

Supporting Child Contact: the Need for Child Contact Centres in Ireland

Key Findings Conclusions and Recommendations

A research report by
One Family 2009

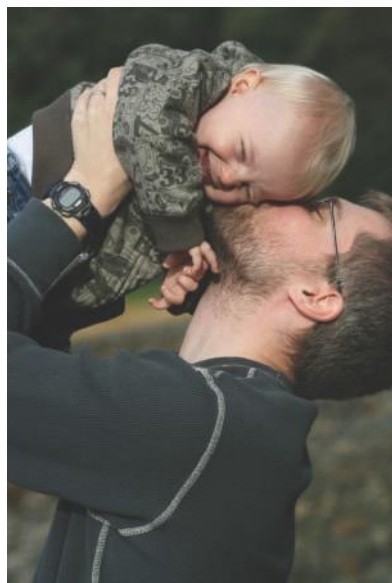
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Supporting Child Contact: the Need for Child Contact Centres in Ireland

Introduction

Child contact centres have been established in many countries to support parents and children that do not live together to maintain contact in a range of situations. Such centres aim to provide a safe, neutral and welcoming environment



where regular contact between parents and children can be supported and developed. While a very small number of specialist centres have been established in Ireland the need for such centres has not been researched in Ireland to date.

Thus the overall aim of this study was to examine the need for child contact centres in Ireland to facilitate parents to maintain and develop contact with their children following marriage and relationship breakdown and to explore how best this need could be met. It is important to note therefore that the study looks at the need for contact centres in the context of private family law and does not address the need for contact services to facilitate parents of children in care. However we do look at how resources could be pooled to support all families needing such services.

This research was funded by the Family Support Agency and carried out by One Family in recognition of the growing interest in Ireland in ensuring that where appropriate children have contact with both parents in cases where parents are living apart.

Whereas 'child access' is the legal term usually used in Ireland, 'child contact' is principally used in the report, reflecting the move away from the non-resident parent's right to access, to the child's right to contact.

The UK National Association of Child Contact Centres (NACCC) spells out the three types of contact services normally facilitated in child contact centres.

Term	Definition
Handovers	Refer to cases where the parents do not have to meet and the non-resident parent collects the child at the contact centre and takes the child out of the centre for the duration of the visit.
Supported contact	Takes place in contact centres where the parent and child concerned are facilitated to develop and maintain positive relationships with minimum supervision and support.
Supervised contact	Takes place in contact centres when it has been determined by a court that a child has suffered or is at risk of suffering harm during contact, with the supervision being carried out by trained professionals.

These NACCC categorisations highlight the complexity of issues involved in managing child contact, for example when there are serious disagreements between parents, lack of previous contact or concerns about child safety, and demonstrate the need for professional, independent assessments of individual cases to ensure that the appropriate type of service is provided in all cases.

Background

For a variety of reasons little information is available on the number of parents and children in Ireland today requiring support to maintain contact following separation and divorce. Judgements in court-ordered contact cases are not available to the public. Many contact arrangements following relationship breakdown do not go to court but rather are agreed privately. For that reason the study was not able to quantify directly the level of need for such service. Accordingly it represents a preliminary but indepth exploration of the issues pertaining to child contact centres in the Irish context drawing on the knowledge and experience of organisations, professionals and parents in Ireland and internationally.

The study involved consultation with 32 professionals involved in contact issues in Ireland: legal experts, psychologists, professionals providing contact services and other professionals. (No sitting judges were available to be interviewed). Additionally indepth interviews with 25 parents¹ (mothers/fathers, resident/nonresident, married/non-marital relationships) experiencing contact issues were carried out and their experiences and views explored in depth. The approach was supplemented with a detailed analysis and review of available information on the need for, role of, and operation of contact centres internationally and by study visits to child contact centres in England, Scotland, Northern Ireland and New Zealand.

