

Children when parents move apart



BARNE- OG LIKESTILLINGSDEPARTEMENTET

The Ministry of Children and Equality

Brochure for parents

The purpose of this brochure

This leaflet provides information about children's right to be heard when someone is deciding where they are to live and what right of access they shall have after their parents move apart. The leaflet also provides advice and guidance to parents about how to discuss these matters with their children.



The rules

Children have a right to care and consideration from their parents. When making decisions concerning children, the best interests of the child shall weigh heavily. The parents must listen to what the child has to say before making decisions concerning personal matters for the child.

As the child grows older, the parents must provide more information and pay more attention to the child's views before making decisions concerning the child. It is nevertheless the responsibility of the parents to make decisions on the child's behalf. Not until the child is 18 years old does he or she have a full right to participate in decisions.

Children have a right to be heard in all matters concerning themselves. This is provided by section 31 of the Children Act and article 12 of the UN Convention on the Rights of the Child. Personal matters include the question of which parent the child is to live with following the breakdown of a relationship and the child's right of access to the other parent. When the child is over seven years of age, he or she shall be allowed to express his or her views in matters concerning which of the parents he or she is to live with following the breakdown of a relationship. When the child is over 12 years of age, considerable importance shall be attached to the child's opinions.

From the child's seventh birthday, he or she has a RIGHT, but NOT AN OBLIGATION to state his or her views. This means that provision shall be made for allowing the child to express his or her views if he or she so wishes. Children shall not have to choose between the parents or take sides in the parents' conflict. The parents shall not subject the children to pressure. A precondition for being able to participate and express his or her views is that the child is provided with sufficient and relevant information. This information must be adapted to the child's age and level of comprehension.

Listening and talking to children

When and how?

It is difficult to give clear advice about when one should talk to children about the impending breakdown of a relationship and whether both parents should be involved in this conversation. Parents often have differing views regarding what is going to happen and regarding how one should talk to the children. The situation varies from family to family. It is nevertheless important to avoid children being kept in suspense about what is going

to happen. Children interpret signals, and their imagination is often much worse than the reality. It is therefore important that the parents talk to the children about what they are discussing, and that the parents cooperate on deciding what is to be said and how.



What?

The parents should give the children the best possible description of what is going to happen in the near future. This can help them to cope better with this period. This information must be adapted to the child's age and level of development. Children are often preoccupied with practical questions such as "Where am I going to live?" "Will I have to move?" "Where is the parent I don't live with going to live?" "Will I lose my friends?" "Will I have to change school?" The parents must try to answer as well as they can, but must at the same time be clear about what has not yet been decided.

Why?

This is a question that is often difficult to answer because there is rarely a clear answer. Children may perceive the breakdown of the relationship as understandable if they have witnessed a lot of quarrelling and conflicts. For children who have not experienced obvious conflicts or other forewarnings, the breakdown of the relationship may seem surprising and confusing. The parents should stress that it is they who have made the decision and that it is their choice and not that of the children. If possible, they should provide specific explanations of what lies behind this decision. This may help to reduce the pressure on children who blame themselves. Explanations should be comprehensible and should at the same time not appear to place the blame with one of the parents. This is a difficult tightrope to walk. It may therefore be useful to think through beforehand what one can say – and sincerely mean.

Reactions

Children can react very differently. Some children show sadness, disappointment and anger. Some hold back their reactions, both with regard to themselves and in relation to their parents. Others have long been prepared for this, and may even be relieved that it is happening. It is important to respect children's reactions, neither reading too much into them nor dismissing them. Parents should both be willing to listen patiently and to provide comfort. They should give the child the time it needs and be ready to answer questions that come later.

Children often need things to be repeated several times. It is therefore important that parents are available when children have questions, and at the same time that they respect children's signals that they want to stop talking about it.

