



Universiteit Utrecht

‘Hear, hear!’

*Child participation and
their adjustment in the
context of parental divorce
and separation.*

AFFILIATIONS: CLINICAL CHILD & FAMILY STUDIES, YOUTH & FAMILY, UTRECHT CENTRE FOR
EUROPEAN RESEARCH INTO FAMILY LAW (UCERF), UTRECHT UNIVERSITY



Today

- Background
- Research aims
- Research methods:
 - Survey 'ChiPPS' (*German translation*)
 - Interviews
- Child participation in mediation
- Questions / remarks



Background (*the Netherlands*)

- **2016; 2019; 2023** \approx 35.000; 30.000; 24.000 **formal divorces**
- **2016** \approx 60.000 **informal separations** (*increasing*)
- Approximately in half of the divorces/separations one or more children involved ↓

2016 \approx 86.000 children	2019 \approx 49.000 children
\pm 28.000 formal divorce of their legal parents	\pm 31.000 formal divorce of their legal parents
\pm 32.000 informal divorce of their legal parents	\pm 18.000 informal divorce of their legal parents
\pm 36.000 (in)formal divorce of one legal parent and cohabiting parent / new partner	...???

Background

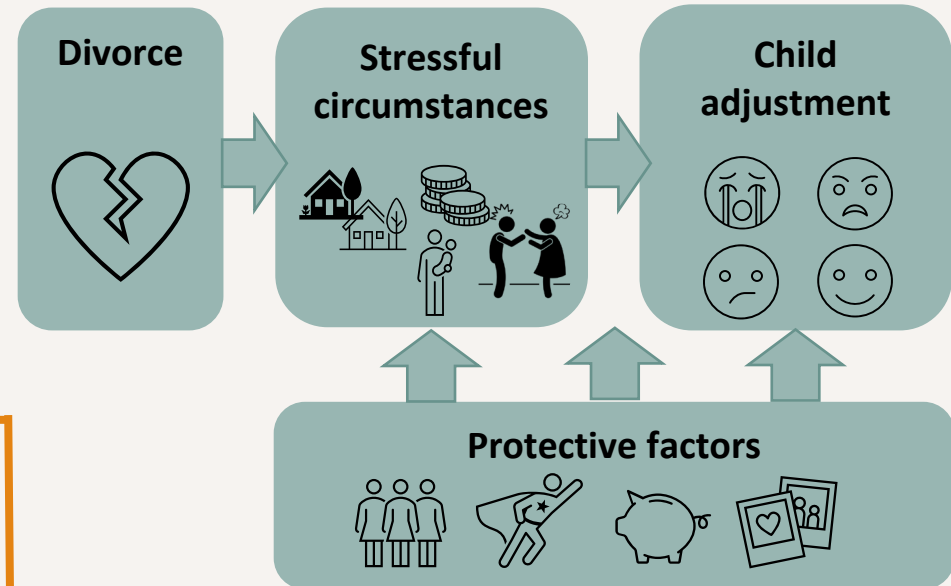
Compared to youth from “intact” families:

- Worse academic functioning:
 - Grades, end level, drop-out
- More internalizing problems
 - Anxiety, depression, suicidal thoughts
- More externalizing problems
 - Aggression, delinquency, criminal record
- More problems in social relationships
- Lower self-esteem



Background

- Means versus individual differences
- Short versus long-term consequences
- Significant, but small effect sizes



It is not the divorce itself, but factors surrounding it that account for individual variability in children's post-divorce adjustment

Background

Direct, practical effects

- Family separation
- Often relocations of one or both parents
- Decreased contact with one or both parents
- Financial decline (esp. in single parent mother-headed families)
- Old and new conflicts between parents
- New family members
- Sometimes – complex family networks



“

*Parental divorce (and thereafter)
requires many child-related
decisions and agreements*

”

Background

The logo for the United Nations Convention on the Rights of the Child (UNCRC). It consists of a teal square with the letters 'UNCRC' in white, bold, sans-serif font.

CRC General Comment (2009)
Binding international convention

Article 12: Right to Participation

1. States Parties shall assure to the child who is capable of forming his or her own views the **right to express those views freely in all matters affecting the child**, the views of the child being given **due weight** in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the **opportunity to be heard** in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.



Background

The logo for the United Nations Convention on the Rights of the Child (UNCRC). It consists of a teal square with the letters 'UNCRC' in white, bold, sans-serif font.

CRC General Comment (2009)
Binding international convention

Child participation in Dutch law

At **Court** (art. 809(1) Civil Code of Procedure - *Wetboek van Burgerlijke Rechtsvordering*):

- Obligation to invite ≥ 12 years
- Possibility to invite < 12 years
- Court of appeals transitioned to inviting ≥ 8 years

At **home** in drafting the parenting plan (art. 815(4) CCP/Rv)

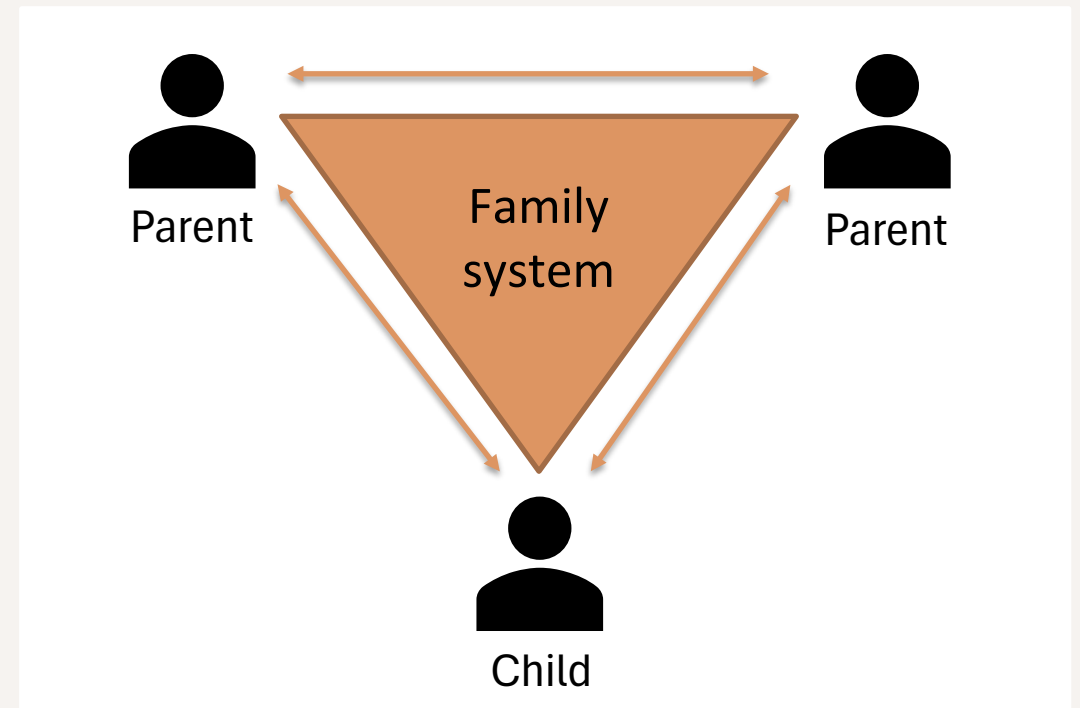
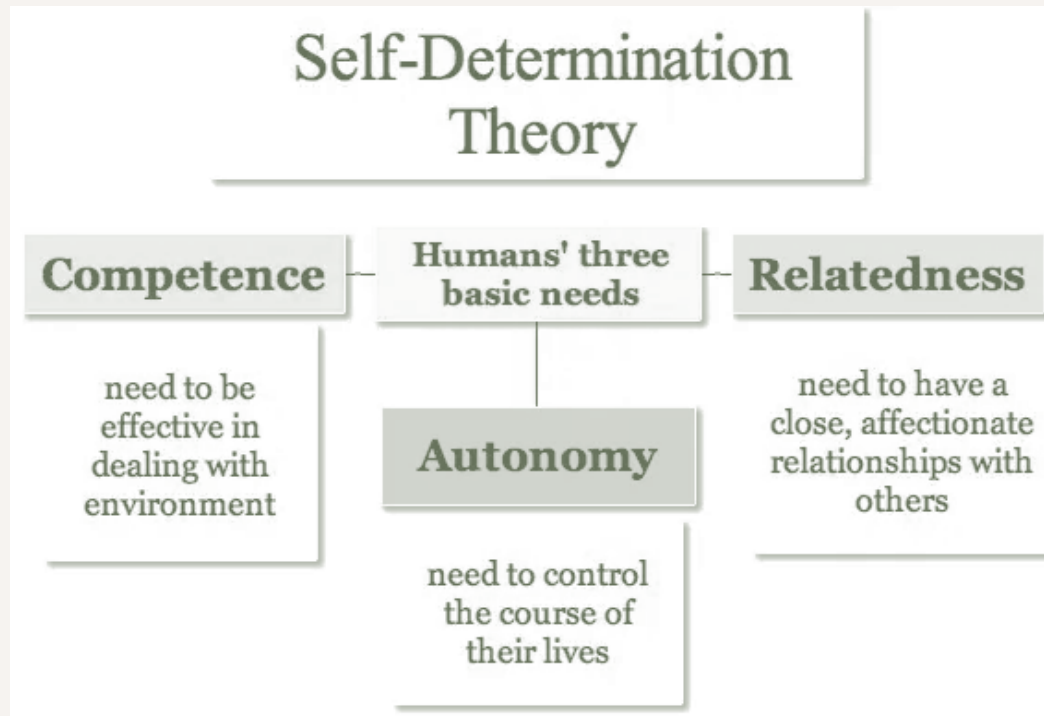