Review of Social and Legal Environment

An important contextual starting point in examining the potential level of need for child contact services in Ireland is the increase in 'non-traditional' families in Ireland today, indicating a growing number of

children who may not be living with both parents and may be involved in other forms of contact arrangements. The 2006 Census shows that non-marital births accounted for 31% of all births in that year and that one-parent families accounted for 21% of all families with children under 15 years of age. In that year there were 121,394 children under 15 living in one-parent families. Added to this figures from the Courts Service indicate that there were 3,491 cases regarding access in the family law courts in Ireland in 2008, a doubling of the 2000 figure. Additionally 2,448 unmarried fathers applied for guardianship (a 140 per increase from 2000) and approximately 1,500 couples sought help from the Family Mediation Service in 2007.

While considerable difficulties exist in relation to gaining information on family law disputes due to the operation of the in camera rule, some examples are available on how the courts currently deal with such issues. Since the judgement in the 1990 case of *M.D. v G.D.* the welfare of the child is seen as the paramount consideration (Shannon, 2005). However concerns remain that factors such as a history of domestic violence, risk of child abductions and child welfare concerns are not being adequately taken into account in such decisions. Added to this, according to Coulter (2007) there would appear to be no adequate framework to ensure that the wishes of the child are taken into account in family law proceedings.

The constitutional position whereby parents of children born outside marriage have less protection than those who have children inside marriage adds a further complexity to the issue of child contact in Ireland. If a child is born outside marriage the mother is automatically granted guardianship, whereas the father has the right to apply to the Courts for guardianship or can obtain it by means of an agreement with the mother to a statutory declaration allowing him to be joint guardian. On the other hand Ireland also has certain

¹ The study did not involve interviews with other family members or with children.

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obligations under international law and conventions in relation to child contact, including the right of a child to know and have contact with both their parents and to facilitate the prompt return of children who are wrongfully taken from the country in which they are 'habitually resident'. However where international conventions are in conflict with the Irish Constitution the latter takes precedence.

The balancing of rights between all the parties involved in family law disputes provides the backdrop to the current research with debates over the rights of unmarried fathers gaining resonance over the last number of years while a referendum to explicitly include children's rights in the Constitution is also being considered at the present time.



Current Provision

A range of organisations are currently providing contact services in Ireland on a very limited, ad hoc basis where suitable locations and staff are available. These organisations report an on-going and, in some cases, a growing level of requests for such services. Only one contact centre with targeted funding is currently available in Ireland specifically for contact following marriage and relationship breakdown. It is important to note also that the HSE do provide contact services for children in care to facilitate them to remain in contact with their parents and other family members. Currently there are few specialist centres available to support this need and while this is an area that the HSE are trying to develop they are very constrained by resource limitations.

Review of Literature on Child Contact Children

In terms of the importance of contact for children, the international literature indicates that most children want to maintain contact with both parents. While research on the significance for child well-being of the frequency with which children see their non-resident parent can currently be said to be mixed and inconclusive, it has been consistently reported that the quality of the relationship between child and non-resident parent is linked to positive outcomes for children. A number of factors however can create potential obstacles to quality parent-child contact. These may be related to a parent's practical circumstances, which for instance may have resulted in long periods of non-contact, or may centre on psychological issues surrounding the parent-child relationship.

Conflict / Violence

Available evidence also indicates the potentially negative effects of exposure of children to parental conflict. Exposure to such conflict has been shown to potentially have strong negative effects on child witnesses. The research also highlights the need to protect children and resident parents in cases where there is a history of domestic violence. It shows that children can potentially suffer serious adverse psychological effects by witnessing violence and additionally can be at increased risk of actual abuse from perpetrators of domestic violence. Research also indicates the need to protect resident parents who have experienced domestic abuse from the possibility of further abuse around contact sessions. This literature review therefore provides an important backdrop to policymakers as to the importance of supporting quality contact for both children and parents and of ensuring that such contact is safe and is in the best interests of the children concerned.

Provision of Contact Centres Internationally

Prevalence

Specialist contact centres to facilitate child contact following divorce and separation are available in a large number of countries. An analysis of usage patterns in 2008 indicates that such centres were used by under 1 per cent of children in the countries examined: the UK, Australia and New Zealand. This figure ranged from approximately 0.14 per cent of children in the UK to 0.3 per cent of children in New Zealand². In Scotland, Wales, England and New Zealand there was approximately one contact centre per 22-28,000 children. In Northern Ireland where such centres have been established more recently there was approximately one contact centre per 38,000 children. In Australia government funded centres provided around one centre per 68,000 children while unfunded centres made a significant additional contribution.

