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CHILDREN AND DIVORCE: A STUDY OF
DIVORCE COURT SUPERVISION ORDERS.



by STEPHEN GOODE, M.A.

Thesis submitted to the University of Nottingham
for the degree of Doctor of Philosophy, May, 1988

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ABSTRACT.

This research study was of the making and administration of Divorce Court Supervision Orders. Although established in England and Wales in 1958, there has been no detailed examination of supervision in domestic proceedings. In the 1979 period, when the population was obtained, 6,935 Divorce Court Supervision Orders were made. This figure has reduced to approximately 5,000 in 1985, with a total of 26,500 ongoing orders.

The population consisted of 121 children in 62 family units. Supervision could be undertaken by both probation officers or social workers. A review was undertaken of the original intentions of Divorce Court Supervision Orders as conceived by the Royal Commission on Marriage and Divorce 1951-55, and any subsequent amendments by legislation. Particular emphasis is also given to changing aspects of family law which might affect provision for children the history of social work to children in divorce proceedings was also examined.

A detailed analysis was undertaken of descriptive material, on the place of children in divorce proceedings. This included research studies on the effects of divorce on children and any changes in the provision of services to parents and their children at the time of divorce proceedings. A full explanation is given of concepts such as conciliation.

The original theoretical framework, placed the study of Divorce Court Supervision orders, in the wider context of the social policy of divorce proceedings. Reference is made to

principles of family law and the possible relevance of a Juvenile Justice framework to the Divorce Court. In addition, Weber's concept of legitimacy was applied to the examination of Divorce Court Supervision Orders.

The original research design, indicated the specific purposes of the research, which relate directly to the principles of a juvenile justice system. Details were given of the interview procedure, experience survey, identification of the validity and reliability considerations and the tests to be applied.

The findings of the research are outlined in two chapters. They concentrate on the history of the families concerned, the nature of the divorce process and the details of Welfare Report recommendations. Due to the absence of any study of the process of supervision, as opposed to limited studies on the content of Divorce Court Welfare Reports, one chapter describes in some depth, the process of supervision. The analysis uses a combination of statistical tests and case examples. The use of case examples can illustrate most effectively the nature of the supervision provided. A section of the final empirical chapter addresses validity questions, by examination of what organisations a supervising officer had contact with during their involvement with a family, and the degree of continued jurisdiction of the Divorce Court over the supervision undertaken.

A review of the main findings asks fundamental questions about the benevolence or control provided in domestic

supervision. The final chapter places the present study, in the changing context of social work with children and their parents, involved in divorce proceedings. Child protectionism was identified as a fundamental principle, in spite of the last thirty years of reforms in family law.

In addition, the final chapter questions the desirability of continued confusion over better services to divorcing parents and their children and child-protectionist based interventions by social work agencies. Parallels are drawn between the present study and other aspects of family law involving social work agencies.

Throughout the research study, it was emphasised that the present research is exploratory and where appropriate, future areas of appropriate research were indicated.

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Matrimonial Proceedings (Children) Act 1958.

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Matrimonial Causes Act 1965.

Divorce Law Reform Act 1969.

Children and Young Persons Act 1969.

Local Authority Social Services Act 1970.

Matrimonial Causes Act 1973.

Guardianship Act 1973.

Childrens Act 1975.

Domestic Violence and Magistrates Court Act 1976.

Domestic Proceedings and Magistrates Court Act 1978.

Criminal Justice Act 1982.

Matrimonial and Family Proceedings Act 1984.

CHAPTER ONE.

"THE CHILD IN DIVORCE PROCEEDINGS - DIVORCE LAW REFORM AND THE
ESTABLISHMENT OF SOCIAL WORK."

INTRODUCTION.

Special protection for children of divorce proceedings appeared first in the Matrimonial Proceedings (Children) Act of 1958. A divorce decree absolute would not be granted until a divorce court were satisfied as to the arrangements for children and, in the event of continuing disquiet the court had the power to make a supervision or care order. This chapter will concentrate on examination of the place of children in divorce law reform over the last 30 years and the changes, if any, that have taken place in attitudes towards children as the law restructured its regulation of personal relationships. The empirical study to be undertaken, is of the present usage of divorce court supervision orders as practised by probation officers and social workers. Consequently, comment will be made on the organisation of social work to divorcing couples and how accessible that service was to changes in social work training and the organisation of social work provision.

"THE ROYAL COMMISSION ON MARRIAGE AND DIVORCE 1951-55 - A DELAY OF REFORM."

The Royal Commission on Marriage and Divorce was first established in 1951 under the chairmanship of Lord Morton (HMSO 1955), with a very wide brief to enquire into matrimonial law. McGregor, describing the social context at the time of the Morton Commission, pointed to the break-up of the mid-Victorian family code. This was welcomed by some, who saw a transition to a more democratic family unit in which the rights of individuals and

personal choice was emphasised at the expense of institutional claims. Equally, however, there are others who saw such changes as leading to the destruction of family life and the corruption of morality and who interpreted the rise in divorce decrees as an indication of increasing moral decay. (McGregor 1957).

With such obvious splits in public opinion it is not surprising that the Morton Commission was to delay any significant reforms in divorce law and suggest legislation to deal with the increasing number of victims of divorce, the children of broken marriages. The terms of reference of the commission included the power of the divorce and lower courts, as regards the relations between husband and wives, and in particular their property rights.

"Having in mind the need to promote and maintain health and happy married life and to safeguard the interests and well-being of children". (Hansard 1951).

The statement by Mr Atlee, the then Prime Minister, indicated that the primary purpose of any investigation into matrimonial law was to uphold the institution of marriage. The commission also had a brief look at any necessary alterations in the law as regards marriage between relations. The place of children in that debate was of secondary consideration, where

they would be protected by their parents remaining together. The Morton Commission was, in effect, a postponement of an attempt to reform the law to acknowledge the social reality of divorce and make it easier for all parties to achieve. Mrs White M.P. had tried to introduce a Matrimonial Causes Bill (9th March 1951) with the aim of introducing a new ground for divorce, other than matrimonial offence, based on the doctrine of the breakdown of a marriage. She withdrew the Bill in favour of a Royal Commission, but the climate for the reform was not sympathetic and the Royal Commission was to argue subsequently, with one exception (Lord Walker) for the retention of the notion of the matrimonial offence.

The views of Mullins, a retired London magistrate, perhaps best illustrates the problems the reformists still had to contend with in the early 1950's. Mullins argued that the extension of legal aid to poor families who wished to apply for a divorce, through the Legal Aid and Advice Act 1949 (HMSO 1949), was a profound mistake as it denied the opportunity of magistrates to consider, with an applicant, the possibility of reconciliation and any consequent involvement of a probation officer. He advocated to the Morton Commission compulsory reconciliation procedures. Mullins was not convinced that the problem of illegitimate children, as a result of subsequent unions when marriages could not be dissolved, justified divorce law reform. He contended that divorce law should be consistent with christian teaching and adequate for handling disputes and believed that if a fear concerning irregular unions was to

dominate, this would lead to divorce on the unrestricted request of either party. This policy would "strike at the roots of marriage (Mullins, 1954, p.12).

"THE CASE FOR PROTECTIONISM WITH REGARD TO CHILDREN OF DIVORCE."

The Royal Commission on Marriage and Divorce 1955 was, in the view of McGregor, of very little value and proved "a device for obfuscating a socially urgent, politically inconvenient, subject". (McGregor 1957, p.193). It's principle importance to this study is its views on children which comprised only 16 pages. Consequently the reasoning behind proposals for new provision was not only clear and its implications for its control of children in divorce proceedings insufficiently appreciated. In addition, it will necessary to examine the evidence given to the Royal Commission and the House of Commons Debates, at the time of the introduction of Matrimonial Proceedings (Children) Act 1958.

There are a number of major themes in the evidence given to the Royal Commission and in subsequent House of Commons Debates. The most important statement was that children were at profound risk from divorce. This was based on personal testimony, stemming from the value positions of the majority of contributors, rather than any detailed and reliable evidence on the effect of marital breakdown on children. There was also a general belief that something extra was needed to protect children of divorce, alongside existing childcare provision.

The lack of a clear causal relationship between marital

breakdown and subsequent disruption for children has not deterred legislation in the 60's and 70's to further protect children, when the law has adjusted its regulation of personal relationships. Supervision is now available on other family proceedings; matrimonial proceedings in magistrates courts when a parent can make an application for custody or access under the Guardianship of Minors Act 1973 (Section 2(2)(a)); in adoption proceedings supervision may be ordered where an application has been refused (Children Act 1975, Section 17(1)(a)) and finally where a custodianship order is revoked, a supervision order is mandatory if its desirable in the interests of children (ibid, Section 36 (3)(b)). Consequently supervision is now associated with the breakdown of other forms of substitute or alternative parenting of children, to include the proposed adopters or, in custodianship proceedings, care by blood relations such as grandparents. The conventional morality as indicated by Lord Simon of Glaisdale in the House of Commons Debates, leading to the Guardianship Act 1973, was the need for protection by the state against the risk of future delinquency. (Hansard, Vol.340, col.664).

The aim of preventing delinquency was not to be a task delineated for social workers and probation officers, by the Royal Commission on Marriage and Divorce 1951-55, or in its subsequent legal enactment. This may explain confusion in the administration of divorce court supervision orders and matrimonial care orders. Detail was limited and philosophy avoided and its only through formal evidence and debate that the

social climate of child protectionism can be clearly seen.

The objective of keeping marriages together was still fundamental to the majority of those who gave evidence to the Royal Commission. This included church representatives and those organisations who had a direct interest in the care and welfare of children. Put simply, a child's best interests was achieved by ensuring that his parents remained together. The National Society for the Prevention of Cruelty to Children said:-

"It is a fact however, that in the Society's experience, divorce is almost always a great tragedy, particularly for the children concerned. With welfare as its prime motive the society endeavours wherever possible, to prevent the breakdown in family life for which, as far as the children are concerned, there is no adequate substitute." (HMSO 1955, paper no.9, p.95, 22 May 1952).

In the evidence given to the Royal Commission, there was conflict between what McGregor called "the abolitionists" who wished to do away with the matrimonial offence and the "institutionalists" who insisted on its retention (McGregor 1957, p.134). As regards the position of children, the institutionalists upheld the benefits to children of maintaining homes in tact whatever the relations between parents. This meant more emphasis on reconciliation, which was the position of all the churches, to the extent that compulsory reconciliation should be established. The Baptist Union proposed the creation

of a National Marriage Welfare Service, before which couples would have to appear and convince its members that reconciliation was impossible. (HMSO 1955, paper no.8 p.68, 22 May 1952).

In contrast the "abolitionists" advocated the possibility that, in some cases, it would be more desirable to remove children from the distress of an actively quarrelsome home. The British Medical Association offered this conclusion:-

"..that an unhappy home, on the whole, has a worse affect on a child than a home that is broken, provided the child then goes to the parent with whom it has the more happy relationship". (HMSO 1955, Evidence given 12-13 day, p.379).

Both the abolitionists and the institutionalists were combined in seeking increased protection of children following divorce. This unity was also apparent when the climate for the divorce law reform was more conducive, in the 1960's, prior to the granting of the Divorce Reform Act of 1969. For example, the National Association of Probation Officers, both pointed to the potential damage for children staying in marital homes filled with friction and proposed wholesale involvement with children following divorce proceedings. This would consist in all cases where orders were made for custody of children, a court placing a child under supervision of the court for a period of twelve months. (HMSO 1955, Questions, 12 June 1952).

The Royal Commission was in fact to reject supervision in all cases. This would too much offend middle-class parents

unused to social work involvement. The Justice Clerks Society and the Church of England both questioned the wisdom of such a universal approach, which would require an alteration of the law to the effect that anyone with a custody order for a child would have to submit to some form of supervision. Both the church establishment and the legal experts in court point to the dangers of a court getting too much involved and the parents losing a sense of full responsibility for their childrens welfare. The Royal Commission agreed that if sufficient care was given to the arrangements at the time of divorce, then further supervision should not often be necessary. (HMSO 1955, Section 396).

Maident has pointed out that there is a widespread belief in our society, that divorce has always damaging consequences for children which should not be minimised. It has particular consequences.

"In modern divorce law, concern for the welfare of a child has been elevated to an overriding principle according to which the parental needs or desires will be determined."

(Maident 1984, p.3).

She contends that the concept is notoriously indeterminate and has no central meaning and will therefore change according to any current view on child rearing and parenting. In the 19th century, a patriarchal society still dominated and consequently, judges used the welfare of the child principle to deny the mother any rights of custody or even access, because they deemed that

the welfare of the child was best served by upholding the "sacred rights of a father" to his children. The Royal Commission on marriage and divorce 1951-55, recognised the social reality of divorce but was not prepared to endorse it by encouraging the liberalisation of divorce laws. The other social context was increasing numbers of children involved in divorce proceedings (20,000 under 16), and the welfare principle meant that children required special scrutiny and if appropriate supervision or the alternative care of the local authority. Reliable statistical evidence on the causal link between marital breakdown and delinquency was not necessary as this relationship was accepted as a truism and indeed there is a notable absence of detailed research material in the Royal Commission. Those who argued for a more detailed research basis, did not accord with the climate of the time. McGregor found it

"curious that all the witnesses failed to recognise that as some two-thirds of all divorced parents married again, the chances of the child's divorcing parents may achieve emotional security in a new home are high and that the effects of divorce on children could therefore be exaggerated." (McGregor, 1957, p.167).

Perhaps in retrospect it was McGregor's comments which were unusual. The primary object of the Royal Commission was to keep marriage together, in the interests of children, and second marriages were therefore not worthy of attention. In the 1970's

and 80's second marriages have become a source of anxiety to child protectionists, with the high degree of reported child abuse by step parents as instanced in the Colwell and more recently notorious Beckford case. (Child in Trust, London Borough of Brent, 1985).

The Royal Commission refers to a wealth of testimony as to the effects of divorce on children. Within the report there is little detail, except that supplied by the National Association for Mental Health, which was again based on a personal testimony of its representative.

"For any child to be deprived of such a background (that is marriage) can often be shown to have a serious effect on his subsequent personal development and mental health, out of all proportion to the apparent disturbance." (HMSO 1955, p.103, paras 300-361).

In the evidence into the Royal Commission, there was general agreement on the damaging consequences to divorce on children and in particular on their future development. Any study of the social policy of children in divorce proceedings would emphasise their importance as a future workforce and future parents. The Church of England stated::

"Teachers in schools are acutely aware of the devastating psychological effects upon their pupils of a broken home

and the extent of psychological damage caused, has serious results on those children with regard to being citizens of the future." (HMSO 1955, p.18, p.142, 28 May 1952).

Professor Moncrieff, Nuffield Professor of Child Health, was uncharacteristic in apologising for lack of statistical evidence. He referred in some detail to the work of Burt, a psychologist writing just after the First World War, who gave comparative material indicating that defective family relationships was evident in 2% of normal children, whilst in 19% of children before the juvenile court. Burt's work was influential as it was referred to by a variety of individuals who gave evidence to the Royal Commission.

He drew two samples; two hundred consecutive cases of juvenile offenders from the courts were then paired with four hundred non-delinquents from the same school and home area. He concluded that in nearly 6% of delinquent children there was an absence of a father or mother. He asserted that with delinquent boys it was normally the father who was missed most, because of his disciplinary influences. With girls it was a mother. Cases that fell into these categories were almost twice as numerous in the delinquent as the non-delinquent. He identified also substitute parents such as step-mothers or fathers or grandparents as a factor in delinquency. (Burt's 1969).

There have been subsequent criticisms of Burt's analysis based on a different study of identical twins. (Bulletin of British Psychological Society 1980, vol.33. Supplement). But the

"Young delinquent" is still regarded as a classic study of delinquency. Burts importance to the Royal Commission on Marriage and Divorce was that he confirmed the expressed wish to intervene with children and the consequent recommendation of a near traditional child welfare policy based on investigation followed by possible supervision or care proceedings.

LEGAL PROPOSALS AS REGARDS GREATER ATTENTION TO CHILDREN IN
DIVORCE PROCEEDINGS.

The recommendations of the Royal Commission did not acknowledge openly a child saving philosophy but suggested some practical improvements to the court's oversight of children in divorce proceedings. The existing law was criticised because the court could not deal with the position of children where there was no application for custody or where an application was unopposed. There was no procedure whereby a parent making an application could be assessed as to their suitability. They were also aware that children could become "pawns in a struggle of wills" in a contested custody application. Their remedy was to

"first ensure that the parents themselves have given full consideration to the question of their children's future welfare, and, secondly enable control of the court of the welfare of the children to be made more effective." (HMSO 1955, section 396.)

The procedure was to have two components; firstly that the court must be satisfied, before granting the divorce decree absolute that the arrangements proposed for the care and unbringing of any child were

"the best that could be devised in the circumstances;"

Secondly information in the form of a written statement must be submitted to the court as to the arrangements for the children and the approval of those arrangements should become a condition of obtaining a decree (HMSO 1955, Section 373-374).

The recommendations as regards divorce courts supervision orders are described very briefly and solely of the circumstances in which such orders might be made. There is no relation to any overall discussion of the effects of divorce on children. Orders could only be made to the local authority when both parents were unable or unsuitable with regard to the care of a child, and there was no relative there to fill the parental function. The Royal Commission took the view that such situations would arise infrequently. The most recent Law Commission review of care and supervision orders in matrimonial proceedings acknowledge the criticism by directors of social service departments, that such care orders did not give parental powers to the local authority who had no right to keep a child if a parent wished to resume care, although a new court order would have to be obtained by a parent or any other person to remove a child from local authority care. (Law Commission Working Paper, No.100, HMSO, p.6. para

24.)

When originally proposed Divorce Court Supervision Orders could only be made when allied to custody orders. The most recent Law Commission reviewing the position in the 1980's, felt that this overly restricted the courts use of supervision orders (ibid p.51, para 314). The original conception of such orders was that they would be confined to exceptional cases, a definition which resisted the majority of witnesses to the Royal Commission who had recommended universal intervention by a welfare officer when a custody order had been made.

The Royal Commission did indicate two areas where supervision might be appropriate. Firstly where the court decides it should review the custody arrangements after a specific period, and secondly where a change of circumstances had taken place. There are no details but these criteria probably relate to an apprehension about the stability of future arrangements or an awareness of the disruption when custody had changed between parents prior to a divorce court hearing.

The Royal Commission balanced their support for intervention by recognising that children should not feel insecure as to their future. A sense of restraint may account for their unwillingness to define any specific powers for a supervisor.

"We do not contemplate that supervision should be of a formal kind. What we have in mind is that the welfare officer should visit the home from time to time and it

would be open to him to report back to the court." (HMSO 1955, Section 396).

SOCIAL WORK IN THE DIVORCE COURT

- THE CASE FOR THE PROBATION SERVICE.

In addition to the powers to make care and supervision orders, the Royal Commission proposed the establishment of a Divorce Court Welfare Service to be run by the probation service. The function of a Divorce Court welfare officer was to give advice and guidance to parents who were seeking divorce or who had divorced, as to the welfare of their children. A statement of arrangements for children would include details of home, education and maintenance and court welfare officers would have the powers to investigate further any case. There was to be one officer for each of the 42 towns in England and Wales at which matrimonial cases were heard.

Why the probation service? The Royal Commission had the benefit of the experimental Divorce Court Welfare Service run in London from 1950 and staffed by the probation service. This had been the result of proposals made by the Denning Committee (HMSO 1947), and the success of the project was referred to frequently in the evidence to the Royal Commission. As befitted the social context of the time (as indicated by Mullins), the main function of Court Welfare Officers was to provide a reconciliation structure. It was therefore a simple extension of this project to establish a national scheme, administered locally by the

probation service. The Royal Commission felt there were advantages in confining the work to a single service and it was recommended that the probation service should be selected to act as the in-Court specialists on children and carry out the role of principal report writer.

The association with the Courts made the probation service the most credible agency to establish the Divorce Court Welfare Service. Nevertheless there was considerable disagreement as to who was the most appropriate agency to deal with the supervision of children. The probation service was criticised because of its criminal stigma and because its officers were often young, inexperienced and unmarried whilst children's officers were regarded as having more direct experience of supervision and working with children. Mrs Cummella, J.P., suggested that there were parallels between the present commitments of a children's officer and families who might be made subject to supervision.

"In fact his department might already be visiting other homes in the same street". (HMSO, 1955, p.484, ape no.52. 23 July 1952).

In the Royal Commission there was no critical examination of whether it was right to so club together delinquent children and non-school attenders or other children with behavioural problems, with children in divorce proceedings to make a global concept of "children in trouble". The Royal Commission decided that the probation service should produce welfare reports as this task was closely allied to its present duties, but made no stipulation as to which agency should be responsible for the supervision of

children.

Despite the lack of separation, based on the evidence given by their professional associations, supervising officers would be institutionalists who supported family ties and believed in the disruptive effects of divorce on children. The probation service also had a long history of reconciliation work within the magistrates court (Mullins 1954).

THE DEBATES ON THE MATRIMONIAL PROCEEDINGS (CHILDREN) ACT 1958.

When the Royal Commission on marriage and divorce 1951-55 was debated in the House of Commons there was little new as regards children in divorce proceedings. It was introduced as a Private Members Bill by Mr Moyle, M.P. and received all party support. He re-emphasised the implications for society of the effects of broken upon children.

"The growing menace of the problem is such that the state should stand aside no longer. It must, in the interests of national well-being, seek the best possible solution to mitigate the consequences flowing from the increasing numbers of broken marriages.". (Second Reading of the Matrimonial Proceedings (Children) Act 1958, Vol.581, p.1491).

The Bill was an interventionist strategy with regard to children. It was an example of organised paternalism as indicated by Mr

Moyle's comment that his Bill would be the first time that state had looked with charity upon the children of divorce.

Supporters of the Bill, including Mr Rankin, criticised those who felt the state was already over-concerned in the lives of people. He made a simple correlation between the needs of the children of divorce and future mental health problems, by referring to a large hospital where 80% of patients suffered from some sort of nervous disorder. (Hansard Vol.581, p.1534-5).

The lack of any formal sanctions was queried by Mrs White who felt that supervision orders should contain some compulsion on parents who did not adhere to arrangements for children made in the divorce court. Despite being a reformist Mrs White, who had originally prompted the Royal Commission, still sought intervention which made real obligations for parents as to the development of their children.

Only Mr Williams raised the fundamental question of whether there was any necessity to establish a new jurisdiction for children, considering the availability of child care protection in a Juvenile Court. He quoted the Childrens Act of 1948 as sufficient guarantee that the children of divorced parents would be properly cared for.

"If the parents or guardian are, for the time being or permanently prevented by reason of mental or bodily disease of infirmity, or other incapacity, or any other circumstances, from providing for his proper accommodation, maintenance, and upbringing..... the local

authority is empowered to receive the child into its care." (Hansard, Vol.581 p.1495).

The Bill proposers disagreed, considering the Childrens Act too narrow and unable to deal with situations where a child was in moral danger and reiterated the intangible quality of the effects of divorce on children.

The overlap or potential confusion between the divorce courts jurisdiction over children and the juvenile court, was addressed by Mr MacColl, who believed that the juvenile court was the appropriate agency to administer supervision and care orders made in a juvenile court. Juvenile courts, he contended, were used to resolving disputes between parents and were local and more speedily accessible than the divorce court. The juvenile court and theories of juvenile justice envisaged a preventative perspective and he envisaged domestic supervision in the same mold.

"It is trying to prevent a breakdown in the mind of the child, which leads to delinquency, maladjustment and all the rest". (Hansard, Vol581, p.1503-6).

The debate in the Royal Commission as to the most appropriate agency for supervision was repeated in the House of Commons. The Probation Service was again seen as more accountable because of its relationship with the court and better used to working in broken homes without resorting to removing a

child. The service was again criticised for a criminal stigma and their lack of specialist knowledge of child development. However, the debates did not lead to any changes in the Royal Commission's propositions that both agencies should administer orders and, when adopted, the Matrimonial Proceedings (Children) Act 1958, added no further definition of the circumstances in which orders should be made or the powers of supervising officers.

THE CASE FOR REFORM - THE BUILD-UP TO THE DIVORCE LAW
LAW REFORM ACT 1968.

It was to be expected that the reformists continued to press for changes in the divorce law which matched the social reality of divorce, after the delaying tactics of the Royal Commission. Early in 1963, under a Conservative Government, the substance of Mrs White's proposals were brought again before the Commons by Mr Abse. His Matrimonial Causes Bill proposed that divorce should be obtainable at the request of either party, where a matrimonial offence had been committed, after seven years separation, or , by consent after the same period. He later withdraw the clause concerning divorce by consent which was still an anathema to institutionalists. Sir Jocelyn Simon, the President of the Probate, Divorce and Admiralty Division, in a speech to the Magistrates Association, contended that any form of divorce by consent was tantamount to society disclaiming its concern in the endurance and stability of marriages. (The Times

8th April 1963). The eventual Matrimonial Clauses Act 1963 was largely emasculated by its opponents and introduced solely changes in the law of condonation, providing that adultery which had been condoned could not be capable of being revived. The purpose again was to enhance the chances of reconciliation between spouses.

This study is primarily about the place of children in divorce proceedings. As the climate for reform improved it was illegitimate children who received most attention and not the children of divorce proceedings. Mr Abse had produced statistics to show that one third of all illegitimate children were born to cohabiting parents who were apparently living in permanent union although unmarried. These illicit unions he contended, had a potential for a permanent happy marriage but one of the parents was already married and denied a divorce.

During a debate on Mr Abse's Bill in the House of Lords, the Archbishop of Canterbury first disclosed his intention of forming a church review group as regards divorce. He recognised there was a difference in the attitudes of church and the state towards a further marriage of divorced persons, where a former partner was still living. The group was to consider whether a new procedure or principle in law could operate more justly, as to the stability of marriage, and the happiness of children, and do nothing to undermine marriage as a lifelong covenant. (Hansard Vol.298. Col.1547).

The subsequent report 'Putting assunder; a divorce law for

contemporary society', (Society for Promoting Christian Knowledge 1966), recommended that the doctrine of breakdown of marriages should be comprehensively substituted for the doctrine of the matrimonial offence, as the basis of all divorce. The working party was seen by Lee as a barometer of opinion, which produced radical proposals (Lee 1974). The Church of England required continued legitimacy and authority in a society where divorce and remarriage was recognised by both law and social morality. The church needed to maintain discipline over its constituency. The report disagreed that divorce should be withheld if the couple have children in need of care and upbringing. Instead, it contended that the law should safeguard a child's economic interest to the extent that family resources permit or that the Government can afford, and the provision for care and custody of children should be reviewed carefully and guaranteed by law, but the law itself should not preserve the family home.

The Law Commission Act 1965, established the Law Commission and, with a purpose of promoting the reform of the law in England and Wales; it institutionalised the movement for law reform. The appointment of Sir Leslie Scarman as Chairman of the Commission had a profound influence on the course of divorce reform. In March 1966 he proposed a number of improvements in divorce law, including the establishment of a family division of the supreme court and regional family court. More importantly, although allowing for the retention of the matrimonial offence, he proposed that irretrievable breakdown, to be established by

separation over a period of years, should form the basis of all divorce proceedings. Children were to be given particular attention by a proper review of their arrangements and the encouragement of consensual agreement by their parents (Scarman 1966). His proposals were to accord with those contained in 'Putting assunder'.

The Law Commission Report 'Reform of the Grounds of Divorce; the Field of Choice', consisted only of 62 pages but was to shape the Divorce Law Reform Act of 1969 and set new objectives for divorce law.

"Where a marriage has irretrievably broken down, to enable the empty legal shell to be destroyed with maximum fairness, minimum bitterness, distress and humiliation".
(Command 3123, 1966, p.10).

This was a major development in changing the adversarial nature of divorce proceedings. The report suggested that breakdown of marriage should be allowed, as a grounds for divorce, without elaborate inquest and should be given practical operation, by allowing the proof of separation as a grounds for divorce, without need to establish the guilt of a particular party.

The author has already contended that liberalisation in divorce reform does not necessarily lead to any lesser attention to children. Indeed a see-saw effect can be observed where the increased availability of divorce will also mean further

attention to children. This is because the norm of a happy family life is under threat and children are perceived as unwilling victims. The priority of the Law Commission Report was to reduce the level of illegitimacy resulting from stable illicit unions, where one parent or both may be prevented from remarriage. The position of such children was seen as a major social problem and it was contended that if the law was changed, about 180,000 illegitimate children could be legitimated and in each future year some 19,000 could be born in wedlock (ibid p.19).

The see-saw effect as regards children in divorce proceedings was apparent when the report criticised the present protections for such children. A review of their child care arrangements, the involvement of a court welfare officer or the possible separate legal representation by an official solicitor, were perceived as inadequate. No mention was specifically made of the powers to make care orders and supervision orders, but an investigation was proposed, to be instituted as soon as possible as regards improved proposals.

The report reduced still further the adversarial nature of divorce, emphasising that even if a marriage broke down the tie of joint parenting remained. It also reflected the climate of reform by suggesting that the preservation of marriage may not always be in the interest of children.

"The final break may lead to a lessening of the bitterness between the parents and may facilitate the establishment

of a new stable environment which is the children's greatest need". (ibid p.25).

It acknowledged the possible upset to a child of a parent's remarriage and the birth of a new family, but argued that a refusal to grant a divorce would not help such a situation. The Commission concurred with the Archbishop's group that it was impossible to generalise as to the effects of children staying within a bitter marriage or undergoing their parents divorce. (Putting Assunder, para 57 and Appendix D para 14-15, p.148-149). Compared to the majority of those that gave evidence to the Royal Commission on Marriage and Divorce 1951-55, this was a substantial change in attitudes and values. Consequently the report rejected the proposal that no divorce whatever should be available for couples with dependent children or the modification that it should depend on an assessment of a child's welfare. Children would be regarded as a major obstacle to happiness by their parents and public opinion would not support such a view. (Command 3123, 1968, p.25).

The climate for divorce reform was now right.

"Hanging was abolished, law on homosexuality has been liberalised and the abortion act had been safely passed. What next? Divorce law reform most likely". (The Times 30th October 1967).

The Divorce Law Reform Act 1969 enacted the proposals of the Law

Commission. The Act abolished the notion of the matrimonial offence. The fact of irretrievable breakdown of the marriage was proposed as the sole grounds on which divorce could be granted. One of the following five facts had to be alleged and proved; adultery, unreasonable behaviour, desertion for at least two years, living separately for two years with the consent of the respondent and separation for five years. The position of children remained largely unchanged, despite the publication in 1968 of the Law Commission's promised review of the circumstances of children.

Law Commission Working Paper No. 15 (family law).

"Arrangements for the Care and Upbringing of Children".

Section 33 of the Matrimonial Causes Act 1965).

In his introduction to what he described as a detailed examination of the Royal Commission on Marriage and Divorce 1951-55 proposals to ensure the future care and well-being of children in divorce proceedings, J.C.Hall put forward a still very relevant question as to the state's role.

"To what extent and for how long should the courts continue to control arrangements for the child's upbringing after a decree absolute. Would it give the state too paternalistic a definition if it were to continue to intervene after divorce decree absolute further than is required by the general law for the protection of all children. If so, are the courts the most appropriate instruments for this task?" (Hall 1968, p.ii).