Background

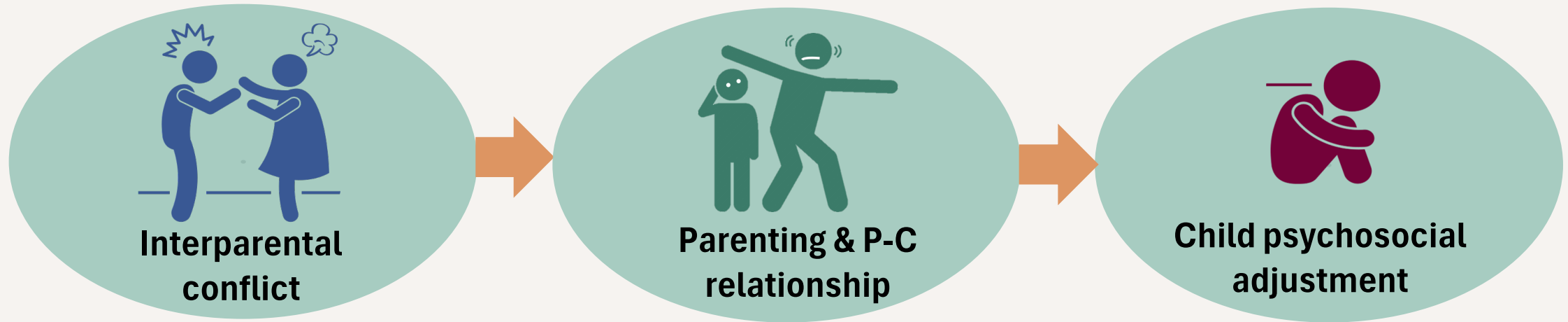
Children's right to **participate**



Children's right to **protection**



Background



- Warmth & hostility
- Structure & intrusiveness
- Parent-child relationship quality
- **! Boundary diffusion (*triangulation, parentification*)**

.....

[illegible]

Involving children in the parental system, can put them in a confusing and stressful position



Internalizing



‘Hear, hear!’ project

Pedagogical research on
post-divorce family
dynamics and youth
adjustment

Legal research on the
child’s right to
participate in family law
proceedings



**TWO PLACES
TO CALL HOME**

(CO)PARENTING AND ADOLESCENTS' SENSE OF BELONGING AFTER DIVORCE

ZOE REJMAN

Family Break-up, System Break-down
Family Dynamics and Child Adjustment after Divorce



The Child's Right to Participate
in Family Law Proceedings
according to International and
European Human Rights Law

Represented, Heard or Silenced?



Main aim 'Hear, hear!'

“To interdisciplinary examine if and how children participate in divorce-related decisions, and empirically substantiate how this affects their adjustment”

Reorganization post-divorce
requires many decisions made:



At home



Guided by a mediator



In court, in case of family
law proceedings



Children have the **legal right** to
participate



Children are **expected to**
benefit from participation



Concerns regarding potential
drawbacks/risks

What do we know already?



Since 2009 (Dutch) parents must draw up a parenting plan to get divorced.

- Dutch children more often involved in those plans: 42% > 61% (Van der Valk & Spruijt, 2013)
- Children want to have a voice in the parenting plans (Birnbaum & Saini, 2012)
- Children express their views less with parents when parents had more verbally aggressive conflicts (Tveit et al., 2024)



- Children who are asked to participate in mediation also more likely to have been asked for their views at home (Tveit et al., 2022)
- Since 2009 Dutch children more often participated in mediation (Ter Voert & Geurts, 2013)

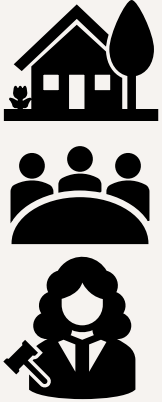


Children are often not heard by judges, for instance because:

- Too little awareness or knowledge on the possibilities (Coenraad, 2014)
- View that parents can represent children's voices satisfactorily and assumptions that hearing children directly is too burdensome (Hayes & Birnbaum, 2020)

Research methods

COLLABORATION WITH PROFESSIONALS



Legal en theoretical framework



3-wave macro
questionnaires



Interviews with
stakeholders



3x 10-wave
questionnaires



Observations of
participation

Guidelines for child participation
in practice

COLLABORATION WITH YOUTH



Research methods



3-wave macro questionnaires

- (Co-)parenting behaviors (*incl. triangulation, parentification*)
- Children's sense of autonomy, relatedness, competence
- Children's adjustment; also personality, empathy
- Background information child & divorce
- **Child participation**
 - At home
 - In court (+ *extra info on experience*)
 - With mediator (+ *extra info on experience*)

Child & parent reports

Data collection still ongoing

T1 = 385 children (8-18 years)

102 mothers & 57 fathers

T2 = around 75% retention rate



**How do we measure
child participation in
divorce-related
decisions?**



Our search for instruments

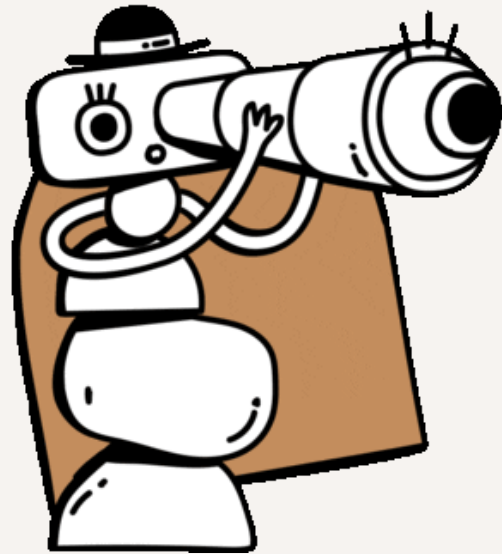
Mostly qualitative research with children *(e.g. Barlow & Ewing 2024; Birnbaum & Bala 2009; Birnbaum, Bala & Cyr 2011; Campbell 2008; Cashmore & Parkinson 2008; Cashmore 2011; Douglas et al. 2006; Holt 2018; Morag, Rivkin & Sorek 2012; Morrison, Tisdall & Callaghan 2020)*

General participation

- Charles & Haines 2014 (1q)
- Child and Adolescent Participation in Decision-Making (10q) *(O'Hare et al. 2016)*

Participation in other contexts

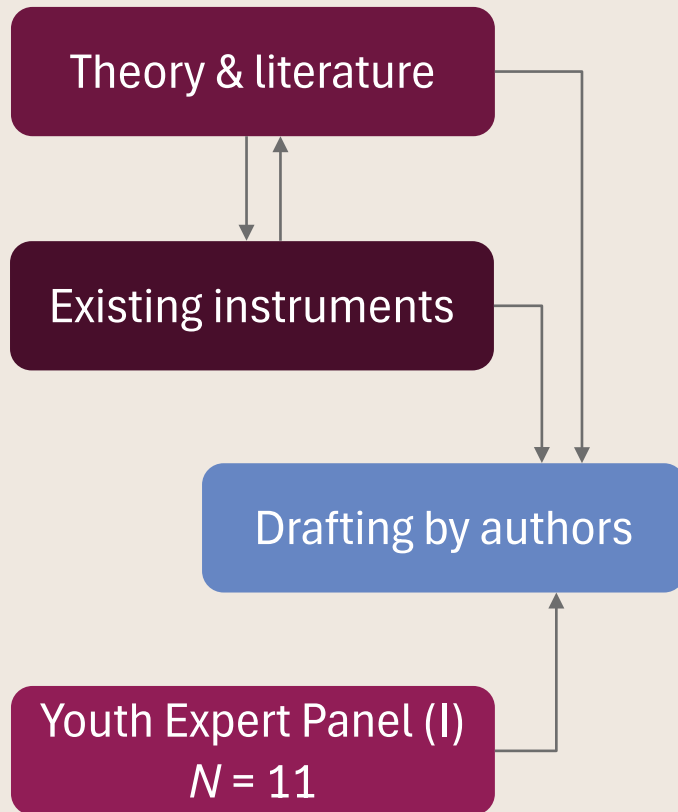
- Questionnaire care-order decision-making (16q) *(Lausten & Kloppenberg 2022)*
- Decision-Making Involvement Scale for children with chronic illness (30q) *(Miller & Harris 2012)*



