

SPLIT DECISIONS

It can seem like the end of the world to a child when mum and dad split up. But a pilot scheme being run in West courts is making sure children get a say about their life after their parents' divorce. David Clensy reports

There can be few things quite as traumatic for a child as parents splitting up. Facing the idea that mum and dad don't love each other any more, family breakdown can be a devastating introduction to the harsh realities of life. With more than 50 per cent of British marriages now ending in divorce, it's a trauma that's on the rise in young lives.

Often children can find themselves caught between warring parents - with both mum and dad wanting youngsters to live with them.

It's a situation that leaves children with a horrible choice to make. But a new scheme currently being piloted in the Bristol and Bath county courts aims to make the transition smoother for youngsters when their parents separate.

The Interviewing Children Scheme (ICS) is run by CAFCASS, the Children and Family Court Advisory and Support Service. It involves specially trained CAFCASS officers interviewing the children to find out which parent they would prefer to live with.

The aim is to speed up the existing procedure that can take families to court when two capable parents want to be primary carers for their children after separation.

The scheme has been running for two years and, with 75 per cent of cases coming to a peaceful resolution after CAFCASS involvement, it's thought the pilot has been a success and could soon be introduced across the country.

"Previously, CAFCASS officials would have to produce a full report on the family to be presented to the court," explains Trevor Simpson, service manager for CAFCASS in Bristol.

"But in recent years there has been a growing movement towards offering children over the age of nine more of a say in their situation. The aim of this scheme is to speed up the process to make it easier for the child. If it's a suitable case we offer them the opportunity to go down the ICS route. And it does seem to be an effective way of tackling many of these situations."

SOLICITOR Carol Chrisfield of Foster & Partners, in Corn Street, specialises in these cases, representing a parent at times of separation or divorce. She's seen the pilot scheme working at first hand.

"It applies only in cases where neither partner's parenting is in question and where the child is considered mature enough to make their own decisions about where they would prefer to base themselves," she explains.

"Before this CAFCASS reports could take up to eight months to produce, but the new scheme cuts the whole process back by around four months."

The new process sees the child brought in to be interviewed by somebody from CAFCASS on the day of the hearing.

"They're taken to a building away from the court by an independent adult, who is mutually agreed upon by both parents. They are encouraged to talk through the matter without feeling intimidated by a court environment or unduly influenced by the presence of either parent," Carol explains.

"It's an incredibly difficult time for a child and this procedure is designed to make things a bit easier for them as well as saving the taxpayer money because many of these cases are funded by legal aid.

"Often the child will choose to go with the parent who was the main carer in the home, because this decision has the least impact on their day-to-day life. In about 90 per cent of the cases this is the mother, but I've seen plenty of families where the father was the primary carer.

"We find that many children are afraid of upsetting either parent, and I've had a few cases where the

child tells both parents individually that she wants to live with them. That's where this kind of procedure can prove useful because it gives the child the chance to make a decision.

"Family relationships get more complicated all the time as the number of separations increases every year. There are more issues for the child to consider if there are other siblings involved and they don't want to be separated from their brothers and sisters.

"There are also issues around stepmothers and fathers coming into the equation for them. And situations change, so at any time the child can come back to the court and an order can be made to change the agreement.

"The parent they choose not to live with still has a right to see the child each week and often the child can talk to the people from CAFCASS about how this is balanced and when visits take place."

But Trevor Simpson accepts that teenagers aren't necessarily the most suitable people to make decisions that are in their own best interests.

"We would assess how capable they are to make decisions like this," he says. "The idea is that it's better for most children to be able to have a say in their future. We do appreciate that we don't fully know yet what emotional effects this could have on children in the long term. So we are commissioning a number of pieces of research into these consequences.

"But these are difficult times for families and it's an unfortunate fact of life that children need to say which parent they would rather live with. Often this can be very upsetting for the other parent. I have known a case where we had to tell the father that his daughter didn't want to see him at all. That can be devastating for the man involved.

"But in the majority of cases the child tells us that she loves both mum and dad, and in an ideal world she'd like them to get back together. As that can't happen, we have to try to make the decision as easy as possible for them. And it's not just a matter of deciding where they'll be living.

"It's also about coming up with regular slots when they'd get to spend time with the other parent. So it's about maintaining relationships more than it is about dividing."

GEOFF Mountjoy is director of the south and west region of the Legal Services Commission, the Government body that promotes access to good- quality legal advice, in particular by providing legal aid to people on low incomes.

"The Legal Services Commission safeguards people's rights," he says. "We are pleased to support this initiative. It puts the child's needs at the centre of the case.

"Cutting down the length of time a case takes, and making the system simpler, helps to resolve matters quickly and avoid unnecessary acrimony between separating parents.

"By reducing the stress of family break-up, I hope partners will be more able to move on and get on with their lives.

"It's very important that children don't feel they have caused a rift in the family by expressing their wishes. The involvement of CAFCASS helps to reduce this risk.

"Initiatives like this one are good value for the taxpayer, too. In many cases of family breakdown, both partners will receive Legal Aid. Reducing the time taken to resolve a case not only has great human benefits but it also saves public money."