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**CHALLENGES AND OPPORTUNITIES FACED BY EUROPEAN WELFARE
STATES: THE CHANGING CONTEXT FOR CHILD WELFARE**

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Unmanageable Conflict: Parents, Children and Separation

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Abstract

The Children Act 1989 gave priority to the welfare of children when family courts make orders for residence and contact. As a consequence other issues came to be viewed as less significant. One aim of the Act was to defuse conflict between separating and divorcing parents. In this paper, we examine the court records of three County Courts to examine the central characteristics of protracted disputes and to determine to what extent the disputes that parents bring to court are actually about children (seen as legitimate concerns) as opposed to other matters (seen as illegitimate concerns). We found two types of long-term conflict in the files: disputes lasting continuously for over a year (protracted disputes) and disputes that kept returning to court over a period of some years (returns to court). Our findings indicate that a multitude of issues can lead to protracted court cases, such as allegations of violence, drug use and concerns over care of the children. Disputes that kept returning to court were usually ignited by the continued hostile relationship between the parents or by a change in the parents' or children's circumstances.

A closer examination of the types of argument the parents presented to court revealed these to be complex disputes. Underpinning legitimate concerns over children are a multitude of other 'illegitimate' issues, mainly money, recrimination and normative issues. We conclude that although a return to adjudicating 'blame' and 'guilt' would be a regressive step, it might be sensible to try to find a way of acknowledging the these arguments as this may aid resolving conflicts between parents to the benefit of their children.