

Child custody and contact questions.

7 of our 44 freedom of information questions centred on child custody or contact disputes. Of the 207 councils contacted 74 refused to answer any of the questions. These questions have been compiled into a series of reports to inform the public about some of the issues faced by families in today's society.

Due to lack of responses and statistics the reporter has sectioned these questions into different areas and will report the findings in groups rather than individually on this subject matter.

Question 1.

Are there any statistics for non-return of children by non-residential parent to residential parent for each year since 2010 by either calendar or financial year? if so, are these statistics separated by male / female parent not returning child from contact?

This is a serious issue facing hundreds of parents each year and generally occurs when the parents have separated but not been through courts to legally set who the residential parent will be. Most parents will decide between themselves who the child will live with on a full time basis, where the other parent has contact with the child or children involved.

Working things out this way between the two parties involved became standard when the government decided to restrict access to legal aid. Yet, it has caused many parents to suffer from the non-residential parent refusing to return the child at the end of contact.

The reporter would like to point out that both mothers and fathers can find themselves in this situation, although it is more difficult for the father to establish his parental rights if he is not on the birth certificate or has DNA proof that he is the father.

This is a situation which does not seem to be in any recordable format and as such there are no statistics regarding this issue held on council databases. As such there is no statistical information to inform the reporter if this has become worse during the Covid pandemic.

For those of you who may still be confused by this question, the residential parent is the parent with whom the child normally resides on a daily basis. With the increase of parental alienation cases the reporter believes that this situation has also increased.

It would be interesting to know what the rate of these cases are and how these statistics can be broken down into mothers refusal to return compared to fathers refusal to return.

If the case has been through court to establish where the child or children should reside then the refusal to return the child or children at the end of contact becomes a criminal matter, until then it is a civil matter where the most the police will do is a welfare check to ensure the child or children's safety.

More importantly child social services say that they do not get involved with custody or contact disputes where children are concerned as it is a civil matter unless it can be proved there is a risk to the child or children by one of the parents.

Question 2.

Does child social services share information about someone with their ex-partner if requested for custody / contact dispute cases? for example will they share historic information about the mum/dad from when they were children with the other person? If so, under what circumstances?

Taking into consideration that the reporter has been told that the child social services do not get involved in private cases such as non-return of children from contact, custody and contact disputes the following responses are contradictory.

1. If a child is at risk and it comes to our attention then yes, we take appropriate action. We only share historical information if we are actively involved.
2. This depends on the situation, level of threshold and relevance of information. We would share a parent's partner's history if there was a risk of harm to the child.
3. It is impossible to detail every circumstance where we would share information as it is case dependent.
4. We can only share information where a child is at risk and the specific offences are not something we would share as this would be the job of the police.
5. Only if ordered to by the court.
6. Cafcass would contact the local authority as part of a private case where a child's residency is concerned.
7. Human rights are balanced against risk posed as well as expectation of confidentiality for the individual. Each case is based on its own merits.
8. We follow government guidelines.
9. We work with police and probation services around the disclosure of such information when there are concerns for a child's safety.
10. We do not share this type of information with an ex-partner or partner in private matters unless directed by the court.

The reporter can attest that they know of cases where information has been shared prior to cases going to court. In some circumstances this sharing of information has caused the non-residential parent to keep the child instead of returning the child after contact and this information can concern grandparents as well parents.

As such, it would appear to the reporter that this is an area specific policy rather than a UK wide policy.

Questions 3,4 & 5.

Does the family court use the same judge throughout cases in family court or can the judge change during cases? Are there any statistics on this for each year since 2010 in either calendar or financial period?

Does the gender of the parent making a custody application have any bearing on the outcome of the custody dispute? Is there any statistics or evidence to back this up? Again since 2010 by either calendar or financial year.

