

SEPARATION



The Family Law Team at Munro & Noble is housed within the Dispute Resolution Department and was established in 1984. Since then the team has gone from strength to strength, and now provide a wide range of advice and assistance within the field of Family Law.



SEPARATION

Separation and divorce should not spell the end of your involvement and responsibility as a parent. It is rare for contact with one or both parents to be deemed not to be in the child's best interests.

Children require a degree of stability and continuity, especially if their family life is changing. In most circumstances they usually need care and support of both parents. This means both you and your former partner/spouse require to cooperate and to remain focused upon the interests of your child(ren). You must try to do this even in the most difficult circumstances.

This will be an emotional time for all the family members. The pain of separation can take many forms. Feelings of anger, jealousy, loneliness and guilt are common. However, it is also understandable to feel a sense of relief in some circumstances. All these emotions are normal responses to separation. REMEMBER it will take time for everyone to adjust.



You should not expect that you will accept and cope with these changes immediately and you must allow yourself some time to come to terms with the changes. However, it is also essential that any negative feelings such as despair, anger and jealousy are dealt with so that they do not take over your life and prevent you from moving on. Such feelings will also affect the way your child or children adjust to the changing circumstances.

The question you must ask yourself is, “In ten years-time, what will my child say about the way I handled separation?”

Are you going to allow yourself to:-

- Stick in the past?
- Continue the hurt?
- Continue the anger?
- Continue the jealousy?
- Place your child(ren) in the middle of conflict?
- Turn your child(ren) against your former partner?

If you have answered yes to any of these questions your reaction is likely to result in increased difficulties for everyone, particularly your child(ren). Remember, there will be both a short and long term impact on everyone involved.

What is the alternative?

- Could you try to make the best of the situation?
- Could you learn from this experience?
- Can you set realistic goals to achieve?

If you have answered yes, then you are giving yourself the chance to rebuild both your life and family circumstances. It is likely that this will help your self-confidence

and give you a more positive outlook on life. This will also help your child(ren) to adjust.

The effect of separation on your child(ren) should be of paramount importance to you. The way you and your former partner handle the situation has a clear and lasting impact on how your children cope.

Ask yourself, how will my children be feeling?

It is important to remember that whilst this is a confusing, upsetting and stressful time, most children recover and go on to lead stable, happy lives. Children from separated homes can develop just as well or better than others. This happens when parents place the interests of their child(ren) **first**.

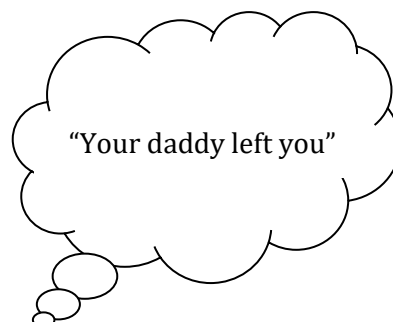


Communication

Effective and honest communication is essential. If a child finds out or is taken by surprise then he/she will likely feel shock, confusion and hurt. It is likely that this will lead to insecurity and worry. Remember that keeping your child informed is sensible however your child does not need to know the ins and outs of what goes on between you, only how matters are being moved forwards. Treat your child in a mature and respectful manner whilst remembering you are the adults.

It is essential that the children do not feel in some way to blame for the separation. It is also important that the children do not blame either parent as this causes the child to fear that they are not “allowed” to love the other parent. If you can put your personal feelings to one side you can focus on how your child is feeling. Subconsciously or consciously it is easy to influence or apportion blame.

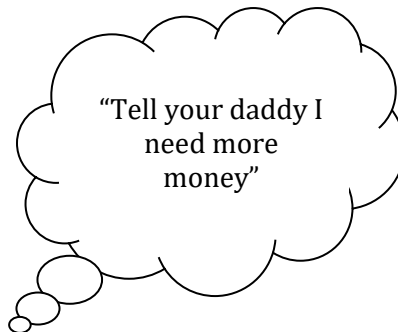
Most children are loyal and trusting so it is important that you look at your behaviour to ensure you are not consciously or subconsciously abusing their loyalty and trust. In subtle ways there are things which parents must not try to do. If you are angry, this has a destructive effect on children



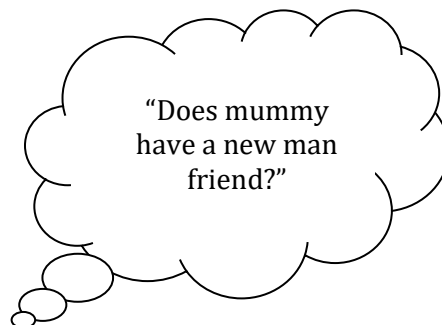
Another issue of concern is where a child becomes the “communicator” and the go-between. For example, “Tell your mother...” or “I can’t be there on Saturday, tell

your dad he will see you next week". Often in these circumstances, a child may not carry the negative message from one parent to the other. Instead he or she may tell the parent what they think the parent wants to hear. Again this places the child in an unacceptable situation of immense pressure and stress.

Making your child a "go between" simply shows the children that adults who should know better cannot talk honestly and face to face.



You must not ask your children to spy on the other parent.



Also, do not over indulge the child when they are on contact or when they return from contact.

How will your child(ren) behave in light of the changes in the family?

Children communicate in many ways. They may talk, shout or become withdrawn. Others become clingy as they are feeling lost which leads them to cling on to one of their parents. Some children regress in talking "baby talk", have nightmares, start bed-wetting etc. In other circumstances some children become aggressive and rebellious. Do not blame the other parent for this, instead work together to deal with the problem.