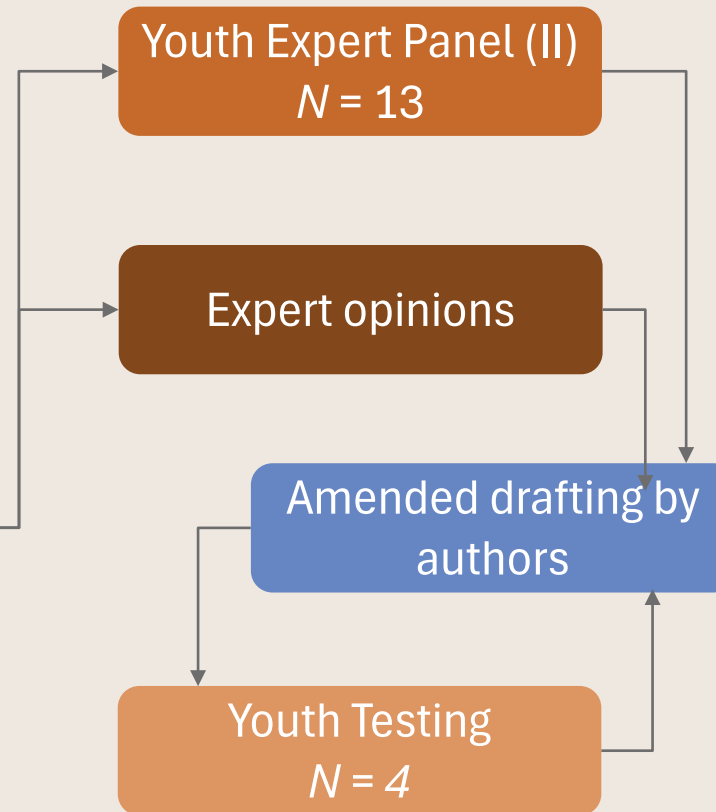
Lacking a reliable and validated **quantitative** questionnaire for child participation after divorce

Development ChiPPS

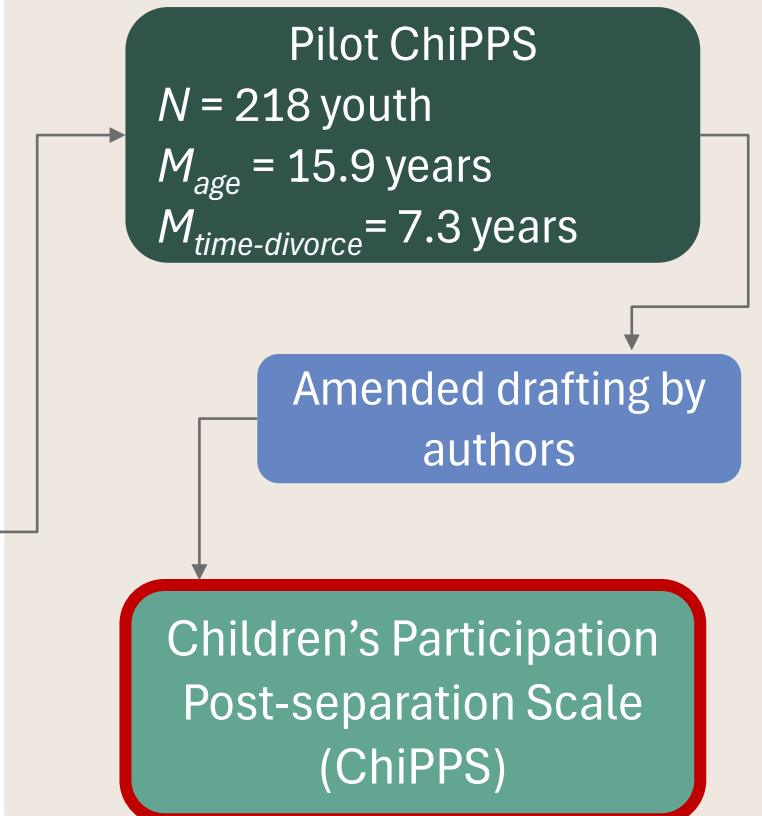
Development phase



Adjustment phase

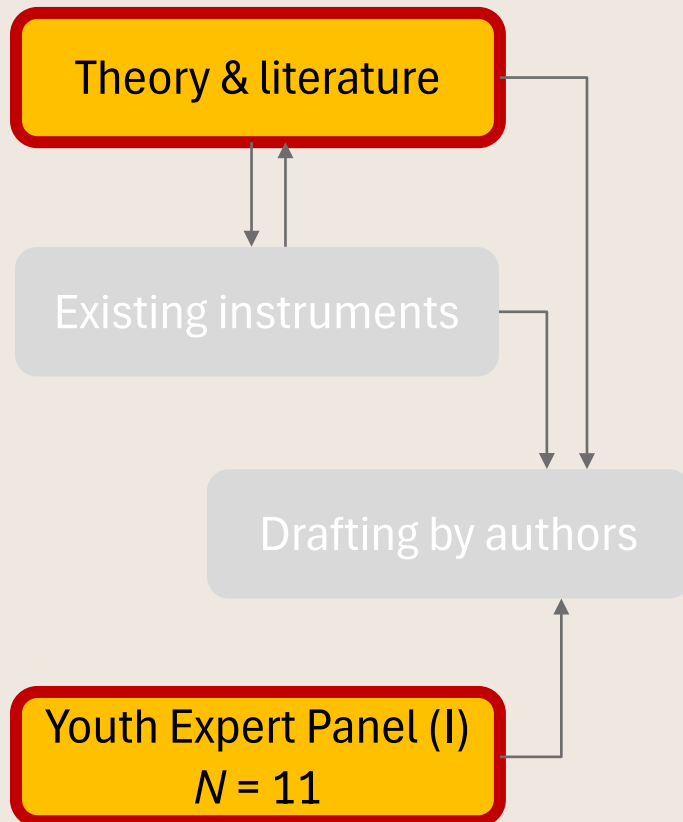


Validation

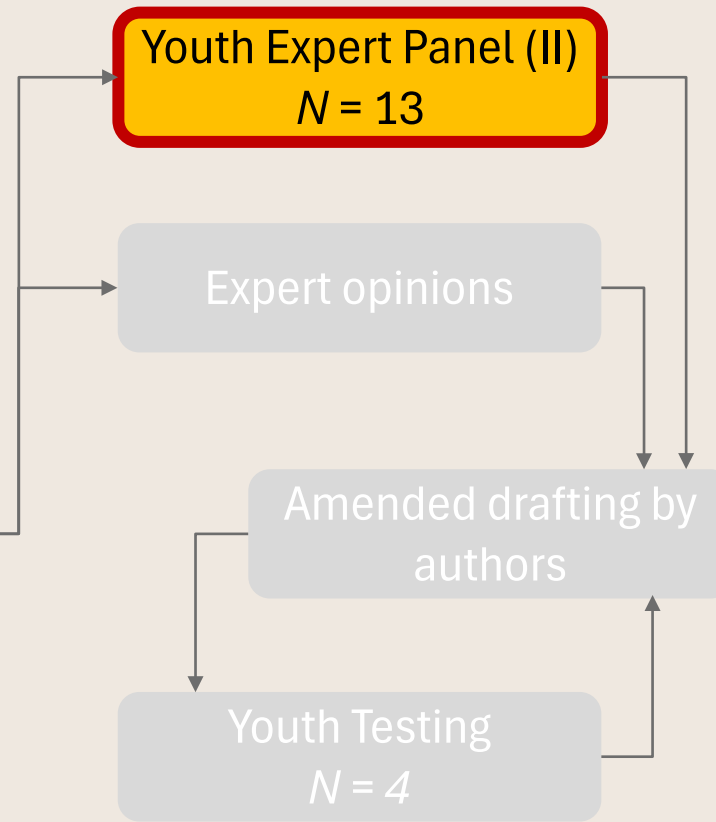


Development ChiPPS

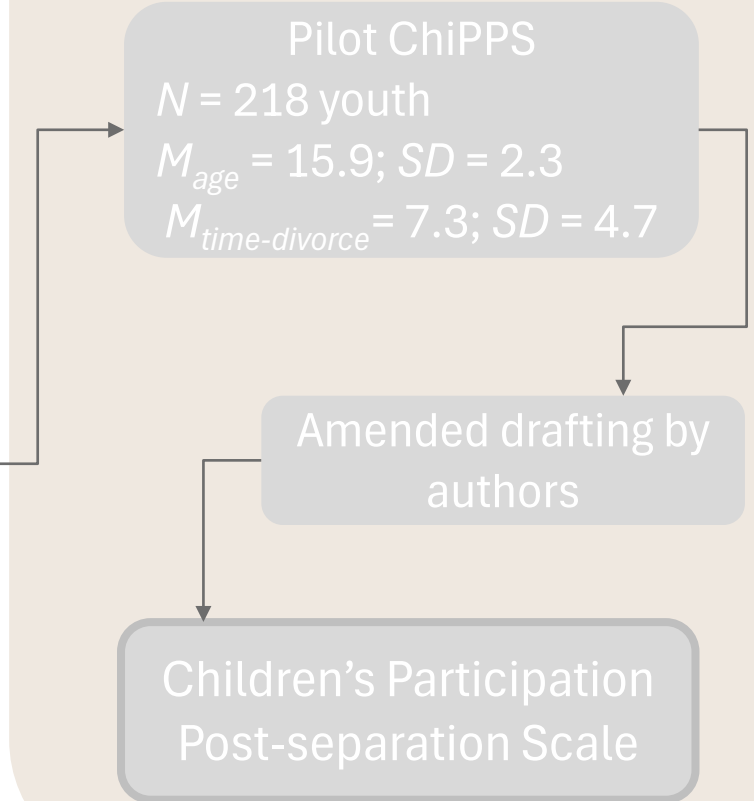
Development phase



Adjustment phase



Validation



Lundy model



Youth expert panel (YEP)

1. What do we want to measure, what *is* child participation?
2. What decisions are important to participate in?
3. Input & feedback to drafting questions?

