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

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## **The Nature of Conflicted Contact**

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### ***Abstract***

Conflicted contact can be broadly defined as:

- (a) where parental role conflicts and/or perceptions of risk result in private or legal disputes about the principle or practice of contact and/or
- (b) where conflicts about other issues are expressed through a dispute over contact.

Quantifying the levels of conflicted contact is difficult. One external marker is the number of families seeking professional help to resolve disputes, with about 10% of families making court applications and another 5% making contact arrangements via lawyers or mediators (Blackwell & Dawe 2003). This figure excludes parents who maintain private battles over contact, as well as the apparently larger figure of about 20-30% of families where contact is not being exercised.

This paper will focus on the clearly conflicted group of families taking contact disputes to court. It draws from an ongoing Department for Constitutional Affairs funded study to explore which families are involved in conflicted contact, the nature and consequences of the conflict and possible solutions.

The findings are based on a sample of eighty eight structured interviews with 43 fathers and 45 mothers, or 48 resident parents and 40 non-resident parents (including 29 former couples). All the parents were involved, as either applicant or respondent, in 59 County Court contact applications. The sample was recruited from four County Courts in Essex as part of a two year study of in-court conciliation funded by the Department for Constitutional Affairs. In Essex all contact applications are automatically listed for conciliation and thus our sample provided a representative sample of applications reaching court. The 88 research participants represent 67% of all individuals who attended a first directions appointment during our four month sampling period in mid 2003.

The two main arguments are:

1. Families involved in court disputes about contact are (broadly) distinguishable, on a range of indicators, from the majority of post-separation families. Families who avoid court are not problem-free or uniformly harmonious, but for the majority contact does happen, parents are satisfied with arrangements and the parental relationship is workable. In contrast, the profile of court users in our sample is quite distinctive from the broader population of all post-separation families described in community studies. On all measures where we could draw a comparison, our court sample were facing difficulties of an entirely different magnitude from the wider population of post-separation families in terms of the number, range and chronicity of difficulties. These included the breakdown of contact, parental relationship quality, communication patterns, shared decision-making, supporting the children's relationship with the other parent, satisfaction with arrangements, the extent of contact problems, fear of violence impacting on contact problems and parent and child well-being.

2. Parents typically present mutually exclusive and competing 'his' and 'hers' accounts of the dispute based on "opposed principles, statements, arguments, etc" ('Conflict', OED). Almost all non-resident parents present a single issue to the courts, that the non-resident parent is frustrating contact. In contrast resident parents typically present two separate, although sometimes overlapping issues, most commonly that contact presents a risk to themselves and/or the child, or less frequently, that the non-resident parent is not committed to contact. Although paired accounts offer divergent interpretations of the situation, in many other respects the experiences and perceptions of resident and contact parents and men and women is remarkably similar in terms of shared levels of mistrust and the personal impact of the dispute.


● ● ● | The nature of conflicted contact



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● ● ● | The nature of conflicted contact

- Defining and quantifying conflict
- How do 'court' families compare to non-court families?
- What are the similar/different concerns of men and women?
- What is to be done?



## Defining conflicted contact

- Conflicted contact:
  - Parental role conflicts and/or perceptions of risk relating to residence or contact
  - Other conflicts expressed through contact dispute
- OED:
  - An encounter with arms; a fight, battle.
  - esp. A prolonged struggle.
  - The clashing or variance of opposed principles, statements, arguments, etc

## Quantifying conflicted contact

Working or 'good enough' contact: 50-60%\*

Conflicted: 14-19%

FEC: 20-30%

Failure to exercise contact:


- 1/5 to 1/3?