Hall was particularly concerned with the extent of use by the divorce courts of supervision and care orders and the purpose of welfare reports. He interviewed 987 High Court Judges and County Court Judges and 50 Divorce Court welfare officers. There was no evidence of sampling and no statistical analysis was undertaken.

The purpose of welfare reports was questioned by Judges to the extent that, in the great majority of cases they confirmed the proposed arrangements, where there was no dispute between parents. Referrals were likely to take place in approximately 5% of cases. Judges, however, concluded that reports still served two useful functions. They may provide help to both children and parents in the divorce process and pointed out the need for supervision.

As to supervision orders, the majority of Judges did not feel restricted by the qualification of 'exceptional circumstances', and concluded that the present arrangements for reviewing children should be continued, although they were realistic in their assessment of the state's potential role. They considered that only modest improvements could be achieved for the children of parents who had finally parted. Welfare Officers were confident that they were undertaking a useful function in making enquiries on behalf of the court and in carrying out supervision.

However, Hall's conclusions reflect more the received

wisdom of the necessity to protect children, despite the liberalisation of the divorce laws following the Scarman Commission, than the views of Judges and Welfare Officers who he interviewed. Like the Matrimonial Proceedings (Children) Act 1958, his recommendations were primarily interventionist. The recommendations could be seen as contradictory but they do indicate that increased liberalisation in divorce law is matched by an increased zealotry as to the place of children.

He considered that the term 'supervision order' was a potential area for confusion and had criminal overtones. He suggested that often parents were in need of guidance more than children and proposed a new title of 'Parental Guidance Order'. This may reflect the inevitability of family work, but does suggest a further intrusion into the post-divorce family arrangements. Equally he suggested the abolition of the qualifying criteria of 'exceptional circumstances' and that a list of divorced parents should be sent to the local authority so that families with previous contact could be identified. As these requests were likely to come from court specialists, divorce court welfare officers employed by the probation service, then the records of their agency could also be checked. The contradiction in his argument was that, despite arguing against criminal overtones of the term supervision, he had concluded that children known to welfare agencies somehow need more special attention than the rest of the divorcing population. He provided no supporting evidence for such a proposition, and it can only be conjectured that it related to an assumption that there is a

greater risk of delinquency or emotional disturbance in those families where marital breakdown takes place and there is already contact with social work agencies. Such agencies were not however seen as being able to cushion the blow of a possible conscious and sensible decision to divorce but were the recipients of more evidence of family pathology.

The increasing professionalisation of social work and the marginalisation of the divorce court.

The Committee on local authority and allied personal social services (the Seebohm Committee) was set up in 1966 and reported in 1968 (HMSO Command 3703). Its central frame of reference was to 'secure an effective family service' and enquired specifically as to the coordination and integration of the organisation of social work provision. The report questioned a simple administrative response to need, and recognised a broader version of the client group than the nuclear or extended family. Seebohm recognised consequently the new forms of relationships which the caring services should be aware of and respond to appropriately. These included one parent families and childless couples. Client groups were not solely seen as passive recipients of social work involvement as the report introduced the notion of partnership with communities where social work was to be provided. Although the Local Authority Social Services Act 1970 did not embody the radical proposals of the Seebohm report and was "merely an administrative device" (Sainsbury 1977 p.75), to integrate social work provision, it did indicate the

development of a recognisable identity to social work.

The Probation Service lay outside the Seebohm Report's frame of reference. However, the Seebohm Committee recommended that the separate training responsibilities of different aspects of social work, including the Advisory Council for Probation and After Care, should be integrated. This led to the establishment of the Central Council for Education and Training in Social Work in 1971.

The establishment of unified training would suggest that there would be an increasing similarity of practice by social workers and probation officers. Such a conclusion would ignore the organisation pressures of both services which makes a unified response to social policy considerations of children of divorce extremely problematic.

Since the Divorce Court Welfare Service was established in 1958, trends in the probation service have been towards a community correctional service for adult offenders. (Haxby 1978). Work in a matrimonial field is likely to become increasingly marginal to the concerns of the Home Office. At the time of Seebohm, the Parliamentary Public Expenditure Committee, having taken evidence from the service about the pressure of its work commented:-

"In any attempt to reduce the burden on the service, matrimonial work would seem a natural candidate for removal". (HMSO 1971. Vol.47).

Murch, in describing any future organisation of the court welfare service, contends that the Home Office has little interest in the administration of the civil courts or the development of family policy. Those matters are the responsibility of the Lord Chancellor's Office and the DHSS, neither of which has a direct interest in the probation service (Murch 1980, p.271).

When the responsibility of the divorce courts was given to the probation service, probation officers were seen as more accountable to the court, as unlike social workers they could receive guidance and control as to the quality of the work provided. The court's sense of powerlessness as regards local authority workers must remain unchanged due to the increasing variety of duties and responsibilities of a social service department. This would make the concentration of sufficient resources and energies on children in divorce proceedings an unlikely prospect.

"Local authority social services have to be responsive to the policies of the DHSS, a ministry which has no responsibility for judicial services". (Murch 1980, p.275).

The consequence of such trends are that, despite the increased professionalisation of social work and the integration of social work training, the work of the Divorce Court is not of central importance to either the Probation Service or the local

authority.

The changing context of divorce law reform and the immutable case of child protectionism.

This chapter has traced the development of child protectionism in divorce law. Evidence given to the Royal Commission on Marriage and Divorce 1951-55, had shown the widespread anxiety about the responses of children in the increasing numbers of divorce cases. Research was limited but personal testimony was seen as sufficiently persuasive.

Marriage saving was still the principal route to nourishing children. Nevertheless existing child care law was not seen as sufficient for the new social phenomenon of regulated marital breakdown. But what were social workers or probation officers supposed to do in supervising children of divorce proceedings? Universal intervention had been rejected as it would affront middle class parents. A preventative approach to future adverse responses to post-divorce family arrangements was preferred to addressing specific problems of delinquency or other social problems, but such a distinction was never made clear in statute.

The climate of the 1960's was more favourable for a reduction in the adversarial context of divorce. Children were acknowledged as being brought up in relationships other than wedlock. As well as a wish to redress any disadvantages in property rights, the reformers, now including the Church, wished to re-establish legitimacy of marriage as the most suitable

environment for the development of children. The liberality of the Scarman Commission and the Church of England's Working Party, was not matched by the research findings of J C Hall.

Practitioners are likely to be institutionalists who support the scrutiny of a dying marriage and the promotion of continued marital ties.

The concept of the child's best interests has evolved as a fundamental principle of family law but it still remains illusive and illdefined. Hall upheld the case for special protection of children in divorce, and, in response to the anxieties of the reformers, suggested less restrictions on the state's power of intervention.

The development of professionalisation of social work, both in training and in the organisation of social work services, has not avoided the marginalisation of divorce court work. The priorities of the Home Office and the DHSS have been such as to leave the development of services to children to specialist Judges and Divorce Court Welfare Officers. Consequently, although in the 1970's the effect of labelling theory and the apparent failure of intensive forms of supervision had led to a reduction in the numbers of criminal supervision orders, domestic supervision avoided such mainstream developments and had continued to rise. (see Chapter 2.)

Chapter 2 will examine the research evidence on children and divorce and suggests that its interpretation will not be without bias. General trends in the resolution of marital breakdown will be evaluated alongside the specific use of

domestic supervision and any contradictions that may result.

Present legislation governing the making of Divorce Court supervision orders and the research problem.

Divorce Court supervision orders are now made under the 1973 Matrimonial Causes Act Section 44(1). No additional powers have been added since the report of the Royal Commission on Marriage and Divorce 1951-55. Orders can still only be made in exceptional circumstances and sanctions are limited. There is no power to regulate the frequency or the pattern of contact between a supervising officer and the family where the child is resident. The supervising officer cannot direct the custodial parent or child to visit an office or ensure that a visit can be made to a parent's home. A supervising officer cannot insist on seeing the child alone or indeed insist that he sees the child at all. If there is a change of address the court must be informed but there are no powers of enforcement. The extent of supervising powers are as follows:

1. "Seek the Court's Directions". (Matrimonial Causes Rules 1977, Rule 93(4).) This can mean instituting proceedings for variation of a custody order which could include care proceedings. If there is an immediate risk to a child, recourse to a Juvenile Court is more appropriate where a local authority representative would have to make an application. In contrast, in the Divorce Courts, the Registrar requires 14 days to inform a local authority once a supervising officer has voiced his

concern.

2. "Summons to Vary". (Matrimonial Causes Rules op cit). The supervising officer has the power to apply for a variation of the custody arrangements, education provided or seek care proceedings. This can be used where there has been a change in custody from one parent to another and the parent with custody is not competent or has no access to legal aid to make their own application.

3. "Discharge the order". (Matrimonial Causes Rules op cit). Any interested party should be informed about such an application. This could lead to opposition from one parent who wishes to keep some form of outside intervention and delay unnecessarily the discharge of the order.

The lack of any specific criteria for those circumstances in which Divorce Court Supervision Orders are to be made (save exceptional circumstances), or how they are to be supervised, is part of the research problem of any analysis of divorce court supervision orders. At present, any discussion of such orders lacks a theoretical framework. The Royal Commission on Marriage and Divorce 1951-55 described solely their practical operation and did not place them in the context of an overall response to the issue of children in divorce proceedings. A number of general principles can be extracted from the existing legislation.

1. Supervision orders should not be made in significant numbers (only in "exceptional circumstances", Royal Commission on Marriage and Divorce 1951-55, Section 396).
2. Supervision may be appropriate where custody is changed from one person to another. (Arrangements to be reviewed where there is "a change of circumstances", *ibid*).
3. Supervision would allow the circumstance of children to be reviewed ("if supervision has been ordered, the court should have the power to re-open the question of custody at any time". *ibid*).
4. Supervision should not be restrictive of the personal freedoms of the child and its family, particularly the parent with custody, in defining specific obligations which have to be complied with. ("We do not contemplate that supervision would be of a formal kind. What we have in mind is that the welfare officer should visit from time to time". *ibid*).

Because of the lack of state objectives for domestic supervision, there is a considerable scope for the interpretation and re-interpretation of supervision by supervising officers. The numbers of children involved in divorce proceedings has increased considerably following the liberalisation of divorce laws. This inevitably means more children have become part of

single parent units. The relationship of statutory supervision to new forms of social relation needs particular attention. The considerable discretion allowed to supervising officers may lead to intervention in second marriages, as supervision can be ordered at any point after divorce proceedings and not at the first granting of the divorce decree absolute. Any application for the redefinition of access of custody arrangements could lead to supervision.

The House of Commons debates on the Royal Commission on Marriage and Divorce 1951-55, caricatured the benefits of the two supervising agencies. Do these simplifications have present relevance to an examination of divorce court supervision orders? What significance has the appointment of the Probation Service as the provider of a welfare service to the divorce courts and, as principle report writer, how does this effect any recommendations for the supervision of children?

Does the divorce court, in its powers to make care and supervision orders duplicate existing provision for children provided by the Juvenile Court? Similarities and differences between the two legislative context will need to be explored and, in particular, what is unique to the provision for children and their families in divorce proceedings. There are a number of common trends in the establishment of social work in the divorce court and the juvenile court. These include a specialised service and a possible association between the reason for being in court and a potential for delinquency. There is also an obligation on both courts, through its social work agents, to

satisfy themselves that the child care provided by the parents does not require outside intervention.

The relationship between the Divorce Court and its supervising officers will need particular examination. How accessible is the Divorce Court to the supervising officer and how common is it for supervising officers to conduct supervision without any reference to a Divorce Court Judge? The House of Commons debate at the time supervision was introduced questioned the availability of the Divorce Court to a practitioner. Are difficult Divorce Court Supervision Orders brought back to Court at any point for a review? The necessity of a detailed examination of the purposes and processes of domestic supervision, is highlighted by the absence of any detailed research material since the Law Commissions publication of the work of J.C.Hall in 1968.

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CHAPTER TWO.

DIVORCE COURTS SUPERVISION ORDERS: CHILD PROTECTIONISM OR A
RESPONSE TO DIVORCE.

INTRODUCTION.

Eekelaar provided three justifications for the state's intervention in the family;

1. To provide mechanisms and rules for adjusting the relationship between family members when family units break down.
2. To provide protection for individuals from possible harm suffered within the family.
3. To support the maintenance of family relationships (Eekelaar J. 1984).

It is necessary to examine the place of Divorce Court Supervision Orders in the context of family intervention. Such orders may address the relationships of divorcing parents to the extent of supporting the continuation of such relationships as regards a permanent role as parents, if not marital partners. Alternatively, they may be concerned primarily with ensuring the children are protected from the disruption of the divorce process.

The interrelation of these considerations for state intervention may lead to confusing practice in the area of domestic supervision, which is less than 30 years old. During that period there has been significant historical changes as regards family law. Nevertheless, as argued in Chapter One, it would be wrong to assume that the liberalisation process of the 1969 Divorce Law Reform Act and subsequent developments has meant less attention to the children of divorce. Murch has argued that

the move away from adversarial system to administrative arrangements, streamlined to reduce the necessity of consenting couples to appear in court, has increased the potential for inquisitorial investigations on the circumstances of children (Murch M, and Davis G. Family Law, Vol.7. No.8). Judges and Welfare Officers may perform a different role in a simplified divorce proceedings. Domestic supervision and care orders rose in the 1970s without great comment, and there may be dangers that arbitrary judicial and welfare practices have emerged where the exercise of discretion has been shielded from public accountability.

This chapter will examine briefly the arguments in favour of special protection for the children of divorce proceedings by a literature review. There has been no research undertaken in England and Wales on domestic supervision beyond the stages of recommendation in welfare reports and subsequent court hearings. No analysis is available of how such orders are managed by social workers and probation officers. However, there is a limited amount of descriptive material which will also be presented. The chapter will conclude by an introduction to a third and most recent trend in family law, that is the growth in a participatory approach where couples are encouraged to resolve their disputes amicably and collectively and set out their own arrangements for their children. The growth of what is called conciliation has implications for statutory domestic supervision and may replace many aspects of such orders as presently practiced.

Review of the literature on divorce and children.

Any review of the literature on divorce and children will reveal the continued importance of rhetoric and ideology. Consequently certain research has assumed significance amongst practitioners which may extend beyond the merits of the academic work itself. Conclusions may match the pre-determined positions of those individuals and interested bodies involved in the administration and decision making of the Divorce Court. Witnesses to the Royal Commission on Marriage and Divorce 1951-55 were not hampered by the absence of detailed research in calling for special protection for children in divorce proceedings. Hall had no collaborative material to support his proposal that families already known to social work agencies should receive special attention. Consequently a review of literature will not explain the social policy considerations of children and divorce but will act as a reference point for the present research by outlining potential areas of study and comparison.

The work of Burt was reviewed in Chapter One. He highlighted the significant influence of foster parents, that is step-mothers, fathers or grandparents, as an important factor in delinquency. Bowlby is portrayed commonly as identifying maternal deprivation as the main factor in the maladjustment of children. In fact he made no clear distinction between unhappiness in a marriage and the breakdown of a marriage as regards deprivation of a child. Divorce was not seen as an inevitable cause of deprivation except when combined with factors

such as poverty and illness. He argued for the continued support of the extended family in respect of divorcing parents. (Bowlby J. 1953).

Bowlby's work, although published in 1953, did not inform witnesses to the Royal Commission on Marriage and Divorce 1951-55 or members of parliament in subsequent House of Commons debates. Critics of Bowlby's work have argued that he overemphasised the role of the mother despite recognising an anthropological framework by reference to the importance of a supportive extended family. As regards the present population of Divorce Court supervision orders, it is necessary to examine whether there is a high proportion of custody arrangements other than those with a mother, or whether the extended family has any significance for one or both parents.

There is very limited sociological data on divorce and the most important recent work is that of Hart who also stresses the importance of an extended family and the continuing network of friends and neighbours, in contributing to parental survival of the traumas of divorce. She describes marital breakdown as a destructive status passage, with no normative regulation and consequent lack of preparation for the parties involved. If children are young then a mother is much more dependant on a spouse for contacts outside the home and consequently the greater the cost of marital breakdown. Her study was undertaken prior to the 1969 Divorce Law Reform Act but her comments are still relevant;

'Losing a marital partner means more than just the experience of material deprivation and social stigma. It also means a complete transformation in the nature and extent of relationships linking the individual to others in his or her social network.' (Hart, 1976, p.159).

An examination of Divorce Court supervision orders, which is essentially a clinical study, may reveal an absence of neighbours and friends available to the parent with custody. Supervising officers may seek to promote such support systems or replace them by their own involvement. Hart refers to a number of conditions for a successful status passage. These include the degree of control a person has in the 'drama', the amount of communication that takes place in the process and the clarity of the outcome. Divorce Court supervision orders may help promote good communication between parents, if there is clarity for recipients, as to the agendas of social workers and probation officers.

The work of Hart is perhaps unique in emphasising the well being of parents as a forerunner to the suitable care of children. This is because the majority of research material is child centred and by psychologists. This accords with regarding children as very much the dependent variable in the divorce of their parents and the child's best interests in family law may include consultation with children as to their future, dependent on their age, but certainly not the unfettered self-determination

of children. They are very much regarded as the victims of their parents decision-making.

The National Child Development Study was commissioned specifically to inform the work on the Finer Report on One-Parent Families (Davie R, Butler N. and Goldstein H. 1972). The study followed 11,000 children from birth to seven years of age. They concluded that by no means all children from broken homes showed evidence of difficulties. Instead they concluded that it was not the social situation of the family following divorce, that is the absence of one parent, that was of crucial importance, but the impact of divorce process where associated trauma may be harmful to a child's development. Such conclusions highlight the need to provide appropriate services to divorcing couples at the time of divorce to reduce wherever possible bitterness and acrimony. Divorce Court supervision orders may be regarded as one method in such provision.

An additional conclusion of the National Child Development Study was that middle class children showed more signs of deterioration in their reading performance than children from lower social classes, following divorce proceedings. Rutter, in reviewing the evidence of family upheaval and associated maladjustment on the part of children, drew similar conclusions. He disagreed with Bowlby that bonding was fundamental but agreed that the father-mother, parent-child relationships were significant. He concluded that the distortion of such relationships, which could be present either in marriage or in divorce, was a more primary influence. (Rutter 1972, p.124).

The Finer Report on One-Parent families emphasised the socio-economic circumstances of single parents., It concluded that it was poverty, especially if combined with conflict ridden relationships in the family, which would produce disturbance in children. Such variables were seen as more influential than when a marriage was intact (the Finer Report 1974, p.385). The Finer Report found that in the immediate aftermath of divorce over half the families rendered fatherless became dependent on social security (Ferri 1976). In a substantial number of cases such financial dependence on the state would be long term.

Despite the complexities and subtleties of such conclusions it remains commonly accepted methodology that single parents per se equate with disturbance in their children. This may be explained in economic terms as the state is required to meet the burgeoning costs of social security payments for single parents. Consequently in the late 1970s and 1980s, the re-emphasis of family ties by a Conservative Government could be seen as a response to increased public expenditure. The present clinical study of Divorce Court supervision orders may or may not support the stereotype of a single parent, isolated in their child caring role. Nevertheless the extent of formal or informal relationships available to a custodian parent needs clarification.

There are few examples of unequivocal research findings on the negative effects of marital breakdown on a child's development. McNair undertook a clinical study of children in residential homes for the maladjusted. He found evidence of

emotional disturbance, stress reactions and unduly anti-social behaviour in children from broken homes. It may be questionable to draw major conclusions from the study as its subjects were already in a special form of educational and social provision and not from the population at large. (McNair 1968). In the introduction to this chapter it was emphasised that research may assume a significance beyond its academic merits if it matches predetermined positions of practitioners in the field of family law and administration. The major historical hypothesis outlined in Chapter One, was that despite changes in social climates as evidenced by the liberalisation of the Scarman Commission and other movements towards a family law reform, the "parens patriae" attitude towards children in divorce proceedings has remained largely unchanged. One example would be that children are best served by the parents remaining together. The work of two American psycho-analysts, Wallerstein and Kelly, supported this view and received a great deal of publicity from those working in a divorce court setting. This included lawyers, judges and social work practitioners. One reviewer eulogised over the book:

'The book is unquestionably the most illuminating evidence of the divorce process yet published'. (Freeman Family Law, Vol.11. No.4.

There are reasonable criticisms to be made of the study. Firstly the sample is very small (60 families) although studied

in depth over a period of five years. Secondly it was not representative of the divorcing population as it was a clinical examination of self referrals to the psycho-analyst clinic. Wallerstein and Kelly disagreed profoundly with the view that children are better off extricated from an unhappy marriage by divorce. Nevertheless, as was Harts view about their parents, they agreed that there was an important link between a child's success in coping with a divorce and their capacity to understand any disruptions in family life. The authors' argue that responses are dependent on age, in that the youngest children regress, have macabre fantasies and cannot conceptualise one parent's decision to leave another beyond being an attack upon themselves. Children between six and eight years express grief and intense sorrow, whilst children between nine and twelve try to manage their upset and may form alliances with one parent. Adolescents may be pressurised into too early independence, but worry about their own future relationships and show their anger by deviant behaviour. Such conclusions are relevant to the present study in that supervising officers may or may not spend individual time with children, to enhance or if necessary substitute, a parents explanation of a decision to divorce.

Wallerstein and Kelly portray children of divorce proceedings as in need of special protection, who could be abused by their parents by being required to act as substitutes for a lost partner. The psycho-analysts argue that continuing relationships with both parents is necessary to maintain a child's self image and consequently support the promotion of access

arrangements (Wallerstein and Kelly 1980). As practitioners in the family law field, do the supervising officers in Divorce Courts Supervision Orders promote access through their supervision?

In reviewing the literature on children and divorce, it is not intended to imply that domestic supervision will be conducted in any direct relation to an often conflicting body of research knowledge. In Chapter One it was proposed that children and divorce are of marginal importance to the main funding sources for social work, the Department of Health and Social Security and the Home Office. An example would be that each government body referred to the other when funding was sought for the present research. Consequently in-service training on children and divorce is likely to be limited and the requirements of the Certificate of Qualification in Social Work will reflect the main perceived priorities of major employers. In addition, as Lemert states, Probation Officers and social workers frequently make choices which reflect neither their values nor their hierarchy but rather that which is directly possible (Lemert 1976). Hardiker and Curnock refer to 'practice wisdom', an implicit knowledge base, which can be considerably amended when put into use. This they characterise as the 'exigencies of practice', (Curnock and Hardiker 1979). It is likely, however, that the majority of social workers and probation officers are institutionalists who support the maintenance of family ties and hence the enthusiasm for such studies as that undertaken by Wallerstein and Kelly. The pre-occupations of those involved in

the administration of family law is highlighted more clearly in the literature which is available on Divorce Court Supervision Orders.

Divorce Court Supervision Orders - the specific context.

The absence of detailed research material on domestic supervision is perhaps demonstrated by a reliance for data on a Conference held at the University of Leicester in 1975, attended by Circuit Judges, Divorce Court Welfare Officers, Social Workers, Lawyers and academics (Griew and Bissett-Johnson 1975). The Conference's original point of reference was that the statutory provisions relating to domestic supervision were brief and unexplicit and failed to define tightly appropriate subject areas. The Conference confirmed the elasticity of such orders as although supervision was considered as being appropriate in unresolved matters from the divorce court hearing, such as access, a much more extended brief was supported. The provision of help to families was seen as appropriate in conditions of parental instability, handicapped or truanting children or in situations of poor housing. There was no consideration of the possible duplication of existing statutory or voluntary provision. Children should be helped by support to parents or by improving communication between separated spouses. No supporting evidence was given to the proposition that supervision would be qualitatively different from that provided in juvenile proceedings or in the course of a probation order.

The Conference recorded another area of potential confusion in that judges were unwilling to outline areas to be

attended to in supervision. Participants emphasised flexibility as regards intensive supervision and whether involvement should be long or short term. However, as was the case with the proposals of Hall, strong powers were sought including the right of private access to a child, and to request a medical report and/or to be notified of any change of address. All those attended agreed that restrictions on the making of such orders (in exceptional circumstances) should be abolished.

It is interesting to explore why all those professionals working in the divorce field clung so jealously to a loosely defined orbit of domestic supervision. One explanation is the increasing irrelevance of Divorce Court Officers or other probation officers or social workers who undertake welfare reports, in the decision making of the Divorce Court. Eekelaar et al, in their study of custody orders made by the County Courts, found that in only 0.9% of cases did a Court change the custody arrangement of a child. This 'paramountcy of the status quo' was attributed by Eekelaar et al (Eekelaar et al 1977), to the influence of the work of Goldstein, Freud and Solmit, who in addition had strongly argued for the necessity of a continuous relationship with one parent. (Goldstein et al 1973).

Eekelaar et al went on to say that it was only in recommending supervision that report writers could exercise their discretion. They found that in 3.5% of cases a Divorce Court Supervision Order would be made, which would depend almost invariably on the existence of a Welfare Report with a recommendation for further involvement. Such reports were likely

to be requested when children were living with the father, a third party or split between parents. In a subsequent and more detailed study of the work of Divorce Court Welfare officers, Eekelaar found that in 11.3% of all divorce cases there was referral for investigation and subsequent reports. This was done in over half of contested cases. Additional factors towards making supervision orders were where children had moved since separation, where non relatives were living in a household, (other than a cohabitee), where there were a large number of children and finally where children were living with parties other than a parent. (Eekelaar 1982). All this data will be used as comparative material for the present population of Divorce Court Supervision Orders.

Divorce Court Welfare Officers self perception may differ from how they are regarded by their customers. Social workers and probation officers both operate in a statutory framework. Clients are likely to come from a lower socio-economic group, particularly if there is screening of divorcing couples to see if they are known to social work agencies. Davis remarked that investigation by Welfare Officers will still be seen by consumers as a 'punishment' for marriage breakdown, (Davis 1985). James and Wilson's study of Welfare Officers found that they defined their role as helping or conciliating (James and Wilson 1983).

Birks confirmed a child centred approach to recommending supervision orders in domestic proceedings. In over three quarters of his sample of 82 Divorce Court Welfare Officers, Officers cited the emotional and environmental needs of children

as influencing their decision to recommend supervision. The second most important consideration was access problems. Reference was also made to single parents and unstable family relationships (Birks 1978). This eclectic view of domestic supervision is confirmed by two other commentators on the topic, who lacked a research basis and a particular analytical framework. (Millard and Wilkinson).

Millard's comments suggest that Supervision Orders, although nominally on children, are very often concerned with the circumstance of their parents who may have poor accommodation, low coping ability or an absence of supportive relationships in the community. If any of these matters are left unresolved from the enquiry stage, then supervision may be appropriate. (Millard D. Justice of the Peace February 8th 1979). There was no suggestion that accommodation problems may be best served by referral to local authority housing department or a housing association, or an absence of suitable social supports by an introduction to a local Gingerbread group or other organisations for single parents. Domestic supervision may provide such introductions, but its justified not because of the needs of a parent, but because they have a crucial role in ensuring the wellbeing of a child, who is part of a nations future work force. High unemployment has not influenced the view of children of divorce as being in need of special protection.

'All children have an equal prima facie claim against the present adult world for optimum conditions of upbringing, comparative with society's fundamental, economic and ideological structure'. (Eekelaar 1984, p.25).

Willkinson offers a very common sense account of domestic supervision. As a Senior Divorce Court Welfare Officer, he offers practice guidelines for the administration of such orders. He is important particularly in suggesting a two tier system of supervision where the Probation Service would undertake any unresolved marital work on a short-term basis, whilst the local authority services would monitor child care issues and provide the support for single parents. (Wilkinson, 1981). One could argue that these two types of supervision are so different as to be incompatible and as regards the role for the social services, duplicate existing child-case statutory frameworks in the juvenile court.

A fragmented response to children may be inevitable in the absence of family courts and where the Divorce Court will wish to retain its status, by keeping the authority to make orders on children. However, the potential for abuse of such orders was supported by Wilkinson's assertion that some Divorce Court judges will not discharge an order without a letter of consent from both parents. It is obvious that some noncustodian parents may not agree to discharge an order, to continue to exercise influence through a supervisor over a former spouse. Supervision can then

lose any clear purpose or objective.

'The family can become a case to be visited in a vague supervisory way to check up, for the social worker to cover himself. The danger is here that rather than helping, the social worker can instead become part of the client's nightmare. The situation is never defined, the reason for supervision is never spelt out, the problem is never brought into the open'. (Jordan, 1976. p.214-215).

Regular review or early discharge may lead to greater clarity in the administration of domestic supervision, but it is evident from all the descriptive and research material that supervision is not free of values, the principle one of which is to protect children. This may be achieved indirectly by support to parents, but the explicit direction of the descriptive and research material is to increase the powers of supervising officers or to argue that courts should not be restricted in their powers of intervention.

Donzelot's view is that intervention in the family is never straightforwardly altruistic or politically neutral. The family, with the child at its centre, is in a state of supervised freedom regulated by the 'social', a sector comprising of specific institutions with an entire body of qualified personnel. (Donzelot 1980).

The case for conciliation as an alternative to supervision -
a transition stage or more of the same?

In the introduction to this Chapter, it was contended that there is now an important third strand in family law, following the decline in the adversarial approach and the growth of an inquisitorial approach, with the latter's high emphasis on the expert testimony of Welfare Reports. Since an investigative report has become both to practitioners and to courts of increasingly less value in view of the status quo decisions as regards custody arrangements, Welfare Officers in particular, began to look for a new role. The author would contend that conciliation was the result. Practitioners and judges noted that although custody arrangements may not be altered, bitterness and acrimony remained between divorcing spouses which could upset the long-term stability of court orders. Indeed the withdrawing of legal aid by the Lord Chancellor in 1977 from all undefended petitions, had meant that an aggrieved party could only fight for their own sense of worth or to punish their former partner, through disputes over ancillary matters such as children and property. 'The fire of divorce' was now centered on disputes over children (Tolson 1974).

Conciliation was first defined in the Finer Report.

'Assisting the parties to deal with the consequences of the established breakdown of their marriage, whether resulting in divorce or separation, by reaching agreements or giving consents or reducing the area of conflict on

custody, support, access to and education of children, financial provision, the disposition of the matrimonial home, lawyer's fees, and every other matter arising from the breakdown which calls for a decision on future arrangements'. (Finer Report 1974, p.176).

The Finer Report was an important milestone in considerations of responses to marital breakdown. It described the need to respond to the social and economic circumstances of one parent families. It continued the development from the Scarman Commission of recognising the inevitability of marital breakdown, by suggesting that social work services to the Divorce Court should concentrate not on advising couples simply on how to stay together (reconciliation), but on how best to deal with the consequences of separation or divorce (conciliation).

The Finer Report quoted extensively L V Harvey, who disagreed with the view that marriage counsellors should be used to assess whether a marriage had broken down:-

'There are considerable and important differences between a counsellor who is therapeutically involved with a client, and a person who uses the same interviewing methods in order to assess the client's marriage.' (The Finer Report, 1974, p.171).

Harvey argued that a counsellor is helping a client to make decisions for himself, and that the discussion should be in

confidence and that a counsellor should not be passing judgement. Traditionally social work services to the Divorce Court have involved making personal judgements and do not observe conditions of confidentiality as protecting children may step outside a counselling role. The *Finer Report* was sceptical of examples of Family Courts in the United States, based on a social work philosophy of regarding family breakdown as a phenomenon to be dealt with by providing diagnosis and treatment.