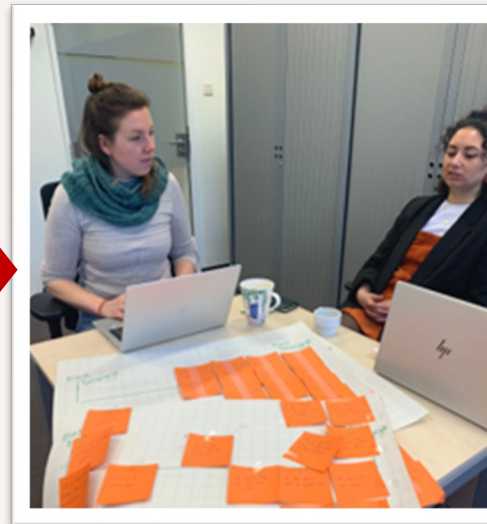
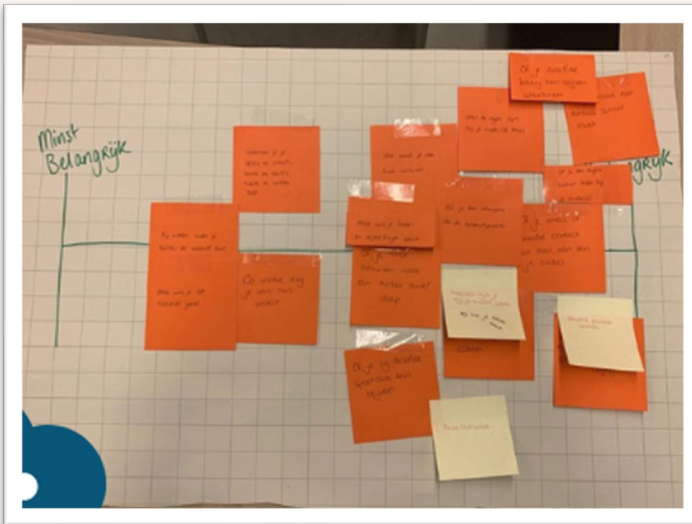
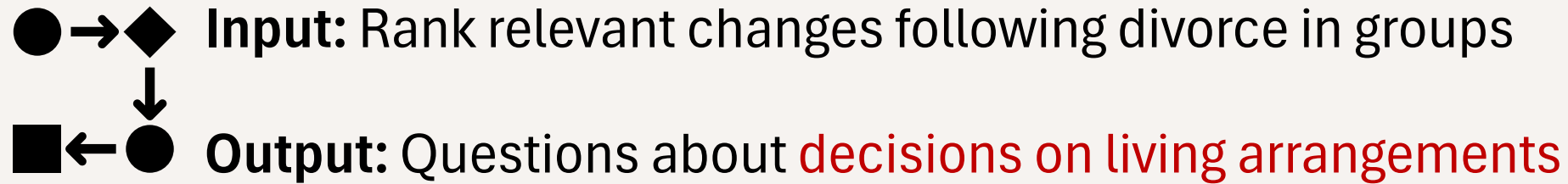


**YOUTH EXPERT
PANEL (YEP)**



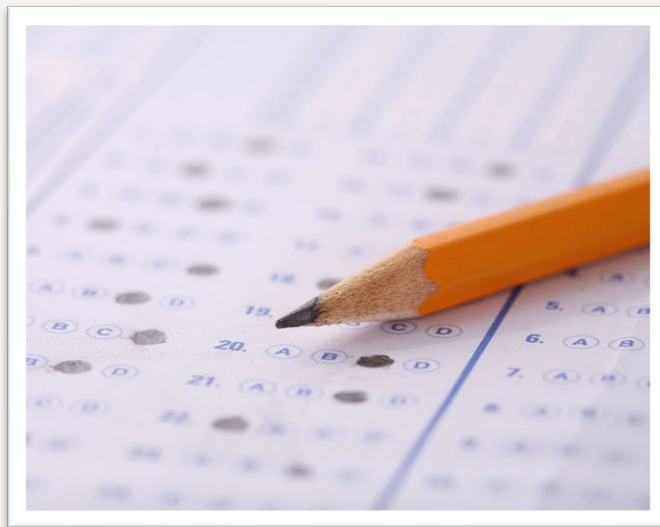
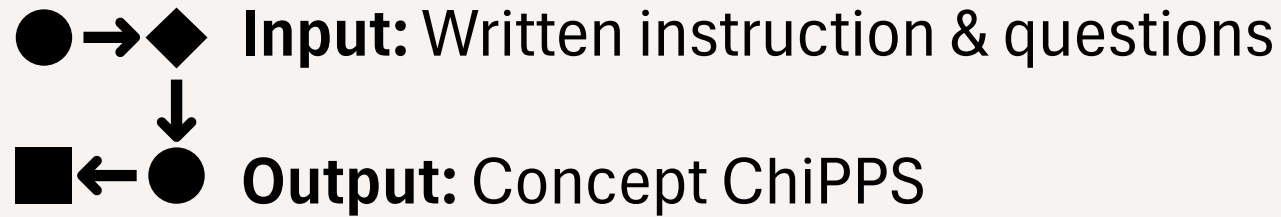
We cannot study child participation without children's participation!

YEP ($n = 11$): What decisions?



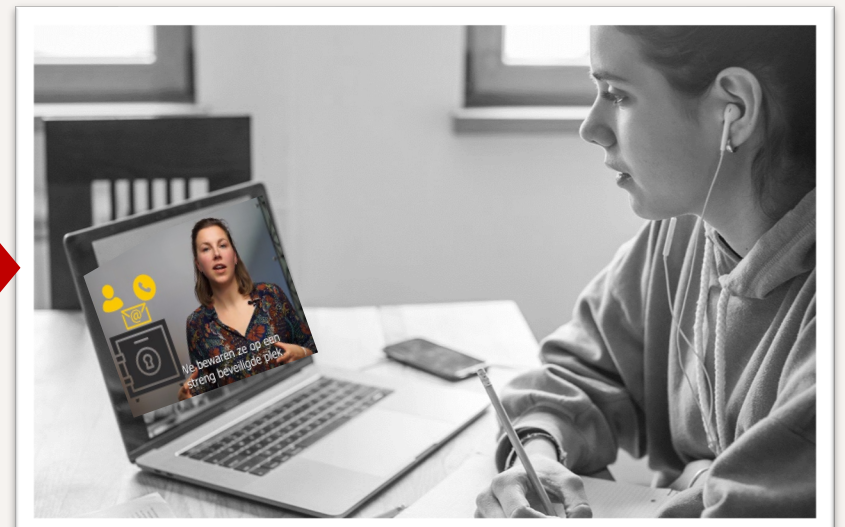
Vragen jongerenpanel										
	(1)	(2)	(3)	(4)	(5)	(6)	A	B	C	Som
Of je bij dezelfde sportclub kan blijven	A		B	C			1	3	4	8
1. Met wie je op vakantie gaat		AC		B			2	4	2	8
0. Met wie je feest- en verjaardagen viert	A			BC			1	4	4	9
Op welke dag je van huis wisselt			C	AB			4	4	3	11
Of je dezelfde hobby kan blijven uitoefenen	A				BC		1	5	5	11
2. Bij welke ouder je tijdens de vakantie bent		C			AB		5	5	2	12
6. Wanneer je je opa's, oma's, tantes, ooms, neven en nichten ziet			BC			A	6	3	3	12
Of je een eigen kamer hebt bij je ouder(s)			A			BC	3	6	6	15
5. Wat de regels zijn bij je ouder(s) thuis					ABC		5	5	5	15
Of je bij een van je ouders woont of bij allebei					AC	B	5	6	5	16
Of je moet verhuizen naar een andere stad/dorp				C		AB	6	6	4	16
3. Hoe vaak je van huis wisselt				C		AB	6	6	4	16
Of je ouder gaat samenwonen met een nieuwe partner (en stiefbroertjes/zusjes)					A	BC	5	6	6	17
Of je meer of minder contact wil met een ouder					A	BC	5	6	6	17
4. Of je kan afwijken van de woonafspraken					C	AB	6	6	5	17
Of je naar een andere school moet						ABC	6	6	6	18
uisdier mee verhuizen (nieuw)					B					extra
roer-zus wissel (nieuw)					C					extra

YEP ($n = 14$): Feedback concept items



**Are the instruction
& items...**

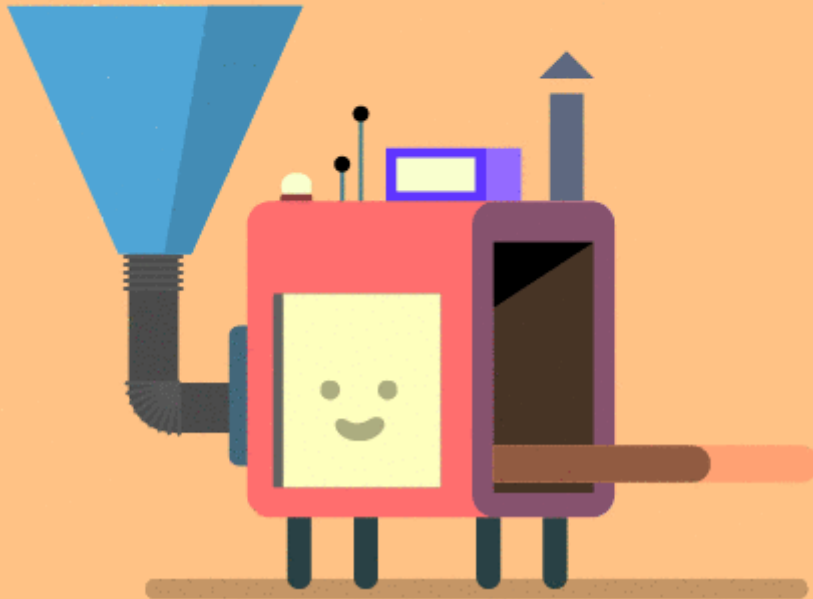
- Readable?
- Understandable?
- Relatable?
- Relevant?



