



Explaining decisions made by the Family Court to children

A guide for parents and carers

July 2024

About this guide

This guide has been created by children and young people, parents and carers, and the professionals who work with children.

Sometimes it can be difficult to know what to tell children when you are in family law proceedings. This guide aims to help support parents and other carers when they are sharing decisions made in the Family Court with children.

Why is it important for children to understand decisions made by the Family Court?

Under the UN Convention on the Rights of the Child and the Children Act 1989, children have a right to have a voice in decisions about their lives and to know about those decisions. It is important that children understand what has been decided in the Family Court.

Children are often worried or confused, or just curious about what has happened and whether things are going to change. They will want to know if they have been listened to.

Unless they are very young, children are likely to know that something is happening. They will often have already spoken to someone from Cafcass or a social worker from their local area to share their thoughts and feelings. Some children will have met or written to the judge. Even if they haven't spoken to any professionals, children are often more aware of what is going on than adults think they are.

If children aren't told what has been decided and why, they will often come up with their own explanations. These can be untrue and sometimes really upsetting or worrying. Talking to children about the decisions that have been made can help them understand and reduce their confusion and distress.

The final decision of the Family Court will be written down in a 'final order'. This will set out the arrangements for your child from that point onwards. It will also state who should tell your child what has been decided.

Why have I been asked to tell my child?

If the Family Court has chosen you as the person to tell your child what is happening, it is because the court has decided that you are the best person to do it.

The court will have decided that your child is likely to trust you and that you know them best to explain things in a way they will understand.

Children and young people tell us that hearing about decisions made by the court from a parent or carer can help them because it can give them a sense of security.

It is normal for your child to want more than one conversation about the decision. They may ask questions or check they have properly understood and remembered what you have said.

We know it can be daunting to have conversations about court. You might be worried about saying the wrong thing. It can be even more challenging if you did not get the order you wanted or if the order does not reflect what your child said they wanted to happen. It might be difficult because you or your child are feeling emotional. We hope this guide will help you.

Tips

Decide where and when to talk about the decision

It's a good idea to think about what will make your child comfortable. Choose a place where you won't be interrupted or distracted and set aside plenty of time to answer questions. Try to have the conversation as soon as possible, as leaving it too long might cause your child to worry even more.

If you didn't receive the order you wanted, think about how you will approach the discussion about that, and what you can do to help your child accept the arrangements the court has decided are best for them.

It might be useful to have a 'rehearsal' with a supportive friend so you can see how the words you plan to use sound out loud and what effect they have on you. Try to be calm and clear.

Make a plan:

- Where?
- When?
- How much time will you set aside?
- What will you say?

Starting the conversation

Linking the conversation back to information the child already has about the proceedings may be useful. This can help them to understand how the court's decision fits into what has happened. Here are some suggestions:

“Do you remember when we were talking about mummy and daddy going to court to ask a judge to help them decide what would be best?”

“Do you remember when you met with someone called Daniel at school and he talked to you about...?” (in this example, Daniel was your child's Cafcass Family Court Adviser).

This might be the first conversation you've had with your child about what's been happening in court, and that's okay. It can make it more likely that your child will want to talk things through again in the future, so reassure them they can do this.

Explaining things in ways that work for children

Legal language can be confusing for adults and children, so it's always best to keep the language simple.

But every child is different. You know your child best and you'll be able to talk to them in a way they understand.

If you have more than one child, you might find that what works for the older ones may not work for younger ones. You may need to change the language but do try to stick to similar messages for all your children as they will likely share information between them and support each other through the process. If the order makes different arrangements for your children, make sure they understand the difference and why the court has decided to do this.

You could try helping your child to see what the court order will mean for their day-to-day life, as they are more likely to make sense of it that way. Here are some examples:

“The judge has decided you’ll spend Tuesday and Wednesday with dad.”

“We have agreed that you’ll speak to mum on the phone twice a week.”

Looking at or colouring in a calendar can help your child to understand any new arrangements.



When we asked children and young people what they thought would be helpful, they told us:

“Remind us that nothing is their fault.”