Funding

Child contact centres internationally receive government funding, although the level of funding received varies by country. In England contact centres depend on a large voluntary effort, often involving the extensive use of volunteer staff to facilitate supported contact, as well as the provision of free premises by local churches and voluntary organisations. The Children and Family Court Advisory Support Service (CAFCASS)³ provided funding to almost 70 per cent of supported centres and was the principal funder of all supervised centres. In 2008 the average annual cost of a supported centre was €5000, reflecting the large voluntary input involved, while the average cost of a supervised centre was around €44,000. In New Zealand, in addition to state grants to contact centres, the courts provided contributory funding for contact services in cases where it had been accepted by the court that there had been violence, sexual

abuse or psychological abuse. The total average cost of each contact session was estimated at €100 approximately. In Australia most centres were state funded and staffed by professionals and also provided therapeutic services. These centres cost approximately €121,000 (\$230,000 Australian) per centre per year, based on Australian staff and other costs. Research in Australia which compared Government funded and non-funded child contact services found that the amount and stability of Government funding emerged as the main factor impacting on the quality of service provided.⁴

² This is a calculation based on the number of children using contact centres in the UK (NACCC estimates) and NZ as a percentage of all children in the UK and NZ (0.14 and .3 respectively)

³ CAFCASS was set up in 2001 and is a non-departmental public body, independent of the courts, social services, education and health authorities and all similar agencies. The service has a statutory responsibility in England to ensure that children and young people are put first in family proceedings, their voices are properly heard, the decisions made about them by courts are in their best interest and that they and their families are supported throughout the process. CAFCASS advises the family courts in England on what it considers to be the best interests of individual children and is staffed by professionally qualified social work staff called Family Court Advisers. CAFCASS may become involved in public law cases of adoption and care orders and also in private law cases when parents who are separating or divorcing cannot agree on arrangements for their children (www.cafcass.gov.uk)

⁴ It should be noted however that reviews of Australian contact centres have indicated that they require further funding if they are to fully fulfil their brief. (Sheehan, G and Carson R. et al, (2005)) and that contact centre services are normally provided as part of a range of family services. It is therefore not clear what percentage of overhead costs is included in these figures.

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Referrals

Both supervised and supported services as well as handover services are provided in all the countries examined. In England, Wales and Northern Ireland, approximately three quarters of referrals in supported centres came from a solicitor or court. In Scotland a similar proportion were referred to centres by a solicitor or court, with just one-fifth self-referred.

Clients

International experience indicates that parents using contact centres are predominately but not exclusively, male. Typically children are aged less than 10 years. Although contact centres have clients from all socio-economic groups, the majority of clients appear to be parents with limited financial resources. Some centres in all countries charge a client fee however where such fees exist they are in all cases minimal and subject to the client's ability to pay. Families using contact



centres have been found in the main to be a high needs group and the international visits indicated the importance of therapeutic services to accompany child contact, where required, to support the development of quality child-parent relationships and to help families to move contact outside a centre, whenever possible.

Assessment

The international research also highlights the importance of thorough risk assessment procedures in deciding on the type and level of contact that is appropriate in individual circumstances. This includes the importance of assessing the child's own views and of screening for domestic abuse. Where

centres provide reports to the court on the progress of contact the research points to the need for the standardisation of such reports. The available research also emphasises the particular importance of having trained staff to provide supervised contact and indicates that such supervision by a friend or family member is seldom effective, contrary to best practice and sometimes can place the child involved at risk.

Children

International research also suggests that most parents and children value child contact centres as a means to maintain and develop their relationships. Most children are reported as being positive about their experience of using a child contact centre. Most children reported feeling safe and supported and as effectively being buffered from experiencing parental conflict or abuse. However some research has found that a minority of children using child contact centre are not happy with the arrangements and it has been recommended that centre staff and the courts need to act swiftly to stop such contact visits or to modify existing contact arrangement to better suit the needs of the child. Therapeutic supports are also seen as important in such situations.