Theory &
literature

Existing
instruments

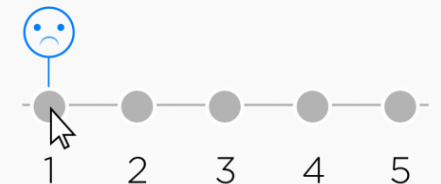
Expert &
YEP opinions



The following questions are about the decisions that were made at home on your living situation. This may involve decisions that were made when your parents separated, but could also include later changes in these decisions. Answer the questions about the time you remember best.

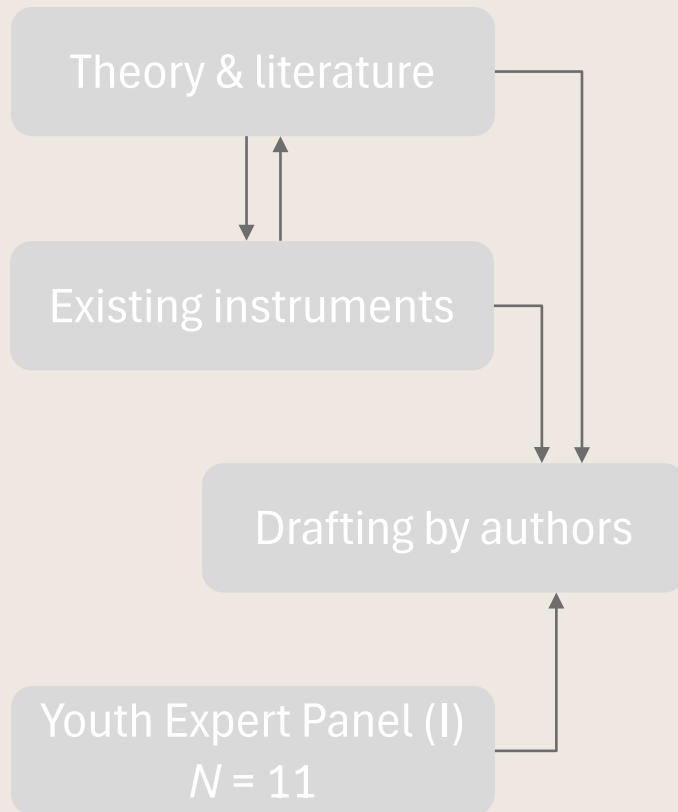
Please note: The questions often say “parents”, but you may have different experiences with your father and your mother. Always choose the option that best describes your general feeling when thinking back about the decisions that were made on your living situation.

- 23 items on participation
- Youth self-report
- 5-point Likert scale

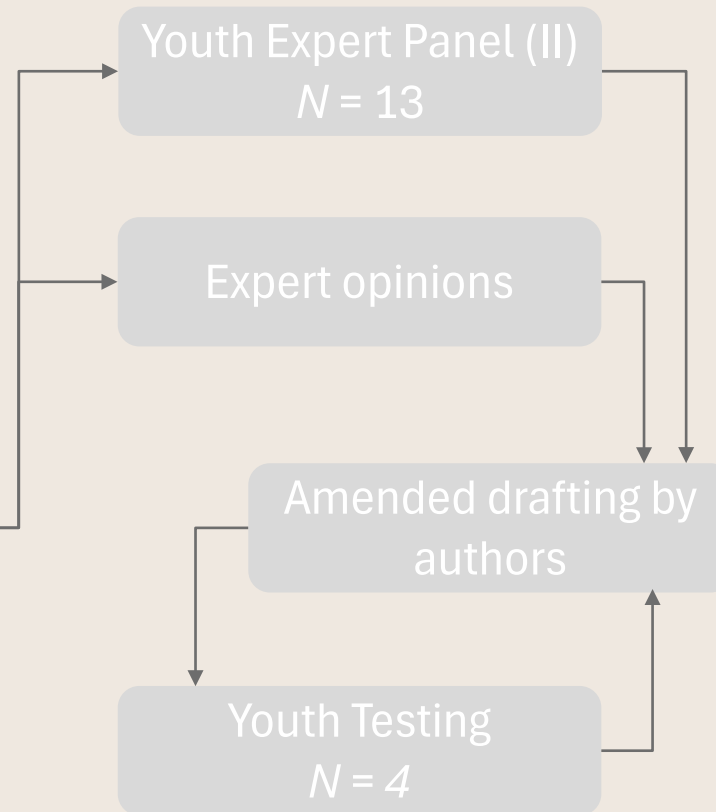


Pilot ChiPPS

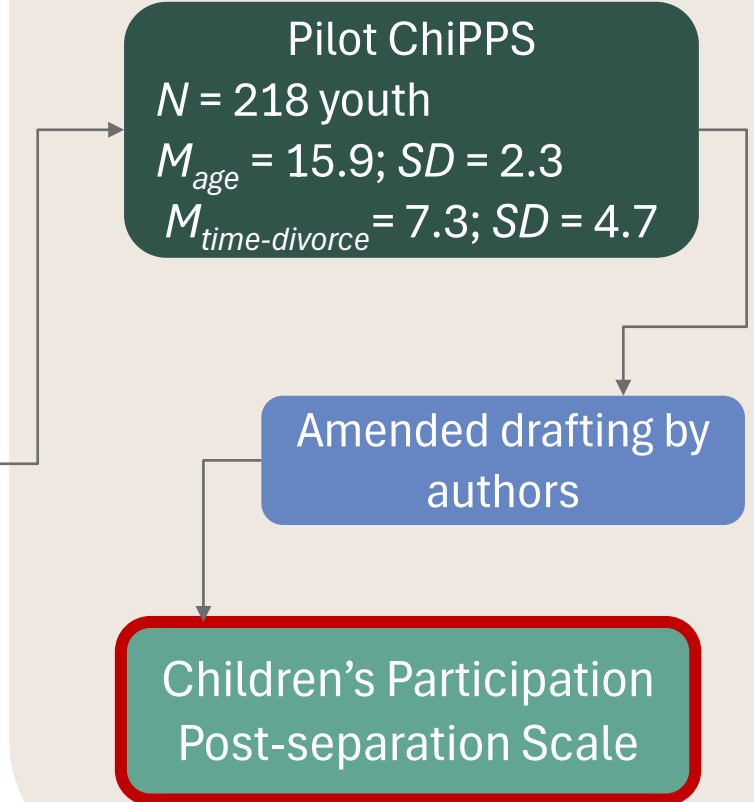
Development phase



Adjustment phase



Validation



Preliminary findings

Lundy

5 ELEMENTS	EXAMPLE ITEMS	
Express views	2. My parents clearly explained beforehand which living arrangements were possible (e.g., <i>because of school, hobbies and my parents' work</i>) 5. My parents asked me what I thought about it	Space Voice
Feeling heard	11. My parents understood me 13. My parents took me seriously	Audience
<u>Influence</u>	17. I felt like I had a say in the decision 18. My parents tried to be considerate of me, as far as they could	Influence
<u>Feedback</u>	20. My parents told me why the agreements were made as they were 21. My parents explained to me how they took me into account	
Dysfunctional participation	7. My parents told me things I would have preferred not to know 9. I was afraid to honestly say what I thought about it	Dysfunctional

Preliminary findings

Lundy

5 ELEMENTS	EXAMPLE ITEMS GERMAN	
Express views	2. Meine Eltern haben mir im Voraus verständlich erklärt, welche Wohnsituationen möglich waren (<i>zum Beispiel wegen Schule, Hobbys und der Arbeit meiner Eltern</i>) 5. Meine Eltern haben mich gefragt, was ich davon halte	<div>Space</div> <div>Voice</div>
Feeling heard	11. Meine Eltern haben mich verstanden 13. Meine Eltern haben mich ernst genommen	<div>Audience</div>
<u>Influence</u>	17. Ich hatte das Gefühl mitbestimmen zu können 18. Meine Eltern haben, insoweit das möglich war, versucht auf mich Rücksicht zu nehmen	<div>Influence</div>
<u>Feedback</u>	20. Meine Eltern haben mir erklärt, warum die Absprachen letztendlich so getroffen wurden 21. Meine Eltern haben mir erklärt, wie sie Rücksicht auf mich genommen haben	
Dysfunctional participation	7. Meine Eltern haben mir Dinge erzählt, die ich lieber nicht gewusst hätte 9. Ich hatte Angst, ehrlich zu sagen, was ich darüber dachte	<div>Dysfunctional</div>

Preliminary findings



- **ChiPPS** as a reliable and valid instrument (*for research purposes*)
- **Different elements** associated with relevant factors:
 - *Parenting behaviors*
 - *Adolescents' loyalty conflicts and adjustment*
- **Decision process** more strongly related to outcomes than **due weight**



- Child participation is more than just hearing the children!
- Participation home versus other settings (*court, mediation*)?

