



**Best Practice Guidelines
for Contact between
Parents and
Infants/Young Children
in Separated Families**



These guidelines are informed by research carried out on behalf of One Family by academics based in Trinity College Dublin and University College Cork. The research consisted of an in-depth international literature review on the issue of contact for children aged 0-6 year olds in separated families; the distribution of an online survey for parents who have experience sharing parenting of infants and young children; two focus groups with professionals working in the area of family law, one with social care professionals and one with legal professionals; and six interviews with members of the Irish judiciary working in the area of family law. The research was funded by the RTE Toy Show Appeal and Community Foundation for Ireland Fund. A full research report is available on www.onefamily.ie.



This research project has been funded through the RTE Toy Show Appeal Community Foundation Ireland.

Introduction

A common time for parents who are in a relationship to separate is during pregnancy and the first years of a child's life. One Family works with parents and their children, providing counselling and parenting services during this time. We frequently see decisions, made by parents and/or by the courts that, though well intentioned, may not necessarily be in an infant or young child's best interest. These guidelines have been developed to provide evidence-based, best practice guidance on making contact decisions for infants and young children (aged 0-6 years) within the context of the current Irish family law system. We hope they will be useful to parents, their children, family law practitioners, the judiciary and family support professionals.

Please note that while the current legal terminology used is *access*, these guidelines use the more up-to-date and commonly used term – *contact*.

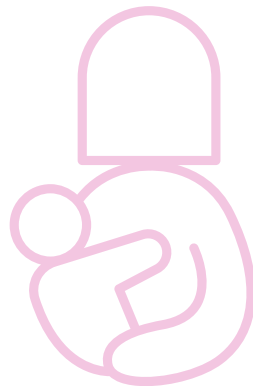
Rights and Laws Relating to Contact

In 2015, the 31st Amendment to the Constitution inserted a new provision dedicated to Children into law. Article 42A of the Constitution states that legislation will be enacted to ensure that where a child is the subject of guardianship, custody and access proceedings, the best interests of the child are the paramount consideration.

It also states that legislation will be enacted which provides that in guardianship, custody and access proceedings, any child who is capable of forming their own views, shall have those views ascertained and given due weight in accordance with the age and maturity of the child concerned.

The Children and Family Relationships Act 2015 changed the law relating to guardianship by providing automatic guardianship for unmarried fathers once they have lived with the child's mother for 12 consecutive months, including at least three months following the child's birth.

Alternatively, an unmarried father can become a guardian with consent of the child's mother via a statutory declaration, or if that consent is not forthcoming, via an application to the courts. One Family is aware from our work that parents may struggle to come to an agreement about guardianship and contact time and this can be more difficult when a child is young.



Principles to Guide Decisions about Contact

These are evidence-based guiding principles to help inform decisions made about contact between parents and their infants or young children.

1. CHILDREN'S RIGHTS AND INTERESTS

Best Interests of the Child

While parents and adults are responsible for making decisions regarding contact for children, it must be remembered that it is the children that must live with those decisions. This is why the best interests of the child must be the main guiding principle for contact decisions, regardless of who the decision-maker is.

Each Child is Unique

Like adults, no two children are alike, and it is essential that the individual child's circumstances and stage of development is taken into consideration. A 'one size fits all' approach towards children is not appropriate.

Voice of the Child

Children have a right to be heard in all contact decision-making processes affecting them, whether formal or informal. How this is done will depend on the stage of development of the child concerned as well as available resources.

Voice not Choice

Children and young people believe strongly in their right to be heard but do not want to have to make decisions about post-separation or divorce arrangements, particularly when it involves making choices between their parents.

Adult Manipulation

Children have the right to express themselves regarding contact arrangements, free from adult influence or manipulation. Adults involved in decision-making processes about contact should ensure that children are protected from any negative influences and are aware of what is confidential or not.



1. CHILDREN'S RIGHTS AND INTERESTS

Child's Right to a Relationship

Contact is fundamentally a child's right rather than an adult's one. The child's right to have contact with a parent where it is safe to do so is critical. Outcomes for children in shared parenting families are better when positive supporting relationships are maintained with both parents, provided domestic violence or any other form of abuse is not a factor. Contact arrangements for very young children should support the growth and strengthening of the relationship with both parents.

Child's Development

Any contact arrangements made must take account of the age and stage of development of a young child and respond to a child's developmental needs on an ongoing basis.



2. CHILD ATTACHMENT AND DEVELOPMENT

Child-Centred Contact

All contact should be child-centred and responsive to a child's individual and developmental needs.