The early 1970s was indeed a period of scepticism as regards statutory social work. This related to the development of labelling theory in Juvenile Justice, where observers argued that more attention should be given to the processing organisations and less attention to the individual offender and the local community (Watton 1976, Gehar 1973). Statutory prescriptions could be regarded as reflecting society's likes and dislikes regarding sections of society (Lerman 1970). The mid 1970s also saw a crisis of confidence as regards the effectiveness of intensive social work supervision (Impact Studies Folkard et al 1974/1976 HMSO). There is little direct comparative material as regards a child in divorce proceedings. Writing in the American context and developing a thesis first conceived in 1973, Goldstein et al. argued the state was too crude an instrument 'to supervise the fragile, complex, interpersonal bonds between child and parent (Goldstein, Freud and Solmit, 1979, p. 11-12).

The *Finer Report* argued for a new social work service to be attached to a family court, in preference to the tainted

provision of the probation service and the statutory child care services. The first examples of attempts to offer a new service to divorcing couples, based on the principle of conciliation, was to follow the Australian experience advocated by Harvey and endorsed in the Finer Report, of being a local community based organisation rather than attached centrally to the Divorce Court. The Bristol Courts Family Conciliation Service was first established in 1975 by a small group of lawyers and social workers. The scheme was a voluntary project and an important distinction was made as between itself and the established divorce court welfare service. The scheme concentrated on early availability to separating and divorced couples and did not have a reporting function. The majority of referrals were to come from Solicitors but before divorce proceedings commenced. (Parkinson 1979).

The attractiveness of conciliation to Divorce Court Welfare Officers working in the statutory sector, was that it offered an alternative to the preparation of investigative welfare reports which simply appeared to confirm the status quo of custody arrangements. Conciliation seemed a more beneficial approach, as it concentrated on resolving any outstanding bitterness from the breakdown of the marriage, which may effect the future stability of child custody arrangements. By the late 1970s and early 80s conciliation was being used by Divorce Court Welfare Officers as a method in the production of welfare reports. Various models were used but they would involve family meetings with an emphasis on reaching agreement between parents

rather than acquiring details of family arrangements which would subsequently have provided the welfare officer with information in deciding which parent was best suited to be awarded custody. The implications for domestic supervision of the growth conciliation was highlighted by Millard and Wilkinson, who contended that unfinished conciliation could be continued through domestic supervision.

There are significant problems in a conciliation approach being practiced by probation officers or social workers working in the statutory sector. In the event of failed conciliation, would a welfare report writer revert to a traditional investigative role using the information gained in the course of family meetings. This would suggest an abuse of client confidentiality, as information may have been revealed in the course of frank discussions about the breakdown of a marriage or the arrangements for the children. This could have an adverse affect on a particular party, if revealed in a subsequent investigative welfare report. In addition, probation officers and social workers would have to reveal to the appropriate authorities any evidence of suspected or actual child abuse. Other questions would include whether conciliation is imposed on divorcing couples by welfare officers if the process is not explained in court. A more fundamental question is whether Welfare Officers or subsequent supervising officers can ever abandon their child welfare orientation and instead provide appropriate help to divorcing couples, which would enable them to make decisions jointly on the future of their children.

The present position on conciliation is confused but it could be argued that conciliation has been stolen by the statutory sector and there are significant attempts to place it within the Court setting and away from that of voluntary community provision. In 1985 Davis, in assessing conciliation schemes, attacked Divorce Court Welfare Officers for their 'theft of conciliation'. He contends that their enthusiasm has made the concept increasingly amorphous, and the contradictions of practice have been ignored. (Davis 1985). Howard et al are his main irritants, who are straightforward in stating that they will, within a conciliation approach, make assessments of the relative merits of parents and will go on to prepare a report, if parents fail to agree on the future arrangements of their children. As Divorce Court Welfare Officers, they reject a two tier system where different personnel would conduct a conciliation and any subsequent welfare report. They contend that 'conciliation is at the very heart of the welfare principle'. (Howard et al 1984, and 1983).

In associating conciliation with child welfare, Divorce Court Welfare Officers reinforce the tradition of divorce courts primary role of protecting children. This principle has remained unaltered since the Royal Commission on Marriage and Divorce 1951-55 first suggested special review and protection for children in divorce proceedings. Developments in family law since that date are still required to take account of this unchanging priority. Nevertheless, the author would contend that it may not be necessary to confuse better services to

parents, such as simplified divorce proceedings, and more relevant social work services such as conciliation, with the function of protecting children. If, for instance, conciliation is undertaken within domestic supervision, then there may be confusion between monitoring the development of children and providing help to their parents.

A recent Inter-Governmental Review on conciliation rejected centralised funding of voluntary conciliation schemes. Conciliation was to be part of an amended divorce system and was justified because it safeguarded the interests of children. An experimental project, with built in reviews, was established at the University of Newcastle but has yet to report (The Lord Chancellors Department 1983). A subsequent government report, in reviewing matrimonial procedures, paid more attention to the contradictions of conciliation. Conciliation was to be voluntary and not imposed on divorcing or separating couples. The distinction was made between a conciliator and a welfare report writer and it was hoped that conciliation would reduce the number of requests for welfare reports.

'Whilst conciliation is directed towards achieving an agreed solution, the object of a welfare report is to assist the court in deciding a contested matter. The role of the conciliator is to discuss the issues with the parties in order to help them reach their own agreement and anything said in the course of such interviews should, we think, be absolutely privileged'. (Booth Committee

1985, p.43).

As expected the Booth Committee did not ignore the position of children. Although endorsing the separation of services to parents, the report argued for a much more detailed statement of arrangements for children, contained in a five page questionnaire. This proposal, if put into effect, may lead to more children being identified as in need of some form of supervision or care proceedings.

The availability of conciliation, in whatever form, may reduce the necessity of domestic supervision, with its objective of settling outstanding differences between divorcing parents. However, domestic supervision may have a dual function of providing vital support to parents and performing a monitoring role over the development of their children. It should be said that the research period for study 1979-81, reflected a transition period in terms of the practice of Divorce Court Officers as regards conciliation and the use of supervision.

Domestic supervision: is flexibility the recipe for inherent contradictions?

Commentators on domestic supervision portrayed in this chapter all supported a flexible approach. There has been an unwillingness to prescribe appropriate areas of supervision, beyond suggesting practice guidelines as between the two supervising agencies, (Wilkinson and Millard). This lack of clarity may lead to contradictions in practice but be defended by

practitioners who which to continue to exercise a degree of control over the divorcing population. The exercise of such discretion is not confined to the initial Divorce Court hearing as supervision can be ordered at the time of any subsequent application by a party to the original proceedings.

There is now increasing evidence of the instability of second marriages. Based on figures obtained in 1980/81, when the present study was undertaken, Haskey concluded that well over one half of those previously divorced and remarried between the ages of 20 and 24 would divorce again. In addition, the chance that the marriage of a divorced man would again end in divorce is one and a half times that of a single man who marries at the same age. The comparative figures for women are more alarming as second marriages are twice as likely to fail. (Haskey 1983). In the light of these trends, domestic supervision may also reflect societies wish to protect children from the breakdown of second marriages as well as the influence of step-parents. A Divorce Court may use domestic supervision to monitor new forms of social relationships.

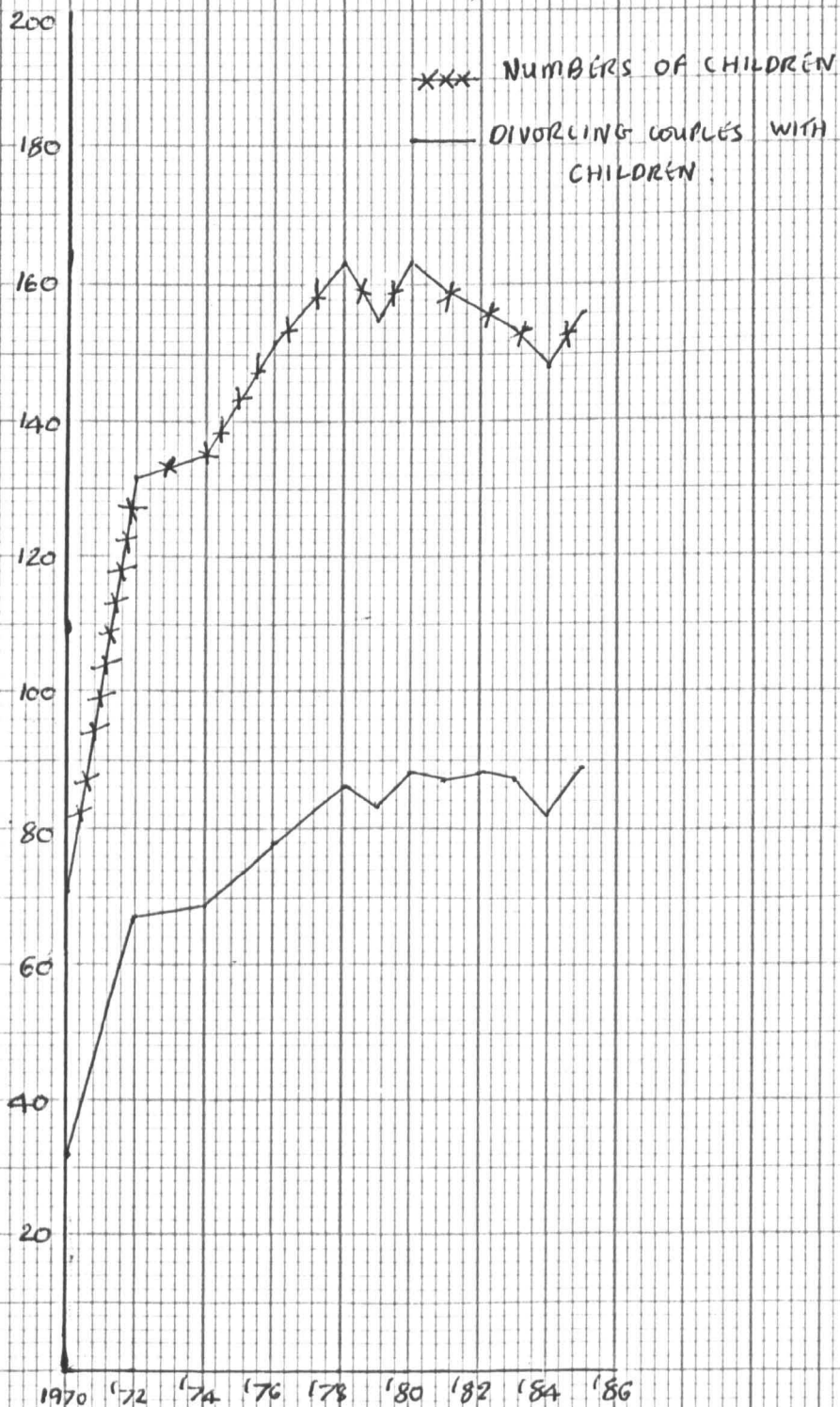
Children and Divorce: the numerical data.

There are some difficulties in the presentation of reliable data on children and divorce. Although numbers of divorces are documented consistently, there are occasional gaps as to information on children and divorce. (OPCS). The information on statutory supervision is also partial. Home Office and Department of Health & Social Security statistics do

not use the same criteria and there is no reliable date from the Lord Chancellors Department, which has overall responsibility for the administration of Divorce Courts.

The numbers of children in divorce proceedings have grown in response to legislative changes that has made divorce easier for their parents. Table 1 shows the steep rise in children involved in divorce proceedings between 1970 and 1972 (84.5%). This can be accounted for by the Divorce Reform Act of 1969 and the backlog of divorce applications which were then able to be submitted. The steady rise in divorce proceedings during the 1970s (from 1972 to 1980 of 24.4%), involving children, sets the context for an examination of place of statutory involvement. In 1979 when the present research commenced, 155,000 children were subject to review by the divorce court. This is over double the amount of children scrutinised in 1970 (71,000). During the 1980s there has been a levelling off and the increase between 1984 and 1985 is accounted for again by legislative changes. The Matrimonial and Family Proceedings Act 1984 allowed couples to petition after one year.

TABLE I: DIVORCING COUPLES AND THEIR CHILDREN (THOUSANDS)



The number of children per divorcing couple has remained fairly constant (1.99 to 1.84 in the period 1970 to 1981). The highest risk period for children to be involved in divorces is between the ages of five and ten (44% of that age range in 1971, decreasing slightly to 41% in 1981). The percentage of children who were under five, and considered by most observers as being most at risk as regards the traumatising effects of divorce, has decreased from 41% to 37% in the period 1971 to 1981. In 1981 some 40,000 children were subject to their parents divorce and aged under five, and a further 67,000 were aged between five and ten years. (Haskey, Population Trends Spring 1983 and subsequent annual reviews of trends by OPCS, Family Policy Studies Centre 1983).

This study is concerned primarily with the administration of divorce court supervision orders.

The probation service statistics, before 1978, failed to distinguish between different types of domestic supervision. Since then wardship, guardianship and Children's Act 1975 supervision are recorded separately. Nevertheless, no distinction is made between applications by married couples to the Magistrate's Court and the Divorce Court for separation and divorce which then subsequently leads to a form of domestic supervision on their children. (Section 9(1) of the Domestic Proceedings and Magistrate's Court Act 1978 and Section 44(1) Matrimonial Causes Act 1973).

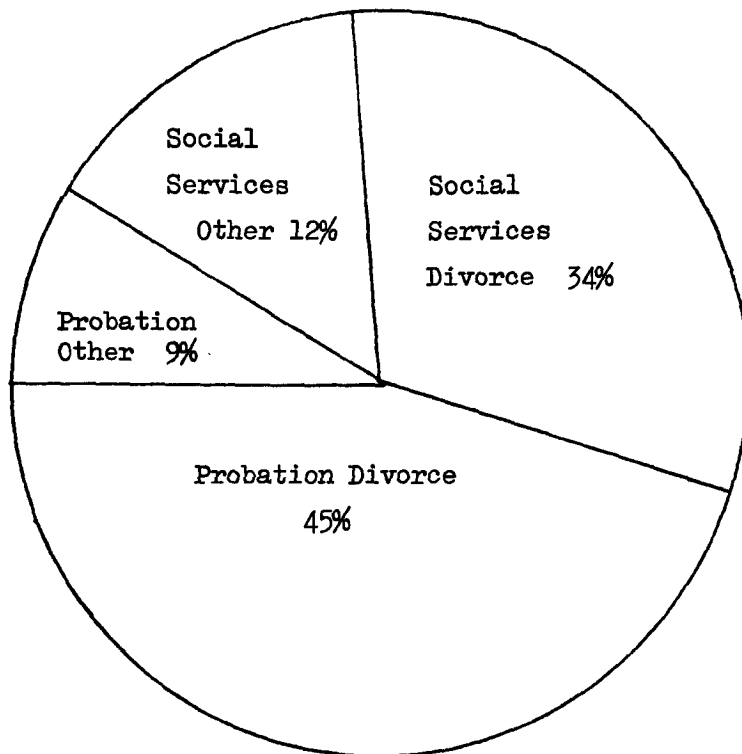
The Department of Health & Social Security statistics are more thorough in their breakdown of domestic supervision. As

there is no distinction, between the allocation procedures with respect to supervision orders made in a Magistrates and Divorce Courts, between the two agencies, it has been assumed that there are just as many orders likely to be administered by both agencies as regards the two jurisdictions.

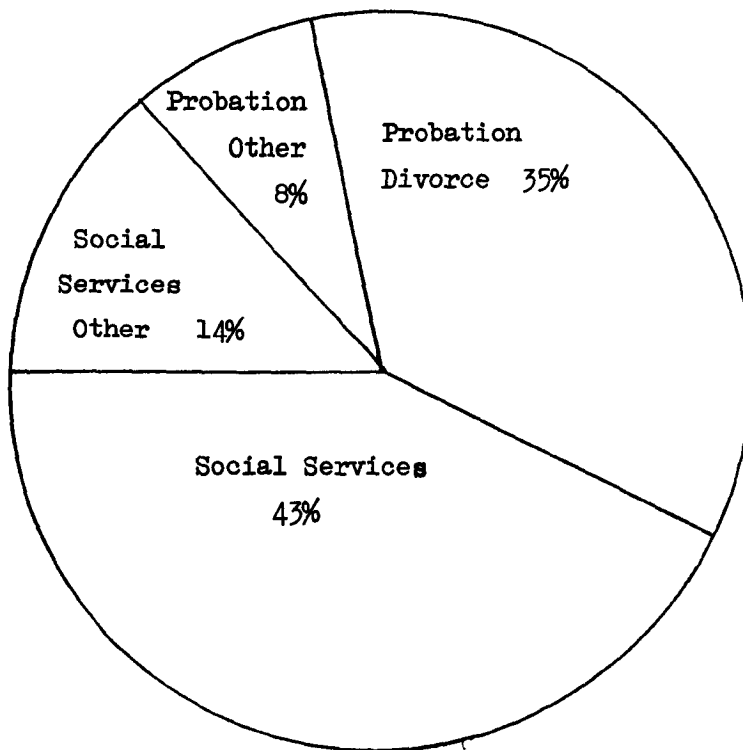
Table 2 shows that the majority of domestic supervision results from the divorce court. When the present study was commenced in 1979, 79% came from that source, which justified the special attention to supervision in that context. Table 3, which applies to ongoing orders and made in 1982, shows a similar pattern as between the different types of supervision (78% divorce and 22% other). There is a difference in the responsibility for supervision. The social services department were more likely to be supervisors of Divorce Court Orders (supervising 43% as opposed to 34% in 1979). This may be accounted for by a quicker discharge rate by the probation service or a trend towards supervision by the local authority.

TABLE 2:

DOMESTIC SUPERVISION ORDERS BY TYPE OF ORDER BY SUPERVISING AGENCY AT COMMENCEMENT OF ORDER 1979.

TABLE 3:

DOMESTIC SUPERVISION ORDERS BY TYPE OF ORDER BY SUPERVISING AGENCY ALREADY IN OPERATION 1982.



Between 1974 and 1980 there was a dramatic growth in domestic supervision undertaken by the local authority. In 1974, 3816 orders were being supervised by social workers, whilst in 1980, 14,440 orders were so administered, an increase of 278%. Matrimonial care orders also grew substantially in the late 1970s (2900 in 1977 and 4800 in 1980, an increase of 65.5%). The increase in Divorce Court Supervision Orders in the period 1974 to 1980 cannot be measured accurately due to the lack of comparable statistics. Domestic supervision overall rose from 12,224 in 1974 to 15,970 as regards the probation service, an increase of 23.45%. The comparable figures for the social services department were 6523 to 19,670 which represented a much more substantial growth of 201%.

There is no evidence that local social services departments or the DHSS pressed for detailed research analysis of the increasing numbers of statutory orders emanating from the domestic courts. Apparent lack of interest was noted in the pilot and experience survey and requires explanation. One hypothesis must be that such orders are not regarded as qualitatively different from other forms of statutory supervision of children, arising from the Juvenile Court.

The probation service have other responsibilities in their domestic field. As principal Welfare report writers they undertook 18,440 inquiries for the High and County Courts, in respect of children in 1976, and by 1985 this figure had only increased slightly to 17,430. In 1985 Welfare Officers' involvement in conciliation cases was first recorded in Probation

Service statistics, although previously the term had been applied to reconciliation work. In that year 6000 cases were referred to Officers in the Court setting and 5000 cases by way of formal adjournment of the proceedings. No definition was supplied as to what was meant by conciliation and consequently the variety of practice by Probation Officers may be considerable. Nevertheless if it involved a series of meetings with couples with a purpose of enabling them to resolve their own differences, and agree the future arrangements of their children, then the number of traditional investigative reports were likely to fall, along with the necessity for continuing domestic supervision.

The discrepancies in the national recording proceedings, as regards Divorce Court Supervision Orders, makes it necessary to look at research samples. Hall, prior to the dramatic increase in the divorce rate following the 1969 Divorce Law Reform Act found wide variations in the practice of Judges in making such orders (between 1% and 5%, Hall 1968, p.7-8). Eekelaar's more detailed study of the custody decisions of courts, found an average of 3.5% although again there were considerable regional fluctuations. (Eekelaar et al 1977, p.67). This lack of consistency between courts may explain Maident's figure of 8% from a single North Midlands Court (Maident 1976).

Statisticians from the Department of Health and Social Security and the Home Office, in recent statistical bulletins, both claim a reduction in Divorce Court Supervision Orders.

"As regards the local authority social services

department, recent figures point to a falling off in numbers of children subject to supervision in domestic proceedings. Most the fall can be attributed to a decline in the numbers of children subject to supervision orders under Section 44(1) of the Matrimonial Causes Act who, by 1983, accounted for more than two fifths of all children under Supervision Orders". (DHSS 1985).

Despite the decrease in numbers it is significant that statutory domestic supervision, arising from the Divorce Court, makes up such a significant proportion of all supervision of children, administered by the social services departments. In 1980 Divorce Court orders made up 25.62% of all juvenile supervision undertaken by social services and by 1983 the figure had slightly increased to 25.76%. In the same period there has been a more severe reduction in supervision emanating from the Juvenile Court. In 1980 the figure was 9497 whilst by 1983 it had decreased to 7721. A lack of knowledge and analysis of domestic supervision, due to a continuing tradition of disinterest by employers and the Department of Health and Social Security, may well account for the slow discharge rate of domestic supervision. Between 1980 and 1983 there was a decrease in orders already in force emanating from the Juvenile Courts, whilst there was an increase in Divorce Court supervision orders already made (1980, 16,372, and 14,433 respectively, and 1983, 14,433 and 14,877 respectively).

The Probation Service would contend that the social

services department increase in ongoing orders is the result of transfers from the Probation Service.

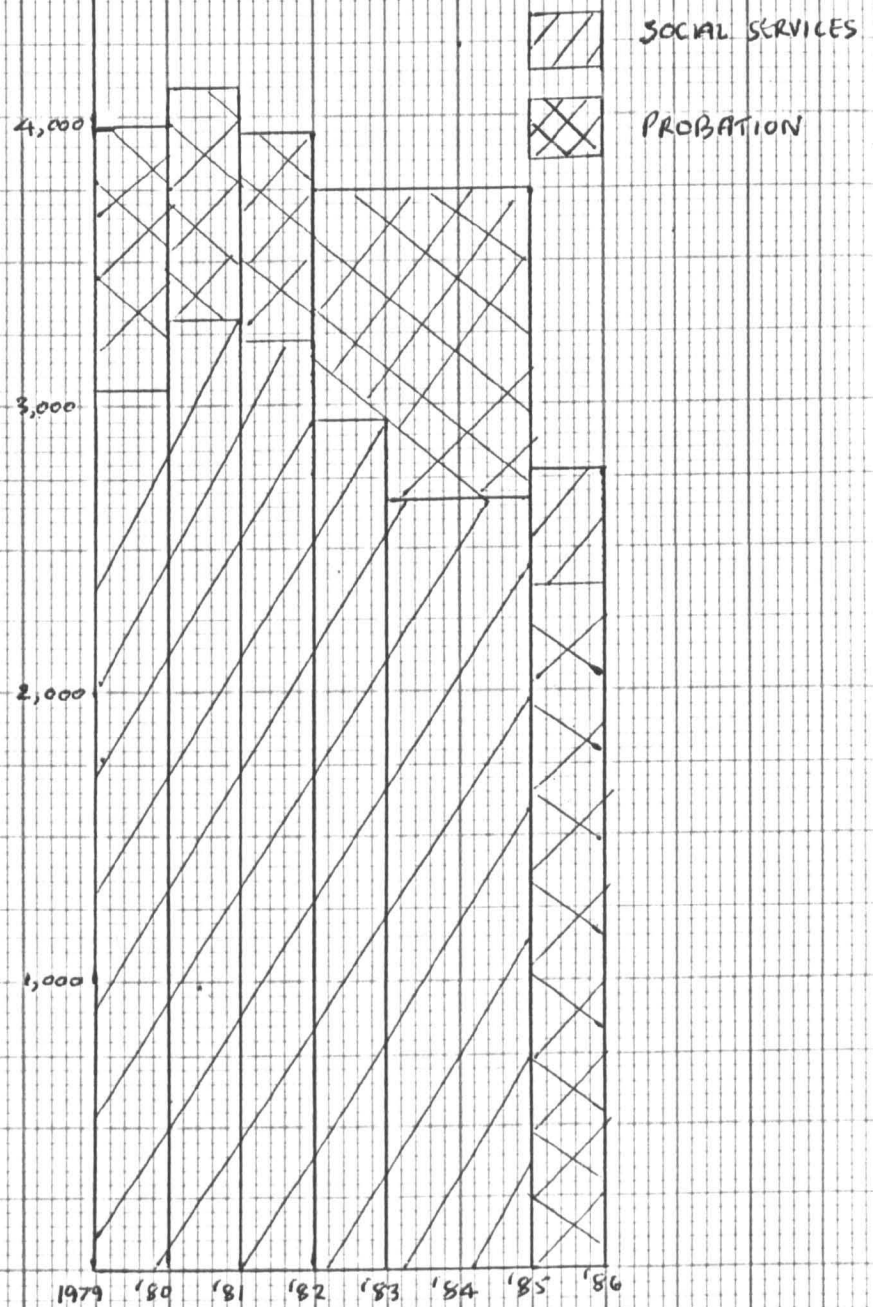
'Some 11,000 were receiving domestic supervision on 31st December 1984, 29% fewer than two years earlier. The number of persons on domestic supervision has declined steadily over the last four years, but the rate of decline has increased, possibly reflecting the earlier discharge of such orders and an increase in the proportion of such orders taken by the local authority social workers'. (Home Office 1984).

This commentary continues by asserting that the reduction in orders is in accord with the Home Office's Statement of National Objectives and Priorities, first issued in 1984 and a continuing exercise to influence the workloads and management of the 57 Probation Services in England and Wales.

This Statement then proposed that the proportion of resources allocated to civil work should be reduced.

The conclusions in the statistical commentary require some challenge as they do appear, to a degree, premature.

TABLE 4: DIVORCE COURT
SUPERVISION ORDERS
BY SUPERVISING AGENCY
AT COMMENCEMENT OF
ORDER (1979-1985) ENGLAND
AND WALES



NOTE: PROBATION FIGURES ESTIMATED (SEE TEXT)
SOCIAL SERVICES 1985 FIGURE
ENGLAND ONLY

Table 4 does endorse a gradual decline in new orders made in domestic proceedings and supervised by the Probation Service, following a peak in 1980. As regards the proportion of order supervised by the two agencies there has been little change. In 1979 when the present study was commenced the Probation Service supervised 57.53%. This had reduced to 55.5% in 1980 and had increased slightly to 55.97% in 1982. As regards ongoing orders there was a trend downwards for the Probation Service as in 1982 the figure was 14,520 and this had reduced to 10,210 in 1984. As with the local authority social service department, domestic supervision was matched by trends in other forms of supervision of children. Juvenile Court criminal supervision orders peaked in 1977 (20,440) and has steadily reduced since to a figure of 14,300 in 1983. As a proportion of all forms of supervision of children, administered by the probation service, Divorce Court supervision has remained relatively constant at 17% (1980, 17.13% and 1982 17.92%).

Table 4 shows the general decrease in the numbers of new Divorce Court supervision orders and the gradual movement towards supervision being undertaken by the local authority social services department. The limitations in Probation Service statistics mean that precise numbers of Divorce Court orders are not indicated and were calculated by subtracting the numbers of orders supervised by the social services department and made in the Magistrates Court. These represent approximately 10% of Divorce Court Orders.

In conclusion it is apparent that from 1985 figures,

approximately 5,000 children are likely to be placed under domestic supervision in any one year. In 1985 figures were provisional as regards the social services department, but if accepted they are likely to supervise 53.9% of all new orders. There was also a total of 26,500 ongoing orders. The change in responsibility between the two agencies does not appear planned, to the extent of the shared understanding of the purposes of such orders, due to the absence of any detailed research or descriptive analysis. The author would contend that the lack of priority given to such orders by the Probation Service and the apparent lack of differentiation by the Department of Health and Social Security, and local authority social services department between categories of child supervision, may question the validity of unique jurisdiction of the Divorce Court over children.

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CHAPTER THREE.

"A SOCIAL POLICY FOR DIVORCE: A CASE OF CONFLICTING VALUES."

(A theoretical Framework and a Research Design.)

A study of children in divorce proceedings must be placed firmly in the field of social policy. The majority of developments in family law do not represent a concerted attempt to legislate for the increasing numbers of adults and children involved in divorce proceedings. There are a number of competing considerations, such as rapidly changing social values concerning marriage, the status of women and the role of the family, together with the need to continue to protect children, all of which have not developed consistently or at the same pace. Common positions on divorce are consequently limited. Whilst it is accepted that modern divorce is about the division of money and property and the future care of children, there are considerable differences as to the amount of state intervention which should be employed as regards protecting the children of divorce.

Modern divorce law has increased the availability of divorce to all classes. Administrative conveniences have been devised to cut down Court time. It cannot however be said that such developments have been matched by an acceptance of the position of children in divorce proceedings. There exists still stereotypes of a vulnerable single parent and there is particular interest from practitioners in the area of family law, which confirm the defencelessness of children in the midst of their parents divorce. Such practitioners are likely to be 'institutionalists' who deplore the increase in the divorce rate and are convinced of its overall negative consequences for society. They are unlikely to be 'individualists' who view the

divorce rates with much more equanimity and point to the positive benefits divorce may bring to the individual and hence to society. For a woman divorce may mean a start of a new emotional and intellectual freedom, where if emotional traumas can be contained and the demands of dependent children are not too restricting, then increased financial, employment and educational opportunities may pertain. (Thornes and Collard 1979). For the 'individualist', the evidence about the correlation between divorce and disturbance in children is, at best, inconclusive whilst the 'institutionalist' would cite it as their most searing indictment of the irresponsibility of adults who, by divorcing, cause disruption for society.

The social policy of divorce is not harmonious. It reflects a number of different value systems. A good deal of literature presented in the previous chapter was by social workers, lawyers and counsellors. In the probation service in particular, there remains a strong religious tradition which used to be channelled into reconciliation work in the Magistrates Court. It could be that such energies are now absorbed in the more modern, if amorphous notion of 'conciliation' within the divorce court. Only slowly has there emerged lawyers who do not see their role as simply representing a client in an adversarial contest. John Cornell, Chairman of the Solicitors Family Law Association, gave notice of a more modern approach by some solicitors:

"We encourage parenting as opposed to marriage. People have to cease being spouses and start to be parents... two people are in disagreement, as in other forms of law but the difference is that these two people, because of the children, have to have a future relationship." (Sunday Times, October 9th 1983).

Another response by social workers and counsellors to divorce is that easier availability could thwart the emotional developments of adults and children and the difficult process of self discovery through a long term relationship. (Thornes and Collard 1979 p.7). Nevertheless it is now children who are the dominant consideration in family law. Since the establishment of the supervisory process in the 1950s, divorce law reform has led to ever increasing numbers of children being scrutinised by the divorce court. The courts principle function is to ensure the future well-being of children. This may not always accord with the concept of minimum state intervention in a parents resolution of their own problems, with a high emphasis on reaching amicable compromises, without recourse to excessive and harmful litigation. Eyden comments appropriately:-

"A study of social policy will yield a confused position because of the diverse and often conflicting values in any society, particularly in a period of rapid change". (Eyden 1969, p.2).

