contact because of jealousy, or because of a reluctance to allow the new partner to have contact with the children, or a combination of the two was a common theme.

*The strange thing is he saw the children whenever he wanted to before the court order but the court order is stricter, so he sees them every Wednesday and every other weekend. That’s fine with me on a practical level because I can arrange my work and childcare and everything. I know what’s happening. But for him he’s lost out because he doesn’t see the children nearly as much as he did before the court order. But he was prepared to see the children less in order for his mistress to be involved and I think that’s such a shame.* ***Resident mother***

The mother’s language here is telling. She referred to her ex-husband’s new wife as such on many occasions through the interview, but here she refers to her as his ‘mistress’. These cases gave a clear picture of how strongly parents can feel about these issues, and particularly, how very deeply and bitterly parents may resent their former partners’ new partners. This mother went on to explain her feelings further.

I can accept the fact that she [father’s new wife] has got my ex. I can accept that, but I cannot accept her being with my children. At the end of the day when he went my youngest was a year old. I’m the one who tucked them up in bed and I’m the one who kisses them. That’s my job. That’s their dad’s job as well, I’ve no problem with that, but I have a problem with a woman – I’ve never seen her, I’ve never met her – with a strange woman doing that. **Resident mother**

The fact that the resident parent had a new partner, and new children or step-children of his or her own was also, but less often, given as a reason why contact had been reduced or stopped. Some contact parents were of the view that the resident parent found their continued involvement in the children’s lives disruptive of their efforts to build a new family.

A third reason presented by the contact parents to account for the behaviour of the ‘obstructive resident parent’ was that the contact parent was not paying maintenance.

*I somehow feel she’s thinking, ‘One, he doesn’t pay me any money, and two, I got my own family now’, and she doesn’t want me coming round interfering with her family. I can understand that to a degree.* ***Non-resident father – no direct contact for over a year***

Some contact parents had had problems with contact because of unreliability and lack of consistency on the part of the resident parent. This sort of complaint was usually made in cases where contact took place, but where the resident parent’s behaviour meant that it took place less regularly or less frequently than it was supposed to according to the terms of the parties’ agreement or of the court order.

*My ex-wife kept changing the collection place. One minute it would be her house, the next her mum’s, then her boyfriend’s, and I found a lot of time was taken up just going back and forward to pick up my daughter. A lot of times she would not be ready and there is no rigidity to the visits – she keeps cancelling or changing the times. As I work and she doesn’t this can make life difficult…. I think my ex-wife sometimes does this out of spite. It is unnecessary and mean, but I have to bite my tongue and hold back because my ex-wife knows I cannot afford to take her back to court.* ***Non-resident father***

*She didn’t want me turning up at her house, so I had to collect her from a family centre. I’d have to turn up like 15 minutes before she would come and drop my daughter off and we’d leave separately. But, like I said, I turned up six or seven separate occasions and she didn’t bother turning up with my daughter. I was sat there in the room with all children about and other families and I would never get to see my daughter at the end of it.* ***Non-resident father***

Another recurring problem from the point of view of the contact parents arose from a perceived over-rigidity on the part of the resident parent in sticking to the letter of the order, as exemplified in this excerpt:

*I wanted to really have my daughter to stay overnight but my wife would not move. I also wanted to take her on holiday and also be a bit more flexible in the times that I could have her. I work different hours from week to week so to stick rigidly to set hours was not advantageous. I had to accept the proposals because my wife was very rigid with the arrangements, and so I thought I would accept them because it was in improvement on the arrangements I already had.* ***Non-resident father – this father reported problems however, because having insisted on a rigid routine, his ex-wife then began making her own ad hoc changes.***

***The resident parents’ accounts***  
From the perspectives of the resident parents, the blame for the difficulties with contact generally lay with the other parent. The sorts of problems which arose and the explanations for them fell into four broad categories: those in which the contact parent was seen as being motivated by something other than a desire to see and spend time with his or her children; those in which the contact parent caused problems either because he or she was unreliable or because he or she was inflexible and uncompromising; those in which the resident parent had concerns over the quality of care the contact parent was capable of offering; and those in which the children were opposed to contact. These are neither discrete nor concrete categories, but offer a rough description of the various explanations given by the resident parents for the difficulties encountered with contact in their cases. Resident parents also brought up the interrelationship between child support and contact, with some clearly feeling that there ought to be a direct link between the two.

