

Rapid review of the characteristics and outcomes of children involved in private family law proceedings due to parental separation

EXECUTIVE SUMMARY

What is a Rapid Review?

Our rapid reviews (RR) use a variation of the systematic review approach, abbreviating or omitting some components to generate the evidence to inform stakeholders promptly whilst maintaining attention to bias.

Who is this Rapid Review for?

This rapid review is intended for policymakers who are responsible for policy concerning children and families as well as for family law professionals and families in private law children's proceedings.

Background / Aim of Rapid Review

Private law children's proceedings typically involve court disputes between parents who have separated and disagree about child arrangements, and are asking the court to make orders that determine where a child should live and with whom they should spend time. Children involved in private law, who potentially represent a vulnerable group, commonly receive less attention in policy than those in public law cases. The aim of this review was to shine a light on the wellbeing and other important characteristics or outcomes of children who are currently, or have been, involved in family law proceedings due to parental separation, to identify the support needs of these children who are often overlooked in policy.

Results of the Rapid Review

Recency of the evidence base

- The literature searches were conducted in June–August 2024. The included literature was published between 2001 and 2022.

Extent of the evidence base

- 22 studies reported in 25 documents were identified (8 published in academic journals and 17 in reports produced by organisations).
- Originated in England and Wales (n=13), Australia (n=7), Canada (n=1), New Zealand (n=1).
- Most studies aimed to describe the characteristics of children who are or have been involved in private family law proceedings, whilst only one compared the outcomes of such children to those in the general population.

Key findings

- Mental health and emotional wellbeing. Almost all of the studies addressed this topic. Written accounts of children, parents, and professionals described children as having anxiety, depression, anger, post-traumatic stress disorder symptoms, and eating disorders, and experiencing self-harm and suicide attempts. In Wales, children with a history of involvement in private law proceedings had higher incidence of depression and anxiety than children in the general population. From the evidence, it was unclear whether the poor mental health was associated with parental separation, the court proceedings, court orders, or some other factors, but some participants attributed difficulties to unwanted court orders.
- Engagement with mental health services. Eight studies were identified and showed variable levels of support accessed by the children. It ranged from school-based support to Child and

Adolescent Mental Health Services. However, it is not known how many children in private law needed such mental health support and of those, how many accessed it.

- **Behaviour.** Ten studies were identified. Some studies suggested that a substantial number of children exhibited behavioural difficulties, some of which were attributed to frustration with the situation and difficulty in verbalising their feelings.
- **Development.** Little evidence was available, but some accounts spoke of children experiencing developmental delays and regressing to an earlier developmental stage. It is not clear how widespread this issue is.
- **Social relationships.** Eleven studies were identified. Some, particularly those focused on complex private law cases, showed that some children experienced difficulties in relationships with parents and peers, could not relate to their peers, or stopped socialising with them altogether. In others, especially those not limited to complex cases, both children and parents said that children had few problems with socialising.
- **Learning and education.** Little evidence was available. A few qualitative accounts from England and Wales spoke of children's schooling being negatively affected. In an Australian study, almost 40% of parents thought that their children's learning and schoolwork were worse than their peers'.
- **Physical health.** Accounts of children suffering from severe abuse and neglect, leading to death in some cases, were provided in Cafcass submissions to Serious Case Reviews in England. These were some of the more severe cases and were rare. Physical abuse experienced by children in private law was also highlighted in some qualitative accounts.

Research Implications and Evidence Gaps

- Research is needed into the extent and nature of outcomes of children in private law proceedings compared to those of separated parents who did not use courts, to understand whether and how private law proceedings may exacerbate children's experiences and what their specific support needs are.
- Research into the long-term outcomes of children in private law, and comparing short- and long-term outcomes, is needed to understand support needs and how they may change.

Policy and Practice Implications

- There is a need for a public health response to the needs of children in private law cases, which may include schools, GPs, and mental health services, in order to identify vulnerable children and provide timely support.
- It is important to ensure that support is available irrespective of whether the proceedings have been concluded, because many children in private law cases experience acute distress.

Economic Considerations

- 33% of mothers and 29% of fathers making private family law applications in Wales are from the most deprived quintile. The lack of access to legal aid in the majority of private law proceedings is a compounding economic challenge.
- Resource shortages affect the whole private law system, but cases involving domestic abuse, which is common in private law and can often negatively affect children even if they are not the primary targets, may be at the greatest risk of risk-assessments and or safeguarding measures not being implemented as they are likely to be more resource-intensive to implement than non-abuse cases.
- Children who experience parental separation before the age of 15 can experience an associated 46% reduction in lifetime net wealth compared to those who do not experience it.

Disclaimer: The views expressed in this publication are those of the authors, not necessarily Health and Care Research Wales. The Health and Care Research Wales Evidence Centre and authors of this work declare that they have no conflict of interest.