



# Establishing Meaningful Relationships between Children and Fathers Who Do Not Live Together: Challenges and Solutions

*Executive Summary*



Commissioned by:



**This research was developed with expert guidance from the following organisations:**

Treoir

Daughters of Charity Child and Family Service

Doras Buí

From Lads to Dads

Men's Development Network

One Family

SPARK

Women's Aid

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# Executive Summary

## 1.1 Background

The research was carried out to facilitate the development of a nuanced understanding of the lived experiences of non-residential fathers, children, and mothers. These experiences were understood against the background of literature on key challenges and good practice responses, as well as an analysis of demographic trends and a legal analysis of the range of legislative and policy frameworks which inform this issue.

The purpose of the research was to:

- Examine and document the challenges in establishing and maintaining a meaningful relationship between children and fathers who do not live with them on a day-to-day basis.
- Investigate and identify good practice which supports relationships between children and their fathers who do not live with them where it is safe to do so.

Eight organisations, namely Treoir, Daughters of Charity, Doras Buí, From Lads to Dads, Men's Development Network, One Family, SPARK, and Women's Aid, have been engaged in a steering group to oversee the research.

## 1.2 Research Methodology

The research utilised a mixed-methods approach consisting of qualitative interviews and an online survey:

- **The qualitative data** consist of 10 interviews with fathers and 10 interview with mothers. The qualitative research was undertaken using a phenomenological approach as methodological framework and data was analysed thematically.
- **The quantitative data** consists of an online survey with participation of 63 people. Of this number, 19 were fathers and 44 were mothers. Data were analysed using a descriptive approach, and in cases where equivalent data was available between male and female participants, statistical analyses were used.

Participants for the qualitative interviews were recruited either through direct contact from one of the organisations on the steering group, or through social media outreach. The survey was distributed through the organisations engaged in the steering group and promoted further via social media.

## 1.3 Demographic trends

Developing an accurate profile of families without a non-residential father in Ireland poses some challenges; while the central statistics office offers various datasets relating to one parent families (OPF) in Ireland, it does not provide specific information in relation to fathers and children who do not live together, but rather, such knowledge must be inferred from data such as the number of households headed by women. Thus, developing a profile of one-parent families<sup>1</sup> in Ireland provides a birds-eye perspective on families where parents do not live together. Some crude estimates of the number of families where fathers do not live with their children are summed up here:

- It is estimated that there are over 350,000 children living in OPFs in Ireland., 86% of OPFs are headed by a single mother.
- CSO 2016 estimate that 20% of children live in homes without a resident father.
- The number of OPFs has increased by 1.6% from 2011 to 2016; given that this has been an increasing trend over the past eight years, it is anticipated that this will have increased again since the last census figures, which showed that over 25% of all family units living with a child or children, of any age, were headed by a lone parent (3).

<sup>1</sup> All data for the section taken Irish Census Data from 2016, from the Central Statistics Office



In the context of this research it is important to take into account the number of children living in households where parents are not married as when there are children born outside of marriage, there are different legal protections for the father-child relationship than in the context of a marital family.<sup>2</sup> When unmarried cohabiting couples separate, without the legal clarity afforded by marital status in relation to guardianship, access and custody and where the father's guardianship has not been or cannot be established, this can create challenges in realising the rights of children and father's to have the relationship they desire, or input on decisions relating to the child, where this is in the child's best interests. Numbers gathered in this research indicate that the majority of two parent families are married, rather than cohabiting; 26% of couples with one child are cohabiting, and this decreases to 10% where there are two or more children. On the other hand, the vast majority of one parent families have never been married, with only 8% of those households with one child having been previously married (where fathers benefit from the protections of marriage regarding guardianship and subsequent access) and 22% of households with two parent families having been previously married.