Does the distance or interim decision in custody disputes affect the outcome of the case? Again if there are any statistics on this please use statistics since 2010 per calendar or financial year

From everything the reporter has been able to establish the court tries to keep consistency throughout private and public court cases. However, with the restrictions during covid this has become increasingly difficult. The reporter believes that consistency during custody and contact disputes is important so that the judge can be better placed to make his or her judgment.

It would also appear that both the gender of the parent applying for custody or contact applications and the distance between the two parents has no bearing on the outcome of the case.

Unfortunately, there are no statistics to back this up as statistics are not held in these regards.

The responses gathered stated that the decision in these cases are based on the best outcome for the child and not the gender of the parent being given custody / contact. It seems that where historically, females were more likely to gain custody of their children this is now more of an even split.

The reporter however, is minded that with the issue of parental alienation (which was not covered in the 44 questions) any statistics that might be available from the courts currently are also likely to change substantially as parents exercise their rights to fight against parental alienation.

Question 6.

What is child social services standing on the effects of being a single child as apposed to living in a household with another child no matter if that child is related or not? Do they even have an opinion on this subject? Is there any reports or documentation to prove or disprove which is better for the child?

As expected the reporter was told that everything is done in the best interest of the child and that it is not a case of is being a single child better or worse than being one of multiple children. It is to the quality of parenting the child receives.

This question was based on oppositional views argued within private court proceedings where a parent who has more than one child argues it is better for that child to remain with their siblings or a parent who has moved in with a new partner who has children says their only child would be better off being with them so they have other children to play with.

Most importantly no reports, documentation, statistics, studies etc were provided to prove or disprove the advantages or disadvantages of being raised as a single child or one of multiple children.

Yet, parents have told the reporter that they have been told their children do not socialise enough when they are being investigated by the local authority and other parents have been told their children are associating with the wrong kinds of children.

Again, the reporter can understand the frustration these parents feel because there are no hard and fast rules where these kinds of situations are concerned. No wonder so many families believe it doesn't matter what they do, they can't do right for doing wrong and that they are damned if they do

and damned if they don't.

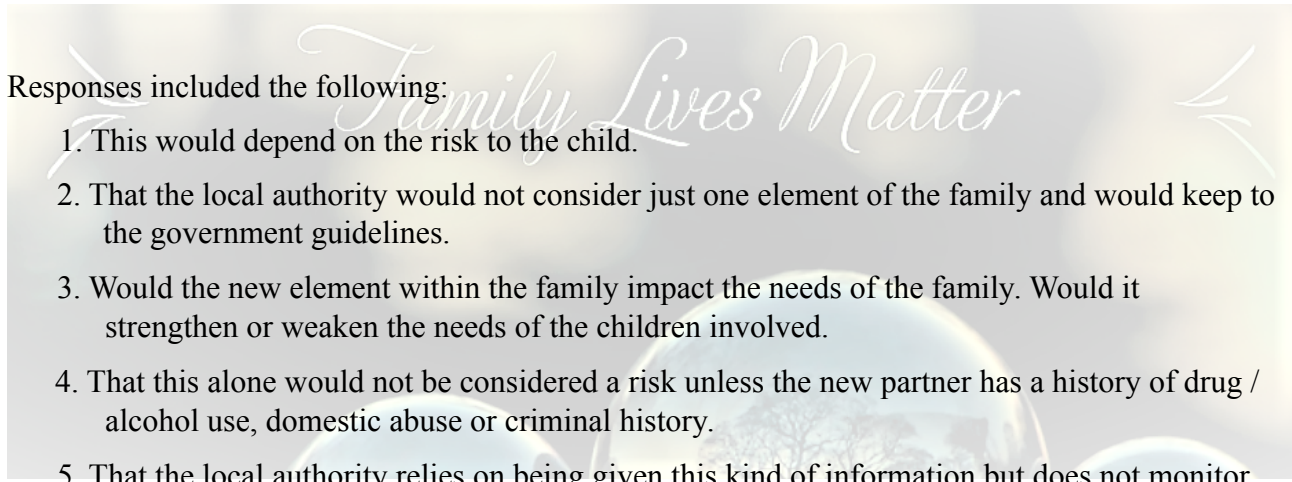
Question 7.