*The judge was not interested that the father had shown and did not intend to take any financial responsibility as part of the whole picture.* ***Resident mother, unhappy with court order.***

*Ulterior motive*  
A recurring theme was that the contact proceedings had been commenced in order to make life difficult for the resident parent, or as a retaliatory measure because the resident parent had applied for child support, or in order to harass or control the resident parent.

At this time his dad was trying for a residence order for the three children, and he would tell them that he was seeing a judge so that they could all live with him. I genuinely believe that my son was afraid of leaving me in the morning in case he wouldn’t see me again and that I would be in jail.… It was a terrible, terrible time for the children. As much as I tried to protect them, I had no control over what their father said to them when they were with him. **Resident mother, parents now reconciled.**

One resident mother described how the father had applied for contact and been granted overnight contact every other weekend, but had never turned up for a contact visit and had seen his son only twice in two years, ‘*Because he is not interested in him*’ (Resident mother).

*Contact parent unreliable, inflexible, uncompromising*The second broad category of problems from the resident parents’ point of view were those relating to the contact parent’s unreliability, or to his or her inflexible or uncompromising attitude towards contact. In some cases the contact parent, having applied for a contact order, with all the effort that that entails, did not exercise contact. This in turn could lead to the resident parent losing faith in the whole enterprise.

He didn’t turn up. I didn’t see the point. The kids didn’t want to go in the first place, so I didn’t see the point of taking the kids down there to sit around in a room and wait for somebody to turn up when obviously they couldn’t be bothered. **Resident mother, supervised contact at contact centre, happened once, supervised because there had been no previous contact and children did not know father**

In some cases where contact had ceased or was highly problematic, the resident parent felt he or she had done everything possible to facilitate contact or to encourage the other parent to see the children, but to no avail. There was often a deep sense of disappointment with the other parent in cases such as these.

*I wanted her to see the children from the beginning. I tried but she wouldn’t meet me half-way. It had to be on her terms or nothing. I said she could come here anytime. We even arranged to go to a park, and the last minute before we leave, ‘I don’t want to go near you’ and all this.* ***Resident father***

Many of the cases featured problems caused by unreliable contact parents, as illustrated by the following excerpts.

*I’m actually in court again tomorrow I’m back and forth with court at the moment. Basically, there was no contact at all for around about thefirst year because he disappeared when she was about seven months old. And then he had her for just a couple of hours and gradually built up. Initially we tried to do it amicably but unfortunately that didn’t work out … . He was very unreliable and used to let her down and not turn up and it got silly. I didn’t take him to court for the contact arrangements, I’ve never done that, he’s always taken me.… The contact orders have been in place three years now, but it’s been very sporadic. I’ll put it that way. It’s very on/off depending on his fancy.* ***Resident mother***

At the other end of the spectrum were difficulties caused by inflexibility and over-rigidity in adhering to the terms of the order.

*The strict timing in the order caused arguments. I had to sit outside the father’s house while my daughter stood just inside the door waiting for 6.30 changeover time as his wife wouldn’t allow her out before. It was far too rigid a timetable and meant my daughter’s interests came second to the court’s requirements.* ***Resident mother***

Another recurring problem was the contact parent’s alleged refusal to accommodate the child’s social life. The resident parents reported, particularly in relation to older children, that their children wanted to take up activities, spend time with their friends, go to birthday parties and so on, and that this was not always possible because of the contact arrangements. This sort of issue had been at the root of the contact problems in a number of the cases in the sample. In some cases it had been behind a decision on the part of the resident parent to reduce contact. This mother explained why she had felt it necessary to curtail her ex-husband’s contact.

*I wanted to change things this year because [my daughter] does dance and drama, which her father refused to take her to, which meant I was paying for a course that she would only attend half of. And on his long weekends he wasn’t going to take her, so I was forced to stop that long weekend because I wasn’t taking him back to court because it was going to cost and the only way to force the issue was to take that weekend away from him.* ***Resident mother***

Others had not taken such drastic steps, but nonetheless found the contact parent’s attitude led to problems which they saw as unnecessary and easily avoidable.