Making Child-Centred Contact Arrangements

Contact arrangements need to start from the position of meeting the needs of children and not adults. Where contact time is inconsistent, irregular, or rigidly adhered to without consideration of the child's social, emotional, and developmental needs, it will not be in their best interests. Where contact arrangements are made via court order, these can tend to be rigid and inflexible. These orders are imposed by adults (Judges) on adults (parents) and in practical terms may not always successfully promote the best interests of the child (ren) concerned.

Quality vs Quantity

The parent-child relationship and the quality of caregiving is more important and significant to a child than the logistics of how often contact takes place or the length of contact time.

2. CHILD ATTACHMENT AND DEVELOPMENT

Overnight Contact

There is no consensus in research on overnight contact care for infants and young children mainly due to lack of data. However, the research does indicate that overnight care is not essential to ensure that an infant or young child forms a healthy attachment to the parent they do not live with.

Children Keep Developing

Early childhood is a crucial and sensitive period marked by rapid developmental change. Therefore, when making ongoing contact arrangements including court orders, it is critical to consider a child's changing life circumstances and their individual stage of development. Any interaction, review or assessment of a family is a snapshot in time of the parent-child relationship, and, as such, should not necessarily be relied upon for providing evidence for ongoing or future issues.

Parenting Styles

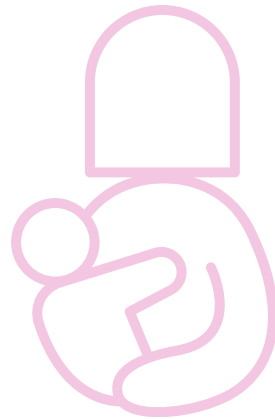
Unless a child is at risk, they can be parented well by both parents with different routines and parenting styles. Where possible, parents should agree on key principles that they wish to use to raise their children. They could then accept that each parent will behave in a way that protects those principles rather than the child needing a mirror image routine in each household. Authoritative parenting is the style that is the most child-centred and effective. Refusing a change in a child's routine post-separation can be a source of conflict and may not be in the child's best interest.

Domestic Abuse

Where domestic abuse has been present or continues post-separation, contact should not be assumed to be in a child's best interest. Domestic abuse is harmful to children and negatively impacts development, particularly that of very young children (aged 0-6 years). If contact is decided upon, then it should be through the safety provided by a professional and regulated Child Contact Centre which may not be available.

No Magic Ingredient

There is no one thing that makes contact time work or not work; rather a wide range of factors that operate interactively, and dynamically, as the attitudes, actions and interactions of the key family members shape contact, determining its quality. For this reason, families, courts and practitioners must be aware of the unique qualities of the individual child and family.



3. SUPPORT SERVICES FOR CONTACT ARRANGEMENTS

Voice of the Child Reports & Assessments

Attachment theory* provides the best framework for conducting assessments on parent-child relationships for infants and young children. Therefore, the core principles of attachment theory should inform service delivery and professional practice in decision making on contact time. The importance of training in infant and child attachment theory research for family law professionals, including assessors and courts, cannot be overstated.

Out of Court Family Support Services

Research shows that where possible and safe to do so, contact arrangements are more sustainable when devised by the family members themselves. Services that support children and families in relation to the development and maintenance of contact arrangements are not always accessible to all children and families in Ireland.

A Note of Caution

In the context of adversarial family law proceedings and given the limits of available research, unreliable or anecdotal evidence may be used to promote particular arguments or viewpoints in court. It is critical that factual evidence is child-focussed and reflects the reality of a child's physical, social, psychological, and educational state of being at a particular time.



*Attachment theory focuses on relationships and bonds (particularly long-term) between people, including those between a parent and child. It is a psychological explanation for the emotional bonds and relationships between people. This theory suggests that people are born with a need to forge bonds with caregivers as children.

Tips for Making and Managing Contact Arrangements

Below are some practical tips and things to consider when deciding on contact arrangements for infants and young children. The guidance in this section is informed by research as well as One Family's experience of working with families for 50 years. Ireland does not currently have a specialised Family Court system or ancillary services for families in private family law cases. If these were in place, this would greatly assist the implementation of these guidelines and positive outcomes for children living in separated families.

1. MAKING A PARENTING PLAN

Observe the Child

Parents are generally good judges of what their child needs and wants. Parents should observe their child to see how they react in different situations and agree what is in their best interest, ideally in partnership with the other parent.

Parenting Principles

At the outset, parents should develop a set of key principles in partnership with their child's other parent, to guide how parenting will be shared. These principles should be based on the child's needs and focus on what is most important for the child as parents raise them together, supporting their development and engaging them in the world around them. These principles will form the basis of the parenting plan.

Get Assistance

If parents cannot agree, then engaging with a mediation or a specialist family support service can help find a solution. If a parent is unsure of their ability to understand or judge their child's needs, parenting courses and family support services may also be able to help with this.