Visits to Contact Centres Abroad

The visits to contact centres throughout the UK and in New Zealand provided valuable additional information on how contact centres operate and are resourced. It showed that such centres are often based in existing facilities within the community which are child-friendly and that are open outside normal office hours, in the evening and at weekends. Staff at all the centres visited reported a high demand for the services they provide.

The visits also demonstrated the important role that contact centres can play not only in providing a place for contact but also in facilitating court assessment of the needs of the parents and children concerned. They clearly highlighted the significant differences involved in operating and resourcing supported and supervised contact services and the reasons for such differences. The visits also revealed that social services also make use of such centres to provide supervised contact for children in care. The international visits also demonstrated the benefits of backing up contact services with therapeutic services that support the development of quality relationships between the parents and children involved, many of which are capable of being moved on more speedily to more 'normal' contact. Staff in the child contact centres visited highlighted the importance of having professional, paid supervisors who have appropriate training and receive back up support and guidance. In the UK the benefits of NACCC as a central accreditation and support service throughout the UK in providing training, support and networking to the centres involved was highlighted.

Views of Professionals and Service Providers in Ireland Courts

The views of the professionals and service providers in Ireland interviewed for the study support the findings from the literature review and international visits. While no statistics are available, all those interviewed believe that the number of people experiencing child contact issues is likely to grow due to increasing incidents of marriage and relationship breakdown and increasing recognition of Ireland's responsibilities in this area under UN and European Conventions. All of those interviewed discussed the relationship between family law courts and the proposed contact centres. There was general agreement that wide ranging changes are

required in how disputes about child contact are dealt with in the private family law courts in Ireland, including greater use of mediation and collaborative law, earlier and easier access to expert professional advice and assessment and greater training for legal professionals on issues affecting families involved in marriage and relationship breakdown. Such changes are required it was said, in order to ensure that all decisions are made in the best interest of the children concerned and on the best available information on their needs. The complexity of cases where there are accusations on the one hand of domestic violence and child abuse by one parent, and of parental alienation by the other parent, and the lack of consistency in how these matters are currently dealt with was also highlighted.

Therapeutic services

Those consulted expressed the view that the onus is on the state to provide adequate supports to enable children not only to maintain but also to develop quality relationships with both their parents and with other family members following relationship and marriage breakdown. This, many interviewees explained, means supporting a process that allows families not only to maintain contact wherever possible but also one which works to change and improve the family dynamics that are at the root of many of the problems that manifest in the courts when relationships break down. Contact centres it was said should therefore be resourced to provide therapeutic and other services where required.

Existing services

Those interviewed also highlighted the inconsistencies and ad hoc arrangements currently prevalent in contact disputes in Ireland. They indicated the very limited range of specialist contact services operating in Ireland at the present time,

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coupled with an increasing demand for such services. The ongoing difficulties experienced by existing contact services in accessing the funding required to provide a child friendly and appropriate service which can meet existing need was emphasised. Existing service providers also highlighted the perceived benefits of such services for the parents and children concerned.

Supervised contact

Looking to the future, there was general agreement that existing supports to facilitate parent-child contact following marriage and relationship breakdown need to be improved in Ireland. Where private family law cases raise concerns about child safety during contact the normal procedure in Ireland at the present time is to award supervised access. Such access is normally supervised by a family member or friend and is rarely provided on a professional basis. Most of the professionals, service providers and parents consulted in the course of this study have concerns about this type of service and believe that such contact would be more beneficial for parents and children alike if it were provided by professionals in suitable and accessible premises. Professionals involved in such cases are also of the view that parental concern about this form of contact arrangement often leads to repeat court appearances aimed at getting arrangements changed. There was general agreement also that specialist contact centres should be available in Ireland and that these centres should be child centred, accessible, discreet, safe and locally based, providing opportunities for parents to avail of other services to support them in their parenting role where required and utilising existing facilities wherever possible. However a minority expressed concern about the possible 'over use' of such centres and this again indicates the need to ensure that referral to centres is at all times appropriate and that families can be supported to progress onto more 'normal'

contact arrangements where possible. Overall these findings indicate a high level of support for the provision of additional professional support and training for those working in the area of family law in Ireland and indicate almost universal agreement on the need to develop specialist child contact services in Ireland to provide handover, supported and supervised contact services.