Hill argues that there may be circumstances under which social control motives mingle with humanitarian considerations to create social policies. (Hill 1980, p.4). A social policy for children in divorce proceedings may well have comparisons with other aspects of social policy in respect of the protection of children.

Juvenile Justice: an organising framework.

In the absence of any research study on the circumstances of children subject to Divorce Court Supervision Orders, or the form of the supervisory process provided by the social welfare agencies, there is a necessity for an organising framework to approach the study. The emphasis on child welfare considerations in family law has already been established and a possible parallel with the juvenile justice system seems appropriate. Such a comparison has already been made in the American context by Levy, who in referring to the increasing informality of divorce proceedings, which is matched by recent reforms in England and Wales, made comparisons with the juvenile court's rehabilitative ideal. He specifically mentions domestic supervision.

"Pre-sentence investigations and probation in adult corrections, promoted by correction reformers, custody investigations and post-divorce social work supervision, promoted by divorce reformers, are separate wings of the edifice built on the cornerstone of the rehabilitative

ideal". (Levy, 1982).

Criteria for referral into the Juvenile Justice system can often be extremely vague. Acceptable levels of school attendance may vary from Court to Court or from social worker to social worker, when care proceedings are taken on such grounds. The social characteristics of a child before the Court will be used to decide whether his/her case presents a 'problem'. An evaluation of family strengths may mean diversion from the Court process. Such categorization process will not just be dependent on the delinquent act or on the possible limitations of the child-rearing practices of a family, but on the views of others who witness, investigate or pass judgement on the behaviour expressed (shopkeepers, teachers, police or Magistrates). Cicourel, amongst others, has demonstrated that decisions are made on organised criteria, on ways of thinking, of ordering factors and of interpreting their meaning. He contends that delinquency is not simply behaviour but its interpretation by decision makers, commonly on non-legal criteria, (Cicourel, 1968).

The parallels with the treatment of children in divorce proceedings are considerable. We know little of what prompts their entry into statutory supervision. Divorce proceedings are essentially a review of family strengths. The reason for a court procedure, if not an actual appearance in court, is to ratify the dissolution of a marriage. The primary objective may be subsumed

in an analysis of the circumstances of children who were not a party to the original application. This examination will reflect the values, attitudes and professional opinions of the principal actors in the drama who again are judges, social workers and probation officers.

In the Juvenile Justice system, particular significance is attached to the social worker who prepares the official report to court on the social circumstances of a child. His/her presentation will, along with the formal decision making of the court, influence whether a delinquent is regarded as in need of treatment. Critics of social workers influence believe that we do not as yet understand the nature or significance of much delinquent behaviour, and their various reports must therefore contain value judgements and unfounded assumptions. This lack of precision leads to the building of conventional stereotypes (broken homes, working mothers etc.), which recast or reconstitute the child's identity as delinquent, but are useless as guides to choosing appropriate treatment, (McIssaac and Morris 1978, p.53).

A similar lack of knowledge exists about the exact effects of divorce upon children. This may mean that stereotypes will be created as to those family situations which will demand outside intervention. This could include a single parent without family support, or a father awarded custody when it is commonly accepted that a mother is more likely to be granted care. (Eekelaar found that fathers were only awarded custody on 7.2% of cases in England and Wales; Eekelaar, 1973, Table 34). Existing research

suggests that welfare report writers are the most single important factors in the making of a divorce court supervision order. They are likely to gather a range of information from different sources to support their view that intervention is needed. James and Wilson have shown that this could include most likely a school and a wide range of other agencies or individuals such as social services department, the National Society for the Prevention of Cruelty to Children, doctors, health visitors, the police, clergymen, youth club personnel and members of the extended family. As in the juvenile justice system, there are considerable variations as regards the range and scope of welfare report inquiries. (James and Wilson 1983, p.94). Nevertheless welfare report writers are perceived as experts in choosing children in need of special protection. This heavy reliance on opinion may, as in Juvenile Justice debates, make entry into the range of influence of social work agencies, a diffuse process, in the absence of any specific qualifying criteria.

Children in divorce proceedings, using a Juvenile Justice framework, will not be just reviewed as regards the arrangements proposed for their post-divorce family arrangements, but also as regards their family history to establish predictors as to future problems. Report writers may well, as Cicourel suggests, be influenced by the organisational criteria of their employers. The local authority social worker may emphasise child care arrangements which is the priority of their statutory work, whilst a probation officer may perceive themselves as experts in domestic disputes, in accord with a specialisation of the divorce

court welfare officer, and therefore give more attention to any difficulties surrounding custody or access to arrangements. However, if one accepts a juvenile justice framework, it would be unwise to predict a uniform response amongst report writers. Different probation officers or social workers may choose different sets of facts to justify intervention.

The lack of distinction between the child offender and the non-offender has led to the all embracing term of 'children in trouble'.

"It has become increasingly clear that the social control of harmful behaviour by the young and social measures to help protect the young are not distinct and separate processes. The aim of protecting society from juvenile delinquency, and of helping children in trouble to grow into mature and law abiding persons, are complementary and not contradictory". (Children in Trouble, HMSO 1968, p.7).

Children in divorce proceedings could be regarded as another category in the broad church of children in trouble. It remains therefore important to establish whether the fact of the divorce of a child's parents, that is the reason for a child's circumstances being under scrutiny by a court of law, is fundamental both to the making of a Divorce Court Supervision Order and its operation. In essence this would represent a pure welfare function, with a concentration on the continuing effects of the divorce process. Under a juvenile justice framework, it

is more likely that it is simply a particular set of circumstances which are defined as unsatisfactory by a Divorce Court, when asked to ratify the proposed arrangements for a child, which then leads to a Divorce Court Supervision Order. Intervention would be justified by particular unsatisfactory family problems, as defined by the court, which may have existed long before the divorce process was instituted, but may only have come to light, or have been emphasised, in the investigation of the initial statement of arrangements provided by parents.

Murch sees an historical and social policy connection between the role of the probation service in a Magistrates Court in the 1930s and 40s and the present role of the Divorce Court welfare officer. Murch contends that in the pre and immediate post war period, whilst the monied middle classes turned to the Divorce Courts to dissolve their marriages, the working class had their marriages reconciled with the assistance of probation officers in the Magistrates Court. Prior to the granting of legal aid for such applications in 1947, a development much criticised by Mullins (see Chapter One), this over emphasis on marriage saving may have led to a denial of justice to the poor, who are forced to approach the Magistrates Court. This proposition was supported in a 1936 government committee report.

"We cannot help feeling that under the present system there is a real risk that reconciliation may be carried too far. It is not the probation officers function to determine whether on legal grounds, the case should

properly proceed to a hearing. There is a strong temptation of the zealous officer to settle as many cases as he can out of Court and he may even be activated by personal conviction as to the sanctity of the marriage tie. (Departmental Committee on Social Services in Courts, HMSO 1936, p.12).

This class bias, which is apparent in the diversion rates and sentencing patterns of the Juvenile Court, is now evident in the Divorce Court. Murch states that in 1973 and 1976, the Probation Service conducted two inquiries designed to find out how many divorcing couples were known to social work agencies. It was felt that this information may be absent from a petitioners statement of arrangements. Consequently, a Court may not request a welfare report when, if this information was known, such a request would have been pursued. In representative samples, proportions of families already known were 39%, 43% and 36%. Procedures have now been devised in some probation areas to cross check petitions with the relevant social services departments. A primary justification was a preventative child care approach. Murch concludes:

"The practice of making enquiries of other agencies will lead to one obvious conclusion; the families chosen for Welfare Reports will be drawn predominately from poor working class families, because the clientele of the local authority social service and probation service, come predominantly from those social groups. Middle class families, not previously known to those organisations, will largely avoid being scrutinised." (Murch 1980, p.198).

Consequently, child-welfare considerations have been applied to the screening of couples. Whatever the reason for contact with a social work agency, be it a simple request for a nursery place, an assessment was likely to be made of child care practices. Divorce proceedings will give a fresh opportunity for review and, as in juvenile justice, there is a danger that the assessment will amplify the original presenting problem. Children of divorce proceedings may start to act out their ascribed role, in contexts such as schools where similar behaviour in other children from stereotypical stable family backgrounds may go unnoticed.

One could argue that the potential for abuse in the Divorce Court is greater than in the Juvenile Court, as in the latter the grounds for making supervision orders are clearly established:

- a) his proper development is being avoidably prevented, or neglected, or his health is being avoidably impaired, or he is being ill-treated.
- b) the above conditions were satisfied as regards another child or young person, who is or was a member of the household in which the child belongs.
- c) Exposed to moral danger.
- d) Beyond the control of a parent or guardian.
- e) Of compulsory school age and not receiving appropriate education.
- f) Guilty of an offence.

(Children and Young Persons Act 1969, HMSO Section 1).

No similar criteria exist in the Divorce Court but as Levy has argued, with regard to the American context of divorce administration, the child-savers of the Juvenile Court have now extended their interest to the Divorce Court. Maidment would contend that intervention is justified in private family arrangements at the time of divorce, in circumstances which fall far short of those required for the usual operation of child care laws (Maidment 1977). The emphasis, therefore, in both England and Wales and America is on the child, the child's best interests and the consequent exercise of 'parens-patriae'.

Divorce Court Supervision Orders: the notion of legitimacy.

The emphasis in this proposed research study is on the role of social work professional who either prepares Welfare

Reports to the Court recommending supervision and/or undertakes the supervisory process. In line with a perspective on the Juvenile Court system, which argues for particular attention to the processing organisation and less attention to the individual offender and the local community, the present study will not directly be concerned with the economic, social or psychological consequences of divorce for children. Concentration will be on the mechanics of divorce administration. The reliance on the accounts of practitioners with regard for circumstances of children, will raise questions of validity and reliability, but is in accord with a study which concentrates on the decision-making processes.

Critics of the Juvenile Justice system have been concerned increasingly with the notion of legitimacy. Is it justified that a social worker or probation officer, using the authority of a supervision order, gained in criminal or civil proceedings, should intervene in the whole area of family functioning? Where does such authority stem from apart from the ascribed role as an employee of a social work agency allied, to varying degrees, to a Court. It is usually contended that probation officers are more officers of the Court than local authority social workers, due to their closer association with the Magistrates Court the Crown Court and the Divorce Court, and because their employers are Magistrates and representatives of the judiciary.

Weber describes in some detail the basis of legitimacy of any order. He describes four qualifying criteria. It is appropriate to apply each to domestic supervision as presently

practised. Legitimacy can be established by tradition, that is a belief in the legitimacy of what has always existed. The tradition of social work, and in particular domestic supervision, is not firmly instituted. It remains a comparatively recent addition to family law and child care legislation as it is less than thirty years old. Weber describes a second qualifying criteria which takes account of recent statutory innovations. Legitimacy is established by virtue of affectual attitudes, especially emotional, legitimising the validity of what is newly revealed or a model to imitate. As to the amount of affection for domestic supervision, there is no consumer study available from which to draw conclusions. The present study does not include a consumer aspect but Murch did undertake an examination of public reaction to Divorce Court Welfare Officers when they prepared the Welfare Reports. He found that only 12% of parents interviewed were positively dissatisfied with the Court Welfare Officer. He concluded that a positive response from parents was associated with whether an officer was neutral and open minded. Yet he found, in some cases, confusion about their role which caused considerable distress and anxiety. (Murch 1980, p.110). One can only speculate that affection for domestic supervision may be hampered by open-endedness, as supervision could continue until all children concerned reached the age of eighteen. This could constitute a considerable intrusion into family life.

Weber contends further that legitimacy can be established by a national belief in its absolute value, this lending it the validity of an absolute and final commitment. No such evidence

exists as to the essential value of the Divorce Court Supervision Order. It is unlikely that such orders have a sufficient public profile to command universal support and they are unlikely to be unfamiliar even to those parties commencing divorce proceedings. It could be argued that there is widespread approval for the special protection of children in divorce proceedings, and that there is a commonality of attitudes and values between the public and its agents, the Courts and their social work practitioners. This would suppose a good deal of knowledge and exposure to the practice of Divorce Court Supervision and other forms of domestic supervision, whilst in fact there has not been any commissioned research study on the topic since that of Hall in 1965.

The legitimacy of Divorce Court Supervision Orders is much more likely to rest with the fourth qualifying criteria propounded by Weber, that of being established in a manner which is recognised to be legal. Such legality may be regarded as legitimate in either of two ways. Firstly it may derive from a voluntary agreement of the interested parties to the relevant terms. As the present study did not include a consumer aspect it is not possible to establish whether the Welfare Report writer, and subsequently the supervising office, shared the proposed content of supervision with the parties concerned. However, divorcing parents do have a right to obtain a copy of the Welfare Report and, if supervision was anticipated, then it could be assumed that the proposed format of supervision was outlined and

previously debated. A voluntary agreement to supervision with a brief of addressing particular areas of family life would establish an order's legitimacy. Legitimacy would be lost if there was divergence from the original aims and intentions. The question of consistency, or lack of it, is a highly relevant area for the present research.

The second qualifying criteria for the legal basis of an order is that it was imposed on the basis of what is held to be a legitimate authority over the relevant persons, with a corresponding claim to their obedience. The legitimate authority of social workers and probation officers is derived from the legislative framework of the Divorce Court. Consequently to distinguish such orders from those made in the Juvenile Court, this can only be achieved by emphasising the divorce context of supervision. Consequently, it could be argued that the legitimacy of any order emanating from a Divorce Court is founded on its relationship with the divorce process. A supervising officer would therefore have no legitimate authority to intervene in areas of family functioning, which were unrelated to the consequences of divorce for children and their parents. The difficulty of assessing legitimacy in this context will be the definition of the affects of divorce on the parties concerned. The literature and research survey illustrated the problems of a simple definition as the impact of divorce, but it is possible to draw some general conclusions as the appropriate areas for supervision. The research study will concentrate on the initial assessments of supervising officers and subsequent

priorities established after supervision has been in progress for twelve months. Any change in definition of such orders will undermine their legitimacy as defined by Weber. (Weber 1966, p.30).

The Research Design.

The Purpose.

The purpose of the research is to increase our understanding of some of the issues involved in the present method of dealing with those children who are selected by the divorce court of England and Wales for continued involvement by social work agencies. As supervision also relates to adults (Hall's notion of 'parental guidance orders', Hall 1965), the examination will include the relation of supervision to adult carers and any other significant family figures. It is also important to examine domestic supervision in the context of other services provided by the Divorce Court to children and their parents.

As yet, the level of conceptualisation concerning Divorce Court Supervision Orders is extremely limited. Their origin was the Royal Commission on Marriage and Divorce 1951-55, when it was argued that, in exceptional circumstances, a child following the Absolute Divorce Decree of its parents, should be placed under supervision. The principal purpose appeared to be that the presence of such an order would enable the case to be more easily brought back to court if any difficulties arose. There is now evidence that this hardly exhausts the functions of supervision

as presently managed. In the absence of reliable research information of an existing theoretical framework, the application of a treatment model, developed with respect to the Juvenile Court, would seem to highlight the main issues.

Primarily these can be seen as threefold. Firstly whether the fact of the divorce of the child's parent, the reason for the child's circumstances being under scrutiny by a court of law in the first instance, is fundamental both to the making of Divorce Court Supervision Orders and their operation. Secondly, whether it is simply a particular set of circumstances which confronts a Divorce Court when asked to ratify the proposed arrangements for a child, which leads to a Divorce Court Supervision Order. This decision would then rest fundamentally on the moral likes or dislikes of the court as to what or was not acceptable. Finally the role of the social work professional. As in the Juvenile Court their role is crucial, both in the preparation of the Report and the exercising of supervision. The social work professional can decide the format of an order, who is to be seen and the subject matter, and how long they should continue. They have the necessary degree of professional discretion to disregard any stated wishes of the Divorce Court as to how supervision should be exercised.

The author would contend that there are four possibilities as to the practice of Divorce Court Supervision Orders and these will form the principal focus of the study. Such orders could be made and managed to deal directly with the consequences of divorce. This would be in accord with Weber's view of

legitimacy, based on the legislative framework. Consequently the stages of marital breakdown and subsequent divorce had to be disturbed for adults and/or children. The disputes may be temporary or continuous but become priority of the appointed social worker or probation officer.

Alternatively Divorce Court Supervision Orders could be made by a Divorce Court to deal directly with the consequences of divorce, but are managed over time to deal with particular sets of family problems as they arise. This could include delinquency by children, truancy, relationship difficulties of a parent with custody, which may, if an explanation could be found, have little to do with the breakdown of a marriage or subsequent divorce proceedings. This option allows for the re-assessment of an appointed probation officer or social worker and a recognition that the supervision process should adapt to changing circumstances. Supervision may have been intended by a Divorce Court to address outstanding problems from a divorce process which affects the well-being of a child subject to supervision, but in fact attends to new problems as they arise in the post-divorce family unit.

Another option is that Divorce Courts Supervision Orders are made by the Divorce Court and managed by social work agencies to deal with particular family problems which were never associated directly with the divorce or marital breakdown. This could include established truancy or delinquency, offending by parents, long term problems in a parent's ability to care for a child, mental instability or a perceived risk of further marital

breakdown based on a history of relationship difficulties. Such indications of future instability for a child may have been highlighted in the Divorce Court's review of the circumstances of children in domestic proceedings.

Finally, Divorce Court Supervision Orders could be made and managed by the Divorce Court and their social work practitioner, in accord with the original conception of the Royal Commission on Marriage and Divorce 1951-55. This, as described in Chapter One, means that social work agencies would only adopt a watching brief on the child in question with consequent minimum involvement. Supervision would not be intensive but would represent a device whereby a nominal Court jurisdiction could be re-awakened if necessary. The Royal Commission intended to remedy a situation where the Court failed to ensure in every instance, that the most suitable arrangements had been made for the future of children (Section 336-372). A Divorce Court Supervision Order was then introduced in order to provide a means whereby the Divorce Court could be informed if a need arose for a custody order to be varied or discharged, (Section 396).

The more specific purposes of the research will be indicated in the results chapters, but it would be helpful to illustrate, in some detail, the research methods applied in the present study. In particular the experience and pilot survey illustrated some examples of the problems of the administration of domestic supervision.

The Experience and Pilot Survey.

Piloting was restricted to those orders that were already in force. The population was to be all new Divorce Court Supervision Orders supervised in the East Midlands region by either the local social service department or a probation service, between the period January 1st 1979, and January 1980. There was very limited reliable statistical information about the numbers of Divorce Court Supervision Orders made on a regional basis, and consequently, it was difficult to predict whether a workable population could be established. The probation service in particular, both on a national and regional basis, did not breakdown domestic supervision orders into different categories, (see Chapter Two). on a consistent basis. The national statistics of Divorce Court Supervision Orders included Magistrates Court Orders, whilst separating other types of orders, but on a local level services were unable to make comparable information available. This must question the reliability of national statistics. Local Social Service Departments were, in two cases, unwilling to expend staff time on providing statistics or in allowing staff to be interviewed by the researcher.

There are certain assumptions which could be drawn from the difficulties in establishing the viability of a population. Firstly that domestic supervision was perceived as being similar across all categories of order. This is obviously a false assumption. For example, application to the Magistrates Court are likely to be sooner after the de-facto date of marital

breakdown. Tensions and bitterness are likely to be higher and the result to legal remedies may suggest a failure to compromise or engage in any long term planning. However, Magistrates may anticipate future divorce proceedings and see themselves as analogous to a casualty clearing house which will make orders to allow individuals to move on without implying long term solutions. Applications to the Magistrates Court will also come from couples who have never married, or perhaps not even cohabited but have produced a child. Such informal relationships will test profoundly the principle of life long access to a child by both parents, or whether this should be overridden by the possibility of long term disruption to the very young child. The use of the Magistrates Court by applicants requires its own research study, but such orders are made in far fewer numbers than in the Divorce Court because of easier access to divorce proceedings. (See Chapter 2).

The decision to restrict piloting was justified in that only 121 orders were identified by Divorce Court Welfare Officers. Such officers had a crucial role in reporting new orders and informing the researcher after their subsequent allocation. They were useful in providing some of the minutiae of questionnaire design, and in their liaison with Divorce Courts administration, who required reassurance as to questions such as confidentiality, and that direct contact would not be sought with divorcing couples. There was indeed considerable misgivings from regional administrators from the Lord Chancellors Departments as to access to individual parties, which was the

principle reason why a consumer survey was not attempted.

Divorce Court Welfare Officers, like their Senior and Chief Officers, were less able to help with regard to any theoretical consideration of Divorce Court Supervision. As practitioners, they were a mixture of traditional investigators on behalf of the Court, who saw the provision of information as their main function, or enthusiasts for better provision for divorcing couples and pioneers of divorce experience courses to enable couples to resolve problems themselves. In the Leicestershire Probation Service, divorce experience courses were a specific initiative which involved couples and their children, who were encouraged to attend and discuss aspects of their separation. Such couples were helped to prepare their children and consider in a group setting the social, legal and financial consequences of divorce. The scheme was independent of requests for Welfare Reports, (Leicester Probation Service 1979).

It was apparent that there was no consistent approach to screening couples as to whether they were known to social work agencies, although there were examples of 'practice guidelines' as to the allocation of domestic supervision. Factors included the age of the child, child-care considerations or whether families were known to a particular social work agency. In Nottinghamshire, if the first two factors applied, then allocation would be to the local authority, but previous contact with a particular social work agency, may be in conflict with what a Welfare Report writer defines as the major issue in the post divorce family arrangements. This continued to be a potential

area of confusion as between the two agencies. Contact with the Royal Courts of Justice suggested that their allocation procedures were much simpler and it was contended that the majority of orders in the London area were administered by the relevant social services department. This was because chief probation officers did not consider such responsibilities accorded with the probation services primary role of criminal work.

Contact with Chief Probation Officers in the East Midlands region, suggested similar future developments for civil work. Interest in the research was polite but not enthusiastic and their general impression was that domestic work did not represent a high priority and increasingly the probation service were endeavouring to encourage more involvement by the local authority. However, perhaps because of its low status, there is no evidence for well planned transition and in the absence of any local or national research it could not be clear what precisely was being handed over to social service departments. This could not be a favourable position for children involved in divorce proceedings, and the one meeting that could be arranged with social services senior officers, that is area officer grade and above, revealed a good deal of unfamiliarity with the whole issue of divorce and its effects on children. Nevertheless the only sense of urgency expressed by both agencies came from a senior child care adviser in a social services department who was alarmed at the national and local increase in care orders made in domestic proceedings (see Chapter Two). The decision not to

participate in the research process by two local authority social service departments, was a contrasting position, but in addition to their apprehensions over the expenditure of staff time, there was previous experience of not receiving sufficient feedback from other research studies undertaken previously in their departments.

A General Evaluation of the Research Design and Process.

The information required was obtained by using a structured questionnaire, administered solely by the author. This had limitations in terms of validity but had advantages over a postal questionnaire. Once orders were identified, the response rate was 100%. Supervising Officers were interviewed and not Welfare Report writers, although this could be the same person. Nevertheless, Supervising Officers were encouraged to check their files for any supporting evidence such as the contents of Welfare Reports and any comments by Divorce Court Judges. The format of their case records varied as between the two social work agencies, although both had some form of day to day records. Summaries were more evident in the probation service but social services departments did undertake, in some case, statutory reviews by senior management of domestic supervision. This procedure could have advantages in respect of the clarity of objectives for supervision.

A common problem in the administration of the questionnaire was a marked reluctance by respondents to follow the pre-defined pattern of a structured interview. This does

suggest an absence of appropriate supervision, as descriptions were often given in a manner of a case study, with the interviewer being seen as a helpful expert. There was examples of considerable discomfort by supervising officers in administering domestic supervision, and noticeable emotional pressures in responding to the continued distress of parents and their children. However, a personally administered questionnaire did allow much greater flexibility and some questions were left open-ended to maximise involvement.

In discussing family history, there was risk that the respondents would label a family as being deviant without any specific evidence to substantiate such an assessment. Nevertheless the study was about the professional judgements of supervising officers, where, as in Giller and Morris' study of children in care, it was not assumed that social workers or probation officers would respond in a rational or bureaucratic way, but that their decisions and choices of responses would go largely unstructured. Consequently too stringent direction in the interview procedure would invalidate any results, (Giller and Morris 1981). However, Supervising Officers were asked only to indicate major family problems and in addition a study was made of relevant agencies and individuals to which a Supervising Officer could turn to for help and support in supervision. This was designed to increase the validity of the research instrument.

Attitude testing could have been an aspect of the research process. The age, sex, training and experience of marriage of supervising officers may have had an influence on their decision

making. An examination of such variables would have expanded considerably the scope of the research project, which was primarily descriptive and exploratory, with a particular emphasis being given to specific decision making in the administration of Divorce Court Supervision. For example, in an examination of why a Supervising Officer regarded it as a personal failure to take a Supervision Order back to the Divorce Court had been undertaken, it would be necessary to explore a number of different variables. This would include the history of such attitudes, the characteristics of the Divorce Court which prompts such a response, who else amongst colleagues takes a similar view and finally what personal perspective a supervising officer may have in this regard and what specific situations have prompted such an outlook. General conclusions will however be drawn from the present study which will be helpful in any subsequent attitudinal analysis of the administration of domestic supervision.

Statistical analysis was restricted, in that although the population consisted of 121 children, in comparing sub-groups, the numbers were very small. Consequently the significance of any test result must be in some doubt. Tests were restricted to chi-square tests as the majority of variables were qualitative, consisting of sets of labels or names which could only be ranked on a nominal scale. The original population was followed up after supervision had been in progress for twelve months. In the first questionnaire supervising officers were asked to itemise intentions as to contact with the children subject to supervision

and the rest of the family unit. Through a second questionnaire, the researcher was able to check whether intentions have been fulfilled and retrospectively ask questions about frequency of contact. In Social Science research there are problems about reported facts which include the fallibility of memory, the small amount of investment a respondent may have in a case, which could be influenced by agency priorities or facts being given to impress an interviewer. However, the use of a personally administered questionnaire did limit such difficulties and the researcher encouraged the respondent to check records to provide corroboration for their statements. There were occasional difficulties when case records had not been kept, were not available, or where a respondent was asked to interpret the records of a colleague in the event of a transfer of a case. There was also the necessity in those cases, to convince a new supervisor of the relevance and value of the research undertaken.

Reliability was ensured principally in the standardisation of the application of the research instrument. This was possible when the author was the sole researcher. In all but a few cases, interviews were conducted in the respondents office where maximum access could be made to information about a case such as correspondence, case records or details of original judgements. All interviews were conducted during normal office hours to avoid more reflective discussion, likely in a supervising officers leisure time. A structured questionnaire restricted the interpretation by the researcher as he became more familiar with

the most significant areas of interviewing.

Validity was achieved by the favourable response to the interviewer. As already indicated this could suggest an absence of appropriate supervision and an acknowledgement by the respondent that the researcher was a practising probation officer who may, having demonstrated an interest in this type of work, be able to share the stress and demands of this particular aspect of strategy work. Frequently supervising officers would perceive themselves as convenient scapegoats in an atmosphere of high hostility between parents. In addition, supervising officers felt they were being asked to "play God", in the absence of any parental agreement as to what were the best interests of the child in question.

It should be pointed out, however, that the considerable amount of interest shown by respondents in the interview procedure, was in marked contrast to the low priority attributed to this aspect of statutory work by their managements. In addition there was less evidence of camaraderie from social workers, who tended to see the researcher on some occasions as being from a distant academic institution or on one instance, as a probation officer who, as such, should not be allowed entry to their offices unaccompanied. However, as has been pointed out, it was a social services adviser who asked for the most detailed breakdown of the research findings.

In terms of methodology, the research study did not encompass the attitudes of the judiciary or the legal profession. The literature survey had suggested an estrangement between the

judiciary and social work agencies, with Judges being reluctant to prescribe in any way the details of supervision. Most social workers and probation officers interviewed seemed unfamiliar with the Divorce Court of which they had no first hand knowledge. This was a direct result of the creation of a specialist Divorce Court Welfare Service. Consequently supervising officers were less likely to feel directly accountable to a Divorce Court than other Courts, particularly in the absence of guidelines from a Court as to any appropriate content for involvement with children in divorce proceedings.

Theory and practice.

The first section of this chapter sought to pass fundamental questions about domestic supervision. This included where this aspect of child protectionism sat in an increasingly confused area of piecemeal family law reform. In addition how much state intervention in the lives of divorcing couples is appropriate and what should be the basis of that intervention? The use of a juvenile justice framework suggested comparisons with the inconsistencies of a treatment model with all the dangers of conventional stereotypes. The use of Weber's theories of legitimacy reiterated that the legality of such orders was founded on their relation to the divorce process. Nevertheless the pilot and experience survey pointed to potential isolation of a supervising officer, estranged both from the Divorce Court and from his or her management structure. Such conclusions underlined the importance of concentrating on the decision making

of such officers. In addition on a careful examination of Divorce Course supervision it may well be that its components can be more clearly separated with the aim of suggesting a more relevant and well regarded service for both children and their parents in divorce proceedings.

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CHAPTER FOUR.

THE FAMILY CIRCUMSTANCES OF CHILDREN MADE SUBJECT TO DIVORCE COURT
SUPERVISION ORDERS.

INTRODUCTION.

In Chapter Three, it was indicated that the specific purposes of the research study would be outlined in each of the results chapters. Two specific purposes will be explored in detail in this chapter. Firstly, to obtain demographic and descriptive information concerning the population of Divorce Court Supervision Orders, and secondly to obtain information concerning the history of the family prior to the Divorce Court hearing.

The literature and research review had indicated a number of different hypotheses as to the population. Divorce Court Supervision Orders could be made where custody decisions were different to the socially accepted normal arrangement of a mother and child. Consequently fathers given custody or third parties (that is other than natural parents) made responsible for the children, may prompt social work intervention. A high proportion of orders made on young female children where fathers have custody may reflect a court's ambivalence about such arrangements. One conclusion of previous studies of children and divorce was the desirability of avoiding unnecessary disruption to a child involved in divorce proceedings. Consequently, if a Divorce Court felt compelled to overturn the living arrangements of a child, then it could compensate for such disturbance and monitor any new arrangements through a Divorce Court Supervision Order.

An examination of a history of a family where such orders were made will establish whether it had previous contact with

social work agencies. The importance of screening divorcing couples identifies such families has been stressed in the literature. (Hall 1968 and Griew & Bissett-Johnson 1975), based on the probable belief that such families were more at risk, as regards the consequence of divorce for their children, than the rest of the divorcing population. The nature of any such contact will indicate whether there were specific reasons for seeking the advice and support of social work agencies. There was also the possibility that there had been previous statutory involvement with the probation service or a social services department, which may relate to suspected or actual cases of child abuse.

The detail of family problems in the present population experienced prior to the making of a Supervision Order is also outlined in this chapter. A Supervising Officer, by reference to case file, was encouraged to explore how long particular family problems had been evident, which could then be compared with the date of marital breakdown. It could well be concluded, however, that Divorce Court Supervision Orders were made in families where disruption was well established and there was little relation between such problems and the stages of marital disharmony and subsequent divorce.

