

Parenting Apart

Listening To Your Children's Views

Parents can often find it difficult to talk with their children about separation, or to listen to their children's views about changes in the family. When children and young people don't know what is happening, they can sometimes think that the separation or changes are their fault, or they might worry that the separation will change how their parent feels about them.

During and after separation, it is important to understand what your children are thinking or feeling about family changes. This understanding can help you think about the arrangements for your children and make decisions that consider their needs and views.

Parents have a responsibility to give their children the opportunity to share their views if they want to. While it is important for children to know that you want to take their views into account, it should also be clear that parents make the decisions.

Children's views and needs are likely to change over time, so try to encourage them to express their thoughts and feelings about arrangements regularly.

Children and young people can find it helpful to talk to other family members, friends, or other trusted adults such as a teacher. Sometimes they may also benefit from support from other professionals such as a counsellor.

In order to understand what your children are thinking or feeling, listen carefully. This might seem simple but it can actually be one of the hardest things to do, particularly when life is busy or you are struggling with your own emotions.

- Set aside time to listen to your children. If you have more than one child try to make time to listen to them separately – they may have very different views.
- Try to give your children your full attention when you are listening, it's easy to get distracted!
- Try to listen to your children without interrupting, give them time to speak.
- Ask questions to confirm that you understand what your children have said.
- Support their feelings by repeating back what you heard your children say, even if you don't agree with them.
- Your children's feelings about the separation may be different from your own, so try not to let your own feelings influence them.

Children's Views and the Law

The law in Scotland supports children and young people's rights to express their views, feelings and wishes, and to have their views considered and taken seriously in all matters affecting them, including their day-to-day home life. The Children (Scotland) Act 1995 and the United Nations Convention on the Rights of the Child (UNCRC) say that children should be given an opportunity to express their views on any decisions that affect them, including those within the court process, depending on their age and maturity. Children also have the right not to express a view.

Listening to your Children's Views in Family Mediation

Some parents get support from a family mediator to help them to agree on their arrangements after separation. During mediation sessions, the family mediator will help you to consider your children's needs and take your children's views into account when making decisions.

Sometimes it can be helpful for children (usually 8 years or above) to have a conversation directly with a mediator. The mediator helps children to share their experiences, talk about their concerns, and think about what, if anything, they want their parents to consider when making arrangements.

The mediator is specifically trained to meet with children as part of the mediation process. This is referred to as Direct Consultation with Children in Mediation (or Child Inclusive Mediation). Children may meet for one or two sessions to

express their views through talking, writing, drawing or other activities. If there is more than one child, they may be seen separately or together.

In order for your child to be involved in this process, the mediator would initially discuss the process and confidentiality with both parents. The mediator would discuss whether it was appropriate to proceed and consider any concerns, including safety. Your child would be sent some information to help them decide whether they wanted to take part. If they agreed to be involved the feedback from your child, if any, would be shared with both parents at a separate session.

The aim is to give your child the opportunity to share what it is like for them and to help you, as their parents, in your decision-making – it is not for them to make the decisions for you.

Listening to your Children's Views using other Dispute Resolution Processes

Parents can be supported to make decisions about arrangements for their children using other dispute resolution processes. These include: getting help from Solicitors/ Family Lawyers, Collaborative Lawyers, Family Law Arbitrators, the Court Process, or a combination of these. All processes encourage parents to put the welfare of their child first and to consider their views.

There are a number of options for children's views to be taken into account within the court process that may be worth

exploring with a mediator or your Solicitor. For example, children can fill in a form (F9 Form) to tell the Sheriff /Judge about their views; children can be represented by their own Solicitor; Sheriffs sometimes ask to speak directly to children; the Sheriff can ask for a child welfare report or other court-ordered reports; children's views can be represented by a Curator ad Litem.

Free legal advice is available to children, young people and parents from the Scottish Child Law Centre www.sclc.org.uk.

To find out more about listening to your children's views during or after separation contact your nearest Relationships Scotland Member Service
www.relationships-scotland.org.uk



RELATIONSHIPS
counselling, mediation & family support across SCOTLAND

References

- McGhee, C. (2011). Parenting Apart. New York: Berkley Books.
- Mooney, A et al. (2009). Impact of Family Breakdown on Children's Well-being: Evidence Review. Thomas Coram Research Unit, University of London.