“Validate our feelings.”

“Try and keep the conversation positive, forward looking and factual.”

For more information on top tips directly from children and young people, take a look at:

www.cafcass.gov.uk/children-and-young-people/family-justice-young-peoples-board/fjypb-top-tips.

Focus on agreement

Language that focuses on agreement can be reassuring and comforting for children. Here's an example:

"Mum and I agree that it's really important we are both able to spend lots of time with you, so we've come up with a plan to make that work."

If a judge or magistrate made the decision because it wasn't possible to reach an agreement, you can still focus on the things you did agree on. You could say something like:

"Dad and I both want what's best for you. We found it hard to work out just what would work best so we agreed the judge would have to help us make a decision."

Try to use language that focuses on how the judge or court helped you to find a way forward. You could try this kind of approach:

"I think you know daddy and I have found it hard to decide what would be the best way to organise things so you can see both of us. I came up with what I thought would work and daddy came up with what he thought would work. Do you remember you talked to Danielle from Cafcass about what you wanted as well? Because we couldn't agree on everything, we asked someone called a judge to help us. She listened to what Danielle said about what you wanted, what I said I wanted and what daddy said he wanted, and she came up with a plan."

Even if you are feeling disappointed with the judge's decision, it is important to let your child know that you accept what the judge has decided for now. Sharing negative views or feelings about the decision or plans is likely to be even more upsetting and worrying for your child.

Think about the details that will matter to your child

Remember to discuss the parts of your child's life that will be most affected and are likely to matter to them.

Here are some examples of questions children may have:

- Where will I be sleeping?
- Can I still go to the same school?
- How will I get to school?
- Can I still go to my after-school activities?
- Can I take a special toy?
- What will happen with my pets?
- Will I still be able to see my friends and other family members?
- What happens at Christmas or Eid or on my birthday or other special occasions?



You might choose to say something like:

“So we’ve agreed that this weekend I’ll pick you up from school. You’ll come home for something to eat and then Mum will pick you up at six. We’ll pack a bag with your clothes, and you can take Bunny if you want. Mum will drive you to her house and you’ll spend the weekend with her. So, you’ll sleep at her house on Friday and Saturday and Sunday night, and she’ll walk you to school on Monday morning. She’ll drop your bag off back here on Monday after she’s taken you to school.”

(For an older child)

“We know you wanted to spend some time with us both over Christmas but didn’t want to be moving around on Christmas Day, so we’ve agreed that this year you’ll spend Christmas Day

at my house and Boxing Day with Dad and then next year we'll swap and you will spend Christmas Day with Dad and Boxing Day with me. For your birthdays we're going to make sure you can see us both at some point on the day, but we'll work that out nearer the time to make sure it fits with school and your other activities and plans with your friends."

Give your child space to ask questions

Your child may not want to ask all their questions straightaway or may think about more questions later, so make sure they know they can ask more questions in the future. They might forget what you have told them and need to ask you to go through it again, or they might just need to have a think about the new arrangements before they ask you anything else.

The most important thing is for you to explain they can ask anything they want, whenever they want.

You could help to reassure your child by saying something like:

"I know that was a lot of information. Have you got any questions?... It's okay to have a bit of a think and ask me later if you'd like. We can talk about this any time you want. And if you want to talk to mum about this or nanny or grandpa – that's also fine. We might not always agree, but we all just want what's best for you."

Have a clear explanation for the adults who are important to your child too

Make sure all the important adults in your child's life know what has happened and what arrangements have been put in place for your child. This can include family, close friends and your child's school.

This way, your child can talk to other people about the situation if they want to, and other adults can answer questions your child might have. It should also avoid confusion if the court order means a change to existing arrangements.

It can be a good idea to write the key details down in a bullet-point list, in child-friendly language, to share with other important adults. You are welcome to share this guide as well.

Sources of support for children

If you think your child is finding things difficult and could use some additional support, here are some resources you might want to explore:

Young Minds

www.youngminds.org.uk

Childline

www.childline.org.uk

Kooth

www.kooth.com

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