Views of Parents Concerns

The views of the parents interviewed for this study also indicate that current service provision in Ireland is not meeting the needs of parents and children experiencing child contact issues. The views expressed by parents again highlight the complexity of the issues concerned and illustrate how many parents experiencing child contact issues believe that the current arrangements are unfair and inappropriate. Parents are particularly concerned about the way that supervised access is arranged in Ireland at the present time, with its reliance on family members and friends to provide supervision; the lack of professional services and suitable premises for such contact to take place and the inconsistencies in how and when such access is currently ordered. Also of concern was the absence of facilities to provide interim contact while a case is being assessed and the loss of contact between parents and children that can arise in such cases.

All of the main types of contact services provided in other countries, handovers, supported contact and supervised contact, are seen by the parents interviewed to present potential benefits to parents involved in contact disputes in Ireland. Although it should be noted that some non-resident parents indicated that they would not be willing to accept such supervised contact.

Many of the parents indicated that therapeutic services, including child and

adult counselling services, are also urgently required to support families experiencing contact issues. Contact centres they emphasise should be locally based, available in out of work hours and should be professionally staffed. Development of these services is seen to include the need for: professional risk assessment of cases involving child safety issues; standardisation of such assessments procedures and the carrying out of such assessments within a reasonable time period. These measures are seen as necessary to ensure that decisions to refer contact to a contact centre are speedily, fairly and consistently made.

Estimating the Level of Need for Contact Centres in Ireland

As referred to above, currently no figures are available on the likely level of demand for child contact centres and related services in an Irish context. However based on findings from the other countries examined, it can be roughly estimated that between 0.14 and 0.3 per cent of children in Ireland may require the services of a child contact centre. This would amount to between 1,300 and 2,700 children annually⁵. Additionally international provision would indicate that one centre may be required per between 22-28,000 children. Taking the mid point of this as a marker, one centre may be required approximately per 25,000 children. Based on this estimate, 37 centres would be required in Ireland.⁶ If provision were based on current levels in England, Wales and Northern Ireland, one in five centres would provide supervised contact services. In the Irish case this would amount to eight supervised contact centres, with 29 centres providing supported contact. If provision were based on the Australian model, all centres would provide

both supervised and supported contact services.

It should also be noted that because current need in care in Ireland is currently undefined and, as there is limited experience of using such centres in an Irish context, it is likely that it would take time for such a need to translate into demand for specific services. It would be important therefore to promote the possibility of using such a service and to provide detailed information to professionals working in the area, as well as to parents on the services available in such centres. It would also be important to work with the HSE in developing contact facilities for children in care in Ireland and where possible to pool resources in order to optimise the provision of such services throughout the country.



The level of funding required to set up and run such centres in Ireland will depend on the type of service provided, whether supervised or supported or a combination of both, on whether the centres are run by professional staff or by a combination of professional and volunteer staff and on the level and type of therapeutic and other supports provided. The exact costs of funding contact centres in Ireland therefore remains to be worked out in detail taking into account staff and other costs, as well as the specific type and level of service required in an Irish context, drawing on international best practice.

⁵ Based on Census 2006: there are 922,767 children under 16 in Ireland (CSO, 2007)

⁶ As above

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Profile of Clients

Based on the available international evidence, families using contact centres come from a variety of backgrounds, however a high proportion of such families are likely to come from a more disadvantaged background. This suggests that the cost of services to the client will need to be either limited or free of charge. It is also likely that most children using a contact centre will be in the age group 0-10 and thus centres should provide facilities geared at this age group. However it will be important to ensure that some facilities in each centre are suitable for and attractive to older children, including teenagers.

Best Practice in the Provision of Contact Centres

A consensus has arisen from this research that contact centres where provided should be locally based, use child and age appropriate facilities, be available in the evenings and at weekends, simulate family surroundings, avail of existing facilities wherever suitable, incorporate regular review and supports to move contact on to a more normal footing wherever possible and be free or very low cost to the client. The staffing requirements vary depending on the type of service being provided, the type and level of professional staff required and the level of reliance, and the perceived appropriateness of reliance, on volunteer staff. International research also indicates the benefits likely to arise from the development of a fully professional model, including the provision of appropriate and standardised assessment and review procedures, plus a range of therapeutic services.