Conflicted:

- 9-13% court orders
- 5-6% solicitors or mediation

○ \* Source ONS Omnibus Survey 2003

## Essex baseline methodology



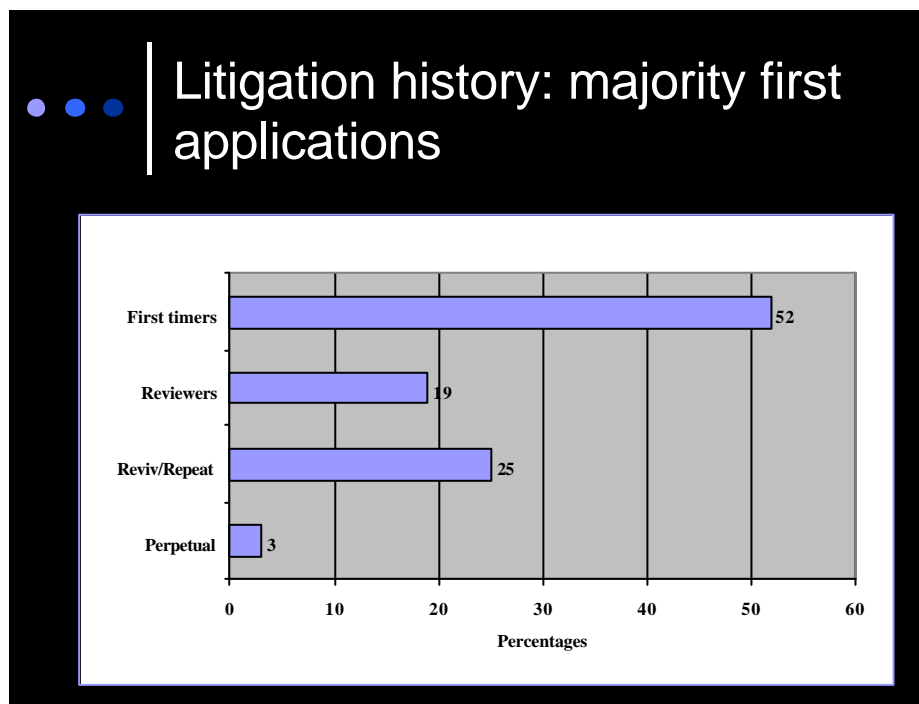
- Component of wider study of in-court conciliation
- Automatic listing = representative sample of cases
- Recruited at court (first directions)
- 1 hour structured phone interview
- Response rate 67% of all eligible individuals
- n = 88 individual parents from 59 separate cases (i.e. 29 pairs)
- 45 mothers, 43 fathers
- 48 resident, 40 contact parents

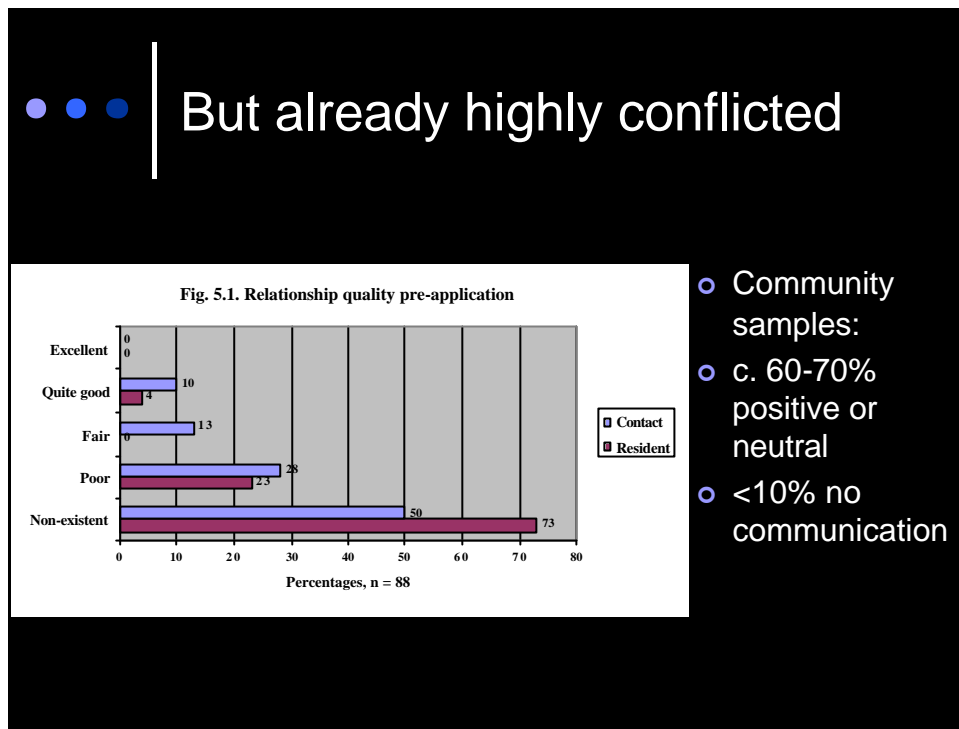
## Which families/parents get into conflict? Socio-demographic characteristics