Family size and age of the children.

The population consisted of 62 pre-divorce families. The mean family size was 2.34. There was a preponderance of larger family units (38% consisting of 3 or 4 children), when compared

with figures available as regards the national divorcing population. In 1979 the average number of children under sixteen per couple divorcing was 1.12, which compared with 1.20 three years earlier. (Social Trends (12), 1982, p.38). As regards age, the range was from 1 to 17 years old which was in accord with the Divorce Court's powers to make orders up until the age of 18. The mean age was 9.339 and the median age 9.4 and consequently the majority of children in the population were not of pre-school age. Only 7.4% of the population were four years or under, whilst 39.7 were of secondary school age. The major discrepancy when compared with the general divorcing population was children under 5, who made up 14.2% of the population as opposed to 24% of the national divorcing population.

Consequently the marriage duration of a parent whose children were made subject to statutory supervision was likely to be longer than families in the divorcing population. It could be argued that the breakdown of an established marriage is likely to be more stressful, with bitterness and acrimony heightened, than where marriages fail earlier before emotional and financial investments are too well entrenched. Nevertheless, as Hart pointed out (Hart 1976), the ability of spouses, particularly women, to establish their own identity following the deterioration of a relationship, was limited severely by the demands of pre-school children, which led to greater dependence on the social networks of a now absent husband.

The results of the present study may have been distorted by the possibility that, due to the Divorce Courts continuing

jurisdiction over divorce and custody arrangements, supervision may have been ordered after a fresh application to the court when marital breakdown had taken place some time ago. Indeed as the earlier stages of marital breakdown and first separation may be perceived as more difficult than the completion of divorce proceedings, particularly for children, then information was sought as to the "de facto" date of marital breakdown. Chester had argued that there was a considerable time lapse between couples parting and partitioning for divorce, (over 50% of couples separated for three years or more with a medium interval of 2.9 years, Chester 1971). In the present population 64.4% of cases had separated within the last three years. This compared with 53% of cases in Chester's sample. As Chester's study was undertaken prior to the 1969 Divorce Law Reform Act, the change cannot be seen as dramatic. The present population was not distorted significantly by the prolonged powers of Divorce Court, as in only 7.4% of the population had supervision orders been made in circumstances other than a first review of a child's arrangements. In those nine cases, custody and access disputes had continued or re-emerged even though the original divorce had been completed between four and six years previously. In one case "de facto" marital breakdown had taken place twelve years before a supervision order. It can be concluded that information on the "de facto" dates of marital breakdown do not distort information on the numbers of children of pre-school age.

The principle conclusion of a review of family size and age, was that in a clinical study of Divorce Court Supervision

Orders, families are likely to be larger than the rest of the divorcing population with children. This may suggest that Divorce Court Judges or Welfare Report writers may have more anxieties about a single-parent's ability to exercise control over a number of children entrusted to his/her care. An examination of the custody decisions of Divorce Court will establish how often children were split between their parents with the possible intention of sharing the responsibility for sibling development.

The custody decisions of the Divorce Court.

In 80 cases of 66.1% of the population, the child lived with his or her mother, whilst in 38 cases or 31.4% of the population, the child lived with his or her father, at the time of the researcher's initial interview with the Supervising Officer. It was anticipated that there may have been some slight difference between the actual living arrangements of children and formal custody orders. In only three cases did a child live with a third party, who were grandparents, a family friend and most unusually, a child's mother's former boyfriend. The numbers of split orders was high consisting of eighteen or 14.9% of the population, which when compared to other samples of the divorcing population, demonstrates the again the clinical nature of Divorce Court supervision. The Bristol study took two samples of divorcing parents, the first being an ordinary petitioner sample, whilst the second were couples whose arrangements for the children were referred specifically to a

Divorce Court Welfare Officer for investigation. Split arrangements were found only in 4.9% of the ordinary petitioner sample as opposed to 17.1% of families referred for Reports. The Divorce Court Welfare Officer sample was also in accord with the present population, as fathers with custody appeared much more frequently than in samples of the ordinary divorcing population (7.2% Eekelaar et al 1977). The major difference was that custody arrangements in the present population did not include many orders to third parties, such as grandparents, whilst in the Divorce Court Welfare sample, investigations as regards third parties, took place in over three times as many cases (2.5% as opposed to the Divorce Court welfare sample of 9.7%). This may be accounted for by the Divorce Court's reluctance to grant custody orders to third parties, even though grandparents may be of crucial importance in the care of a child, because of the limitations of a parent, who may then only be given a nominal custody order. The significance of the extended family will be explored in Chapter 5.

The division of the population by sex was remarkably even and there was no evidence that custody decisions and supervision orders reflected a fear about development of female children. (57.7% male, 46.3% female). There was also no specific evidence that Divorce Courts, in granting custody orders, barred fathers from any specific age range or sex. The largest age range for both girls and boys was 5-11 years of age (mean age 7.337). Fathers were granted custody in approximately one-third of both sexes (boys 32.6%, girls 32.25%), which is very similar to a

father's overall position in the population (31.4%). It is the stark fact of the high numbers of fathers in the population, when compared to samples of divorcing population, which suggests the Court's uncertainties about their capabilities to care for children. In one case where a father was responsible for a child under four years of age (there was only eight cases in this category), the father had retained custody at the divorce hearing of two young boys (aged four and five years), despite an application by their mother. Mother's relationship was seen as too precarious whilst the father had the support of the maternal grandmother. Nevertheless, in making a Divorce Court Supervision Order, the Judge paid reference to the difficulties with regard to the father handling the children and made the social services department the supervising agency.

Eekelaar et al's principle conclusion about custody decisions was not concerned with their sex bias, but a Divorce Court's extreme reluctance to sanction a change in a child's residence. This they termed the 'paramountcy of the status-quo' (Eekelaar et al, 1977). In their survey, only 0.9% of Divorce Court's orders changed the custody arrangements presented to the Court for endorsement. In respect of the role of the Divorce Court Welfare Officer, this conclusion questioned the value of the traditional investigative report which set out the relative merits of each parent's home and personal circumstances. Chapter Two described the possible developments of a "conciliation" approach arising from the statistical conclusion. Nevertheless in the present population there was considerable

evidence that supervision was used to compensate for a Divorce Court's decision to change a child's arrangement (this took place in 24.8% of cases). Such decisions were against the principle of continuity of relationships with a particular parent. The expectations of the Divorce Court were likely to be that their Supervising Officers would deal with the consequences of what could be, without careful preparation, a very disruptive experience for both the child and the previous responsible parent.

Table 5. explores the null hypothesis that there is no association between custody disputes or uncertainties in custody arrangements, prior to the making of a Divorce Court Supervision Order and the Divorce Court's decision to change a child's place of residence.

TABLE 5.

Custody Difficulties by Divorce Court's Decision to Change Residence.

		CHANGE OF RESIDENCE		
		YES	NO	TOTALS.
CUSTODY	YES	26 (22%)	42 (35.6%)	68 (51.6%).
DIFFICULTIES	NO	4 (3.4%)	46 (39.0%)	50 (48.4%)
TOTALS		30 (25.4%)	88 (74.6%)	118 (100%)

Number of missing observations = 3

$\chi^2 = 12.34373$, $df=1$, $significance=0.0004$

(significant at 0.05% level).

The null hypothesis can be rejected, as in only four cases, where there had been a Divorce Court decision to change residence, had there not also been a history of previous uncertainties as regards custody arrangements. This again suggests that the population was likely to be disturbed in the stages of marital breakdown and that disruption to children may therefore have been frequent since a parental decision to separate. Such results do not therefore question significantly the normal propensity of a Divorce Court to endorse settled family arrangements.

The isolated single parent: myth or reality?

In 1979, when the research was commenced, 155,000 children were involved in their parents divorce proceedings. With a falling birthrate, the most recent figures in 1985 are not dissimilar (156,000). Observers have noted that the majority of those children would live subsequently in lone parent families with considerable cost to the Welfare State (215 million pounds in Supplementary Benefit in 1980 - (Social Trends, Spring 1985, p.38).

But do the actual living arrangements of a population, identified as in need of supervision, support this isolated and potentially vulnerable perspective? In fact, in 64 cases, or 52.9% of the population, there was another person living in the new family unit. In 45 cases or 37.2% of the population, the person with custody had entered into a cohabitation or had remarried. In four cases, or 3.3% of the population, there was a

child of this new union. Other individuals living with a parent with custody of a child, include family friends (2 cases), members of the original extended family such as brothers and sisters of the parent with custody (6 cases), and children of the family where a Divorce Court Supervision Order had not been made (8 cases). This does suggest that, on occasions, Judges may restrict orders to children with particular difficulties (disabled or handicapped), or exclude children who, in their late teens, were moving away from dependence on their parents.

It is very difficult to assess the long term stability of such relationships, and in particular their reliability for the continued care of the children of a previous marriage breakdown. Nevertheless the second largest category for individuals living with the parent with custody, and a child/children subject to supervision, were children not of that relationship but of a previous association (25 cases or 20.7% of the population). Little was known about the Divorce Court Judge's reasoning in making such orders as grounds were only identified in 18.2% of cases. Nevertheless, such orders did rely on the recommendations of social workers or probation officers (Eekelaar et al 1977), and they may have argued for intervention due to their perception of the instability of present relationships, arising from the presence of children from previous relationships of the parent with custody. Table 6 explores the relationship between recommendations based on child care and family units where there were children from previous relationships.

TABLE 6.

New family, with child by previous relationship by
recommendation for supervision, based on child care issues.

		Care of child.		
		YES	NO	TOTALS.
New family	YES	4(8.2%)	15(30.6%)	19(36.8%)
(old child)	NO	17(34.7%)	13(26.5%)	30(61.2%)
TOTALS		21(42.9%)	28(57.1%)	49(100%)

Number of missing observations = 72.

$\chi^2 = 4.658$, $df = 1$, significies = 0.0309

significant at 0.05 level.

The null hypothesis that there was no recommendation, based on child care issues and new family units, where there were children from previous relationships, cannot be rejected despite significant result being obtained. This is because in only four cases was a correlation established. This finding does not discount the possibility that the permanence of cohabitations or second marriage may become the preoccupation of supervising officers, that the presence of children from previous relationships had not heightened their interest. The major conclusion is that official statistics on single parents may take account of the high extent of informal relationships established since marital breakdown. The population does show the extremes of the divorcing population; from the isolation of a single

parent living with a young child whose fellow residents in a common boarding house were her only "extended" family, to a mother who had remarried, had a new child, and was being investigated by a social worker as regards fostering on a private basis another child.

Family history: the case for screening?

Table 7. shows the extent of identified family problems, as reported by supervising officers. The categories chosen come from contributors to a conference on Domestic Supervision Orders, when describing aspects of family history, and arise from answers to the question 'what kind of situations do you think make supervision desirable?' (Griew and Bissett-Johnson, 1975).

The most obvious conclusion of Table 7. is the high degree of previous contact with social work agencies. This would suggest that there had been a screening of divorce petitions to establish those families where social work intervention had already taken place. However, the practice was not consistent throughout the East Midlands Region. For instance in the pilot and experience surey two bordering services had taken very different views on such a policy. One did such checks as standard arrangements through its Divorce Court Welfare Officers, whilst the other considered the practice was undesirable as it could infringe the liberties of divorcing couples.

TABLE 7: HISTORY OF FAMILY PROBLEMS (n=121 CASES)

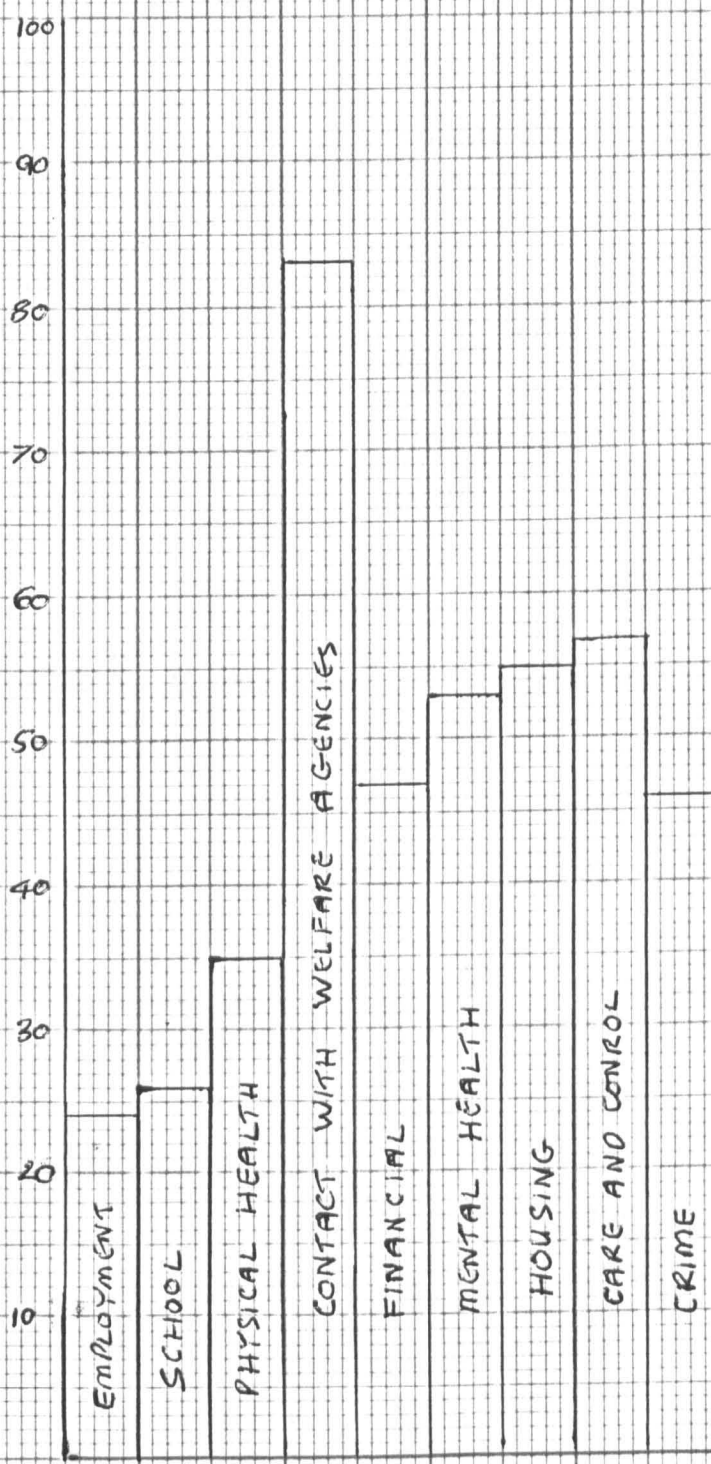
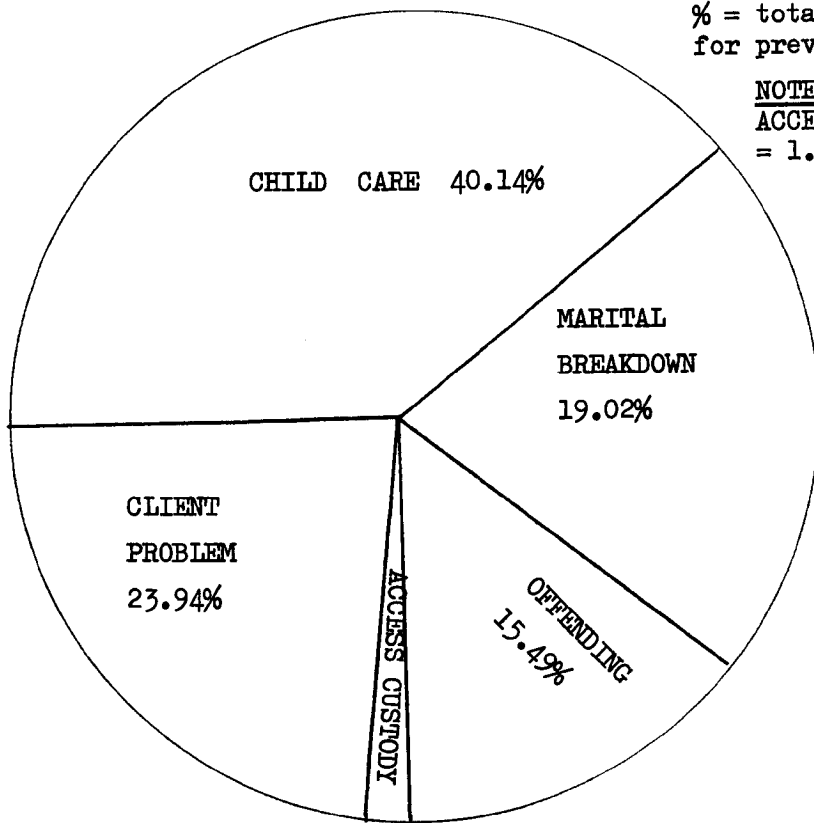


TABLE 8

REASONS FOR PREVIOUS CONTACT WITH WELFARE AGENCY

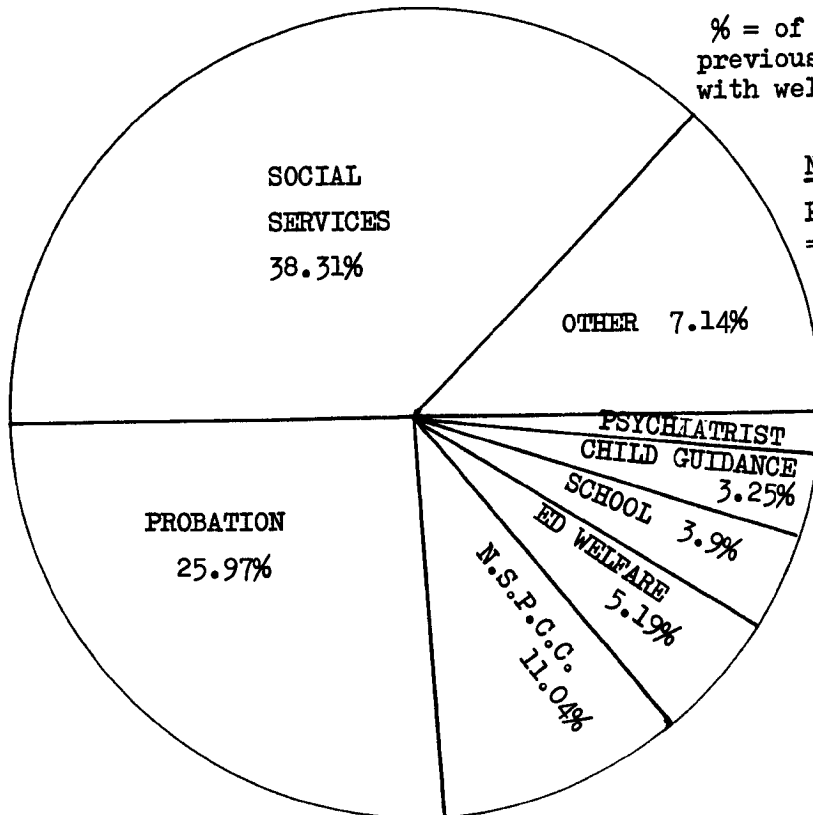


% = total of reasons for previous contact.

NOTE
ACCESS/CUSTODY = 1.41%

TABLE 9

PREVIOUS FAMILY CONTACT WITH WELFARE AGENCIES



% = of total of previous contacts with welfare agencies.

NOTE
PSYCHIATRIST = 0.65%

Table 8. shows the breakdown of the reasons for such previous contact by families. The categories represent amalgamations of responses by supervising officers, which were only coded after all the interviews had been undertaken. The child care abilities of such families were highlighted (57 cases, 40.14% of reasons for contact), and there was evidence that a Divorce Court Supervision Order allowed, in particular, a local authority social services department to formalise previous contact with a family, where they have been involved previously. Such involvement may not have been on a continuous basis, but was associated primarily with the child care abilities of parents.

"There was an involvement following a non-accidental injury and the child went into care for assessment on a voluntary basis. Voluntary supervision continued after return home. A skilled psychological service made an assessment of the child, after the school had been alerted by the Health Visitor. The Supervision Order rationalised our previous contact".

Intervention with families was likely to have been initially on a voluntary basis and may well have followed practical requests for help and assistance. Case examples include applications for nursery placements. The families studied sought advice on a wide range of problems including rent

arrears, eviction, depression, non-school attendance, financial difficulties and how to obtain a housekeeper (34 cases, 23.94% of reasons for contact). However, from the evidence of case examples, the remit for intervention developed beyond specific problems into a general assessment of family functioning.

"Advice was given over eviction. However, the mother was also depressed and there was a concern over the general care of the children, who were very withdrawn following the separation of their parents."

This could be seen as an intrusive approach to families, where divorce may well be seen as further evidence of family pathology and supervision could therefore be seen as a logical step. Other organisations offering professional services such as solicitors or Law Centres, are much more likely to deal with a presenting problem (such as a housing difficulty), without intervening into any wider area of family functioning.

Advice about what to do as regards marital breakdown was only mentioned in 27 cases, (19.02% of reasons for contact), despite divorce proceeding representing the legitimacy for subsequent supervision.

Table 9. shows details of which agencies families had contact with prior to a Divorce Court hearing. Social Services

were approached most often, probably because they were perceived as the most obvious provider of general services and advice. In addition, they may be based more often in local communities and have less of the stigmatising offender label of the probation service.

Table 10. explores the association between previous contact with the probation service and the subsequent supervising agency.

TABLE 10.

Previous contact with the Probation Service by Supervising Agency.

		PROBATION	SOCIAL SERVICES	TOTAL
Previous	YES	26 (31.3%)	14 (16.9%)	40 (48.2%)
contact	NO	24 (28.9%)	19 (22.9%)	43 (51.8%)
	TOTALS	50 (60.2%)	33 (39.8%)	83 (100%)

Number of missing observations = 28

$\chi^2 = 0.3693$ df = 1 significance = 0.5287

(not significant at 0.05 level)

The null hypothesis cannot be rejected. In the 50 cases where it was possible to examine the relationship, there was a near even split of previous contact and no prior involvement. The more unlikely finding was that in 14 out of 40 cases (35%), the social services became the eventual supervising agency, despite previous contact with the Probation Service. This was

likely to be explained by a family member's additional contact with a social worker. The same test was carried out as regards the Social Services Departments, and although the results were still not significant ($\chi = 1.65053$, $df=1$, significance = 0.989 at the 0.05 level), they were more likely to undertake supervision when they had previous contact with a family (80% of cases). The case for the significance of previous contact with the social work agency, as regards making a Divorce Court Supervision Order, is reinforced by the finding that in 37.3% of the population, such contact had taken place for more than three years. In those cases, social workers and probation officers had a good deal of knowledge on which an interpretation could be made as regards the stability of a post-divorce family unit.

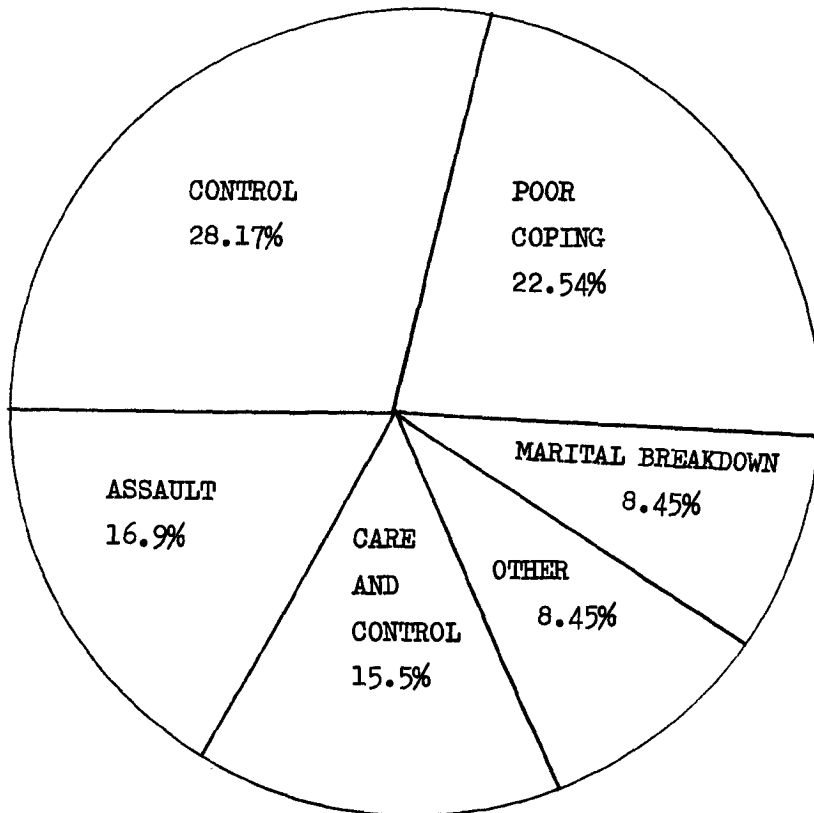
Child care: the major theme for Divorce Court Supervision Orders.

Child care problems were identified most often by supervising officers when reviewing the history of families made subject to supervision orders. (57 cases or 47.1% of the population). As Table 11. shows, parents had most problems in exercising control over the behaviour of their children (20 cases or 28.17% of child care problems), and in only 12 cases or (16.9% of of child care problems), was there specific evidence, of assaults by parents on their children. Such incidence may have led to the involvement of the National Society for the Prevention of Cruelty to Children. Parents inability to exercise discipline

over a child could result in an assault but not always, and there were a number of specific references to temper tantrums, which in six cases a supervising officer linked directly to the effects of marital breakdown.

TABLE 11. Type of Care and Control Problems.

(Percentage of type of care and control problems).



"There were difficulties over controlling the child who wanted to return to his father".

The association with marital breakdown was not often established when compared to the personal problems of parents (16 case or 22.54% of child care problems). The majority of these were associated with a parent's inability to provide physical provision for a child. (In Table 11 see "Poor Coping").

"Social Services took the children into care when the mother became very depressed and the children consequently came to be at risk".

The importance of relatives in assisting parents with the demands of their children was sometimes stressed.

"There was a history of low level of coping and a mother would have been struggling if she was without the support of her own mother".

Comments by supervisors involve a degree of interpretation of the standards of family care. However, arguments about "what is adequate care?", or "don't all children have temper tantrums?", are circular as they deny that these labels have been attached by supervising officers to particular families, which

are then likely to influence their general approach as regards the nature of supervision provided.

Table 12. explores whether a recommendation for Divorce Court supervision, based on child case issues, has an association with a history of care and control difficulties.

TABLE 12.

Recommendation Supervision Order Re: Child Care by History of Care and Control Difficulties.

		<u>CARE AND CONTROL</u>		
		YES	NO	TOTAL
Recommendation	YES	29 (30.9%)	11 (11.7%)	40 (42.6%)
Supervision	NO	18 (19.1%)	36 (38.3%)	54 (57.4%)
TOTALS		47 (50%)	47 (50%)	94 (100%)

Number of missing observations = 27

$\chi^2 = 12.57685$, $df = 1$ significance = 0.0004,

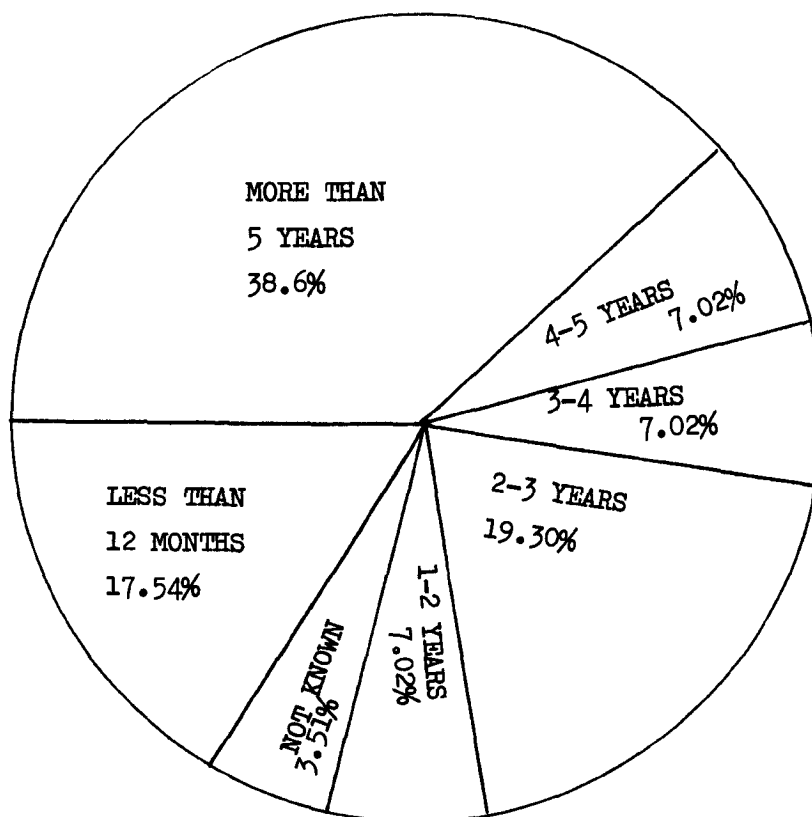
highly significant at 0.05 level

The null hypothesis can be rejected. Out of the 40 cases where there was such a recommendation, in 72.5% of cases there was also a history of care and control difficulties. A higher correlation was expected, which suggests that the history of a family is not the only determining factor given in welfare reports or in the subsequent assessments made by supervising officers. A more positive explanation could be that care and

control difficulties in a family were not pressing at the time that a Divorce Court Supervision Order was ordered. Table 13. supports the view that care and control difficulties were well established and in only a small proportion of cases (10 cases or 17.54% of care and control problems), were problems evident in the last twelve months.

TABLE 13. History of Care & Control Problems

(Percentage of type of care & control problems).



The Deviant family or links with marital breakdown?

When reviewing factors which may have prompted a Divorce Court to order intervention, based on Griew and Bissett-Johnson's indicators, it is necessary to establish whether there is any relationship between an aspect of family difficulties and the stages of marital breakdown. Supervisors were not asked specifically about such a connection by pre-coded questions as this may have influenced unduly their replies or lead to elaborate conjecture. It may be difficult to establish the difference between cause, that is for example a painful divorce process, and an outcome, such as mental health problems, as an abandonment by a spouse may exacerbate a propensity in the remaining parent to depression. Consequently supervising officers were asked to indicate how long family problems had been apparent which could then be compared to the date of marital breakdown. It should be remembered that in the present population 64.4% of parents had separated within the last three years.

Mental health problems were identified in 53 cases or 43.8% of the population. The classification used by social workers or probation officers are likely to represent a layman's assessments of psychiatric illness or accepted psychiatric terminologies. Depression and mental breakdown were identified most often (10 cases or 8.3% of the population). There was a separate classification for clinical depression (6 cases of 5% of the population). In only 7 cases or 5.8% of the population did supervising officers associate specifically mental health

problems with marital breakdown.

There were a number of examples of psychiatric conditions unrelated to marital breakdown, such as mental handicap. (3 cases of 2.5% of the population). In respect of mental health problems, the majority had existed for more than two years (32 cases out of 53 or 60.38% of this category). This suggested that the majority of mental health problems were likely to relate to residual difficulties in the pre-divorce family unit, and not be associated with the divorce process.