#### 1.4 Context in literature

The literature review looked at the overall impact that the presence or absence of fathers can have on children's development and how service delivery can support family wellbeing in households with separated partners including those with experiences of domestic violence. Father's involvement has been positively associated with a wide range of children outcomes relating to their cognitive, emotional and social development. However, this positive influence appears to be dependent on a number of factors including the quality of the father-child relationship, which suggests that it is the quality, conditions and circumstances in which this presence happens that determines the type of influence that fathers exert on their children's wellbeing. There are a number of personal, interpersonal and contextual factors that play a role in the development of positive paternal involvement and that service provision can act upon. This includes, for instance, parenting beliefs and skills, conceptions of fatherhood, quality of the interparental relationship, and socioeconomic factors (i.e., employment and housing).

In cases of domestic violence, paternal involvement (where the father is the perpetrator) requires careful evaluation. Exposure to domestic violence is related to emotional, behavioural, cognitive, physical, social and developmental problems that can continue to have a detrimental effect into adulthood. Experiences of domestic violence can diminish children's voice affecting their self-agency, empowerment and confidence and can also become internalised leading to permanent stages of fear, self-loathing and depression. The harms of domestic violence on children have been shown to continue post-separation. Research on paternal involvement in cases of domestic violence on children's outcomes and wellbeing reports a careful consideration and assessment, on a case by case basis in considering contact. The key question for legal, social and child welfare services does not

<sup>2</sup> <https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.944.9127&rep=rep1&type=pdf>



appear to be whether father child contact should always or never be allowed in cases of domestic violence but how to build assessments that are robust and comprehensive enough to capture the specificities of each case. Importantly, these assessments should include children's voice and desires, which have been traditionally excluded from custody and visitation decision making processes. Placing children in custody and visitation arrangements that are contrary to their desires where there has been a history of domestic violence can put them at risk of further exposure to violence and/or re-traumatisation. Including their voice is also particularly important when considering that domestic violence experiences already have a detrimental effect on children's self-agency and empowerment.

Good practice in relation to father child relationship in the context of domestic violence includes:

- Review biased practices and policies in the family law and court system which have tended to favour contact and/or shared custody with the abusive parent while holding punitive approaches towards the non-abusive parent.
- Develop expertise on domestic violence in the court system, child protection services and relevant social and community services.
- The court system, domestic violence and community services and child protection services working collaboratively to provide a coordinated and integrated response to families.
- Increase services capacity to effectively engage with children, which includes; recognising children as direct victims; increasing the availability and accessibility of services for children victims of domestic violence; consulting with them and providing them with safe spaces to talk.
- Increase services capacity to effectively engage with parents which includes: avoiding simple judgements on parents' capacity (i.e., challenging assumptions on history of violence and parenting); recognising parents may experience the system as disempowering and intimidating and reframe 'uncooperative behaviours', listening to and understanding parents' needs; and actively to seeking to build positive and collaborative relationships with parents.

## 1.5 Legal analysis

The purpose of the legal analysis was to identify the key legislative and policy challenges faced by families with non-residential fathers in ensuring positive relationships with their children. In doing this, the research shows that there are substantial difficulties faced by families, particularly in relation to the current family law system. Repeatedly, this analysis found that the lack of access to out of court support, the absence of a central agency dealing with issues related to maintenance and access, and limited dedicated services to support families through the family court system created additional barriers for families, and are routinely experienced as sources of conflict. Furthermore, the analysis found that many of these challenges can, and have been mitigated in other comparable jurisdictions, such as in Australia, the UK, and New Zealand. For instance, a central system of maintenance enforcement as is found in New Zealand would prevent families from needing to re-enter the court service. Australia's system of support services embedded within the family court process would provide families with the necessary guidance and support for children and families. Different UK organisations have a role to safeguard and promote the welfare of children going through the family justice system and to ensure that access can be maintained when it is safe and in the best interest of the child. Taken together, it is evident that while these challenges cover a wide range of areas, a reform of family law within Ireland presents an opportunity to mitigate many of the challenges listed within this chapter, and should be considered essential in supporting families with non-residential fathers.