⁷ The Probation and Welfare Service is currently facilitating the preparation of family law reports required in the Circuit Courts in Dublin, Cork and Limerick. However this is a limited service and no decision has as yet been made on its future.

Recommendations

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- Specialist contact centres should be set up in Ireland to meet a small but growing need for such services. We estimate that such demand could amount to 1,300 to 2,700 children based on international experience. Centres should be modelled on international good practice and should be geared wherever possible to moving such contact on to

PRUH {QRU PD0 DUUDQJHPHQ0V XQ0HVV 00K0V KDV EHHQ professionally assessed as not being in the best interests of the child concerned.

- Based on international experience we estimate that 37 such centres could be required in Ireland, given current population levels. However we recognise that it will take time for information on the H0V00HQFH DQG EHQHÄ0 RI VXFK FH000HV 00R VSUHDG DQG that therefore demand is likely to be initially lower but to grow over time.

- The decision to set up contact centres should be coupled with an information and promotion campaign, backed up with relevant training, for professionals working in the area and for parents as prospective users of such centres. The provision of contact centres should occur in tandem with the development of a comprehensive assessment service in the private family law courts to ensure appropriate referral to such centres, possibly to be provided in conjunction with the Probation and Welfare service.⁷

- Contact centres should provide handover, supported and supervised services as outlined in the study. The exact combinations of such services should be guided by local need and by the nature and level of existing services and facilities. Centres should be designed to be child and family friendly and geared primarily to the needs of children aged 0-

10 but also including some facilities for older children, including teenagers.

Where possible existing

locally-based facilities should be utilised and where

appropriate supervised contact facilities should be

developed jointly for children in care. Unless suitable facilities already exist in an area, we recommend that new centres should be resourced and designed in such a way as to be able to provide both supported and supervised contact and that such services

should also be open to children in care.

- Staff in contact centres should be trained to a level where they can provide a fully professional service including the ability to develop good referral, assessment and review systems and relevant guidelines (possibly based on the work of NACCC in the UK) and can understand the complexity of issues involved in developing quality parent-child contact, particularly where there has been an absence of contact, a history of domestic violence or where there are child welfare concerns. Contact centre staff should also be able to assess the need for, and be in a position to provide or refer, parents to therapeutic services where required to support the development of quality parent-child relationships.
- The level of funding required in an Irish context to set up and run such centres will depend on the type of service provided, whether supervised or supported or a combination

of both, on whether the centres are run by professional staff or by a combination of professional and volunteer staff and on the level and type of therapeutic and other supports provided.

*In many countries, it is likely that only a small portion of such costs, if any can be sourced directly from service users.

- Finally we recommend that a small number of pilot contact centres be established initially with the aim of testing different models of provision, drawing on international experience. These pilots we recommend should be supported by an awareness raising and promotion campaign, as well as relevant training for contact centres staff, and should include comprehensive monitoring and review of their impact to guide decisions on further provision.

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THE VIEWS EXPRESSED IN THIS REPORT ARE THOSE OF THE AUTHORS AND DO NOT
NECESSARILY REFLECT THOSE OF THE FAMILY SUPPORT AGENCY.

This report is the second major piece of research undertaken by One Family. It follows up on the 2008 research report *Lone Parents and Employment: What are the Real Issues?* More information is available on www.onefamily.ie

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One Family believes in an Ireland where every family is cherished equally, and enjoys the social, financial and legal equality to create their own positive future.

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One Family is working to ensure a positive and equal future for all members of all one-parent families in Ireland – changing attitudes, services, policies and lives. Together with one-parent families and those working with them, we are committed to achieving equality and respect for all families.

In addition to striving for fundamental structural change, we support individual one-parent families as they parent through times of family, work and life change, and those experiencing a crises pregnancy. We know that every family is unique, and so we work in a family centred way to bring about better lives for parents and children.

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