



Man Matters

# Separated fathers: The Experience of Practitioners

## 1. Introduction

In 2010, the Man Matters project hosted a seminar in Stormont celebrating Father's Day. The event was a success, with excellent contributions from academics, practitioners and fathers on the importance of the fathering role. However, at the same time, a number of dads raised an important issue, which was encapsulated clearly in a comment from one contributor who said: "How can I celebrate Father's Day when I don't see my kids?"

Following the seminar - and the subsequent production of Man Matters Briefing Paper No 2 titled 'Understanding Fatherhood in the 21st Century' (October 2012) - the Man Matters team committed to take forward work on the issue of separated fathers. In early 2013, a Working Group on separated fathers was convened. This brought together three of the Man Matters partners (the Workers' Educational Association, Parenting NI and the Men's Health Forum in Ireland) and Family Mediation Northern Ireland.

## 2. Working Group Terms of Reference

The Working Group developed a set of aims, objectives and principles as Terms of Reference for its work, and these apply equally to this paper:

### Aims

- To improve outcomes for children and young people, through supportive work for fathers.
- To reduce the marginalisation of fathers.

### Objectives

- To promote the importance of children having an on-going relationship with their father.
- To influence policy to endorse the view that fathers have an equal status to mothers in their parenting role.
- To promote the implementation of father-friendly practices.

### Principles

Work is based on the following principles:

- Article 9 of the United Nations Convention on the Rights of the Child (UNCRC) states that: *'The child has a right to live with his or her parents unless this is deemed to be incompatible with the child's best interests.*

*The child also has the right to maintain contact with both parents.'*

- Mothers and fathers both have the ability to parent.
- Fathers have a right to be involved with children.
- Prevention and early intervention is crucial.

The Working Group's commitment to furthering the knowledge base on separated fathers has been reinforced by the many stories related by men involved in the Man Matters project about their separation issues, and the evidence emerging from practice as collected by Parenting NI and Family Mediation Northern Ireland.

## 3. Context

This paper is a summary of the experience of a number of practitioners who have supported fathers through a separation process. It is based on the collective experience of workers in the Man Matters project, Family Mediation Northern Ireland, Parenting NI and the Men's Health Forum in Ireland who, between them, have many years experience in this field. It is difficult and, perhaps, dangerous to make assumptions based on one or two individual cases. Therefore, the issues presented here are founded on many stories that, together,

represent an evidence base that cannot be dismissed as simply anecdotal or biased.

The issue of separated fathers is complex, sensitive and difficult and, therefore, it is worth spending a little time defining the purpose and aims of this paper. This paper concerns itself almost exclusively with separations which, for one reason or another, end up in contested contact with children.

Some parents with children are able to negotiate residency and contact arrangements between themselves - often with the help of friends or an organisation that specialises in family mediation. However, others end up having to seek legal advice and can become embroiled in acrimonious and lengthy adversarial court battles. We commend those couples that manage to come to mutually agreed solutions to contact, and acknowledge that there will be learning from these situations that will be useful for all couples. However, from our experience, it is in the contested cases that fathers seem to fare poorly. For that reason, we have concentrated our efforts in this area.

In the main, we are considering fathers who love and cherish their children, and who are desperate to spend quality time with them despite the ending of the relationship with their mother. At the same time, we acknowledge that in some specific cases (when, for example, abuse has been perpetrated) it is quite legitimate that the mother and/or the state intervenes to prevent or restrict a father having access to his children. Furthermore, we recognise that some fathers may not want contact with their children after separation. Conversely, both these scenarios may also apply to the mother, and this belies one of the cultural assumptions dealt with by the paper, i.e. that mothers are the 'natural' carers for children and that fathers are, at best, useful add-ons and, at worst, the villains of the piece.



This paper should be read alongside Man Matters Briefing Paper No 3 titled '*Separated Fathers: Fathers, Separation and Co-parenting*' (January 2014), and the testimonies of a number of separated fathers who were interviewed about their experiences of being separated from their children. The Briefing Paper and video clip can be viewed in the Resources section of the Man Matters website at: [www.manmatters.org](http://www.manmatters.org)

## 4. Separated Fathers' Experiences

Not all intimate adult relationships last forever. One day, a couple can be madly in love and, the next, they can be adversaries fuelled by a deep-seated range of powerful negative emotions. There are, of course, a myriad of reasons why partners spilt up (unfaithfulness, boredom, restlessness, a 'better offer', irritation, loathing, etc.) but, whatever the reason, this is often a difficult time for both parties. They are forced to come to terms with beginning a different type of life, and having to deal with practicalities such as making accommodation arrangements, managing monetary assets, negotiating shared

networks of friends, re-allocating possessions, coping with anger, guilt and resentment. Unfortunately, this situation becomes even more complicated when the couple have children. There is always a danger that their children will become 'bartering chips' which is damaging to their welfare and which can be used to inflict hurt on the other person or to exert influence over them.

We live in a society which has a long-established culture of perceiving women as carers and men as providers. While this traditional differentiation has certainly become more blurred in recent years, it still pervades and colours many aspects of private and public life. Thus, when adults with children decide to end their relationship, there is still often an assumption that one parent (normally the mother) will look after the main parenting role, while the other (normally the father) will be there to pay the bills. This attitude is widespread, and can taint how services are offered and the way in which decisions are reached. Thus, it is relatively easy for fathers in a separation situation to be downgraded to the status of a 'B-Movie' parent.