Table 14. explores the relationship between the date of marital breakdown and how long mental health problems had been apparent.

TABLE 14.

Marital Breakdown by Mental Health Problems.

Marital Breakdown.	MENTAL HEALTH PROBLEMS			TOTALS
	5 years	4-5 years	2-3 years	
2-3 years	0(0.0%)	4(21.1%)	4(21.1%)	8(42.1%)
3-5 years	4(21.1%)	3(15.8%)	0(0.0%)	7(36.8%)
5 years	4(21.1%)	0(0.0%)	0(0.0%)	4(21.1%)
TOTALS	8(48.1%)	7(36.8%)	4(21.1%)	19(100%)

Number of missing observations = 102

$\chi^2 = 14.34694$, $df = 1$, significance = 0.0063,

highly significant at the 0.05 level.

The null hypothesis that there was no association between

mental health problems and marital breakdown, cannot be rejected, despite a significant result being obtained. This was because the lack of cases in some categories and it was only possible to draw tentative conclusions from the table. In four cases there were mental health problems which had existed for more than five years, and where marital breakdown had taken place over five years previously. This suggested, in a small number of cases, there may be an association between long term mental health problems and the prolonged effects of marital breakdown.

In reviewing other indicators of family problems, the majority do appear to be residual and re-emphasise the clinical nature of the present population with its high degree of previous contact with social work agencies. Financial difficulties were concerned primarily with an inability to cope on levels of state benefit (21 out of 47 cases identified), and 57.45% of families with financial problems had difficulties for more than three years.

The present population did not support the correlation of marital breakdown and delinquency by children. Crime behaviour (45 cases of 37.19% of the population) was committed principally by parents (30 cases or 66.6% of the category), and not by children subject to supervision. There was limited evidence that minor acts of delinquency by other children in the family, may be a prompt to intervention.

Physical health problems (35 cases or 28.9% of the population) were very specialised except in four cases where poor housing conditions were identified as a contributory factor to

bad health. Medical conditions were confined to particular family members and included a microcephallic condition in a child subject to supervision and multiple sclerosis as experienced by a mother with custody. The conditions were long standing (77.4% for more than two years). It could be questioned as to how appropriate it was to give such families the supervision provided by a social worker or probation officer. They lacked specialist medical knowledge and their principle function was likely to be mobilising other sources of support such as family, friends and specialised voluntary groups. The chapter on the process of supervision will evaluate whether these objectives for supervision were attempted.

Employment problems (24 cases or 19.8% of the population) were also long term (58.34% had existed for more than 2 years), and there were only occasional examples of where marital breakdown had contributed to employment difficulties. For example an oil rigger who had to employ private foster parents after separation from his wife, to care for children in his custody, where his unsocial working arrangements had contributed additionally to the deterioration of his marriage. There were also some examples of frustration by parents who had been awarded custody, and then were unable to maintain or obtain suitable employment. Only school problems and housing difficulties showed more definite connections with the traumas of marital breakdown.

Housing difficulties were apparent in 55 cases or 45.5% of the population, and the family were likely to have more than one

type of housing problem. On occasions it was difficult to establish the criteria used by supervising officers, (i.e. their definition of poor living conditions).

However, in 26 cases or 47.27% of all housing problems, there had only been apparent within the last twelve months. Some categories, such as overcrowding showed more clearly the effects of marital breakdown as they related primarily to the demands of temporary accommodation. Following separation, parents had to vacate the marital home and live with relatives or friends, or in subsequent relationships or marriage, had had to accommodate not only children subject to supervision, but children from a partner's former marriage. There were more unusual examples such as those of tied accommodation, where a psychiatrist's wife had been evicted from hospital property following separation, or where a farm labourers wife had managed to remain in a cottage as her husband's employer had ordered her husband to make deductions from his wages to pay for the accommodation.

The pilot and experience survey had indicated the dilemmas of social workers or probation officers providing crisis support to individual marital partners following separation. If, in the absence of privately owned property, pressure was brought to bear to secure local authority accommodation, then this action may inadvertently prejudice the other parties' custody application. Such intervention may balance up a situation, as regards a parent who remains in a family home, or be thwarted by the common practice of Housing Departments not providing any accommodation

until the custody application for a child has been settled.

School problems were identified in 26 cases or 21.5% of the population and supervising officers linked specifically the effects of marital breakdown with educational difficulties in 10 cases or 8.3% of the population. A number of case examples will illustrate the relationship.

"There was a period of absence from school, a few days for the girl and a few weeks for the boy, where they left school to go and see their father".

There was a similar example, where father had custody and the child went to his mother's place of work to see her. This indicated a very real problem of children adjusting to the separation of their parents. Likewise a child may be used as a substitute for a lost partner.

"Mother was too apathetic to put the child into school. She used the child as a companion."

School problems were the most recent of any category of family problem. In 16 cases or 16.4% of this category, school problems were apparent only during the two years prior to the making of a Divorce Court Supervision Order.

To reiterate it is evident that with the exception of school and housing problems, the family difficulties identified in the population of Divorce Court Supervision Orders were well

established. This would accord with a high degree of prior contact with social work agencies and reinforces the hypothesis that divorce proceedings allowed agencies to formalise previous intermittent and often long term social work intervention. Table 15. compares an amalgam variable of one or more family problems with the subsequent supervising agency to establish whether this form of supervision is undertaken by one or both social work agencies.

TABLE 15.

Family Problems by Supervisory Agency.

		Probation	Social Services	Total.
Family	YES	69 (57%)	35 (28.9%)	104 (86%)
Problems	NO	15 (12.4%)	2 (1.7%)	17 (14%)
	TOTALS	84 (69.4%)	37 (30.6%)	121 (100%)

Number of missing observations = 0

$\chi^2 = 2.34741$, $df = 1$, significance = 0.1255

(not significant).

The fact that in only 17 cases or 14% of the population were there no long term family problems, in families where supervision was ordered, supports strongly the view that family history is of crucial importance in the making of such orders. There is no association between the history of such problems and supervision by a particular agency. In 94.59% of cases

supervised by a social services department there was such a history, as opposed to 82.14% of cases supervised by the probation service. Such a finding questions a pure view of the probation service as Divorce Court Welfare Officers providing marital counselling and leaving the monitoring of deviant families to social workers.

In 17 cases there was no such family history. It is likely that in those cases supervision may be based on the nature of the divorce process alone. Consequently, it was necessary to identify the disruption or otherwise of a divorce process and the specific reasons given for ordering supervision. The Divorce Court may see itself as providing specialised marital counselling to the traditional clients of the social work agencies who are often the poor and the vulnerable.

As regards the demographic and descriptive information described in this chapter, Divorce Court Supervision Orders display their eclectic potential. They could be a response to single parents, fathers with custody, the traumas of change in custody arrangements, the formalising of long-standing contact with social work agencies or a reaction to specialised mental or physical health problems. In addition, the generic nature of supervision may include a reaction to disruptions in school performance or attention to an unsatisfactory housing arrangement.

CHAPTER FOUR - REFERENCES.

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CHAPTER FIVE.

DIVORCE AND DIVORCE COURT SUPERVISION ORDERS AND THE NATURE OF
SUPERVISION PROVIDED.

INTRODUCCION.

This chapter will examine the relationship of divorce to Divorce Court Supervision Orders. Weber's qualifying criteria for legitimacy of an order was that it should relate to its original legislative framework. The population studied would then show evidence of a traumatised marital breakdown, and such considerations would be reflected in the grounds stated for orders by Judges and contained in the recommendations of Welfare Report writers. Continued legitimacy would require consistency between the stated intentions of a Divorce Court and the supervision provided by social work agents.

An alternative view would be that supervision in domestic cases is eclectic and ill-defined. This would be broadly comparable with the diffuse entry to a Juvenile Justice System. Priorities for supervision could change over time to such an extent that the original conception of an order has little relation to its stages of development.

The chapter will examine who are the recipients of supervision and how insular is the supervision provided. Do supervising officers mobilise relevant organisations or individuals and is the Divorce Court informed of a child's progress?

To answer these questions factual and descriptive information was obtained as regards the divorce process, the grounds for making Divorce Court Supervision Orders and the circumstances surrounding such decisions. An examination was also made of the supervising officer's assessment of the purpose

of such an order, and in particular, the attention given to issues associated with marital breakdown and any subsequent changes in assessments after twelve months of supervision. A detailed study was made of the pattern of contact, including its frequency between a supervising officer, the child subject to supervision and any other significant family member. An analysis was made in addition, of the background of a supervising officer, their recourse to Divorce Court for advice and direction and the wider organisational context of supervision.

The Divorce Process.

The majority of Divorce Court Supervision Orders were made in the East Midlands region. Nottingham County Court represented the largest single provider (35.5% of the population), but such figures reflect the difficulties in obtaining the population. The Nottingham County Court was represented fully in the population, as both the Probation Service and the Local Authority had agreed to be researched. In contrast, Leicester County Court made orders that were supervised subsequently by Leicestershire Social Services Department who had refused to take part in the study.

TABLE 16. County Courts making Divorce Court Supervision

<u>Orders.</u>	No.	%
NOTTINGHAM	43	35.5
LEICESTER	24	19.8
DERBY	17	14.1
CHESTERFIELD	12	9.9
LINCOLN	10	8.3
GRIMSBY	5	4.1
MANSFIELD	5	4.1
HIGH COURT	4	3.3
(FAMILY DIVISION)		
ALFRETON	1	0.8
TOTALS:	121	100

The degree of entrenched marital disputes was indicated by the fact that in 30 cases, or 24.8% of the population, there had been previous appearances in the Magistrates Court with regard to domestic proceedings. Custody Orders had been made in 28 cases or 23.1% of the population, and access orders made in 18 cases or 14.9% of the population. Supervision Orders had been ordered in 7 cases or 5.8% of the population, which suggests that Magistrates were, at an early stage, cautious about the future stability of family arrangements.

Custody.

When interviewing supervising officers about the history of custody difficulties, prior to the making of a Divorce Court Supervision Order, the question was left without any pre-coding to allow maximum flexibility. However, three general categories emerged. They were, cases where custody was contested, families where a child influenced custody arrangements and situations where custody changes or uncertainties related to a parent's personal problems. The incidence of custody difficulties was high (71 cases or 58.7% of the population) and families were likely to exhibit more than one type of custody difficulty.

Custody disputes may be continuous, repeated or isolated affairs. For example:-

"Custody was contested all the way. Mum went to West Germany for a period, as she was Anglo-German, but later tried for custody. Custody was contested at a formal hearing nominally with the hope of ensuring satisfactory access".

In contrast:-

"Custody disputes were not apparent until 1978. Mum had custody since 1970 but then Dad had complained about mother's ability to look after the children and felt he could to it better".

Custody disputes may therefore have been apparent since the stage of original separation and had led to a Magistrates Court hearing, or may be prompted by an application for divorce. Unresolved marital conflict could contribute to disagreements over custody. One parent may be seeking reconciliation. For example:-

"Custody was in dispute and both parties had applied for custody. The children are in the middle of their parents' battle. The father was seeking reconciliation and the children kept moving between their parents to help make this happen."

Contested custody disputes were evident in 52 cases or 43% of the population, but, as the above example illustrates, children were able to influence formal or informal custody arrangements.

"Mum left home with their daughter but she wanted to live with Dad. When the daughter said this strongly, Mum gave up her custody application".

Children from the same family may express different preferences as between their parents.

"Lorraine wanted to live with her mother. Belinda didn't want to but Lorraine went to her mother for a trial period. This wasn't successful so the child returned to her father. Mother contested custody of Lorraine because Lorraine said she still wanted to live with her."

This example suggests that the mother could be interpreting a child's view in order to give her a stronger basis for a custody application. In the absence of parental agreement, welfare report writers may be called therefore to give an independent view of a child's wishes. There is evidence from the population that children also have noticeable difficulty in accepting marital breakdown and try and restore what they have lost. There are also examples of where children found it very uncomfortable to deal with step-parents and children brought to their home by a parent's new partner. This did lead to changes in custody.

"She lived with her Dad but then there were difficulties with his cohabitee. She then lived with her mother but didn't get on with her cohabitee. An aunt took over custody but there was still upset."

Children influenced custody arrangements in 22 cases or

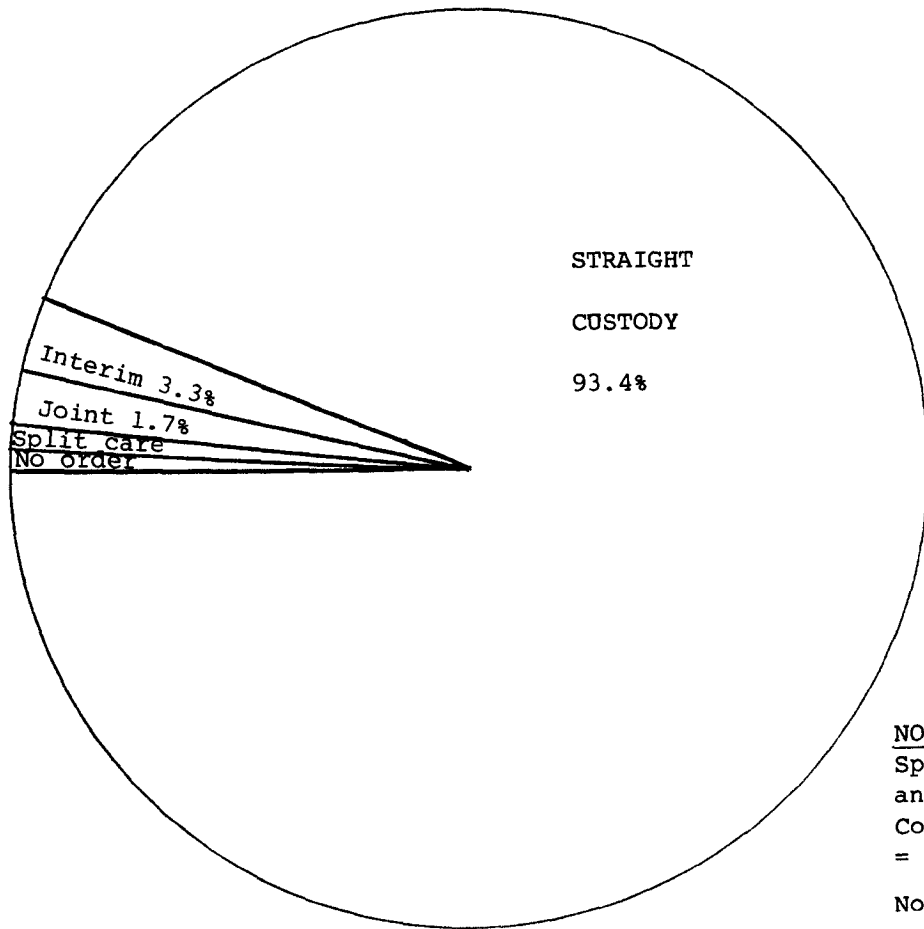
18.2% of the population in that they could ignore, change or disrupt the decisions made for them by their parents or by the Courts. Nevertheless what may be their preferred arrangements, could be upset by their parent's personal problems.

In 23 cases or 19% of the population a parent's personal problems had affected custody arrangements. The most frequent difficult was illness, although in one case a father was imprisoned at the time his children's arrangements were reviewed by the Divorce Court Judge. Prior to his imprisonment he had made a strong application for custody. Although, as was indicated in Chapter 4, family problems were well established, the majority of custody difficulties had only been evident in the two years before the making of a Supervision Order (56.3% of the population).

Custody Orders.

The extent of marital disharmony in the population was illustrated further by the type of custody orders made. Table 17 shows the majority of orders were straight custody orders and in only two cases were joint custody orders made, which would have required co-operation between parents.

TABLE 17. Type of custody order.



NOTE.
 Split Custody
 and Care and
 Control
 = 0.8%
 No order
 = 0.8%

The uncertainties of future arrangements for some children was emphasised by the 4 cases where, despite the powers of supervision, an interim custody order was made, with the intention of reconsidering custody arrangements at a later date.

Access.

Access difficulties, prior to making a Divorce Court Supervision Order, was reported in 79 cases or 65.3% of the population. Again, without pre-coding, a number of broad

categories were isolated. Like custody arrangements, access arrangements may suffer from a parent's inability to accept marital breakdown (37 cases or 30.6% of the population). Similar comments to the following by supervising officers were common:-

"Access was used as a way of seeing his estranged wife. The father was not prepared to accept marital breakdown and worked for a reconciliation. The children became fearful of what could happen at access times".

On other occasions children were denied access by the attitudes of a custodian parent:-

"Her husband left home to live with another man. Mother was very bitter about the divorce and just refused to allow the children to see him".

Some supervising officers alleged a more subtle sabotaging of access arrangements.

"Mother used the children to get at Dad but ever in fact objected to access. She simply said the children didn't want to see him. In fact, she made sure they didn't as she had not resolved the marriage breakdown. He gave up eventually and worked through a solicitor."

In both these cases supervising officers appear to

support the maintenance of family ties, through the promotion of access. Nevertheless in family law, the rights of parents to see their children following marital breakdown are now considered less important than the childrens own wishes to maintain contact with both their parents.

"We like to think we are getting away from the of rights of parents into a field where everything is related to the welfare of the child." (Sir George Baker, Times, June 19th 1974.)

In case law, the principle of access visits has been referred to as a "basic right in the child rather than the basic right in a parent". (Wrangham, J, MYM (1973), 2 AUER 81,85).

Children may or may not have been consulted when a welfare report was requested as to whether they wished to see an absent parent. No specific question was asked by the researcher as to whether children were interviewed, but it is accepted commonly that, particularly younger children, are likely to try and please both parents and, if pressurised, more particularly the parent where they spend the majority of their time. (Wallerstein and Kelly 1981).

Eekelaar had found that in one-third of access and custody disputes, there was upset and disturbance for the children concerned. This was most pronounced in the age range 4-5 years, (Eekelaar 1982, p.74). In the present population, when comparing

access problems by the age of the child, the age range most affected was 9-12 years of age. This older age group may be more able to give an independent view as to their own wishes, and the merit of such an approach was emphasised by the 24 cases or 19.8% of the population where children directly influenced the success or otherwise of access arrangements.

"Justine was not keen on staying access as she didn't like the cohabitee of her father or the children of his cohabitee. Peter was also saying that he didn't want to go but Dad demanded that they came and a tug of war took place in the street."

This example illustrates how access visits can pose significant problems for a child. Other children in a household may lead to competition for time and affection from adults. Different adults may also tend to exercise control over a child's behaviour. Nevertheless the independence of a child's view must be questioned as is illustrated in the following example.

"When mother had custody of the children there were no difficulties over access but when Dad had the girl she said she didn't want to see her mother and father supported this view and no access took place."

If relationships between separated parents were particularly strained, an obvious area of conflict and disagreement was the specific details of access arrangements.

"There were problems over access as the mother felt that Dawn was too young to stay with her father. The probation officer concerned believed that the problem was not the mechanics of access but the spirit behind it."

Some parents were unable to make compromises in the interests of the smooth running of access arrangements.

"Access wasn't denied but each parent demanded that the child be brought and taken back from access visits by the other party."

Difficulties concerning formal access arrangements were evident in 20 cases or 16.5% of the population.

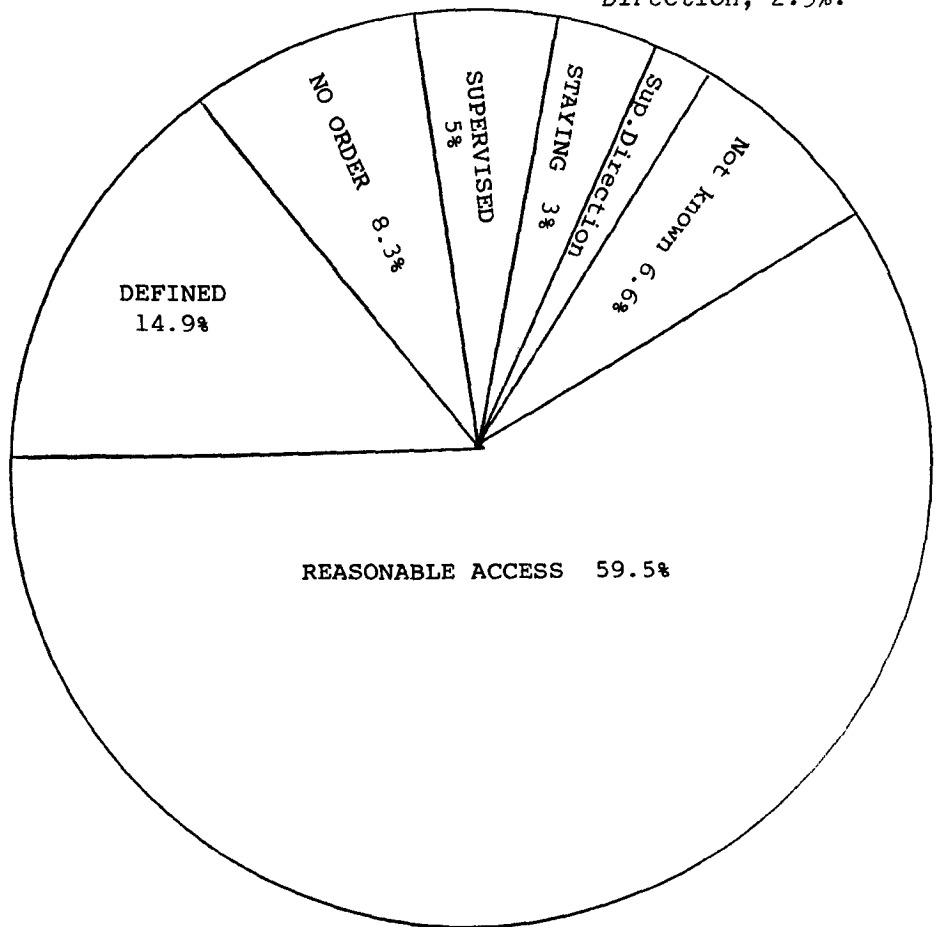
Access Orders.

Despite the high number of access difficulties in the present population, the Divorce Courts did not impose special conditions in the majority of cases. As can be seen from Table 18, reasonable access orders were made in 72 cases or 59.5% of the population. The making of Divorce Court supervision orders

may be related to the promotion of access arrangements, as the numbers of access orders made (103 cases or 85.2% of the population), were far higher than samples of the national divorcing population. Eekelaar et al's study found that access orders were made in only 55% of cases (Eekelaar et al 1977, p.20-22). Nevertheless, Eekelaar did comment on the wide disparity in the practice of Divorce Courts in England and Wales in making such orders. (from 16.2% to 79.3%).

TABLE 18. Type of Access Order.

NOTE:
Supervising Officer's
Direction, 2.5%.



Eekelaar et al found that restrictions on such orders occurred only in 4.5% of his sample, whilst defined access access, supervised access and access as directed by the supervising officer amounted to 27 cases or 23.8% of all access orders made in the present population. This could be expected from a clinical study but tests did not establish that special conditions were imposed in the event of any access difficulty.

TABLE 19. Access difficulties by Court Order for reasonable access.

Access difficulties	Reasonable access order.		
	YES	NO	TOTALS
YES	46 (40.7%)	31 (27.4%)	77 (68.1%)
NO	26 (23.0%)	10 (8.8%)	30 (31.9%)
TOTALS	72 (63.7%)	41 (36.3%)	113 (100%)

number of missing observations = 8

$\chi^2 = 1.15735$, 1 df, significance = 0.2820

(not significant)

The null hypothesis that there was no association between cases where there was a history of access difficulties, and access orders where there were no restrictions, could not be rejected. Table 19 would suggest that, in a majority of cases, the Court had avoided any particular restraints on parents, in addition to the making of a Divorce Court Supervision Order.

Indeed, it could be argued, the presence of conditions may not resolve continuing difficulties between parents but instead become a focus in themselves of disagreement.

As with custody difficulties, the majority of access difficulties were recent. Of the 79 cases, or 65.3% of the population, where access difficulties had been identified, 51.9% were evident during the last two years, whilst only 24.1% had existed for more than four years. Consequently, in addition to the issues of legitimacy, custody and access issues were more pressing than other family problems described in Chapter 4. They are therefore more likely to be reflected in the recommendations for supervision in Welfare Reports.

Financial Matters.

The final indicator of a disturbed divorce process was the extent of disputes over financial matters. Financial matters were identified in 46 cases of 38% of the population, but the accuracy of such figures could be questioned as traditionally, supervising officers were not concerned with the financial aspects of a divorce settlement. Although maintenance was the principle problem (39 cases or 32.3% of the population), there was also disagreements over accommodation (25 cases or 20.7% of the population), a quarter of which related to two families in dispute over tied accommodation, (See Chapter 4).

Supervising agency and divorce.

In Chapter 3, practice guidelines were described which made the Probation Service the main provider of assistance to those parents and children still suffering from the effects of divorce. Table 20. shows Divorce Court Supervision Orders, where the divorce process had been unsettled, (using the variables of custody and access difficulties and/or a previous Magistrates Court hearing and/or disputes over financial matters) by supervising agency.

TABLE 20. Difficulties in divorce process by supervising agency.

Divorce Process.	PROBATION	SOCIAL SERVICES	TOTALS
YES	76 (62.8%)	29 (24.0%)	105 (86.8%)
NO	8 (6.6%)	8 (6.6%)	16 (13.2%)
TOTAL	84 (69.4%)	37 (30.6%)	121 (100%)

$$\chi^2(\text{with 1 df}) = 2.30671 \text{ n}=121$$

significance = 0.1288 (not significant)

The null hypothesis that there was no difference, as to the subsequent supervising agency, with regard to cases where there was evidence of problems in the divorce process, was accepted. This consequently belies the specialist historical tradition of the Probation Service in Divorce Court welfare work. As a percentage of the total cases allocated to each agency, the

Probation Service had a higher figure than the local authority as regards disruption in a divorce process (90.48% as opposed to 78.38%), but the difference was not significant. Such a finding means that both agencies require specialist counselling skills, as regards assisting with the consequences of divorce.

The legitimacy of 16 cases, or 13.2% of the population, as regards the legislative framework of Divorce Court Supervision Orders, was severely questioned by the absence of any divorce related problem. This suggests that Divorce Court Supervision Orders may serve other functions than directly dealing with the consequences of divorce.

The grounds and recommendations for Divorce Court Supervision Orders.

The research study identified the grounds for Divorce Court Supervision Orders, as given by Judges, in 22 cases of 18.2% of the population. Supervising Officers were encouraged to check their files for any written evidence, probably in correspondence from Divorce Court Welfare Officers. This finding, which reflected accurately the degree of estrangement supervising officers must have experienced as regards the influence of the Divorce Court, may not necessarily accord with the exact level of direction by Judges. Nevertheless, it confirmed the University of Leicester Conference conclusions (Griew and Bissett-Johnson, 1975), that Judges were markedly reluctant to prescribe the subject matter of supervision. As can be seen from Table 21. access represented the principle ground

for making such orders (6 cases).

TABLE 21. Grounds for Supervision Orders.

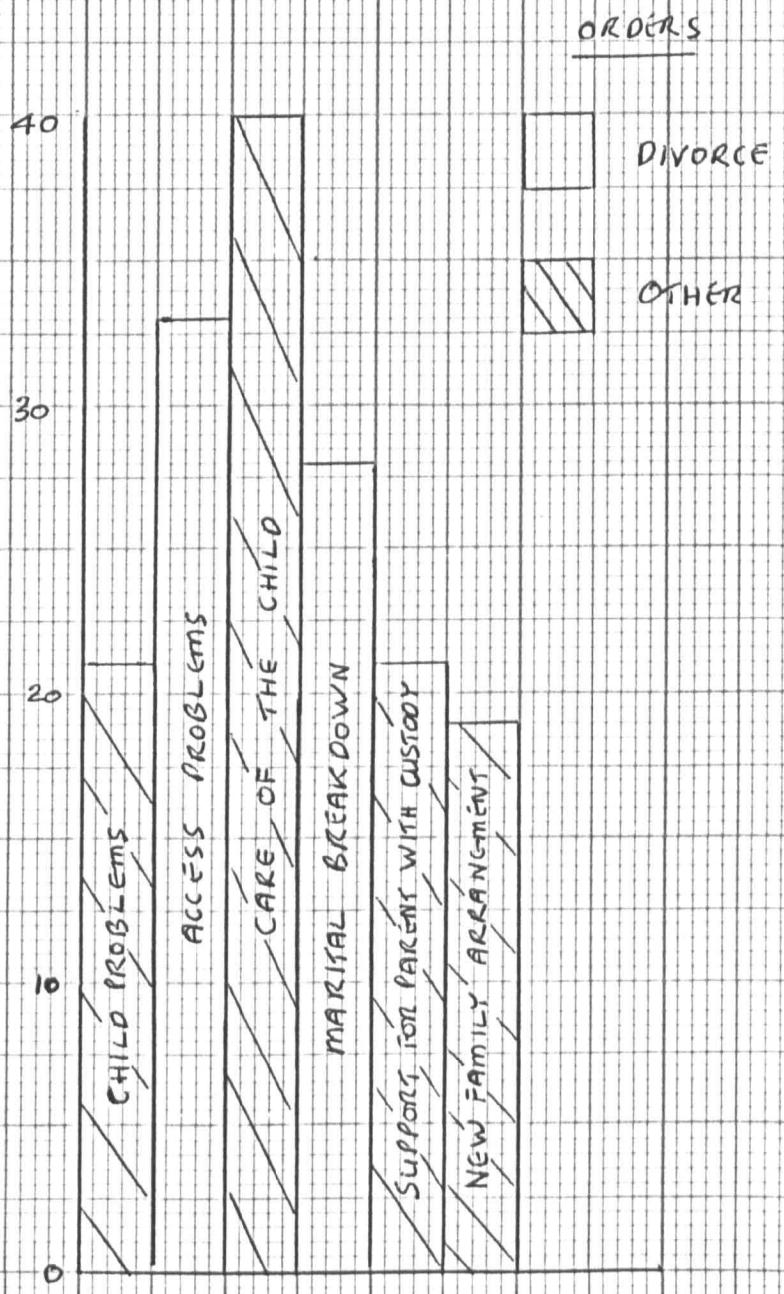
	n	% (n = 121)
ACCESS	6	5.0
EXCEPTIONAL CIRCUMSTANCES	4	3.3
SUPPORT TO FATHER		
(WITH CUSTODY)	4	3.3
CUSTODY	2	1.7
NON-SCHOOL ATTENDANCE	1	0.8
CHILD WITH RELATIVES	1	0.8
TOTAL	18	14.88%

In 4 cases Divorce Court Judges refer specifically to the qualifying criteria of "exceptional circumstances". Parental support and non-school attendance point to the potential elasticity of Divorce Court Supervision Orders.

The dependence of the provision of supervision on the recommendation of Welfare Report writers, was reinforced by the present study. In 105 cases of 86.8% of the population, a Welfare Report had been written. In 95 cases, or 77.7% of the population, such report contained a recommendation. Recommendations were likely to cover a number of issues. This reflected a population which had a high degree of contact with

social work agencies in the past, and also considerable problems associated with marital breakdown. Table 22. illustrates the combined themes of child protectionism and help with issues relating to divorce and marital breakdown, within the intentions given for the same statutory supervision order.