*I’d have problems because Jade would be like, ‘Dad, can you come get me at 10.30 so I can go riding in the morning?’. Because we do stuff with the horses. And he’s like, ‘No, it’s got to be 9 o’clock.’ And I said to him, ‘Look if I send her riding gear up, could you take her riding?’, and he’s, ‘Yes, I’ll take her riding’, and I send all her gear up, her hat and everything else, and the boots, and of course then she doesn’t go riding and it’s one of those little let downs isn’t it?* ***Resident mother***

*Concerns over care during contact*The third broad category of problems as described by the resident parents arose from concerns over the contact parent’s ability to meet the needs of the child, either through lack of knowledge of the child, or lack of general parenting skills, or because of a specific problem such as alcohol abuse or a personality disorder. Some resident parents reported that they felt compelled to allow contact even in the face of serious concerns of this sort. Others had insisted on reduced or no contact because of their concerns. This area was a clear example of how parents might construct and report an account differently depending on their own perspective. What for a concerned resident parent might be a reasonable withdrawal of contact because of the negative emotional impact it was having on the child, might from the point of view of the other parent appear to be an inexplicable, or malicious attempt to disrupt his or her relationship with the child.

One of the cases in the sample exemplified the ‘concerned resident parent’ scenario particularly clearly. The case concerned a young child who suffered very badly with eczema. The child’s mother felt that the court paid insufficient attention to the special care needed to control his condition, which she felt the father and his family did not provide:

*When he started going he’d come back and his eczema would be being inflamed. He used to wear mittens. They [ex-husband and extended family] would take the mittens off so he could scratch his skin red raw. I used to drag him to the doctor’s the following day, and it just, it really did take its toll on my heart. It’s really taken its toll, even now. And no one supported us. Yes, the doctor wrote that his skin was worse. But, there was no one [in court] who was an expert with eczema. There was no one there to say, ‘If he goes, he scratches his skin, it bleeds and it becomes infected and he’s not going to sleep the next three, four nights’, you know. It used to take me something like eight or nine days to get it back to a decent level where he could then sleep through the night without itching and crying, and then in another three days he'd be gone to his Dad’s again and they’d do the same thing again. And nobody cared about that. All they thought, in court was, ‘Oh, it’s only a bit of eczema’, and no one looked… they didn't even bother investigating it. It was just, ‘Oh, no it’s not that bad, blah, blah, blah. He’s not in hospital, so it’s not that bad’.* ***Resident mother***

A number of resident parents had concerns about contact because of the other parent’s alcoholism or heavy drinking.

*I was unhappy about my ex driving our daughter around in his car as he drank and drove but never got caught. They [judge and lawyers] said people can change. I also wanted supervised visits at first because he had a tendency to have a temper tantrum and walk out of the house! Luckily, my eldest daughter (ex’s step-daughter) used to go too so she was there to help keep an eye on things. … He has a girlfriend now, so at least I know there’s someone sensible in the house.* ***Resident mother***

One mother who asked for supervised contact because of her ex-husband’s alcoholism felt unfairly treated by the court,

I felt let down by the court. I felt unheard – unable to voice my concerns. I actually felt as though I was making a fuss. I felt as though the court viewed me as trying to stop contact and cause trouble, even wasting their time. **Resident mother**

Another felt these sorts of worries were brushed aside,

*She [the judge] was not interested in past bad behaviour, drink problems, and didn’t look beyond the smart suit and caring parent show put on in court.* ***Resident mother – the father subsequently lost his driving licence after being found to be over the legal limit when stopped by the police on his way to collect his daughter for a contact visit.***

**The parents’ views of the courts**Several themes emerged from the parents’ comments on how they felt about the legal system and the court process as experienced by them in relation to their contact dispute. The predominant themes were: that the system is suffused with bias; that the adversarial nature of the court process is unhelpful; that there is tremendous pressure to agree to suggested outcomes; that the courts are intimidating and alien and do not listen to parents; that the expense of going to court is unreasonable and prohibitive; and that the integrity and efficacy of the system as a whole is undermined by the fact that contact orders are not enforced.

Theparents found the lack of enforcement of contact orders deeply frustrating and it led some to question the value of legal intervention in family arrangements. Going to court was often seen in retrospect as a waste of time, money and effort.

**The parents’ views on mediation**In most of the cases in which the parents gave us their views, mediation had proved ineffective and it is therefore unsurprising that the parents generally had very little positive to say about the process. The parents raised various issues in relation to mediation – it was seen as inappropriate given the strength of the ill-feeling between them, it provided a forum for further argument or intimidation, it rarely resulted in agreement, and was seen as pointless given that any agreements that were reached were not enforceable in any event. While some felt the mediation services of which they had experience were fair, there were also perceptions of bias on the part of those providing the mediation service, particularly among fathers.

The most common response to the question of whether the parents had used mediation was that while the parent to whom we were talking had been willing to try mediation, the other parent would not countenance it, or had initially gone along with the idea, but then failed to attend mediation appointments. Even where both parties had been prepared to try, there was often a recognition that their bad feelings for each other at the time meant that mediation could not work.

