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IMPROVING CHILDREN'S EXPERIENCES OF PRIVATE LAW PROCEEDINGS

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Every day, the Family Court makes life-changing decisions about hundreds of children's lives – including where they live and how much time they get to spend with their parents and carers. But those working in the family justice system know surprisingly little about how children themselves feel about these decisions and how they experience the court process. This is particularly true for private law cases – which make up the majority of cases heard in the Family Courts – where only a small proportion of children are appointed a guardian.

The Nuffield Family Justice Observatory recently undertook a review of the UK and international research to explore how children themselves experience their parents' separation and court proceedings. Overall, there is relatively little research that has directly obtained children's views about these events – we identified 45 studies from the last 20 years (2000–2020) that had been conducted in seven countries, including England, Scotland, Australia and Canada. There's a particular lack of more recent research from England and Wales, as well as research that considers how children's experiences might vary according to their gender, ethnicity and wider socio-economic circumstances.

Despite these limitations, the research is clear that children want – and need – more opportunities to have their voices heard and to have access to more information about what's happening in court. We identified six key messages about children's experiences of private law proceedings that have direct implications for professionals working with children within and outside the Family Courts.

Parental separation can be distressing, traumatic and confusing for children

Parental separation can be highly stressful for children and can have a big impact on their lives. Children talk about the separation as a moment of 'crisis'. For some, the impact of their parents' separation can last into adulthood. Professionals working with children during the separation should be sensitive to what they are going through, recognising that children may respond in a variety of ways and may feel

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