<ul style="list-style-type: none"><li>○ Similar to community samples:</li><li>○ Overwhelmingly mother-resident (c90%)</li><li>○ Close proximity (median 5 miles)</li></ul>	<ul style="list-style-type: none"><li>○ Different from community samples</li><li>○ Under-representation of formerly married couples</li><li>○ Over-representation of young children (41% ?5 years)</li><li>○ Over-representation of low income parents (63% legally-aided)</li></ul>
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## • • • Lower rates of contact


- Contact broken down 50% of cases cf c. 20% in community samples
- 1/3 parents report neither direct or indirect contact





## Relationship quality

- “Poor. He is the lowest of the low. You know every time we do something he’s got to upset it”.*
- “My ex-wife is a compulsive liar, and I’m quite happy to go on a lie detecting machine or anything with her, you know. Just because she’s female doesn’t mean she is right.”*



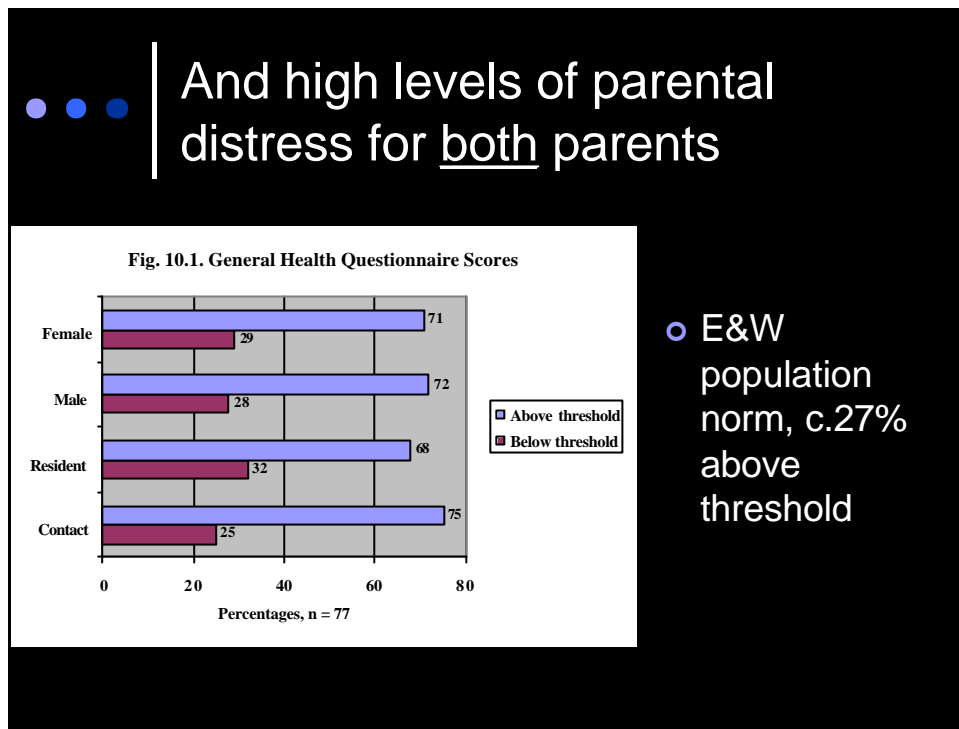
Coparenting: both parents report ...

