



# Improving Justice in Child Contact

## A CHILD'S EXPERIENCES OF CHILD CONTACT PROCESSES

June 2020

### KEY MESSAGES

'A' is a young woman supported by a Women's Aid group in Scotland; this briefing contains her words about how she experienced child contact court processes.

- 'A' did not feel listened to when she was going through the court processes in Scotland. The court decided when and how she would communicate and spend time with a parent that she was not living with.
- 'A' felt that she understood a lot more than the adults in the systems around her thought that she did.
- 'A' felt that the court systems made assumptions about what was happening because they and the people in them operated with gendered stereotypes.

# PROJECT BRIEFING

## BACKGROUND

This case study has been written in conjunction with the Improving Justice in Child Contact project. The young woman and her family were supported by a local Women's Aid group in Scotland. She told us her story in the understanding it would be shared and help change the injustice she has experienced for other children and young people

'A' was around eight when her parents separated. She had experienced domestic violence perpetrated by her father towards her mother, including one incident when he attempted to strangle her mother. 'A' had regular contact with her father until she was 11. 'A' was 11 years old when she spoke with the sheriff (a judge in the Scottish Courts) and 13 when she told her story to Scottish Women's Aid.

## A'S STORY

"He used to hit me and stuff and be horrible, but the reason I stopped seeing him is because of the way he treated my little brother. I just said 'NO, you don't get to treat him that way'. He used to grab our heads and push his fingers into our heads. I didn't really think it was a bad thing that it happened to me as I had had it all my life.

"When my parents were together my mum did all the looking after of us and my dad was hardly at home. He just used to come in and be really fun. He didn't do any of the hard stuff. So, when he was horrible to us, it didn't seem to matter because he would be fun again soon.

"I saw my dad for a few years after my parents separated. When I said that I didn't want to see him anymore, the courts brought in a child welfare reporter. This is when a lot of it went wrong. The reporter had spoken to my dad first, and he must have given her a sob story. So when she spoke to me, she kept saying the things I had seen may have just been an accident. Anything I said, she contradicted it. I went home and told my mum and asked why this person didn't listen to me, because I spent about an hour in there telling her things about my life. I remember crying and telling the reporter that I used to cry when we were in the car because he would deliberately go fast and take his hand off the wheel. She dismissed it and made out I was mistaken. But I know he was trying to deliberately frighten me, because I would be crying for him to slow down, saying I thought we were going to die, and he used to make it worse.

*"... the courts brought in a child welfare reporter. This is when a lot of it went wrong... I went home and told my mum and asked why this person didn't listen to me"*

"I think, because my vocabulary is good, the reporter thought that I wasn't using my own words, like it was my mum who had told me all these things. But, I have had to grow up so fast because of all the things he has done, so that is why I



understand a lot more about things than other people my age. My dad never acted like a parent. He always acted like a child. I had to act like a parent to my brother, not like making him dinner or taking care of him, but telling him to be careful round my dad.

“After the bad experience with the reporter, I said I wanted my own solicitor but the reporter said ‘no’, that she was representing me. I was supposed to see her twice, but I refused to see her again as she wasn’t listening to me. I knew that wasn’t good enough, because if you go to court you should have someone there who is saying what you want them to say, not what they think happened. So, I decided to get my own solicitor. My mum told me that I could do that. A lot of people don’t know that children can have their own solicitor, which is really scary.

*A lot of people don’t know that children can have their own solicitor, which is really scary.*

“My mum and dad both had solicitors, so I went with the only one left in my town. I had to go along and meet the solicitor so she could see if I was mature enough. I don’t think that is right. They should know what they are doing enough so that it doesn’t matter how mature the child is, they can still find out information from them. She asked me questions about what my dad did to us and how I felt

about it. Once I had answered all her questions, she said she was happy that I was mature enough to say what I wanted to happen. I was so happy. I have spoken to my solicitor twice in total.

“After I spoke to the solicitor I went to speak to the sheriff. He wrote to me beforehand to tell me about our meeting. I don’t think he knew how mature I was because the letter seemed to be written for someone quite young. I think people expect children not to understand things, but we totally do. Visiting the sheriff was fine. I felt really confident. I was annoyed that I hadn’t been listened to before. It was just in a room with a table. There was one other person taking notes and just me and the sheriff. I brought two full pages of notes with me, so that I wouldn’t forget anything. I told the sheriff what it was like living with my dad and what it was like visiting him. The sheriff was really nice. He seemed quite interested in what I was saying. I was only in there for half an hour. I was very happy when I left because he said ‘I think you are very mature and I will take your feelings into account’.

“The sheriff did listen to me and I didn’t have to visit my dad again. If I had been listened to by the child welfare reporter to begin with, I wouldn’t have had to see the sheriff at all.

*I think people expect children not to understand things but we totally do.*



“They wrote to my mum to tell her the decision. When my mum told me I didn’t have to see my dad anymore I cried with happiness. People think that I must be sad because my dad isn’t around, but it was me who left him. I don’t like him. He still wants to see me and I am saying no.