Part 3: The judges’ views

The judges we spoke with all expressed the following views:

* contact was invariably a ‘good’ for the child
* where possible it was better to get the parties to agree to an outcome
* many of the issues parents brought to court were not matters on which a court could have any useful input, save to act as a formal setting for a sort of mediation to take place
* that their role was to stress to parents that it would be better for them if they could make their own decisions and reach their own outcomes
* that they acted as neutral third parties who tried to get the parties to agree, ‘threatening’ to use their judicial authority to impose a solution if necessary

**Views on supervised/supported contact**

The judges saw supervised or supported contact as a very useful tool which they would use to try to ‘get the ball rolling’. They would often order one or two sessions of supported contact at a contact centre as a starting position from which they would progress to order unsupervised contact. Sometimes, where the parents were extremely hostile towards one another, they would provide that handovers should be carried out with the assistance of a family member or at the contact centre, with a view to ensuring that the parents did not have to come into contact with each other. The judges were of the view that contact centres performed an essential function, and expressed grave concerns that so many centres were so perilously funded.

**Reasons for ordering supervised/supported contact**

* **to placate or reassure the resident parent or child** – this was the reason for ordering supervised/supported contact most often mentioned first by the judges. While they conceded that in some cases resident parents might have well-founded concerns as to the child’s safety and well-being during contact, the judges’ general impression was that in most cases these fears and concerns, while genuine, were not warranted. They talked of the ‘over anxious’, often semi-agoraphobic mother. They would use supervised/supported contact in cases such as this to demonstrate to the fearful resident parent that the children came to no harm during contact and were not traumatised by the experience, and to allow the non-resident parent the opportunity to prove that he or she ‘could behave’. Having thereby ‘placated’ the resident parent, they would move on to order, or broker an agreement for, unsupervised contact. Supervision/support was also used to enable the reluctant or nervous child to meet the non-resident parent in an environment in which the child had been reassured he or she would be safe, and perhaps would also be reassured by the knowledge that the resident parent was close by in a neighbouring room. Once the confidence of the child or resident parent or both had been raised to a sufficient degree, unsupervised contact would be introduced, often on a staged basis, with visits increasing in length as the parties became more comfortable with the arrangements.
* **because of** **a risk, or allegation of risk, to the safety of the resident parent** – in cases such as this, supervision or support was used to ensure that contact could take place without the need for the parents to meet. In some such cases, the judges would consider specifying that there should be no telephone contact between the parents.
* **perceived or alleged risks to the child’s safety** – risk to the child was less common in the judges’ experience than risk to the resident parent. Where there was such a risk, the judges would consider supervised or supported contact as an appropriate response, at least in the short-term to ensure that contact could take place without incident, but the general impression among the judges was that cases in which there was a real threat to the child’s safety during contact were most unusual.

**Views on indirect contact**

Indirect contact was seen as a ‘last resort’ by the judges.

**Reasons for ordering stand-alone indirect contact**

* **as a first step towards establishing contact or ‘opening the door’ to contact** – indirect contact might be used following a substantial period during which the parent and child had had no contact, or where they had never had contact, and so the child did not know the parent. Where a parent sought to establish or re-establish contact in this way, the judges would often take the view that it was best to begin with the sending of letters, cards or presents before moving on to direct contact.
* **as a means of** **‘keeping the door ajar’ in circumstances in which direct contact was considered impossible or undesirable for the time being** – the sorts of cases where indirect contact might be considered appropriate to ‘keep the door ajar’ were cases in which the non-resident parent might have been so violent in the past that the safety of the resident parent and child might be jeopardised by direct contact, or where the non-resident parent was in prison, or suffering from a mental illness. In cases such as these, the reasoning was that the child might benefit from knowing that the non-resident parent was ‘ok’, and from knowing that he or she wanted to stay in touch, and that when the child was older he or she might choose to develop a closer relationship with that parent.

1. Research seems to show a quite clear link between conflict and future well-being. See, for example, P Amato, L Loomis and A Booth, ‘Parental divorce, marital conflict and offspring well-being during early adulthood’, 1995 *Social Forces* Vol 73(3) 895-915; S Jekielek, ‘Parental conflict, marital disruption and children’s emotional well-being’, 1998 *Social Forces*Vol 76(3) 905-936; D Morrison, M Coiro ‘Parental conflict and marital disruption: do children benefit when high-conflict marriages are dissolved’, *Journal of Marriage and the Family*  1999 Vol 61(3) 626-637. [↑](#footnote-ref-1)