If a male has a pattern of behaviour of becoming involved with single mum's with children or moving in with a female with children within 3 months of first meeting her would child social services regard this as a risk factor? if so, how and are there any reports or documents to back this up?

Now before the reporter hears cries of sexism it was almost impossible to phrase this question from both sides of the equation without confusing the councils the question was sent to. This was also a question posed by more females than males, although there are females who do move from one single dad to another, so the question can cover both genders.

The questioner did explain to the councils when queries of clarification were sent that this can also apply to both genders. It was more about the pattern of behaviour than gender. As the gender question becomes more complex, with more gender variations keeping FOI questions as simple as possible gains better results.

Responses included the following:

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1. This would depend on the risk to the child.
 2. That the local authority would not consider just one element of the family and would keep to the government guidelines.
 3. Would the new element within the family impact the needs of the family. Would it strengthen or weaken the needs of the children involved.
 4. That this alone would not be considered a risk unless the new partner has a history of drug / alcohol use, domestic abuse or criminal history.
 5. That the local authority relies on being given this kind of information but does not monitor movements of adults.
 6. This could be an indicator or risks depending on history and the circumstances but not necessarily a cause of concern on its own.
 7. That the question is based on a hypothetical situation.
 8. That this could show concerns regarding the child or children's parent rather than that of the new partner. He or she could have a pattern of choosing abusive partners.
 9. This is not a FOI request question, asking opinions rather than facts.

In conclusion it would appear to the reporter that trying to navigate the issues within custody and contact disputes is as difficult and confusing as when discussing the issues between families and the local authorities.

The lack of statistics and clear guidance seem to perpetuate the issues instead of clarifying the way the system works. This leads to myths and conjecture surrounding the family court system becoming a conspiracy theorists playground.

In order to clear up some of these misunderstandings and miscommunications the reporter believes more transparency is needed.

The local authority seems to swing between they do not get involved in custody and contact disputes to they only get involved for the good of the child or children. Who decides what is in the best interest of the child or children involved? Who decides which parent is telling the truth apart from the judge? Does Cafcass take the word of one parent over the other parent when there is no real evidence and everything is based on heresy? Why is it that the local authority say they only pass over information about the other parent if there's a safeguarding concern when there are times these safeguarding concerns are based on heresy or grandparents history?

If the government guidelines have grey areas does that mean that anything goes? The reporter will go one step further and state that from information gathered from families who have been through these issues they've reported situations where Cafcass has reported on information to the court that the parents it has been said about has proved the information to be inaccurate and yet Cafcass go by the original information instead of letting the court know the information is inaccurate.

Admittedly, in this situation the blame or issue lies with the Cafcass employee rather than with the local authority or the court and the reporter is aware of judges who throw out inaccurate information before they make a final ruling.

Again with the lack of legal aid and many of these parents having to work litigant in person with little to no knowledge of court proceedings, these issues could continue to grow at an alarming rate. Not forgetting that there are some domestic abusers and narcissists who will use the parental alienation topic as a way to continue their domestic abuse and controlling behaviour.

As the questioner and reporter are not receiving the statistics as requested on many of the 44 questions asked because the statistics are not recorded it seems futile to ask for statistics on abusers who use the system to continue their abuse.

This is in no way saying that everyone who raises concerns of parental alienation is an abuser and it is not saying that males are more likely to abuse than females. It is saying that with every new protocol or policy that comes into effect there is an increased risk of manipulation of that protocol or policy if the wording on the policy or protocol is left open to interpretation.

It is strange that criminal laws are easier to understand and have less grey areas than family laws.

If this report has sparked your curiosity or made you question what you thought you knew please download the rest of the series.