Many organisations in Northern Ireland who work with men, and/or who provide family support, report that they are experiencing an increasing number of requests for help and support from fathers who are separating from their partners. These fathers wish to maintain an active and involved role in their children's lives. To date, there has been no local empirical research in this area which investigates the full extent of this situation, why it might be so, how these men can best be supported to achieve their goal, or the benefits to children of doing so.

In family law, there are no 'fathers' rights' per se. Instead, there is 'parental responsibility'. This is the legal name for the duties that a parent has to their child. It covers things such as providing a home for the child and protecting them, as well as providing for the child's education and being responsible for the child's property.

However, Article 9 of the UNCRC clearly states that a child who is separated from one or both of his/her parents has the right to maintain regular contact with them.

## 5. Key Issues

Despite these obligations, there is a broad range of anecdotal evidence to suggest that fathers may face particular difficulties when trying to maintain a relationship with their children after separation or divorce. Individuals and groups in Northern Ireland have claimed that they have had to deal with a range of issues, including:

- Following the split, it is most often the father who leaves the family home. This leaves him as de facto homeless, and without a base for his children to come to visit him.
- Without appropriate accommodation, the father finds that (even in a non-contentious separation) his children cannot stay with him overnight. This situation is likely to become even worse in the future due to the introduction of the 'bedroom tax' proposed within the current welfare reform measures.
- Although non-resident fathers have the right to be kept informed about their children regarding their health and education, some assert that this is difficult to maintain as schools, doctors, etc. often default to keeping the mother informed - as she is most often the resident parent.
- Some fathers claim that Without Notice Non-Molestation Orders are used as a tool by their ex-partners to exclude them from seeing their children in the short-term, and to brand them negatively in the eyes of the judiciary in the longer-term. Even if the allegations are later proved to be unsubstantiated, the label of 'abuser' still tends to stick.

- There are frequent reports of fathers getting poor quality legal advice. Typical of this counsel are comments such as: *"you've no chance of winning residency / contact"*, *"just give in and save your money and time"*, *"take whatever is offered to you"*, etc.
- There are also reports that similar poor advice sometimes extends to community and voluntary organisations who should be there to support both parents to achieve the best outcomes for their children.
- Expensive and drawn-out legal wrangling - often without any Legal Aid support - can quickly drain all available financial and emotional resources. This can force some fathers to abandon their case.
- Although precise figures are difficult to obtain, reports from fathers suggest that in contested cases there can be delays of several weeks or, indeed, several months from the initial relationship breakdown before fathers see their children for the first time. The impact on the father-child relationship of this separation, especially where very young children are concerned, can be immense.
- Some fathers say that their experience of the court system and ancillary support / research personnel reflects a cultural bias which automatically positions mothers as the best parent, rather than assuming that the best parent is both parents.
- In some cases, courts direct fathers to attend parenting programmes (with no assessment of their skills) while their cases are under review. This is seen by many fathers as being (at best) a delaying tactic or (at worst) a completely inappropriate and unwarranted response to their situation. It does not appear that mothers are asked to attend programmes in the same way.
- It has been suggested that even when Contact Orders are issued in favour of fathers, the Judiciary lacks effective mechanisms to enforce them.
- Fathers may experience severe financial hardship in cases of separation. For some fathers, this may be due to paying two sets of living expenses and being unable to get relief from Child Maintenance for the days / nights that their children stay with them. It is also the case that many separated fathers do not have access to Child Benefit payments - despite having access to their children - as Child Benefit is paid to the resident parent. This can put a large financial burden on these fathers, who want to be able to look after their children in the way they are used to being looked after by their mother.
- As Northern Ireland does not have a well-structured and resourced 'men's sector', fathers are often unaware of who to turn to for advice and support at this traumatic time.
- For many fathers, the very word 'contact' completely undermines their role and status, and reduces their children to another item of family property to be fought over. In these contact circumstances, parents - who until recently had played active roles in their children's lives - get relegated to seeing their children infrequently and sometimes under supervision.



## 6. The Future

The current situation causes long-term damage to all parties. It undermines the core principles of gender equality, does little to stop children being used as collateral, relies on confrontational legal battles rather than out-of-court mediation, costs both the individuals involved and the state a huge amount of money, and does not work in the best interests of either children or their parents.

In summary, we hope that our work on separated fathers will contribute to better outcomes for fathers, mothers, children and our wider society.

## 7. Relevant Resources

The following information, which is useful to read alongside this document, is available to download from the Resources section of the Man Matters website at [www.manmatters.org](http://www.manmatters.org):

**Man Matters Briefing Paper No 2:**

*Understanding Fatherhood in the 21st Century*, October 2012

**Man Matters Briefing Paper No 3:**

*Separated Fathers: Fathers, Separation and Co-Parenting*, January 2014

**Leaflet - Parental Separation:**

*A Father's Guide*, January 2014

**Video – Separated Fathers' Experiences of being separated from their children**

## 8. Further Information

**Man Matters**

t: 028 9032 9718

w: [www.manmatters.org](http://www.manmatters.org)

**Parenting NI**

t: 0808 8010 722

w: [www.parentingni.org](http://www.parentingni.org)

**Family Mediation NI**

t: 028 9024 3265

w: [www.familymediationni.org.uk](http://www.familymediationni.org.uk)

**Men's Health Forum in Ireland**

t: 0751 9945261

w: [www.mhfi.org](http://www.mhfi.org)





Man Matters is a partnership project made up of the Workers' Educational Association (lead partner), Parenting NI, Home-Start and the Men's Health Forum in Ireland. For this work on separated fathers we were joined by Family Mediation Northern Ireland.

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