In all these scenarios, your child is trying to tell you of their distress and upset. Early recognition of these signals and dealing with them will help your child immensely at this difficult time. Most problems can be resolved over time however you must always be aware that persistent behaviour of this nature may require professional help.



If you and your former partner continue to argue, how will this affect your children?

Obviously children are very sensitive to conflict between their parents. Whilst a level of disagreement is normal within any family, a continuation of conflict over a long period of time makes life very difficult for everyone. It is clear that a lengthy battle between you and your former partner/spouse will affect the way your child adjusts after separation and/or eventual divorce.

You must ask the question "can your children enjoy both you and your former partner if you continue fighting?"

It is also important to be alive to the damaging effect of putting the children in the middle of any conflict. This stress causes children to become anxious or distressed before or after staying with or visiting the other parent or even when discussing the conflict between you.

The exposure to hostility and/or violence including overhearing or witnessing intense conflict is harmful and will clearly place your child or children at risk of long term emotional problems and behavioural difficulties. Continue to ask yourself, "what is in your child(ren)'s interests?" **Do not use your child as a weapon.**

It may also be that you were unaware of the more subtle things which affect your children. This includes, putting them in a position where they feel that they have to protect one or the other of their parents or to choose who they "love the most". If your child feels they have to protect you then you are not providing support for them and they are feeling that they must be responsible for you. This is not fair.

What Can You Do ?

In what ways are you making it difficult for your child or children following separation?

You must be aware that separation and divorce can be extremely traumatic for children as they see dramatic changes in their world, including the perceived loss of care and stability. You need to prioritise their needs and put their welfare first.

Ways you can help you children:-

- Explain the situation to your child and reassure them appropriately.
- Avoid conflict in front of your children and keep them out of any arguments.
- Avoid turning your children into messengers.
- Reassure your children that they are not to blame.
- If you accept your separation then your children will be able to do the same. You must try to get on with your life and not dwell on the past or cling on to anger, bitterness and jealousy.
- Remind your children regularly that both parents still love them and this will not change.
- Be positive when talking about the other parent and do not criticize them in front of the children.

- Tell your children that it is normal for them to want a relationship with both parents and that they are going to have an on-going relationship with both parents
- Talk about your feelings and acknowledge the upset however confirm to your children that you are handling things and expect things to improve.
- Remember your children may tell you something they think you want you hear and that things should not always be taken literally.
- Try to preserve or reopen the channels of communication between yourself and the other parent.
- Try to offer reassurance wherever possible about the things which will stay the same.
- Talk to the children's teachers and other agencies if necessary.

All children have the right to:-

- Be loved by both parents;
- Feel proud of their parents;
- Respect their parents;
- See their parents behave with mutual courtesy, consideration and respect;
- Be able to communicate with their parents and be listened to so that needs are met

You should remember the following important things:-

- Contact with both parents is usually in the best interests of your children. If you or your separated partner have left the family home then it is important to remember that continuing contact is an important part of your child's emotional and psychological development.
- Remember, cooperation is the key to looking after your children's best interests, allowing them to mature into well balanced, secure, happy and successful individuals.
- Even if it is difficult you must try to set your own feelings aside and encourage the contact to be a positive experience. Your children should feel that spending time with the other parent is a good thing and something which they should enjoy. This means that communication is essential and that cooperation during pick up and drop offs should be conducted in a mature and sensible manner. The idea of a child jumping out of a car which is then driven off and at speed is not a model for success. Why not engage in casual conversation which will instantly put your children at ease.
- Remember, your child(ren) may be upset for a variety of reasons and an emotional outburst or scene at the beginning or end of visits can be quite common. It is likely that if you can establish a regular and consistent routine this will happen less and less often. Again this requires communication and cooperation to minimise any upset or stress that your child may suffer.
- The other important issue is to ensure that your children are kept informed as things change. If they are able to talk to both parents this can help them to talk about their wants and needs and also their fears. Remember that the future lies ahead. Your children will have school sports days, special birthdays, where they will want you both to attend. If your children maintain a close

relationship with you both and you can show consideration and respect for one another this is more likely to happen successfully.

Finally, although you have come to us in the litigation team at Munro & Noble, Court action must be a last resort. Any litigation is usually stressful, costly and time consuming. We must work together to avoid Court proceedings, taking into account your children's best interests. Negotiation, mediation and collaboration are the key to achieving an outcome which protects your children.

We look forward to being of assistance to you here at Munro & Noble.

For more information on any of the points raised in this leaflet or to discuss our flexible and clear feeing structure please contact our Court Department on 01463 221727.

Our Court Team – Supporting You Through Separation

Mrs Mary Nimmo (Senior Partner) leads our Court Department and has extensive experience handling family law matters involving children. Mary offers clear, expert advice on separation agreements, helping to resolve arrangements for children with sensitivity and care. As an advanced Collaborative Lawyer with a strong background in court litigation, Mary works to achieve practical solutions wherever possible, while ensuring robust representation should court involvement be necessary. Her practical, professional approach means you are in safe hands during what can be a difficult time.

Sarah Windsor is a highly experienced family law solicitor with over fifteen years of expertise. Based between our Inverness and Dingwall offices, Sarah provides supportive and straightforward advice on separation agreements, with a particular focus on achieving the best outcomes for children. She encourages amicable solutions through negotiation wherever possible, but has the skills and experience to represent you effectively in court if required. Sarah's calm, clear approach helps ensure arrangements for children are tailored to your family's needs.

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