Assertive Communication

It is important to name conflict in the parent relationship if it exists, and for both parents to reflect on how this can negatively impact their child. Finding ways to communicate about the needs of a child is vital. Using assertive communication skills, developed with professional support if necessary, can help parents find appropriate ways to reduce conflict and allow them to focus on sharing parenting of their child.

1. MAKING A PARENTING PLAN

Honesty

Trust and honesty between parents are important and can be challenging. Honesty and openness between parents about their capacity to parent is in their child's best interest.

Compromise

It is important that a child experiences good quality contact and parenting from both parents. This will inevitably require compromise and acceptance from both parents. Notwithstanding the many challenges that can arise with shared parenting, the principles outlined above are only achievable through a genuine commitment by parents to putting their child first.

Children Keep Changing

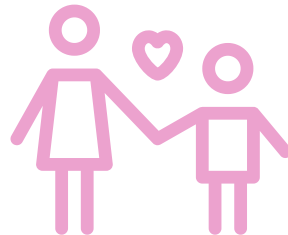
Decisions concerning contact for very young children will never be final; instead contact arrangements should be reviewed and adapted as the child develops and parenting capacity changes. Since children develop rapidly over the first six years of life, it is imperative that their constantly changing needs and interests are responded to, and catered for, in any contact decisions in a timely fashion.

Flexibility Required

Children require understanding from adults concerning what's important to them in the context of their day to day lives. In this context, while consistency is important, equally flexibility and adaptability concerning contact arrangements are too. Children's needs will vary depending on the individual child, their life experiences, and circumstances. Parents should consider what meets their child's needs best at any given time.

Stay Connected

Parenting can be difficult, especially when a child is very young. It is important for parents to remain present in a child's life. A parent disappearing or being significantly less present (both physically and emotionally) can lead children to worry or become anxious about the parent who does not live with them. There are supports available to help. Parenting courses, family support, educational materials and videos are just some of the resources available.



2. PRACTICAL CONSIDERATIONS FOR MAKING CONTACT ARRANGEMENTS FOR INFANTS AND YOUNG CHILDREN

Be Practical

There will also be logistical considerations to consider when determining the amount or type of contact. For example, the distance your child must travel, hours of work of both parents, the time-of-day parents are available, whether there is suitable accommodation or facilities that are needed. The most important thing to remember is that all such decisions must put the best interests of the child first.

Parenting Confidently

Parents newly seeking contact should reflect on their capacity to cope with parenting an infant or young child. Confidence can be built up over time, so parents should be realistic about the quality contact time they can have with their child today and build up to more contact as confidence and capacity grows. Taking it one step at a time will still allow parents to build a quality relationship with their child, while ensuring their child's needs are met.

Day to Night

It may be best to focus initially on quality daytime contact time between parent and child. This can then be built upon to move to overnight time as the relationship builds and the child develops. Decisions on overnight contact should include a review of the quality of the child's relationship with their contact parent up to that point. If more contact is being considered, then an incremental approach that will build upon, and develop, secure attachments with the parent should be developed in a planned and structured manner with the child's developmental stage at the forefront.



2. PRACTICAL CONSIDERATIONS FOR MAKING CONTACT ARRANGEMENTS FOR INFANTS AND YOUNG CHILDREN

Conflict Resolution

Conflict between parents has a negative impact on children long-term. Parents should be supported to move from destructive conflict which can involve violence, aggression or 'the silent treatment' towards constructive conflict which focuses on managing and resolving conflict in a controlled and respectful manner, as this is linked to lower levels of distress in children.

Domestic Abuse

Contact arrangements in families where domestic abuse is present must be treated differently to other families. Contact should not be assumed where domestic abuse has been present because abuse is harmful to all children. In cases of domestic abuse where contact is court-ordered, it is important for the victim parent to engage with specialist support services. There is currently no system of Child Contact Centres in Ireland; these centres play an important role in assuring safe contact where domestic violence is a factor.

Use of Research

Our study has found that research on contact between parents and infants or young children is limited and of varying focus, breadth and quality. For this reason, research should not be relied on solely to inform decision making.



For information about available services and a list of useful resources go to www.onefamily.ie.



One Family is Ireland's national organisation for people parenting alone, sharing parenting and separating. We provide a range of specialist family support services, including some specifically designed to decrease conflict in separated families such as our Separating Well for Children service and our Parenting when Separated courses. Family law queries comprise one third of all calls to our national askonefamily helpline and we work with mothers, fathers, children and step-parents to support them as they try to develop sustainable arrangements for their separated families. Full details of our range of services for children and parents living in one-parent families can be found at www.onefamily.ie. We advocate for family law services that promote sustainable solutions for separated families, that are child-centred and decrease conflict. Our submissions on this issue are available on our website.

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