TABLE 22: RECOMMENDATIONS
FOR DIVORCE COURT SUPERVISION



Readily identifiable recommendations in accord with Weber's qualifying criteria of a Divorce Court legislative framework were not in the majority.

Welfare Report writers identified inadequate care by parents in 40 cases or 33.1% of the population. Case examples suggested a preventative or monitoring function.

"supervision was a safeguard for children"

"Although mother was committed to her children, she was occasionally worn down as they were difficult children. There had been a possible non-accidental injury in the past. There were new concerns about the father because of an alleged sexual abuse of the eldest child, which had not been taken up by the police".

In the above case, allegations of child abuse had been investigated but not proven. Divorce proceedings offered the opportunity to review and formalise previous social work involvement. In other cases there were examples of children from a family going into the care of the local authority on an irregular basis, either voluntarily or following full care proceedings. In addition supervision was sometimes anticipated as a mid-way step to full matrimonial care proceedings and, in two cases, the recommendation had been for a full care order. In the majority of cases, care proceedings were not mentioned specifically by Welfare Report writers and supervision was seen

as a suitable method by which child care arrangements of a new family unit could be monitored.

Access difficulties had been identified in 79 cases or 65.3% of the population, but there were specific recommendations in Welfare Reports as regards access problems in only 33 cases or 27.3% of the population. Access disputes may not have been continuous and were therefore not evident at the time of a Divorce Court hearing. Nevertheless, 51.9% of all cases where access difficulties had been highlighted, had only been apparent in the two years prior to the decision to order supervision.

Table 23. considers the null hypothesis that there was no association between those cases, where there had been a history of access problems, and those cases where there had been a recommendation for a Divorce Court Supervision Order based on access issues.

TABLE 23. Access difficulties by recommendation for Divorce Court Supervision Order based on access problems.

Recommendation for supervision re: Access			
Access difficulties.	YES	NO	TOTAL
YES	32 (35.6%)	29 (32.2%)	61 (67.8%)
NO	1 (1.1%)	28 (31.1%)	29 (32.2%)
TOTALS	33 (36.7%)	57 (63.5%)	96 (100%)

number of missing observations = 31

$\chi^2 = 18.27550$ with 1df

significance = 0.00006 (significant)

The null hypothesis could be rejected and the high significant result obtained, suggests that where there was a recommendation as regards access, there was a correlating history of access difficulties. Nevertheless there was not a blanket decision to intervene, as in 54.2% of cases where there had been a history of access difficulties, there was no corresponding recommendation.

In 28 cases or 23.1% of the population, the continuing effects of marital breakdown were seen as a reason for a Divorce Court Supervision Order. Case examples suggest that there was also likely to be an access dispute. The children were identified most often as suffering from their parents divorce. Disturbed behaviour and emotional upset was interpreted by Welfare Report writers as indicators of a distressing grief reaction to a separation of parents. As regards parents themselves, Report Writers refer to a total inability to communicate over access arrangements or general issues concerning the care of their children. In some cases, supervising officers stated specifically that they intended to work with both parents to resolve outstanding marital disputes.

In 21 cases or 17.4% of the population, supervising officers identified specific problems of behaviour displayed by children. They were for the most part unrelated to problems of marital discord, but parents were struggling to exercise care and control over their offspring.

"Mother had problems controlling Christopher's behaviour. He was hyper-active and thought he was 'batman'. He tried jumping out of a second-floor window".

The very wide range of situations which prompted supervision was demonstrated by a supervising officer who anticipated the future handicap of a child as his mother had multiple sclerosis. His primary apprehension was the immediate care of the child but he anticipated future counselling about her decision to marry. The child was only ten years of age when the order was made.

There were case examples where social work agencies used the opportunity of divorce proceedings to formalise or re-activate social work involvement, with an emphasis on a control function.

"Spencer had been committing offences since he was aged six. Previously we had the authority to go into the family because of a supervision order made in the Juvenile Court because of offences committed by his sister. This had now run out. Care of Spencer left a great deal to be desired but it was decided that local authority care had nothing to offer him".

Juvenile Court supervision of another child in the

household had previously been used to try and influence a child's delinquency. Divorce proceedings offered a fresh opportunity to reassert authority.

Some Divorce Court Welfare Reports suggested a low key, if extended role for Supervising Officers.

"Supervision was recommended to help Michelle through adolescence by providing moral support and an interested outsider."

As regards children, additional prompts for intervention were school attendance problems and physical handicap. Hall had suggested that supervision should be re-titled "Parental Guidance Orders" (Hall 1968). Welfare Report writers suggested support and guidance on marital issues and in particular access, and the provision of personal support to parents (21 cases or 17.4% of the population). Parents were described as experiencing psychiatric problems or being very socially isolated.

"It was felt that father wouldn't cope with the children without additional support. He was not aware of existing resources in the community such as Gingerbread Clubs or other social clubs." (Gingerbread is a national self-help organisation for single parents in the United Kingdom. It has over 300 local groups and approximately 80,000 members.)

In a few cases, Supervising Officers linked present mental instability with the continued effects of marital breakdown.

In Chapter 4 the extent of new family relationships of the parent with custody was stressed. In the literative review, statistics were presented as to the high rate of breakdown of second marriages. It was anticipated, that Supervising Officers may wish to monitor the stability of new realtionships to protect the interest of children. In 19 cases or 15.7% there were specific recommendations in Welfare Reports, as regards the permance of new relationships or marriages.

"Supervision will provide the necessary support to Mr and Mrs Clark with what is a relatively new marital situation with children who have experienced a good deal of disrputation in their lives."

The importance of different social work agency considerations in the preparation of Welfare Reports.

From the pilot study it was anticipated, that where a local authority social services department supervised an order, a social worker was unlikely to have prepared the original Welfare Report. This was because of the specialist Divorce Court Welfare role encompassed by the probation service. Nevertheless, there was considerable evidence of previous contact with social services departments (59 cases or 46.9% of the popualtion), which

may be a more dominant factor.

Table 24 compares two supervising agencies by whether the Welfare Report writer and the Supervising Officer were the same.

TABLE 24. Supervising Officer/Welfare Report writer by Supervising Agency.

Supervisor			
Welfare Report Writer.	Probation	Social Services	Totals
YES	43 (37.4%)	14 (12.2%)	57 (49.6%)
NO	38 (33.0%)	20 (17.4%)	58 (50.4%)
TOTALS	81 (70.4%)	34 (27.6%)	115 (100%)

number of missing observations = 6 n = 121

$\chi^2 = 0.92420$ with 1df, significance = 0.3364

(not significant).

The null hypothesis that there was no difference between a change of personnel from Welfare Report writer to Supervising Officer, when compared against the respective supervising agencies, could not be rejected,.

The degree of consistency was not significantly different. As regards the probation service there was no change in 53% of cases, as compared with 41.8% of cases for the social services department. This finding did not support the high anticipated degree of specialisation by the probation service. Social services departments nevertheless did not prepare reports in

accord with their previous level of contact with the families in the present population.

It was hypothesised that agency considerations would affect the content of Welfare Report recommendations. Table 25. compares a Welfare Report Recommendation as regards child care issues by supervising agencies.

TABLE 25. Welfare Report recommendation for child care by Supervising Agency.

	Probation	Social Services	Totals
Recommendation	17 (18.1%)	23 (24.5%)	40 (42.6%)
Child care	46 (48.9%)	8 (8.5%)	54 (57.4%)
TOTALS	63 (67.0%)	31 (33.0%)	94 (100%)

number of missing observations = 27 n = 121

$\chi^2 = 17.06033$ df=1, significance = 0.0000

highly significant at 0.05 level

The null hypothesis that there is no difference between the welfare agency undertaking supervision and a recommendation in a Welfare Report for Divorce Court Supervision Order, based on child care issues, could be rejected. In 74.2% of cases where social services became supervisors, there had been a recommendation in the Welfare Report based on child care. The comparative figure for the probation service was only 29.68%. In an analysis of a supervision process, it will be seen whether such a distinction is maintained.

An examination of the content of Welfare Report recommendations and the limited information known on the view of Divorce Court Judges, had shown that, despite evidence of considerable disruption of divorce process in the population, the priorities of supervision may be quite different. Child protectionism was to Welfare Report writers just as important as access problems. On occasions social work agencies wished to reassert their authority over particular families where intervention had lapsed or required re-structuring. The futuristic aspects of supervision were emphasised by cases where there was anticipated long term monitoring of children's development, or an awareness of the potential frailties of second marriages.

The nature of Divorce Court supervision.

Very little is known about the nature of supervision provided in domestic proceedings. Existing research and descriptive material focussed on the circumstances in which such orders were made. (See Chapter 2).

A specific purpose of the research was to obtain information concerning individual Supervising Officers and their response to particular problems which may occur in the course of supervision. The notion of legitimacy will be explored further by an examination of the extent of usage of the legislative framework, indicated by referral back to the Divorce Court. For supervision to be understood, it will be necessary to investigate the pattern of contact between a Supervising Officer and the rest

of the family unit which existed prior to the divorce proceedings. The possible change in priorities for supervision can be identified in the level of attention given to other members of the new family arrangement, as well as in the reported social work assessments of supervising officers over the two years of the study. The degree of contact with the parties to supervision was important in establishing whether social work involvement was intensive and possibly therefore intrusive in family life or accorded with the minimum involvement anticipated by the Royal Commission on Marriage and Divorce 1951-55 (Section 396).

There was considerable scope for reinterpretation and reassessment of the priorities for supervision. In only 47.1% of cases was there a consistency of personnel between the Welfare Report writer and the Supervising Officer. The consequent estrangement from the considerations of the Divorce Court, was emphasised by the fact that in only 16 cases or 13.2% of the population, did Supervising Officers regard themselves as specialists in providing domestic supervision. Their most common experience of supervision involving children was in Juvenile Court criminal proceedings (84.3% of cases).

The recipients of Supervision.

An examination of who Supervising Officers saw during the course of supervision, increased validity as it avoided total reliance on the reported assessments of Supervising Officers. By the time of the initial interview, Supervising Officers had made

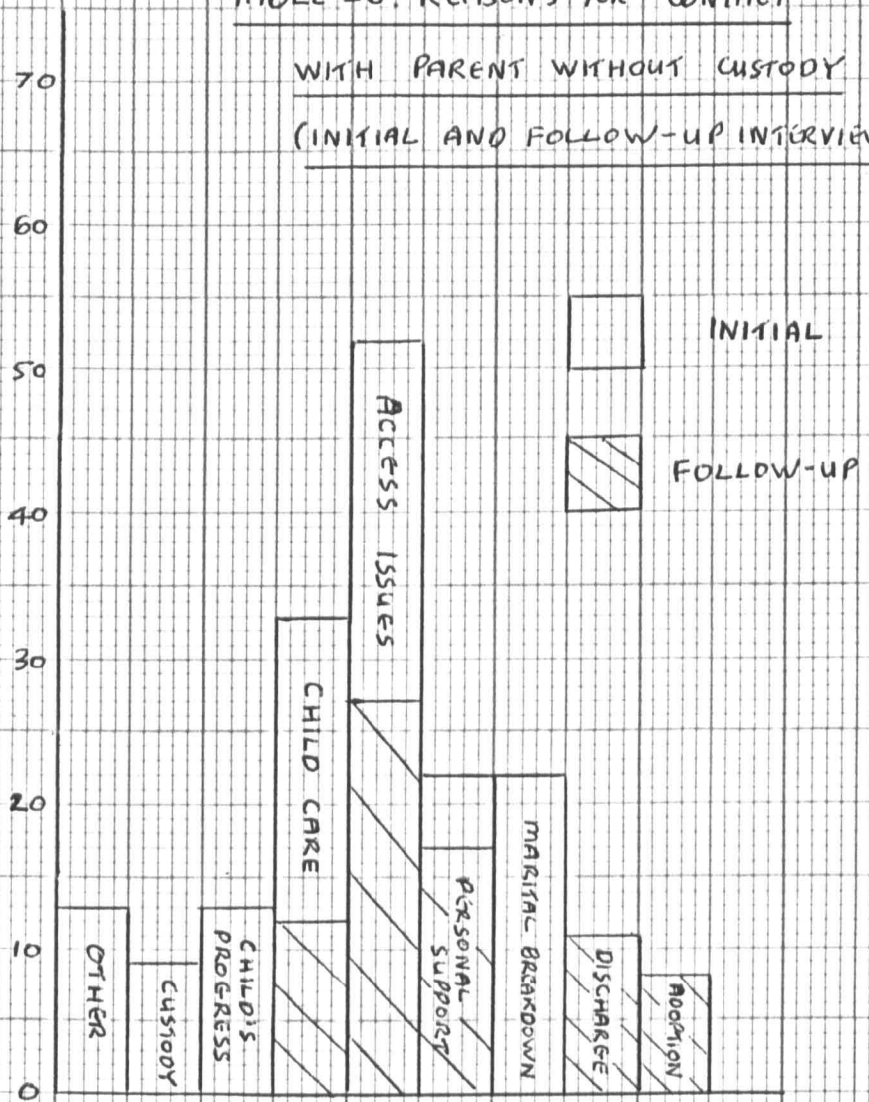
contact with the families concerned in 94.2% of cases. Any delay (all initial interviews were conducted within three months of an order being made) was explained by staff pressures which led to concentration on other statutory duties or, less often, late allocation of a case by a senior officer.

The Absent Parent.

If Supervising Officers were to concentrate on resolving access problems or in improving relations between separated spouses, then contact with the parent without custody seemed essential. At the initial interview, Supervising Officers stated that they intended to have contact with a non-custodian parent in 95 cases of 78.5% of the population. Table 26. shows the reasons for such intended contact when compared with the reasons given after 12 months of supervision.

TABLE 26: REASONS FOR CONTACT

WITH PARENT WITHOUT CUSTODY
(INITIAL AND FOLLOW-UP INTERVIEWS)



Access, as expected, represented the most reported intended topic in contact with an absent parent. Supervising officers expressed anxiety about how access would develop but generally supported it.

"I want to find out what she is like and how she sees the children, how she sees access and whether there are likely to be problems".

Supervising officers saw themselves as providing encouragement to parents who wished to maintain contact with their children and direction to those who were uncertain about their own ability to cope with seeing them.

"I want to encourage him to see his son and make it clear how it is important for his son to have an access figure."

Parents very real trepidations about their ability to assume an absent parent role, seemed to be swept aside, on occasions, by Supervising Officers enthusiasm for maintaining family ties. If access arrangements were operating already, then Supervising Officers highlighted contentious issues.

"The parent without custody had a totally different style of discipline for the child than the parent with custody. This presented problems during periods of staying access."

Continued disharmony between parents was portrayed as affecting the well-being of children.

"I want to point out to both parents that they are not being good parents and the children are being used to talk through their own emotions with regard to the breakdown of the marriage and the split up of the children."

In 40 cases, or 33.1%, Supervising Officers anticipated some involvement in the continued relationship between an absent parent and his or her child. In those cases they intended to see a parent without custody together with the child subject to supervision. They portrayed themselves often as the principal source of information about the child's progress, in the absence of satisfactory communication between parents.

"I want to reassure the father about mother's care of the children and look at how he responds to the children in access arrangements".

Although personal support was promised to non-custodian parents, in 22 cases or 18.2% of the population, this was primarily in conjunction with the monitoring of access arrangements. The following example was uncommon in its attention to an adult's needs alone.

"To provide support to him and sort out issues as they arise. I do anticipate financial difficulties."

The potential open-ended nature of Divorce Court Supervision Orders was highlighted by the absence of any case where Supervising Officers had considered a time-scale for their intermediary role between parents. Nevertheless when interviewed at the second stage, twelve months from the initial interview, Supervising Officers in 48 cases, or 39.7% of the population, admitted that they had more contact during the first six months of supervision, with the absent parent. Conversely in 30 cases or 29.8% of the population, little had been done in the first months and Supervising Officers were only recently exploring the viability of access.

Supervising Officers had intended to see the parent without custody in 78.5% of the population, but only saw them in 70.75% of the population. The reasons for further contact with the absent parent, shown in Table 26, and the decreased intended contact, (70.75% actual contact with 43% intended contact), does demonstrate how supervision may change from the priorities of maintaining family ties to other issues. Although access issues

was still the main reason for contact with the parent without custody, in some cases there appeared very little development since an order had been made. Supervising Officers were, on occasions, very much at the preliminary stage.

"I intend to prepare for access arrangements and negotiate where they should take place".

Where communication between parents was still poor, Supervising Officers were committed to being long-term interpreters of a child's development.

"To try and keep him in the picture with regard to access, school progress and the general development of his child, I want to try and keep him cool with regard to the situation".

In only 11 cases, or 9.1% of the population, did Supervising Officers intend to see the non-custodian parent, to obtain their agreement to a discharge of an order. Nevertheless the potential for the changing focus of supervision and its effect on family relationships, was illustrated most starkly by the eight cases, where in the second twelve months, Supervising Officers were intending to discuss adoption by the parent with custody and their new marital partner. It was not clear whether such a discussion would have taken place only because of pressure from a parent with custody to sever contact with a former partner

as regards his or her children. One case example suggests no such qualification.

"I wish to see him to discuss the issue of adoption generally".

To give even tacit support to step-parent adoption, would be contrary to the Children's Act 1975, when it was stated that in the majority of cases an application by a step-parent for adoption should be dismissed (section 10(3)). Instead if appropriate, a joint custody order should be made under the Matrimonial Causes Act 1973. The exceptional cases was where there was a death of an absent parent and where a child situation would be improved and not prejudiced by legally becoming part of a new family and with a different name. In the population studied, there was only one death of a parent with custody and there was no such application from a step-parent. McPherson in commenting on the motives behind step-parent adoption, points to the dangers for Supervising Officers.

"Where a parent with custody and his or her new spouse may be feeling insecure with regard to a child, there might still be a continuation of bad feelings towards the other parent and a wish to hurt him or her and to make things easier for themselves by shutting the other person out of their lives." (Justice of the Peace, April 2nd, 1977).

The Houghton or Stockdale Report was even more definitive.

"It is undesirable that adoption be used by a mother to cut the links between a child and his father, or by a father to cut the links between a child and his mother, and that custody applications were the most appropriate means of settling disputes between parents whether married to each other or not." (Report of the Departmental Committee on Adoption 1972, Command 5107, p.27).

At the time of the follow-up interview, access problems were complicated by new family arrangements. In one case a supervising officer said he intended to monitor access as the mother with custody now objected to access, since her children would mix with the children of her husband's cohabitee.

Table 27. shows details of the 31 cases or 25.6 of the population, where Supervising Officers considered supervision should not continue.

TABLE 27: REASONS GIVEN FOR SUPERVISION NOT TO CONTINUE (FOLLOW-UP INTERVIEW)

11
10
9
8
7
6
5
4
3
2
1
0

ACCESS WORKING

NEW FAMILY SETTLED

PARENTAL CONFLICT REDUCED

ACCESS NOT EXERCISED

CHILD BEHAVIOUR IMPROVED

CUSTODY SETTLED

NEW PARENTAL SUPPORT



DIVORCE
OTHER

By the time the follow-up interview, 15 cases or 12.4% of the population had been completed (in a small number of cases, Judges had set time limits) or discharged. The principle reason for non-continuation was given as improvements in relationships between parents. When compared to Table 22. on the recommendations for orders, when non-divorce issues dominated, it was evident that where Supervising Officers used the criteria of the original legislative framework, they could more easily seek discharge.

In four cases Supervising Officers had viewed access as the reason for the order, but because there had been no contact from the parent without custody, supervision was to be terminated. In five cases, Supervising Officers were satisfied that new family arrangements were stable and that the child subject to supervision was well established in the new family home. This suggests that both parents and children had achieved a successful 'status passage' from being divorced to establishing a fresh identify with a partner or parent. (Hart, 1976). This may have been at the expense of contact with the parent without custody.

Case examples showed that contact with the parent without custody, may increase the success rate of supervision, particularly if the objectives set was to reduce parental conflict or improve access. A comparison of the initial and follow-up interviews, as regards contact with a parent with custody, showed Supervising Officers differing responses to often interactable problems.

In one case a Supervising Officer set a limited goal for contact.

"To allow Dad to let off steam about how bad Mother is".

Access was not even contemplated but at the follow-up interview, access and custody disputes were anticipated and the Supervising Officer intended to see the father about access facilities. The main obstacle to progress, which mirrors the clinical nature of the population, was the long term mental health problems of the mother of the child subject to supervision. Supervising Officers appear to lack criteria by which to judge the success of their involvement. In one case, a Supervising Officer, at the initial interview, indicated that she intended to make sure that access was working, whilst at the follow-up interview the reason for contact with an absent parent, was to:

"Check how he feels access is going."

In this case, access difficulties had been apparent for two years prior to the order being made and the Judge made access the grounds for intervention but no time limits had been set.

In another case, a child did not want to see her mother and the Supervising Officer felt this was a result of family disagreements. The Supervising Officer intended to see the

mother to:

"Get a clearer picture of the child's feelings towards his mother by hearing the mother's side of it."

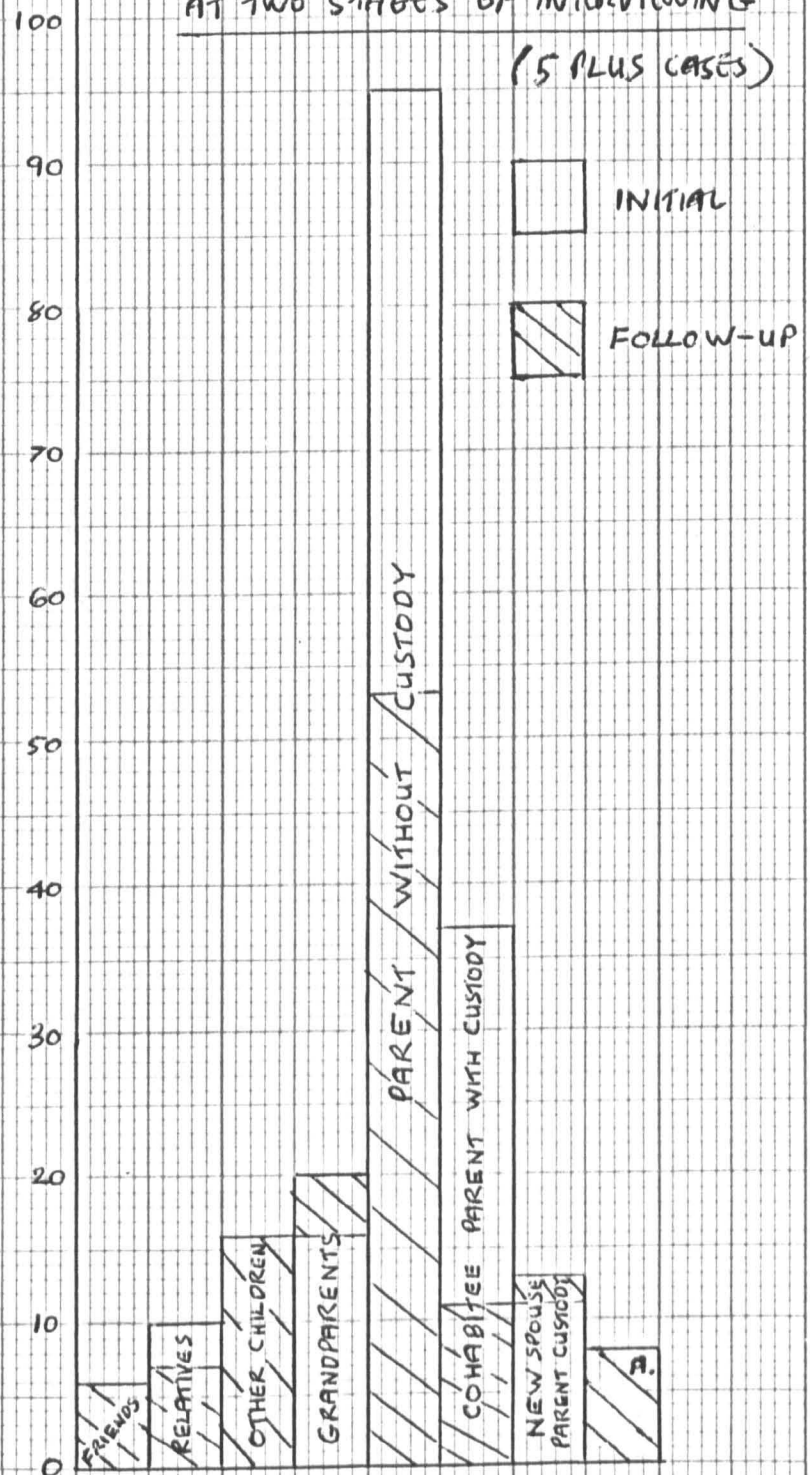
At the follow up interview, the same Supervising Officer was to see the mother only at her instigation.

It was apparent that new relationships may assume more importance for Supervising Officers. In another case, a social worker had stated initially:

"I want to keep in touch with him to tell him what is happening with John and hopefully to arrange access in the future. He feels confused about why and how John reacts to him".

The Supervising Officer didn't see the father at all and supervision only promoted contact with his children to the extent of allowing him to leave presents at the reception area of the local social service office. Nevertheless, the Supervising Officer indicated access as a problem to be addressed in the second twelve months of supervision.

TABLE 28 : PARTIES TO BE
SEEN BY SUPERVISING OFFICER
AT TWO STAGES OF INTERVIEWING



NOTE : BLANK ENTRY A. = COHABITEE
PARENT WITHOUT CUSTODY

The extended and post-divorce family.

Table 28. compares the two stages of interviewing as regards who the Supervising Officer intending to have contact with in both the pre and post divorce family unit. Despite the decreasing importance of parents without custody, they remain the most commonly to be visited family member, apart from the child subject to supervision and the parent responsible for day to day care and control. The increasing complication of some of that involvement was suggested by attention to be given in the second twelve months of supervision, to the personal relationships of absent parents as demonstrated by contact with their cohabitees. The anxieties of Supervising Officers about the personal stability of new relationships of the parent with custody, diminished, as supervision progressed as demonstrated by decreased intended contact with cohabitees. This was likely to have been in accord with the level of expressed intention to discontinue supervision. In some cases, the initial involvement of Supervising Officers was dominated by the child care abilities of some parents. The remit of supervision, at the follow-up interview, was to include contact, in sixteen cases, with children other than those subject to supervision. They could be children of second marriages (six new babies were identified at the initial interview), children of a cohabitee now living in a family home, or other children not originally made subject to supervision.

Grandparents had a slightly increased importance as

supervision progressed and it was necessary to examine their role, and other family members in some detail, using case examples.

In the literature survey, in particular the work of Hart (Hart 1976, p.280), there was evidence that marital breakdown would have a divisive effect on the parties concerned, as regards future contact with relatives and joint family friends. Supervising Officers may wish to counter this trend by, wherever possible, mobilising the support of the original extended family. The experience survey had indicated that such support may reduce the social isolation of the parent with custody and any dependence on the child subject to supervision. Nevertheless at the initial interview, supervising officers gave priority to the stability of new relationships of parents with custody, with the notable exception of the absent parent. In 30 cases, or 24.73% of the population, a Supervising Officer intended to see members of the original extended family, whilst in 48 cases or 39.7% of the population, social workers or probation officers wished to see a new spouse or cohabitee.

The main reason for contact with members of the original extended family, was to assess their potential as regards the care of the child subject to supervision and any other child residing in the family home. The protectionist aspect of Divorce Court Supervision Orders was given a firm credence by such findings. Collectively, child-care interviews represented 56.2% of all reasons given for contact with other individuals, apart from a child subject to supervision and the parent with

custody. Members of the original extended family, or the new family unit, were only really of importance, to Supervising Officers, as regards their positive or negative contribution to child care arrangements. Nevertheless Supervising Officers were particularly keen to assess a new family situation. Cohabitees were likely to have a crucial role in the level of family stability.

"It is important to see Dad's wife for a number of reasons. Firstly she would feel excluded if not involved. Secondly, she is involved with the care of the children and thirdly because she is with her husband against his ex-wife."

The variety of support grandparents may provide was portrayed as including short or long term breaks for a stressed parent with custody, or offering an access facility.

"I will be seeing the paternal grandparents to ascertain whether they can cope with the child for a short period. Maternal grandparents can keep a watching brief on all the children".

"The paternal grandparents were to be seen to find out their handling technique and to try, if it all possible, to make it consistent with the mothers as access will take place at their home."

At the initial interview, some Supervising Officers were already intending to intervene beyond the well-being of a child subject to supervision or his or her parents, to other children in the family. This was likely to replicate the pattern of supervision they provided in Juvenile Court Orders.

"Sally is the nigger in the wood-pile. She upsets the routine of the home when she comes home. She brings boys in and steals from her father and runs up debts and needs some help in her own right."

In this case there had been a long history of involvement by the social services department and Supervision Orders made in the criminal proceedings and because of non-school attendance, had expired.

By the time of the follow-up interview, Supervising Officers had assessed the stability of new relationships of the parent with custody. As indicated previously, a settled new family arrangement was the second highest reason, after successful access, for Supervising Officers indicating that an order should not continue. Consequently there was a reduced intended contact with a cohabitee or spouse. Where Supervising Officers said they would stay involved, this reflected their ambivalence about the contribution to child-care arrangements to be provided by the new parental figure.

"To exclude him would be inviting trouble".

"He is the King-pin around which the whole family stands or falls but there is a possible need for counselling with regard to marital problems with the mother of the child".

Advice over their child-care and their relationship with the parent with custody, represented 60% of the reasons given for contact with a cohabitee or new spouse. Failures in either respect were portrayed as the major source of future disruption for a child subject to supervision.

The role foreseen for grandparents, in the second twelve months of supervision, was much clearer than with other family figures. In all but one case, Supervising Officers had a single reason as to why they had wanted contact with a grandparent. In 12 cases or 9.9% of the population, they had a crucial role in maintaining the general stability of a new family unit. They provided personal support to a parent with custody (eight cases of 6.6% of the population) and were able to facilitate, as shown by case examples, much better communication between the supervisor and the parent with custody. Consequently, where supervision was to continue, grandparents were recognised by Supervising Officers as very positive influences on the development of the child subject to supervision. In only 4 cases were grandparents perceived as unhelpful when they were attempting to prevent successful access to an absent parent.

A comparison of the same case over the two stages of interviewing reinforces the conclusions on contact with family

figures. It is obvious that in supervising a child in a new family, a Supervising Officer is compelled to have, in the majority of cases, an involvement with any new parental figure. Consequently, the reasons for non-continuation of an order may not relate directly to that individual but to a variety of other factors. Therefore, a monitoring brief may be appropriate to be maintained, if there are other reasons why an order should not be discharged. In one case, a cohabitee was a very positive influence but the order was to continue until the parent without custody had agreed to the discharge of the order. However, it was more likely that Supervising Officers had doubts about the stability of new relationships. For example:-

"I want to check out his relationship with Heidi as she has been a difficult child in the past".

After twelve months of supervision the emphasis has changed to an assessment of the strength of a new relationship.

"I want to check out that the relationship is stable and good as it is said to be by Heidi's mother."

Contact with grandparents and other relatives was more consistent, except if there was a dramatic change in a child's circumstances. In one example, grandparents obtained custody of two children following the death of their father, but generally

were seen as a source of long-term support to a parent with custody.

