

World Mental Health Day: The voice of the child

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#mentalhealth #worldmentalhealthday #modernfamilies

Today is World Mental Health Day, promoted by the World Federation for Mental Health, its purpose being to heighten public awareness about the importance of mental health and to gain understanding and improve attitudes about mental disorders. This had me thinking about children's mental health needs in the context of divorce and separation.

It is clear that more consideration needs to be given children's mental health needs within the family law arena in cases of divorce, separation and domestic violence. Within my practice, I come across situations where child mental health concerns are implicit, for example in acrimonious divorce cases, and explicit, for example in contested children proceedings where there are allegations of parental abuse or alienation.

Although the 'welfare of the child' consideration lies at the heart of our family law statutes and is the over-arching goal of those working in our (overburdened) family court system, I am not alone in being concerned that mental health needs of children of divorcing and separating parents require greater attention.

The court aims to hear the voice of a child with the appropriate level of understanding in every children law case and is duty-bound to consider the ability of both parents to meet the child's emotional needs, but there is still so much more that can be done in the process towards protecting the mental health of children who are experiencing parental separation and/or conflict, be they toddlers, preschoolers, or teenagers going off to university.

Research on children's mental health

In a study conducted by UCL in January of this year, researchers from the UCL Centre for Longitudinal Studies analysed data on more than 6,000 children born in the UK at the turn of the century, who are being followed by the Millennium Cohort Study and concluded that children who experience a family break-up in late childhood and early adolescence are more likely to have emotional and behavioural problems than those living with both parents. The researchers examined reports of children's mental health at ages 3, 5, 7, 11 and 14, including emotional problems, such as feelings of low mood and anxiety, and behavioural problems, such as acting out and disobedience. They compared information on children who experienced a family split with those who did not. The research is thought to be the first in the UK to investigate the links between the timing of family break-ups and [children's mental health](#).

An increase in children and domestic violence cases

Against this background, family law cases involving children are on the rise. The MoJ Family Court Statistics, published in June 2019, reported that in January to March 2019, there were 13,677 private law children cases started, up 12% on the same quarter in 2018. Applications also increased by 12%. The number of domestic violence remedy order applications increased by 15% compared to the equivalent quarter in 2018. The number of domestic violence remedy orders made increased by 10% over the same period.

Raising awareness

So are we doing enough, within the family court system in England and Wales, to promote the mental health interests of children and to safeguard their welfare within the family court process? Shmuel Moran explains that in Israel the Court nominates a specialist to evaluate the parental capacity of the parents which involves a psychologist assessing the children's mental health state. This goes beyond the reports provided by independent social workers and Cafcass in our system and which are not in any event ordered in every case but Shmuel Moran questions whether a better approach would be for children to have the benefit of professional psychological support rather than involve them in an evaluation of their parents?

Today is a good opportunity for all of us to raise awareness of mental health issues and advocate against social stigma. It's also a healthy reminder for us to advocate a greater move towards more direct practical intervention in the assessment of child mental health on divorce and relationship breakdown.

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