## 1.6 Summary of findings from the quantitative research

The survey results showed a high level of domestic abuse among participants, which is in line with findings in other jurisdictions showing high levels of domestic abuse among separated families using courts systems. The findings demonstrated high levels of conflicts in many areas between parents. Despite this, survey participants also reported high levels of shared affection with their children, and happiness with their relationships with their children, although relationships with fathers were often characterised by distance and reported to be less positive than mothers' relationships with their children.

All parents reported to have experienced significant difficulty in navigating the process of organising parenting arrangements. For instance, factors such as 'negative experience' in family court, a lack of access to mediation services, poor enforcement of access and maintenance arrangements, and a lack of emotional and mental health support for every family member contributed towards an overall view that the needs of mothers, fathers, and most importantly, the children, are not being met within the current statutory and non-statutory systems of service provision. The findings of this quantitative research clearly support a necessary and overdue reform in family law, as well as improvements current services that could potentially be ameliorated.

## 1.7 Summary of findings from the qualitative research

In line with the survey findings, there were high levels of domestic abuse reported among participants in interviews. Despite this, almost all parents wish for fathers to play a more active role in parenting, in the interests of the well-being of their children. However, most arrangements see the primary caregiving responsibilities lie with the mother, and these arrangements that are established at the point of parental separation and do not change later. There is significant dissatisfaction among fathers about their levels of contact with children.

Important factors for successful parenting arrangements noted by participants included the ability for parents to separate interpersonal conflicts from parenting, the presence of a substantial level of trust between parents and an ability to engage in shared decision making. However, the interviews describe a reality where these factors are seldom present and the level of conflicts between parents remains high. Families lack support in the initial phases after their relationship finishes that would enable them to focus on the needs of the children. The impact on children of parental conflict is palpable: while a few parents manage to set aside their conflicts, usually related to parenting style, lack of trust and finances and interparental conflict between parents is perceived to be a leading stressor for children.

Most parents experience challenges related to access and it is a shared perception among parents that there is a lack of support for parents when access is not adhered to. Conflicts related to finances is a common problem too, with most mothers experience challenges with fathers not paying as agreed and/or using maintenance to exercise control and power over the mother. Parents experience that courts fuel problems and affects individuals' wellbeing negatively. There is a general sense of frustration and discomfort in relation to the judicial system and that it does not consider the complexities of parenting arrangements. Fathers report unanimously that they feel discriminated within the legal system and that mothers are given primary importance which is believed to reinforce stereotypical gender roles with the mother as primary carer. The data indicates that children do not play a central role in the process of agreeing on access arrangements; there is no systematic review of access arrangements and if these are still optimal for the needs, wellbeing and wishes of the child.

## 1.8 Synthesised findings from the qualitative and quantitative research

In a synthesised analysis combining the quantitative and qualitative research data, the following findings stand as the key insights of this research:

**Finding One: There is a high prevalence of domestic violence between separated parents participating in this study.** Findings across data documents a high level of domestic violence between parents, in particular against the mother. Most mothers (n=7) in the qualitative interviews are victims of domestic violence which is reported by a similar number (64%) of survey participants

**Finding Two: Fathers perceive their relationships with their children to be negatively impacted by parental conflicts and the limited time spent between father and children.** Fathers in the qualitative and quantitative groups reported a high level of affection for their children but fathers report a lower level of happiness with the relationship with their children than mothers,

**Finding Three: Parents in families where fathers do not live with their children are often unhappy with existing arrangements, and half of parents reported wanting fathers to play a more active role in the child's life.** It is a significant finding across both the qualitative and the quantitative research that both fathers and mothers are dissatisfied with the current parenting arrangements.

**Finding Four: Access arrangements are often associated with conflict and characterised by a lack of adherence, and a lack of appropriate supports to enforce arrangements.** For both fathers and mothers, the most common reported problem relating to access arrangements is a lack of adherence and lack of enforcement. For mothers, this includes where fathers do not show up or otherwise stick to agreed arrangements, for fathers, this includes where mothers do not facilitate their access or otherwise honour agreements

**Finding Five: Most mothers are negatively affected by a lack of enforcement around maintenance.** Parents experience a high level of conflict related to finances with maintenance as the most significant source of disagreement. There is clear disparity between fathers and mothers reported challenges associated with maintenance with fathers reporting that they pay maintenance as agreed while a large number of mothers experience that fathers do not adhere to the agreed maintenance agreements and that in some cases, fathers use maintenance as a way to exercise control and power over the mother. In cases of DV mothers are reluctant to insist on father paying maintenance.