Research methods



Interviews with stakeholders

Per setting:

Mediation setting:

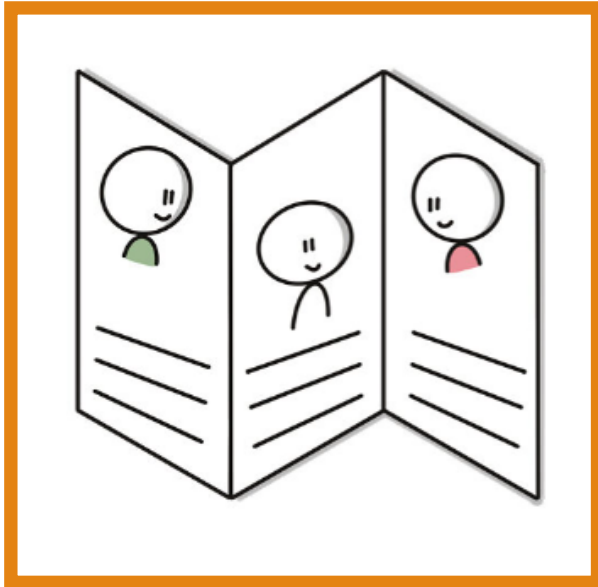
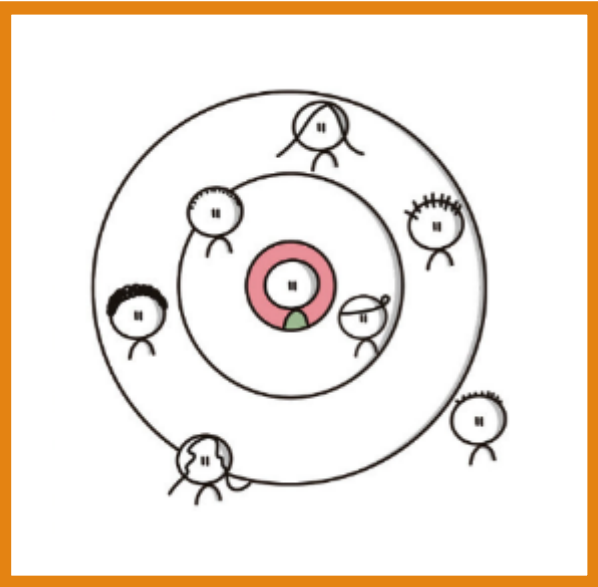
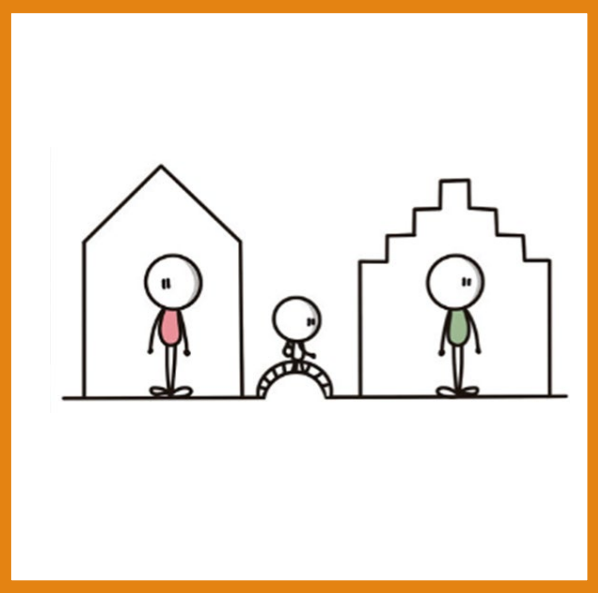
Court setting:

$N \approx 30$ children and one or both parents

$N \approx 20$ mediators

$N \approx 10$ judges





Four themes

- 1: Family & Divorce
- 2: Changes & Participation
- 3: Meeting with the judge/mediator
- 4: Reflection

Insights from our Youth Expert Panel



LOCATION



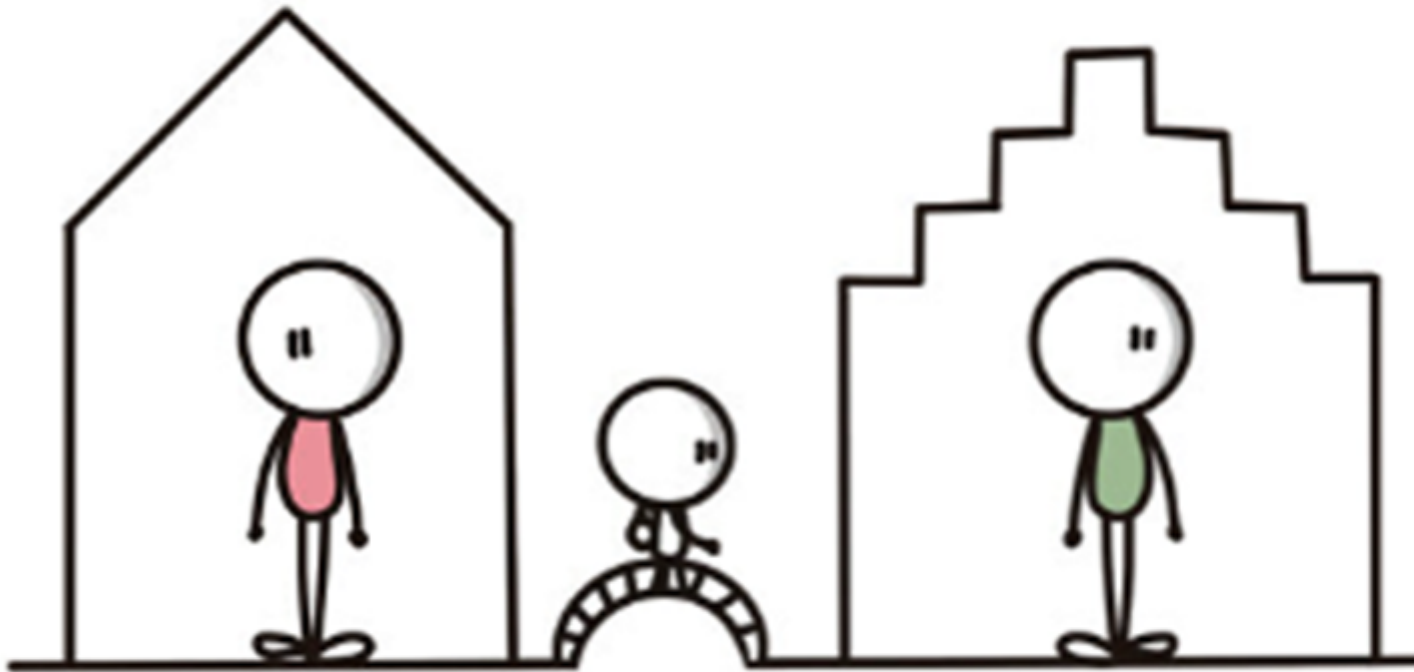
DURATION



TIMELINE



Theme 1: Family & Divorce



(1) What does your family and living situation look like?

- Where and with whom do you live?
- How often do you switch between houses?
- What do you think about your current living situation—what do you like and what do you like less?

(2) When did your parents separate, and what was that like for you?

- How old were you at the time of the divorce?
- How did you find out about your parents' divorce?
- Do you remember how you felt or what you thought at the time?
- How do you feel now about having divorced parents?

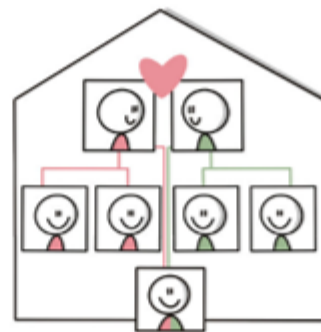
Theme 2: Changes & Participation



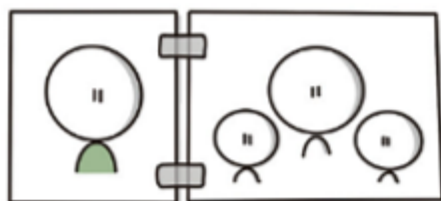
Moving



New partner(s)



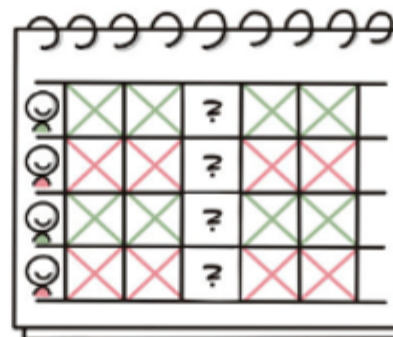
New family members



**Not in touch with
one parent**



**Day to day
(school/hobby/sport)**



**New contact
arrangement**

(1) Questions about changes

- What changed for you?
- What was it like for you to experience this change?
- How old were you when this change happened?