Loyalty and attachment

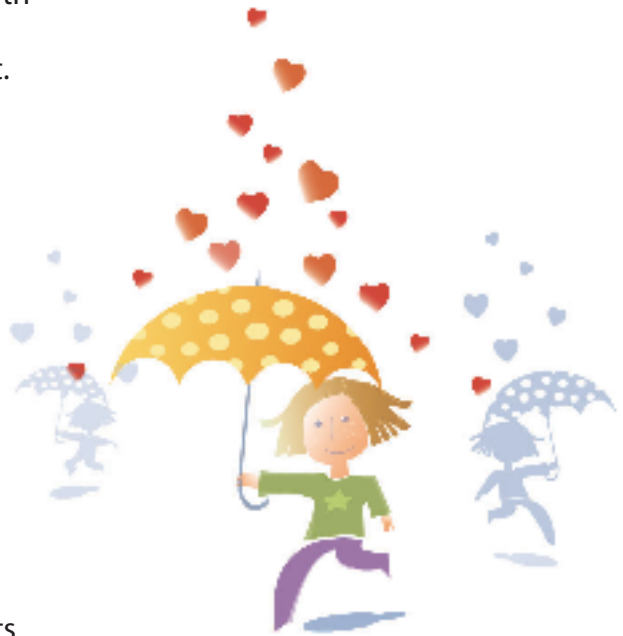
Strong conflicts between parents are a serious threat to children's experience of loyalty and attachment. Children may respond to this in different ways. Some children become timid, others withdraw completely, while some children take sides in the conflict.

When children side with one of the parents, they often choose the parent they feel needs most support. Children have a strong sense of justice, and want both parents to be happy after the break-up. Children may therefore sympathise strongly with the parent they perceive as being let down.

When children witness strong conflicts between their parents, they suffer.

Research shows that children who experience parental conflicts over a long period may develop many problems. It is important that children

are allowed to be children, and that parents do not burden their children with their cooperation problems. This does not mean that the mother and father should not show sorrow or grief over the break-up, but then it is important to find words for their feelings and explain that they will blow over.





Listening to children

Children have a right to be heard regarding the residential and access arrangements that their parents are planning. When parents talk to their children about this, it may be wise to think beforehand about several proposals for future arrangements. It is also important that the parents make it clear that it is the grown-ups who shall make the final decisions on this. If a child does not want to say anything about the various proposals, it is just as important to respect this reticence. Children are not obliged to express their views!

Satisfactory solutions

Satisfactory solutions vary but, as a rule, residential and access arrangements that allow a child to maintain regular contact with both parents are preferable. It is also important to make arrangements that do not lead to unduly big changes involving loss of friends, school, community and other important family members. This is easier to achieve if the parents live close to each other, but sometimes this is not possible. When the parents live far apart, it may be best that the child spends more time at one place. As children grow up, daily contact with friends and local community may be at least as important as maintaining a fair distribution of contact with the mother and father.

New partners

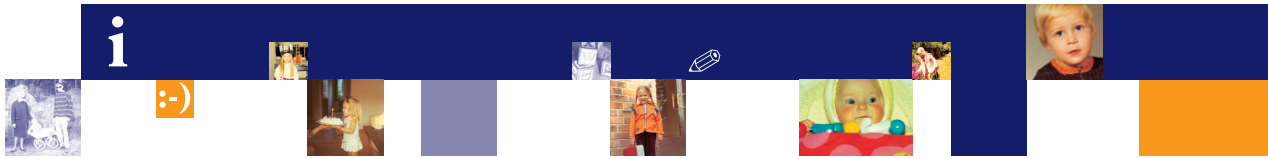
After a time, many parents acquire a new girlfriend or boyfriend. This may prove difficult for the child, and give rise to strong reactions. Many children nurse a hope that their parents will one day be reunited. When the mother or father finds a new partner, this finally puts an end to any hope of them ever getting back together again. The children's reactions may also be due to their perception of the new partner as a competitor or that they find it silly or embarrassing to have a newly infatuated mother or father. It is best to give the child time, and talk to him or her about what is happening.

Summary

The breakdown of a relationship is a crisis for many families. A typical feature of crises is that they blow over. During this crisis period, it is important that the parents give their children an opportunity to react and ask questions. The parents should discuss how best to arrange matters for the children, and they should make clear arrangements. The children should both be given an opportunity to express their views about these arrangements and be able to influence them. It is important that the parents shield their children from conflicts.

For further information, see the following brochures:

"Haven't I got a say", "Separation and divorce", "Mediation for parents" and "Parental responsibility and right of access" and the websites www.regjeringen.no/bld and www.norge.no



This brochure was published by:
Norwegian Ministry of Children and Equality

Only in electronic version at www.regjeringen.no/bld

Design by Endre Barstad
Publication number: Q-1069 E
Published: 12/2009