**Finding Six: There are high levels of conflicts between parents, often related to parenting style, lack of trust, finances and poor communication.** Parents describe unresolved conflicts as making parental collaboration difficult and rigid. Furthermore, parents report that they find it hard to avoid involving the children in their hostility against each other which is experienced as a leading stressor for the children, often expressed through increased anxiety and confusion in the children.











**Finding Seven: Families lack support in successfully navigating separation and developing and sustaining child-centred parenting arrangements.** Access agreements in most cases have been settled in court. The main reason for choosing court is an ongoing high level of conflicts between parents. Consequently, parents do not find that the parenting arrangements have been made in a setting where the wellbeing of the child is in focus but rather in an environment fueled by interpersonal parental conflicts and with a language centered around parental rights. Both datasets indicate that there is a lack of support for families to reach agreements without needing to access the court system.

## 1.9 Recommendations

### Overview

These recommendations were developed based on information from the following sources:

- Participants in interviews and surveys
- Legal analysis
- Literature review
- Expert opinion provided by members of the advisory group

The recommendations are presented with implications, where relevant, for:

- 1. Service Level Recommendations:** those that could be implemented by a front-line service providing organisation or group of organisations
- 2. Systems Level Recommendations:** these recommendations would require implementation by the Courts Service, other public bodies or government departments, and may be useful in existing or new advocacy initiatives in relation to these matters

### Provide Early Intervention Support Programmes for Families where Parents will not Live Together

**Rationale:** There was a clearly articulated need both among participants and in literature for the development of tailored early-intervention supports for families, to support them to navigate separation and co-parenting arrangements.

**Service Level Recommendation:** As previously indicated, a number of programmes already exist in this regard in Ireland and internationally. It is recommended that services who are working with families in this situation, but not providing tailored supports for shared parenting, may consider doing so. This may involve identifying an existing model, or developing a model in partnership with children, parents and experts so that their staff can support parents at the earliest point in planning successful co-parenting arrangements, with the aim of supporting parents who will/may not live together to:

- Plan for co-parenting arrangements that consider roles, division of responsibilities, communication and other important issues
- Anticipate and plan for common challenges
- Communicate with and involve children in planning for and reviewing parenting arrangements
- Understand and navigate essential services such as mediation, the courts, etc.
- Understand domestic abuse in relation to signs, symptoms, and available supports, as well as guidance on staying safe and supporting children in such situations<sup>3</sup>



Such supports may include practical resources such as co-parenting agreements, templates, and sign-posting to specialised services including support for children. These supports may also be extended to provide on-going support to those engaged in shared parenting where fathers and children do not live together.

**System Level Recommendation:** the provision of a funding stream for the roll-out of successful evidence-informed and evaluated models for early intervention, and continued support for successful shared parenting in front-line community services.

## Develop Collaborative Working Pilot with Mediation Services

**Rationale:** Mediation is perceived to be a potentially effective support for parents, but challenges were identified in relation to the fact that participants are ill-prepared for mediation, that there is a lack of understanding on the role and function of mediation, and that it is often introduced 'too late'. It should also be noted that where assessments or screening identify domestic violence as present, that only appropriately trained, specialised mediation may be implemented.