(2) Questions about having a say (yes)

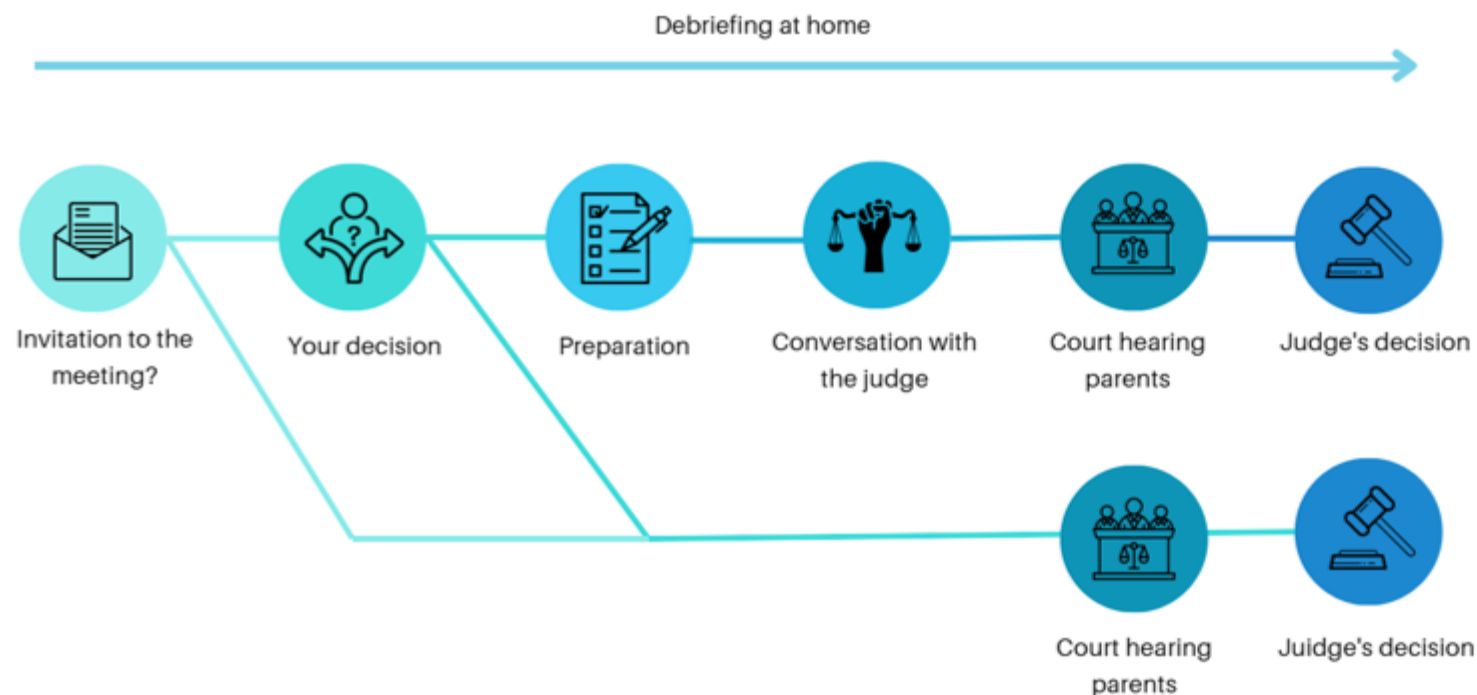
- Were you involved in the change? Were you asked what you would prefer?
- How did you feel about that?
- What was done with your input?
- Did you feel heard, and what made you feel that way? (Scale from 1 to 10)

(3) Questions about having a say (no)

- Would you have liked to be involved in the decision-making of this change?
- What would you have wanted to say?
- What difference would that have made for you?

Optional: Judge

MEETING WITH THE JUDGE

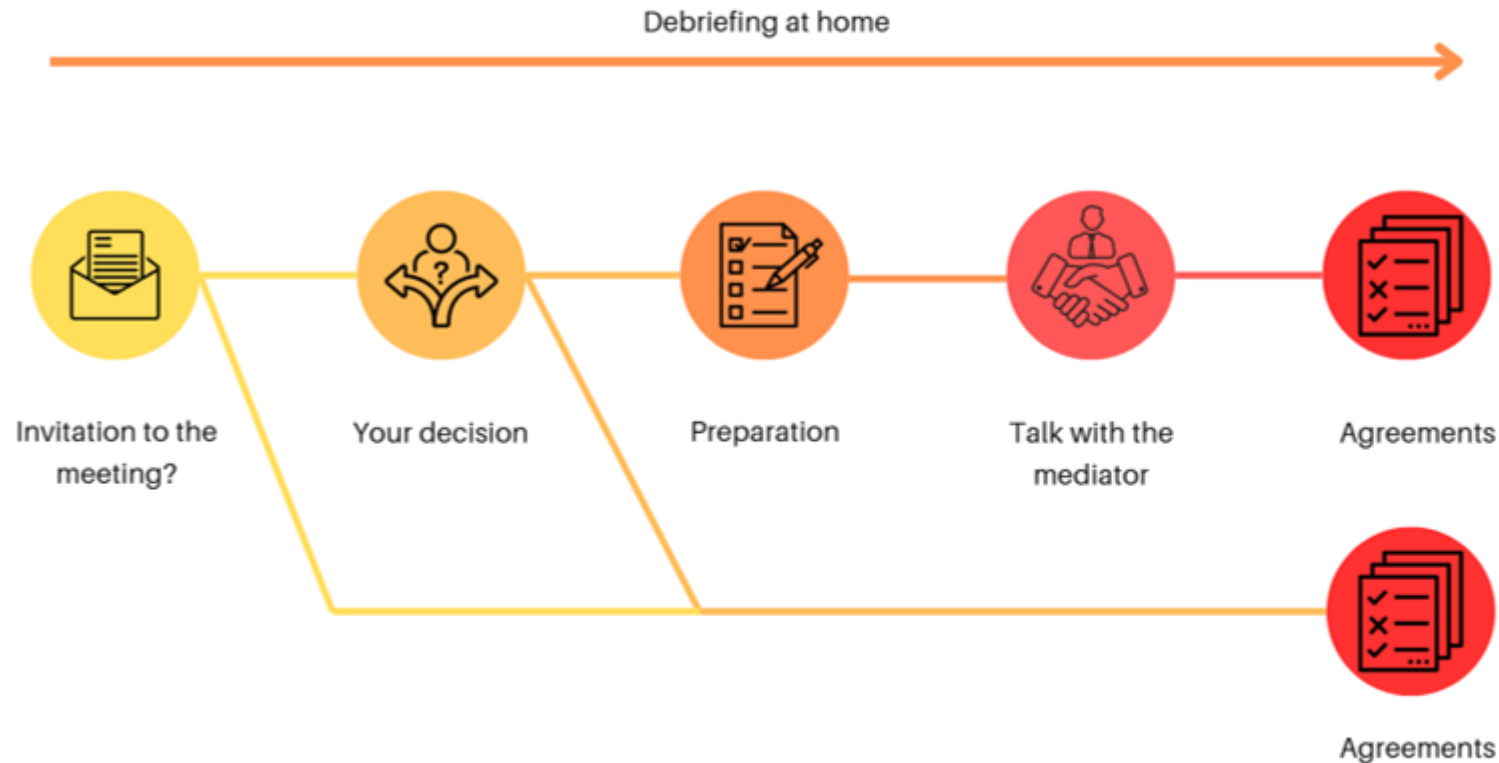


(1) Experience with the judge

- Did you receive an invitation to come and talk?
- How did you feel about being invited or not invited?
- Did you want to accept the invitation? Why or why not?
- If yes, how did you prepare for your conversation with the judge?
- Can you describe how the conversation went? You went to the court, and then...
- Did you feel heard by the judge? What made you feel that way?
- Do you know what the judge ultimately decided?
- What would have helped you (even more)?

Optional: Mediator

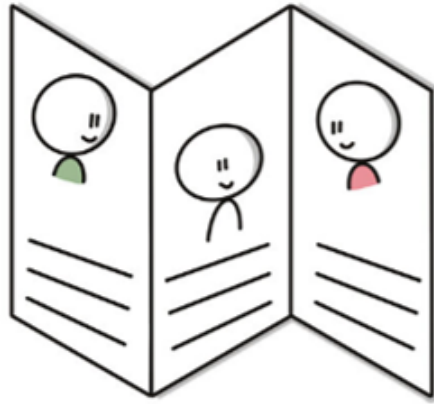
MEETING WITH A MEDIATOR



(1) Experience with the mediator

- Did you receive an invitation to come and talk?
- How did you feel about being invited or not invited?
- Did you want to accept the invitation? Why or why not?
- If yes, how did you prepare for your conversation with the mediator?
- Can you tell how the conversation went? You went to the mediator, and then...
- Did you feel heard by the mediator?
- Do you know what agreements your parents ultimately made with the help of the mediator?
- What would have helped you?

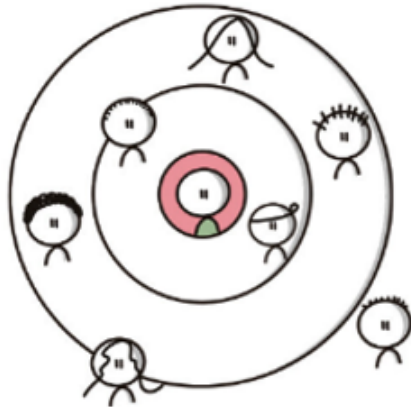
Theme 3: Reflection



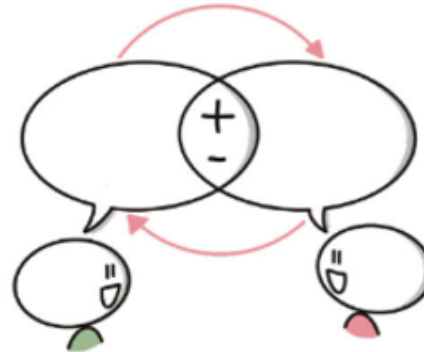
Reflection on participation



Processing the divorce



Tips for others



Listening to children

(1) Reflection

- Did (not) having a say make you more or less satisfied with the decisions?
- Would you have liked to be involved differently in the divorce-related decisions?
- Do you feel that the divorce was easier or harder for you because you could or couldn't have a say?