“I don’t want anything to do with him. But I think he must have come across as quite upset because the sheriff said that I have to speak to him every week. Phone calls were around 2 hours a night, making us unable to have dinner until very late at night, and missing out on after school, extra-curricular activities. They don’t seem to understand that that is still making me have contact with him. I have to have a phone call with him every week, even though I have said I don’t want to speak to him. I don’t actually have a conversation with him. Every time I go on the phone I just say ‘I don’t want to speak to you’, but I still have to go through that every week. We used to have to speak to him every single night for an hour, which was quite upsetting. It got put down to two nights a week. I only have to speak to him one night but my brother has to speak to him on both nights. My brother gets upset every time because if I hang up the phone he doesn’t get to say goodbye. If we didn’t speak to him, my dad would email my mum saying he would take her to court if she didn’t make us. My mum doesn’t have enough money to go to court again. It’s ridiculous.

“I don’t understand why I don’t have the power to change these decisions and I want that changed.

“Even though my mum and dad have separated and I don’t have to see him, he is still forcing his way into our lives. He doesn’t act like a father. He acts like an idiot.

*People shouldn't be forced to be put through what I was put through. What happened to me, I thought, was terrible... I wish the reporter had listened to me the first time, so I wouldn't have had to pay a lot of money to get a solicitor.*

“He tries to bribe us. He told me if I wanted Christmas presents then I had to visit him.

“He writes me letters and cards. My mum is supposed to force me to read them, but I don’t. I once threw one in the fire. I have told him to stop writing to me, but he won’t stop. I have told him I have changed my name, but he refuses to put the name I want on the envelopes, so just writes my first name. Him not accepting my new name is affecting me a lot. I am missing out on a school trip because he won’t agree to my passport being in the name I want. I really want to go skiing with the school, but we can’t afford to keep going back to the solicitor so I won’t get it changed in time I think.

“When I wrote this surname on my school work, one of my teachers kept changing it back to my dad’s name. This really



upset me. I should be able to use what name I want, and people should not take sides about it.

“When I was seeing my support worker at Women’s Aid there was something happening with my Dad every week. So I would be upset, and she would just sit and listen to me and let me talk, which I liked a lot. She helped me get the notes ready to see the sheriff.

“From what I saw, my father felt like he could do what he liked because he was a man. He also knew that because he was married, he could do what he liked, because he was safe, knowing that my mum cared for me and my brother all the time, and wouldn't have a job to live on, so she couldn't leave him. This, from my point of view, was incredibly sexist. I am now a feminist. I became one about a year after my parents split up, after realising everything that happened was incredibly sexist, and only happened because he felt like he had the power to control us because he is a man. He could get what he wanted if he just went all emotional and he would get his way. People would think he's an amazing parent because he was a man and had two children in tow. I feel like people’s perspective of single parents need to change, as stereotyping isn't the best way to figure out what a person is really like. The child welfare reporter was a great example of this, as she immediately assumed that my mother was the one who caused all the problems between my mother and father. The reporter didn’t seem to be impartial, it was like she instinctively stereotyped my mum and dad.

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“People shouldn't be forced to be put through what I was put through. What happened to me, I thought, was terrible, I don't want to imagine what people worse off than I have got, it must be horrific. I wish the reporter had listened to me the first time, so I wouldn't have had to pay a lot of money to get a solicitor. Nowadays, it feels like they don't take the child's view into account, but the views of the parent who seems more upset. What I really hope for is family law hearings to get better, and to give the children a good home life, unlike others, like me, who had to fight for their right to have a say in my own life.”

## SCOTTISH COURT TERMINOLOGY

Sheriff	a judge
Child Welfare Reporter	Appointed by the court in cases such as child contact or residence to investigate and provide recommendations.



## ABOUT IJCC

Improving Justice in Child Contact (IJCC) aims to improve children and young people's participation in decision-making around child contact for families affected by domestic violence.

- By 'child contact' we mean communication (such as phone calls or spending time) between a child and a parent who are not regularly living together.
- By 'participation' we refer to children's human rights under the United Nations Convention on the Rights of the Child (UNCRC). Children have a range of participation rights, including the right to express their views freely in matters that affect them and for those views to be considered seriously.

Improving Justice in Child Contact is a project across five European countries (Bulgaria, Cyprus, Portugal, Romania and Scotland) running from November 2018 to November 2020. Each country is exploring models for children and young people to participate and working with stakeholders to eliminate the barriers for, and enhance the mechanisms that support, children and young people's participation.

More information is available on our website.

[www.ed.ac.uk/education/ijcc](http://www.ed.ac.uk/education/ijcc)

## OUR YOUNG ADVISERS



Improving Justice in Child Contact is advised by a group of young experts, called Yello!, who have previous experience of participation work. The young people are aged between 12 and 18 and have experience of domestic violence.

## SUPPORT

If you are looking for advice or information about domestic violence, help is available. Women Against Violence Europe have information on specialist services across Europe at [www.wave-network.org/find-help](http://www.wave-network.org/find-help)

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