**Service Level Recommendation:** This recommendation is to develop a collaborative approach between mediation and family support services. This should incorporate learning from existing similar initiatives, where relevant, and may involve the development of:

- Detailed guidance for parents and staff to support effective engagement with mediation
- A 'pre-mediation' support intervention that can be delivered by community-based services to support parents to prepare for and effectively engage with mediation services
- Screening to ensure that domestic violence is not a factor as this would preclude general, non-specialised mediation as an appropriate intervention

This may require:

- Brief consultation with all partners, as well as parents, to clarify gaps and challenges initially identified through this research, as well as potential solutions
- Piloting a partnership, and collaboratively developed, intervention between one or a group of family support and mediation services
- Evaluation, review and roll-out of this service

## Support Access and Child Contact

**Rationale:** Fathers reported difficulty in having access with their children, particularly in cases where fathers experienced housing precarity. The literature review and, the legal and the policy analysis also identified a need for child contact centres to be established to promote safe contact between fathers and children in higher conflict situations.

**Service Level Recommendation:** This recommendation is that organisations should seek funding and explore provision of access support at a local community level, which may include the provision of space for father's access for families where suitable housing is an issue, where access is safe and this approach is appropriate (e.g., there are low levels of interparental conflict, no domestic abuse, or supervised access is not required or mandated).

**Advocacy Recommendation:** For funding to be provided for services to roll-out a successful model for community-based child-contact centres, such as the evaluated Barnardos/One Family model<sup>4</sup> for families where supervised access or higher levels of support is required.

<sup>3</sup> The Daughters of Charity Child and Family Service's Dublin Safer Families is an evaluated and evidence informed model of practice in this regard and has been evaluated as having statistically significant positive impacts on psychological well-being of mothers and fathers, as well as reductions in experiences of violence (victim or perpetrator). This report can be found here: [https://static.wixstatic.com/ugd/b10095\\_854fa59d65234997807de029f37e8493.pdf](https://static.wixstatic.com/ugd/b10095_854fa59d65234997807de029f37e8493.pdf)

<sup>4</sup> <https://www.onefamily.ie/wp-content/uploads/Final-Child-Contact-Centre-Evaluation-December-2013.pdf>

## Map Service Provision for Families where Fathers and Children do not Live Together

**Rationale:** Families in this research presented with a range of partially met, or unmet, support needs ranging from parenting support, fatherhood support, childhood development support, support with successful co-parenting at early points and in later points (e.g., post-separation), domestic abuse, access support, navigating court and mediation supports and many others. Despite, in most cases, parents taking part in the research due to their contact with support services, they still noted such unmet needs.

**Recommendation:** Map available programmes and supports for fathers, mothers, children and families where fathers do not live with their children. This information can be used to:

- Identify evidence-informed models of good practice that have been implemented and evaluated in an Irish context, and (where piloted in a local area) can be rolled out in other communities
- Identify gaps in service provision, in relation to particular needs or geographic gaps
- Where gaps exist in the Irish service provision context, identify international models that could be incorporated (a number have been identified in the literature review of this programme)
- Create a resource for community services looking to roll-out successful pilot programmes or to refer on to specialised services
- Provide data for services seeking to advocate for additional funding for roll-out of relevant programmes

**Level:** This could be led at a service or systems level.

## Provide Fathers' Support Programmes

**Rationale:** Literature clearly highlights the ecological sensitivity of fatherhood, meaning that it is highly influenced by environmental factors and that there is significant potential for service delivery to have an impact on non-residential fathers' ability to engage in positive parenting, and to maintain or establish healthy father-child relationships. In this research, a number of factors that could affect quality of the father-child relationship were identified, including lack of confidence, self-efficacy, gendered notions of parenting and shame, among others. Literature highlights a significant number of factors associated with positive paternal involvement that could be considered in the development of a holistic fatherhood support programme including: psychological health, attitudes to fatherhood, employment and housing, relationship with the other parent, and engagement of the father's extended family. A number of programmes have been identified in the literature review of this report.

**Service Level Recommendation:** Service providers working with families should consider, based on need and potential uptake, providing a fathers-specific support programme where they are not already doing so. This may either be an established model, such as those detailed in this literature, or could be one developed in partnership with, for examples, fathers and those with expertise in this area. Resources, funding and capacity will influence the capacity of services to deliver this recommendation.

**Systems Recommendation:** The continued and extended funding of programmes and initiatives that specifically seek to work with this group in an evidence-informed way<sup>5</sup>.