(2) Looking Ahead

- What would you like to say to other children going through the same experience?
- What would you want to tell parents about how they can listen to children during a divorce?
- Do you think children should be heard? By whom and from what age?
- Imagine you could help design a new way to involve children more in decisions around a divorce. What would you come up with?



Preliminary results?

“

I want to show my dissatisfaction with some of the judges I spoke to, because they didn't really listen to me, apart from one

”

“

I don't mind not being included in decisions. I know my mother will make the decisions in my best interests

”





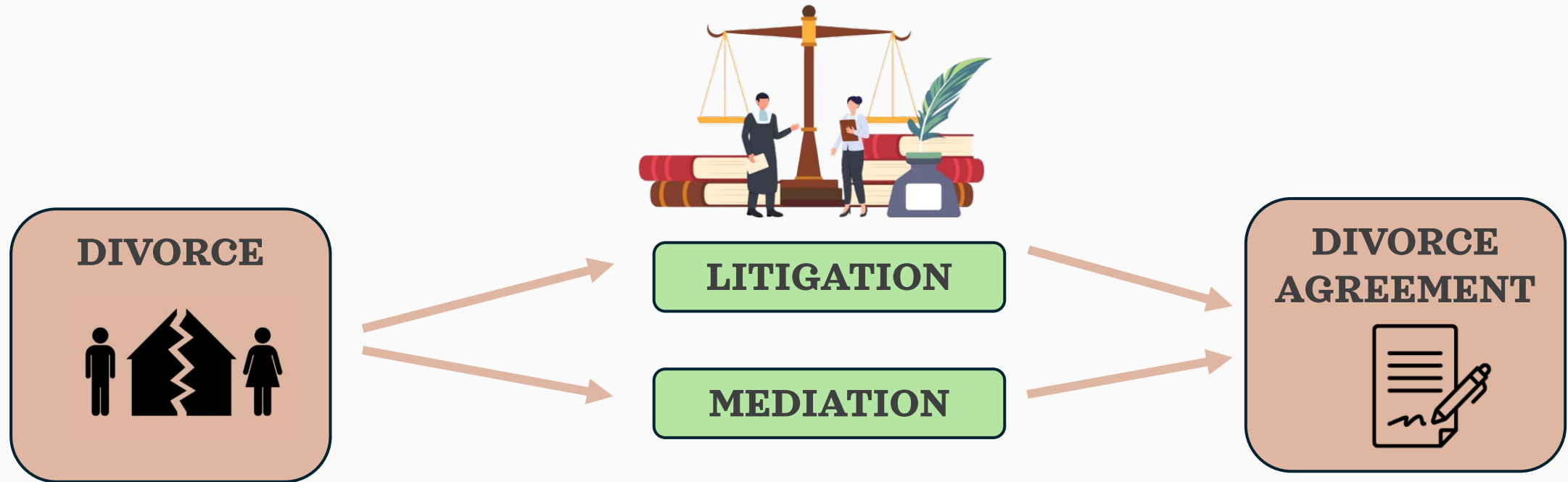
Child Participation in Divorce Mediation



Utrecht University

Selina Burgard-van de Beek

DIVORCE PROCESS



DIVORCE MEDIATION

DIVORCE MEDIATION



“Divorce mediation is a process in which a **neutral third party (mediator)** facilitates discussions between spouses to help them reach a **mutually acceptable agreement** on issues like finances, property, and child arrangements, **without going to court.**”



PREVALENCE OF DIVORCE MEDIATION



- 30-50% of divorcing parents consulted a mediator (WODC, 2022)
- Since 2005 it is possible to receive subsidized legal aid for mediation in NL



- No official statistics available
- 44% of separated parents make use of counseling or mediation services tailored to their situation (BMFSFJ, 2024)



- Divorce mediation is becoming increasingly popular worldwide
- Practices differ across jurisdictions, which makes research and comparison more challenging

DIVORCE MEDIATION



Less Conflict



Higher Satisfaction



Quality Agreement



Faster Process



Cost Efficient



Best Interest of the Child



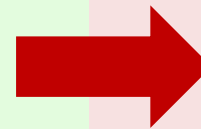
No Regulation



Less Protection



No Guaranteed Outcome



**SYSTEMATIC
REVIEW**



DIVORCE MEDIATION & CHILDREN



- Parents of (young) children are more likely to consult a mediator (*De Bruijn, 2018*)
- Mandatory mediation for parents in some jurisdictions
- Children have the **legal right to participate** (*Art. 12, UN Convention on the Rights of the Child*)



Upon invitation (8 or 12+)



Informal access to justice

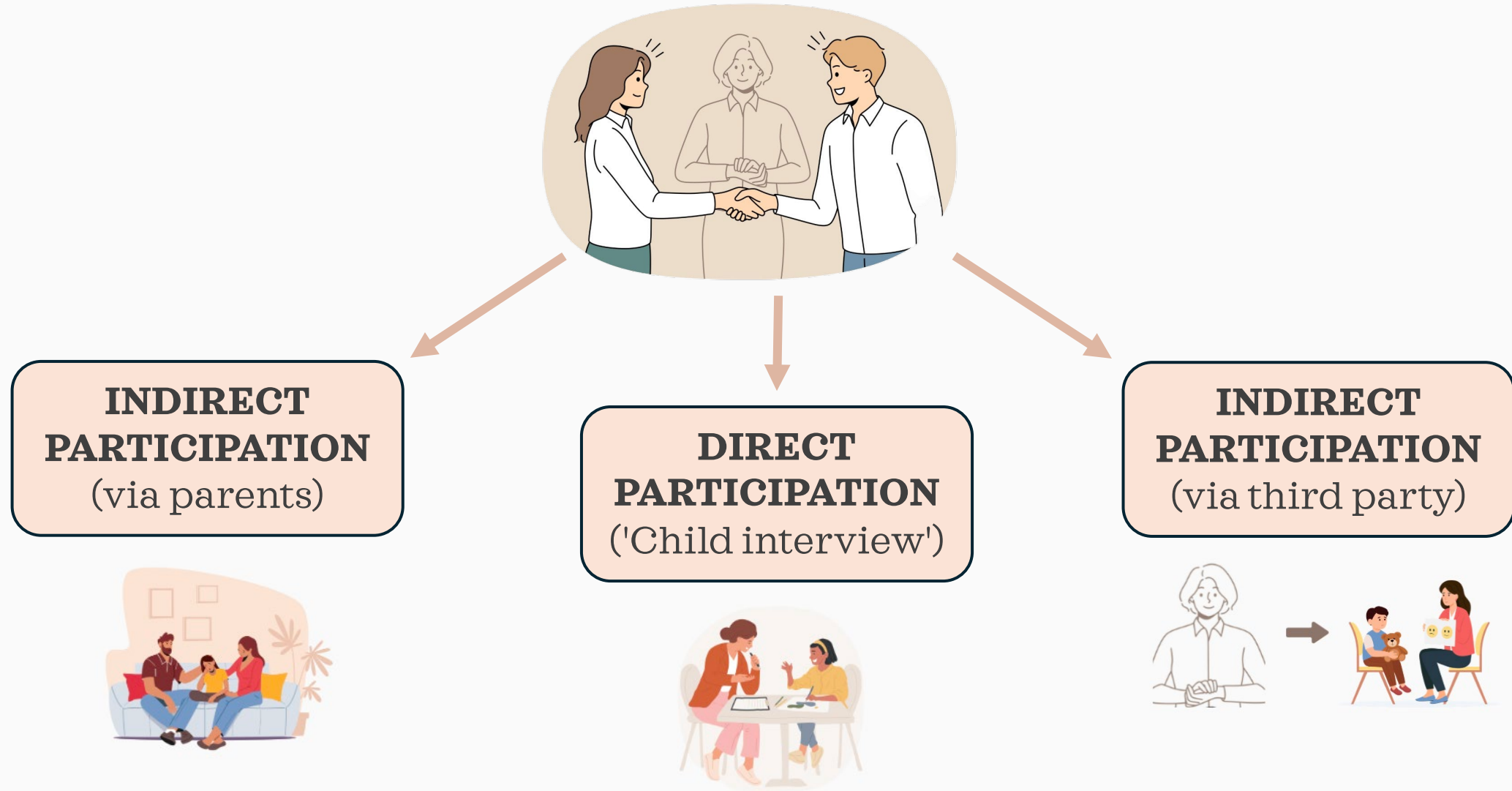


Representation by a
guardian ad litem



Not clear how many & why
mediators choose to involve
children.

CHILD PARTICIPATION IN MEDIATION



RESEARCH QUESTIONS

1

How and why are children included in the process of divorce mediation?

- What determines which children are included?
(e.g., divorce characteristics, mediator background, age child)
- How are children participating in the mediation process?
(e.g., directly or indirectly)



**INTERVIEWS &
MEDIATOR SURVEY**

**HEAR-HEAR!
DATA**

 **ChiPPS**

RESEARCH QUESTIONS

2

What are the effects of child participation in divorce mediation?

- What are the advantages/disadvantages for children and parents?
- Does the outcome depend on factors like age of child/form of participation?



CHILD PARTICIPTION



CHILD OUTCOMES



Measured with **ChiPPS**



ChiPPS as promising instrument to measure child participation in divorce-related decisions at home!

Potentially suitable in other contexts (**mediation & court**), regarding other decisions (school choice, health care), and/or in other languages?

Highlight children participating in designing research!

Open to collaborations 😊

Thank you!

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