- Minimal sharing of decision-making or talking about children's problems
- The other parent does not help build their relationship with the children
- They are more flexible than the other parent
- "My ex-wife is totally and utterly besotted with her [the child]. If she could put her in a little cabinet and open the cabinet only for her, she would".*



High levels of domestic violence and child protection concerns

- 25% of cases injunctions at some stage
- 31% of cases some contact with SSD
- 80% of women, 60% of men express concerns over parenting quality



- ## And low levels of empathy (ex-partner's coping)
- Hostile/controlling 32%
  - DK/Don't care 28%
  - Badly (reproving) 22%
  - Fine 12%
  - Struggling (emp) 6%
  - *"I don't know. Because he's very, to my way of thinking, very arrogant, very dictatorial. I want. I will have. You've got to do. So I tend not to think about that".*
  - *"She's loving every minute of it".*

A black rectangular slide with white text. On the left side, there are three blue dots of varying sizes, followed by a vertical white line. To the right of the line is the title 'His and hers contact problems?'. Below the title, there are two columns of bulleted text. The left column has three bullet points, and the right column has two bullet points.


## His and hers contact problems?

- Overall high levels of contact problems
- Equal numbers of contact problems reported by men and women
- Issues: other not committed to contact, other unreliable, self reliable
- Women focus on welfare-related issues: of fear of violence, children being upset by contact or not wanting to go for contact;
- Men focus on 'power' issues: of control over contact activities and threats to stop contact.

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## His and hers perspectives

- 29 paired accounts
- Polarised and irreconcilable
- Men/contact parents:
  - resident/maternal gatekeeping only
- Women:
  - Risk to self or child and/or
  - Non-resident parent not committed to contact



## Gatekeeping + Safety (18/29)

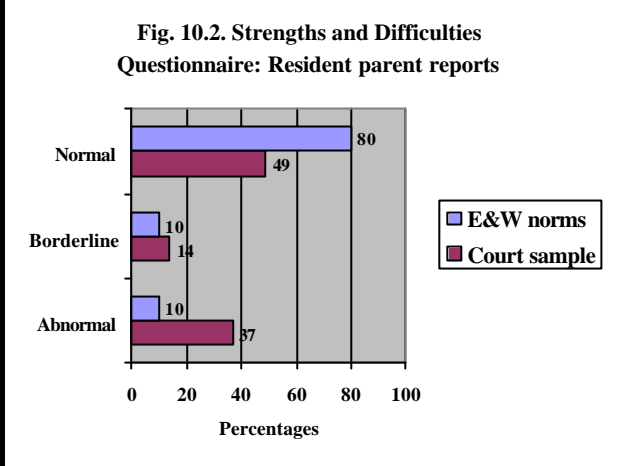
- Separated for three months with two toddlers. The parents gave conflicting accounts of the reason for the separation, with the mother citing threats and intimidation and the father citing the interference of in-laws. Contact had initially been agreed informally. However the father alleged that the mother kept breaking the agreement and also reported the mother to social services on the grounds of the mother's neglect of the children. The mother, in turn, had alleged that the father had abducted the children and was not providing appropriate care while the children were with him.



## Gatekeeping + non-resident lack of commitment


- Separated for eight years with a middle school age child. Contact had been occurring on a fortnightly visiting only basis since separation but had broken down six months earlier, about the time that the father had relocated much further away. The father reported that the mother was not committed to contact. The mother reported that the father had not attempted to have contact for long periods including since the move, had been unreliable and that the child was now refusing to have contact.

## Consequences: high levels of child distress - (resident parent reports)



Category	E&W norms (%)	Court sample (%)
Normal	80	49
Borderline	10	14
Abnormal	10	37

- **Multiple risk factors:**
- separation
- parental conflict
- DV/CP
- RP functioning
- economic adversity



## What is to be done?



- Self-selected group, different from other separated families on almost all measures
- Angry people use courts, cf courts make people angry
- Men/women – similar, different (and irreconcilable) concerns
- But not longstanding disputes - early intervention?
  - Effective risk assessment/management
  - Mechanism for negotiating contact timetable
  - Intervention to promote collaboration, perspective-taking, trust etc
- To enable continuing and comfortable contact for children (where appropriate) and enable adults to move on



## Satisfaction with arrangements

- 😊 Resident parents satisfied with residence, involvement
- 😞 Contact parents dissatisfied with involvement and quantity of contact
- 😞 Both evenly split on quality of contact, financial settlement
  
- 😊 Community sample 3/4 resident and contact parents satisfied with contact