<sup>5</sup> E.g. members of the expert advisory group, the Mens Development Network and From Lads to Dads, provide peer-lead fatherhood programmes

## Undertake Domestic Abuse Screening and Risk Assessments

**Rationale:** Although domestic violence was not a primary research objective for this project, the research revealed a high prevalence of domestic violence in some of the families who participated in this research where fathers do not live with their children. The literature review revealed that very often domestic abuse can remain undetected even where families are in the courts system and arranging access.

**Service Level Recommendation:** All services encountering families should be trained to undertake screening and risk assessments for domestic abuse. A number of evidence-informed models have been identified in the literature review which may prove a useful starting point for research into appropriate models, depending on the professional role or service context.

**System Level Recommendation:** That action 1.4.3 of the National Strategy on Domestic, Sexual and Gender-based violence is resourced, and models and training are made available to all front-line practitioners to undertake screening and risk assessments for domestic abuse.

### Further Advocacy Recommendations

There have been a number of developments that emerged as this research was completed, in terms of the publication of the Family Law Bill and the Family Justice Strategy, that will impact on the advocacy activities of front-line service providers. This section is written in cognisance of this changeable and changing advocacy environment, where community and voluntary services engaging in advocacy initiatives will need to be astute to on-going developments and seek collaborative opportunities to improve family law and affiliated systems.

### Advocacy recommendations arising from this research, which should be considered for appropriate advocacy efforts to relevant government departments and bodies, include:

- a) The need for out-of-court solutions to be augmented across the country
- b) The need for the establishment of an independent maintenance agency to support the enforcement of maintenance agreements, the need for which has been confirmed by the governments Child Maintenance Review Group<sup>6</sup>
- c) The need for the establishment of processes, structures and supports to ensure the voice of the child is heard in cases of family separation, and ensure that their voice and preferences meaningfully inform decisions relating to them
- d) The need for a wraparound support service within the family courts system, that includes interagency collaboration with community-based services, that supports parents to navigate the system, and provides continued supports after decisions are made to ensure adherence and successful navigation
- e) The national roll-out of specialist domestic abuse support services for parents accessing family courts (e.g., such as the Domestic Abuse Information and Support service in Dolphin House)
- f) The need for a range of contact centres to provide for supervised and unsupervised access at appropriate locations around the country

<sup>6</sup> <https://www.gov.ie/en/publication/f01cd-report-of-the-child-maintenance-review-group/>





- g) The need for a range of other reforms to the family law system including:
- i. The inclusion of timeframes for review of access arrangements, to ensure continued suitability, parity and cognisance of the wellbeing of the child
  - ii. A trauma-informed review of current arrangements in order to ensure the physical and psychological safety of all court users, particularly the safety of non-abusive parents and children
  - iii. Family law issues being clearly demarcated from criminal hearings in the district and circuit courts, in terms of the location and time of hearings
  - iv. Courts staff (including judges) trained in child centred family law, domestic violence, and other related issues

### Systems reform beyond the family courts:

- a) Social welfare and housing:
- i. The need for parents without primary care of their children to receive housing supports in order to develop and maintain a parenting relationship
  - ii. The need for the Single Parents Child Carer Credit to be available to both parents sharing parenting, and to be linked to child benefit
- b) Increasing understanding of families where parents do not live together – establishing population data:
- i. Questions in relation to shared parenting to be included in Central Statistics Office data collection systems including the census
  - ii. The inclusion of relevant detailed questions in flagship research initiatives such as Growing Up in Ireland
  - iii. Specific national representative research to be undertaken with people engaging in shared parenting, to understand barriers and success factors to sharing parenting well for children, and for these findings to inform all relevant strategies and statutory service provision





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28 North Great Georges St  
Dublin 1, D01 HY46

CHY: 8877  
RCN: 20022211

(01) 670 0120  
[info@treoir.ie](mailto:info@treoir.ie)  
[www.treoir.ie](http://www.treoir.ie)



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