"I need to see the grandmother as she has day to day care of the children and provides general advice and support to Mum who is sub-normal."

The same reason was given for contact with the grandmother at the follow-up stage. The quality of the care provided by the mother was even more suspect due to one of the children being mentally retarded and suffering a minor physical handicap.

Domestic Supervision: Families not children.

It was improbable that when the Royal Commission on Marriage and Divorce 1951-55 first envisaged the notion of supervision in domestic proceedings, the complexity of the relationships which could form following marital breakdown was anticipated. Supervising Officers did become involved in the actual or expected frailty of second marriages or relationships. Hall's view that Divorce Court Supervision Orders should be renamed "parental guidance orders", did not encompass the range of individuals involved in supervision, including step-parents, and the children of former relationships, with the resulting problems of a variety of access arrangements (Hall 1968).

It was expected that there would be contact with the parent without custody. It was predicted that the majority of Supervising Officers would be "institutionalists" who supported

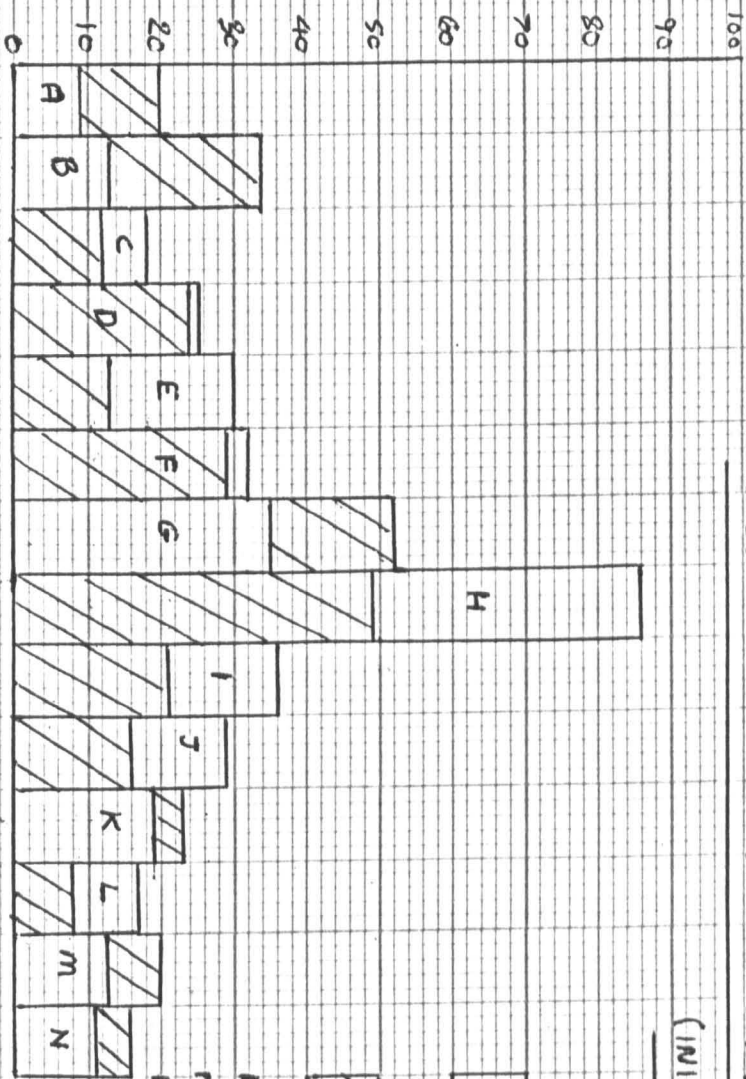
the maintenance of family ties. (Thornes and Collard 1979). Access difficulties were often well entrenched and case examples show clearly that the intervention of a social worker or probation officer would bring quick success or do little to change conflict between parents. In the latter case, Supervising Officers could become long term intermediaries between warring parents. The eight cases where Supervising Officers were considering the implications of adoption, does suggest that the needs of the new family unit may begin to dominate the supervisor. There was a substantial decrease in the intended level of contact with an absent parent. Success in improving access arrangements was however the most likely reason for a supervising officer's decision to curtail involvement. Where progress was slow, this was likely to reflect the presence of other family problems, and, in particular, the personal capacities of the parent with custody. Grandparents and other relatives had a crucial role in ensuring family stability, and their noticeable importance was in marked contrast to a low level of priority given by the Supervising Officers to pursuing other forms of social support for parents with custody (for example clubs or self help groups for the single, separated or divorced).

The assessments of Supervising Officers: the move from divorce to child care.

At both the initial and follow-up interviews, Supervisory Officers were asked to indicate the problem-areas they identified as the content of supervision. The majority of these were pre-coded, using the criteria provided by the Conference on Domestic Supervision at the University of Leicester in 1975 (Griew and Bissett-Johnson 1975), but Supervising Officers were asked to indicate any other considerations.

TABLE 29: COMPARISON OF SURVIVING OFFICERS)

ASSESSMENT OF PROBLEM AREAS FOR SURVIVISION



(INITIAL AND FOLLOW-UP)

INTERVIEW)

KEY

A = SCHOOL

B = STATUS PASSAGE

C = CHILD'S PERSONAL PROBLEM

D = CUSTODY

E = PATIENT'S PERSONAL PROBLEM

F = FINANCIAL

G = CARE AND CONTROL

H = ACCESS

I = HOUSING

J = CONCILIATION

K = PSYCHICAL HEALTH

L = MINIMAL HEALTH

M = SCHOOL

N = CLAIMS



FOLLOW-UP



INITIAL

The principal problem identified at the initial interview was access difficulties.

This would accord with a view of Divorce Court Supervision Orders, where their primary justification was to deal with outstanding conflict or disagreement from the divorce process. There was often a history of access difficulties (79 cases or 65.3% of the population) and some such disputes were long standing, (24.1% evident for more than four years).

Table 30. compares those cases where there was a recommendation for Divorce Court supervision, based on access issues, with an identification of access problems at the first stage of interviewing. The most significant influence on the divergence from the original purposes of supervision was likely to be the change in personnel from Welfare Report writer to Supervising Officer (evident in 47.1% of cases).

TABLE 30. Recommendations as regards access by assessments as regards access (initial interview).

		Assessment Access		
		YES	NO	TOTALS
Recommendation	YES	33 (35.5%)	0 (0.0%)	33 (35.5%)
Access	NO	33 (35.5%)	27 (29.0%)	60 (64.5%)
TOTALS		66 (71.0%)	27 (29.0%)	93 (100%)

number of missing observations = 28

$\chi^2 = 18.79788$, df = 1, significance = 0.0000

(significant at 0.05 level)

In all 33 cases where Welfare Report writers addressed access, this issue was identified in subsequent assessments. Consequently the null hypothesis that there was no association between those cases, where there was a recommendation to do with access problems, and the Supervising Officers assessment in a case of the same aspect of the divorce process, can be rejected. Nevertheless the most important finding of Table 30. was the 33 cases, where Supervising Officers identified access problems, with no corresponding recommendation. This is a clear statistical corroboration of a Supervising Officer's original intention to promote family ties, by involving themselves in the nature of access arrangements.

Table 29. shows that access problems were a decreased priority at the time of the follow-up interview (86 cases to 49 cases, a drop of 43%). This can be explained by the decreased intended contact with the parent without custody and because improved access arrangements were the most likely reason for supervision to be discontinued.

Table 31. compares the original assessment, as regards access, with cases where access was identified at the follow-up interview.

TABLE 31. Assessment with regard to Access (Initial Interview) by assessment with regard to access (follow-up interview).

		Assessment re Access (Follow up)		
		YES	NO	TOTAL
Assessment	YES	37 (42.5%)	25 (28.7%)	62 (71.3%)
re Access	NO	12 (13.8%)	13 (14.9%)	25 (28.7%)
(Initial Interview)				
TOTALS		49 (56.3%)	38 (43.7%)	87 (100%)

number of missing observations = 34

$\chi^2 = 0.56992$ with 1df, significance = 0.4503

(not significant at 0.05 level).

In 37 cases, access had been identified at both stages of interviewing. This reinforces the finding that access problems were often intractable and not amenable to short-term intervention. Case examples had shown that Supervising Officers could become stuck in unresolvable problems between parents. However, the null hypothesis that there was no difference between a Supervising Officer's assessment with regard to access difficulties at the two stages of interviewing, was rejected because of 12 cases where access was newly identified after twelve months of supervision. Case examples outlined previously, had shown that Supervising Officers were initially preoccupied with the personal problems of the parent with custody and only later promoted access arrangements. This is in accord with the reduction in the extent of attention overall with regard to a

parent with custody's personal problems (30 cases to 13 cases, a reduction of 56.66%).

Housing problems were identified as the second largest category of family problems to be attended to in the first twelve months of supervision (36 cases or 25.9% of the population). This appeared quite logical as they were the most recently identified family difficulty (72.22% of housing problems were identified in the twelve months prior to supervision).

Care and control problems were identified in 35 cases, or 40.5% of the population, at the initial interview. This reinforces the child-protectionist basis of some Divorce Court Supervision Orders (in 40 cases or 331.% of the population Welfare Report recommendations identified child-care), and the extensive history of contact with social work agencies (in 57 cases or 47.1% of the population, child-care was the original reason or became the assessed problem in prior contact with social work agencies).

Child care issues increased as supervision progressed (an increase of 48.57%). This was despite a decreased population as some orders were completed (12.40%) and others were to be discontinued (31.4%). Cases examples have shown that Supervising Officers extended their involvement to include other children in the family, not subject to supervision. Child care issues therefore reflected the increasingly complex set of relationships in new family units, and a Supervising Officers wish to monitor the behaviour of the whole family which was likely to include step brothers and step sisters of the child

subject to supervision. Table 29. shows an increased attention to problems of the transition from being married to divorced (coded as "status passage", Hart 1976). The individuals most affected were the children subject to supervision and not their parents. Problems include adjustments to new parental figures and the distribution of interest, support and affection between all children in the new family unit. (12 cases or 9.92% of the population).

The increased attention to child care problems may relate to the needs of the post divorce family unit, but another explanation could be a Supervising Officer's failure to define what was "adequate child care". Hapgood, in reviewing the social work support to foster parents, where adoption may be a possibility, had emphasised a lack of clear decision-making. The social worker may recognise that to proceed to adoption may involve extra work in preparing for a court hearing. An alternative view was that long-term foster parents would not broach the possibility of adoption because they may be seen as grasping or selfish about the children in their care. As regards the present study, Hapgood's most relevant conclusion was that adoption was not attempted because of a social workers failure to define what was adequate or satisfactory child care. This meant that supervision of a foster placement tended to drift and no clear decisions were made (Hapgood 1984).

In the present population a study of the history of child care problems revealed various different family situations. These included assaults by parents, an inability to exercise care

and control due to a parent's personal problems, or continued distress over marital breakdown. By the follow-up interview, child care problems included the behaviour of children not subject to supervision. Supervising officers appeared to adapt to changing family situations but failed to define what was "adequate child care". Consequently, in those cases, social work involvement could become protracted without any clear indicators as to how success could be evaluated.

Table 32. compares cases where child care issues were identified at the two stages of interviewing.

TABLE 32. Assessment with regard to Child Care (initial interview), by Assessment with regard to Child Care (follow up interview).

		Assessment with regard to child care (follow up)		
		YES	NO	TOTALS
Assessment with regard to child care (initial)	YES	11 (12.6%)	13 (14.9%)	24 (27.6%)
	NO	41 (47.1%)	22 (25.3%)	63 (72.4%)
TOTALS		52 (59.8%)	35 (40.2%)	87 (100%)

number of missing observations = 34

$\chi^2 = 1.93663$, $df = 1$, significance = 0.1640

(not significant at 0.05 level).

In only 11 cases were the same children indicated at the two stages of interviewing. The null hypothesis that there was

no difference between cases identified at the two stages of intervieweing, where child care issues were isolated, cannot be rejected. In 41 cases or 47.1% of the population, Supervising Officers identified child care issues where there were no such anxieties twelve months previously. The notion of legitimacy for Divorce Court Supervision Orders, as deriving from the legislative framework of the Divorce Court, was undermined severely by the drift towards child care.

As was to be expected, the majority of problem areas reduced between the two stages of intervieweing. Table 29. shows that there was only a small reduction in financial difficulties and custody problems. Financial difficulties were well established, (40.42% of families with a history of financial problems had struggled for five years or more). Custody problems may also be intractable. Conciliation was attempted despite the statutory framework of such orders, which some observers consider is incompatible (Davis 1985). Concilliation was defined by Supervising Officers in the following ways.

"Helping parents to accept the breakdown of their marriage"

It also refers specifically to children.

"Developing or reforming a relationship between child and parent following a marital breakdown".

"re-establishing relationships between children in the family who had been split by marital breakdown."

This child-focussed approach to conciliation, with an emphasis on the future of relationships between children and parents, as well as between parents themselves, shows the adaptation of marital counselling to child-protectionist principles.

By the second twelve months, Supervising Officers may have extended their brief to the former relationships of a parent with custody.

In one case example, a former cohabitee has assaulted the child's mother and was on a suspended sentence for grievous bodily harm. He applied for wardship proceedings in respect of his child who then lived with the child subject to supervision. The Supervising Officer intended to conciliate, if possible in this situation, although such an approach did not relate to the relationship between natural parents. The justification was the well-being of a child subject to supervision.

The growth in some problem areas, as indicated in Table 29, requires comment in view of the reduced population. Supervising Officers became more involved with status passage issues, physical health problems, school, crime and employment difficulties. The growth in status passage assessments has already been explained by the necessary adjustments children have to make to new parental figures. The

majority of the growth of other problems related to the increased involvement of a Supervising Officer, with a wide range of adults and in particular the cohabittees or spouses of both natural parents. Statistical tests (not reproduced because of the small numbers in each of the categories), show that the same cases were not identified at the two stages of interviewing.

The question of whether a social worker or a probation officer, made different assessments, was explored. The two variables of access issues and care and control problems were chosen, because they were the two principle aspects of supervision, at the two stages of interviewing. As regards the initial assessment, there was no clear distinction about what has already been characterised as the promotion of access, rather than the presence of access difficulties (identified in 74.7% of cases where the probation service was supervising, and 66.6% where the social services supervised). The distinction between agencies, was much clearer over care and control difficulties (21.69% where Probation Service supervised and 47.2% where the social services were responsible. This result was statistically significant ($\chi^2 = 0.70420$, $df = 1$, significance = 0.0090, significant at the 0.05 level).

Such a finding is not explained by the allocation of different types of cases to each agency. In respect of both agencies, families were likely to have had a history of family problems (94.59% of case supervised by social services and 84.12% of cases supervised by the probation service). The main source of evidence about family problems was previous contact with

welfare agencies, where advice was given, if not sought, over child care issues. Consequently, there was evidence that social workers were more likely initially to identify or monitor the child care abilities of adult carers than probation officers.

By the second stage of interviewing, the distinction between the two agencies was much more complex.

TABLE 33 Supervising agencies by Supervising Officer's
Assessment with regard to access (follow up
interview.)

	Assessment with regard to access (follow up interview).		
	YES	NO	TOTALS
Probation	27 (32.1%)	20 (23.8%)	47 (56.0%)
Social Services	20 (23.8%)	17 (20.2%)	37 (44.9%)
TOTALS	47 (56.0%)	37 (44.0%)	84 (100%)

number of missing observations = 37 n=121

$\chi^2 = 0.00803$, $df = 1$, significance = 0.9286

(not significant at 0.05 level)

As regards access, no significant result was obtained and the distinction between the two agencies was again not supported. Probation officers may have been more enthusiastic to promote successful access, in the early stages of supervision, as there was a drop of 56.45% of cases where they had chosen subsequently to deal with access issues, which was not accounted for by the

actual or proposed discharge rate.

TABLE 34. Supervising Agency by Supervising Officers
Assessment with regard to Child care
(follow up interview).

	Child Care Assessment (Follow up)		
	YES	NO	TOTALS
Probation	22 (28.2%)	25 (29.8%)	47 (56.0%)
Social Services	29 (34.5%)	8 (9.5%)	37 (44.0%)
TOTALS	51 (60.7%)	33 (39.3%)	84 (100%)

number of missing observations = 37 n=121

$\chi^2 = 7.37754$, df = 1, significance = 0.0068

(significant at 0.05 level)

The conclusion of Table 34. was that child care issues had grown for both agencies, although the distinction between the agencies was maintained.

The null hypothesis that there was no difference between agencies, as regards an assessment of child care at the follow up interview, can be rejected. Nevertheless there was a substantial increase in the proportion of cases where child care was identified in both agencies (47.62% to 78.39% of cases supervised by social workers, and 21.69% to 46.81% of cases held by probation officers). Child care considerations were on the increase, despite the pattern of using the first twelve months of supervision to assess the stability of the new family and, in

particular, the capacity of step-parent figures to meet the requirements of looking after the child subject to supervision. By their intention to decrease contact with new cohabitantes or spouses, Supervising Officers appear to have been satisfied as to the stability of new family arrangements. One explanation for continued supervision, was the unease of Supervising Officers about the child care provided in a new family unit, without any positive identification of the source of their disquiet, (apart from the behaviour of other children in the family). This reflects a failure to define what was adequate child care, which could provide suitable indicators of a discharge of an order. In addition, there may be an attitudinal question, in respect of a social worker or probation officer's view of the security of the child, following the completion of divorce proceedings. A long term protective role, could be envisaged, influenced by the previous history of contact with social work agencies.

Supervision in Context: the use of helping organisations as individuals and the Divorce Court.

The remit of this section will be to further the discussion on the role of the Supervising Officer, by reference to which organisations or individuals (such as general practitioners or vicars), a Supervising Officer may have contact with during the course of supervision. Reliance on a Supervising Officer's assessment of his or her priorities does pose problems for the validity and reliability of the answers given. Consequently, other indicators were sought as regards

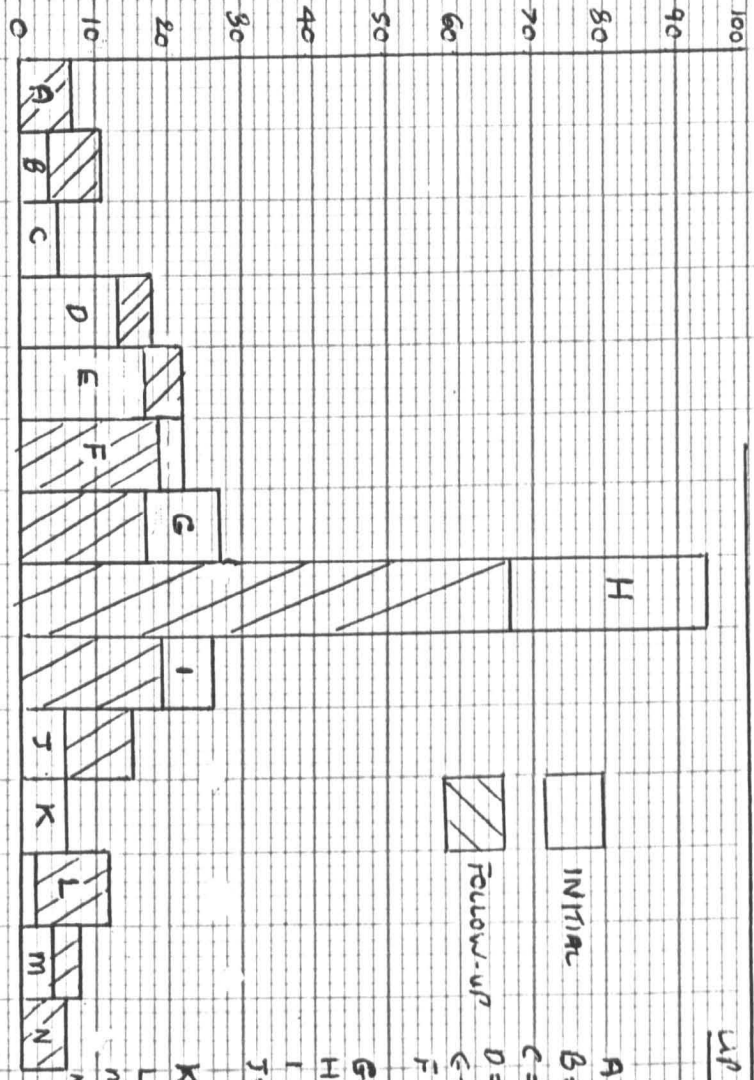
the developing themes of supervision and, to this end, Supervising Officers were asked whether they intended to have contact with welfare agencies or organisations, who attend, in some way or other, to family care.

The use of a Divorce Court was important in charting the degree of estrangement between the Divorce Court and its social work agents. What was the extent of referral back of problems which may have occurred during the course of supervision? It may be that changes in access or custody arrangements were not brought back to the Divorce Court for approval, but were simply given informal support by Supervising Officers. The Royal Commission on Marriage and Divorce 1951-55 was not convinced that divorcing couples would have the good sense to bring back to the Divorce Court problems concerning the arrangements for their children for possible resolution. Consequently supervision was intended to facilitate such reviews (Royal Commission on Marriage and Divorce 1951-55, Section 396).

Table 35 supports the changing patterns of supervision described earlier in this chapter.

TABLE 35. SUPERVISING OFFICERS' INTENDED CONTACT

WITH ORGANISATIONS BY INITIAL AND FOLLOW UP INTERVIEW



UP INTERVIEW

Ky

A = DAY AND RESIDENCE CARE

B = N.S.P.C.C.

C = ACCESS FACILITIES

D = SOCIAL SERVICES

E = G.P.

F = D.H.S.S. / H.P. FIRMS / COMPANY COURTS

G = SOLICITORS

H = SCHOOL

I = HOUSING BODIES

J = HEALTH VISITORS / CHILD EXPERTS

K = HOSTELS

L = POLICE

M = CLUBS

N = VICARS

There was an increase in contact with organisations involved with child care, between the two stages of interviewing. Social services were to be contacted more often (where the probation service supervised), the National Society for the Prevention of Cruelty to Children, Health visitors and other child specialists (psychologists and paediatricians). Divorce issues assuming less importance was supported by the reduction in contact with solicitors and supervised access facilities. The increase in crime and physical health problems was matched by a higher presence of General Practitioners and the Police in the second twelve months of supervision. These results confirm the internal consistency of variables in the research process and support the validity and reliability of the information obtained.

The high degree of initial and further contact with schools, was in part explained by the very probably high degree of contact during the stage of Welfare Report preparation. James and Wilson's study had found that in 93% of cases, the Welfare Report writer had contacted the school for information with regard to the progress of the child being investigated. (James and Wilson 1983). In addition, as the majority of children were of school age (89.29%), contact with the school was likely to provide valuable information as regards the child's day to day progress and behaviour. School problems had also been identified as being the result of continued distress over marital breakdown. Children would truant from school to see an absent parent. Nevertheless school problems had only been reported in 26 cases or 21.5% of the population, and the intended contact

level with schools was 79.34% at the initial stages of interviewing.

TABLE 36. History of school problems by intended contact with schools (initial interview).

		Contact with School		
		YES	NO	TOTALS
History of School Problems	YES	22 (21.0%)	0 (0.0%)	22 (21.0%)
	NO	72 (68.6%)	11 (10.5%)	83 (79.0%)
TOTALS		94 (84.5%)	11 (10.5%)	105 (100%)

missing observations = 16 n=121

$\chi^2 = 1.99704$, df = 1, significance = 0.1576

(not significant at 0.05 level)

The results of Table 36, show that where school problems had existed they were taken seriously by Supervising Officers. In all 22 cases where there had been a history of school problems, contact with the school was anticipated. An explanation for the general pattern of high contact may be that social workers and probation officers, followed the pattern of their most significant experience of supervision, that is of children in criminal or care proceedings. This was likely to involve contact with an educational establishment.

Table 37. compares Supervising Officer's intentions with regard to contact with schools at the two stages of interviewing.

TABLE 37. Intended contact with School at initial and follow up interviews.

		Contact with School (follow up).		
		YES	NO	TOTALS
Contact with	YES	54 (76.1%)	9 (12.7%)	63 (88.7%)
School	NO	8 (11.3%)	0 (0.0%)	8 (11.3%)
(initial)				
TOTALS		62 (87.3%)	9 (12.7%)	71 (100%)

number of missing observations = 40 n=121

$\chi^2 = 0.33634$, df = 1, significance = 0.5618

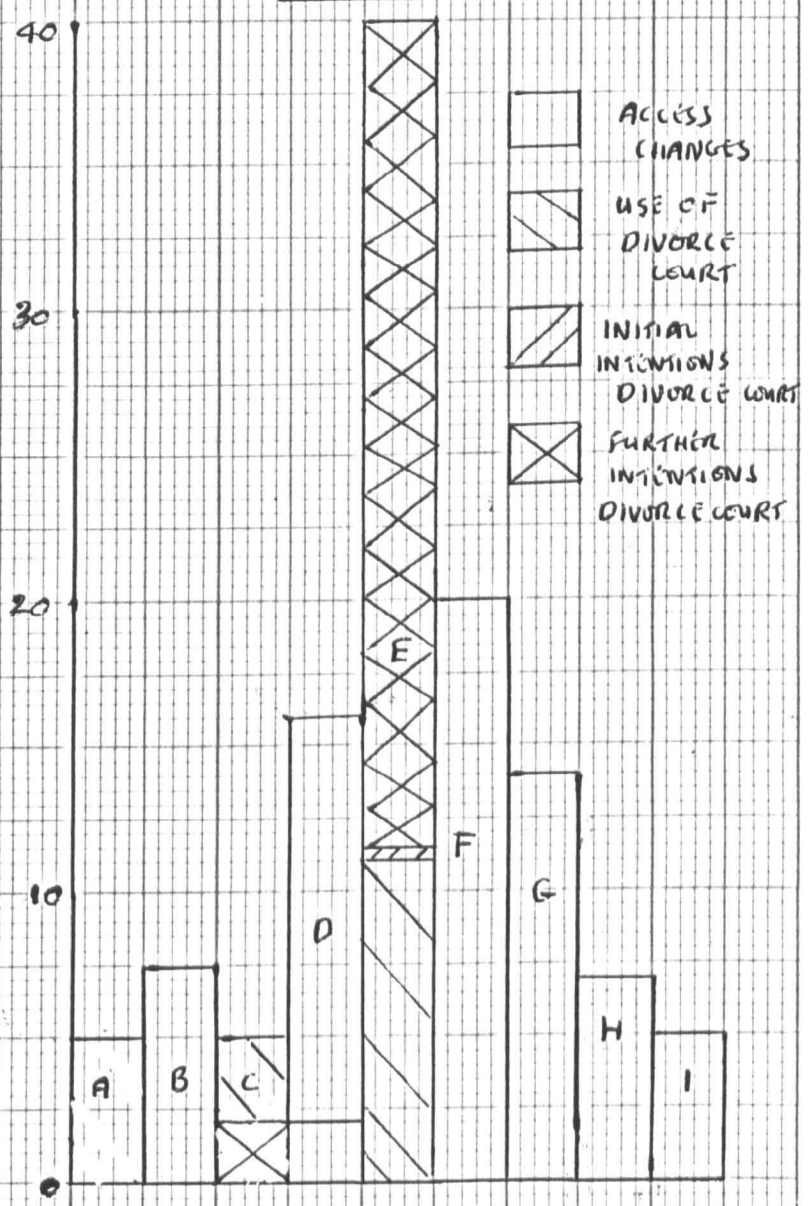
(not significant at 0.05 level)

Despite the fact that a significant result was not obtained, consistency of contacts with schools was a feature of Divorce Court Supervision Orders. In 54 cases out of 62 cases (87.72%) there was continued proposed contact. As in only 56.2% of cases, did Supervising Officers consider that supervision should continue, then liaison may serve the purpose of assessing a child's progress with a view to discharge of an order. Conversely, where supervision was to be maintained, Supervising Officers may consider it incumbent upon them to continue contact with schools.

As regards the use of the Divorce Court, Table 38. compares the initial intentions by Supervising Officers as regards the future use of the Divorce Court, a review of what involvement took place in the first twelve months, and the intentions given for the second twelve months of supervision.

Table 38. also includes the reported level of changes in access arrangements as identified by Supervising Officers.

TABLE 38: INTENDED AND ACTUAL USE OF DIVORCE COURT BY ACCESS CHANGES



KEY A = DEFINED ACCESS
 B = ACCESS IRREGULAR
 C = ACCESS CHANGES
 D = GENERAL CONSIDERATION
 E = DISCHARGE
 F = ACCESS NOT EXERCISED
 G = ACCESS DENIED
 H = CHILD UNHAPPY Re: ACCESS
 I = INJUNCTION

As can be seen, the level of access changes was far higher than the degree of reference back to the Divorce Court. Although some changes may have been resolved to the mutual satisfaction of all parties, without indeed requiring the intervention of Supervising Officers, others suggested difficult situations where a Divorce Court should have been consulted. Where access orders were not exercised, Supervising Officers did not return the matter to Court. Nevertheless, the level of exercising of access compares favourably with samples of the divorcing population (in 18.42% of cases access was not exercised in the present population as compared with 30% of the national divorcing population, Eekelaar et al, 1977, p.20-22.) This suggests that the presence of a Divorce Court Supervision Order may actually promote the continuation of access arrangements.

Nevertheless in 20 cases, access was denied by a parent with custody and no action was taken by a supervising officer. It was less surprising that, considering their child care orientation, Supervising Officers did not seek guidance from the Divorce Court in the seven cases where the children were themselves unhappy with access. The Divorce Court only defined access arrangements in five cases during the first twelve months of supervision, where there was no agreement over the interpretation of reasonable access.

Although the formal powers of a Supervising Officer are extremely limited, there are two courses which can be pursued should the process of supervision not be developing to their

satisfaction. By the first, they can seek the Court's direction as to how they should carry out their supervising duties, sometimes described as asking for "general consideration of a case" (Rule 93(4) Matrimonial Causes Rules 1977). By the second, they can institute their own proceedings for the variation of the existing custody order. Such applications can include committal to the care of the local authority (Matrimonial Causes Rules 92(3) 1977).

The original intentions of Supervising Officers to apply to Divorce Court for "general consideration", may reflect their own initial alarm and uncertainty about how to respond to complex domestic disputes. It was noted during the research that Supervising Officers did express, on occasions, a high level of anxiety about the distress and discomfort portrayed in continuing domestic disputes. It can be conjectured that once confidence increased, no reference was made to the Divorce Court except for the discharge of the order. In contrast to the 16 cases where "general consideration" was anticipated, but in only two cases used, there were 13 cases where discharge was intended and 12 such applications were made. It must be concluded that the Divorce Court had no real monitoring role of domestic supervision and was primarily used to endorse applications for discharge.

The intensity of Divorce Court Supervision.

Domestic supervision could involve a number of adult figures, apart from the child subject to supervision, and his or her parents. To that extent supervision in domestic proceedings

could be regarded as a very intrusive form of state intervention. Nevertheless, how intensive was that supervision?

Supervising Officers set themselves ambitious objectives for supervision but the level of involvement was not high. As regards the parent with custody and the child subject to supervision, the most common reported level of contact by Supervising Officers was between five to twelve weeks (see Tables 39, 40, 41.)

TABLE 39 Contact with parent with custody

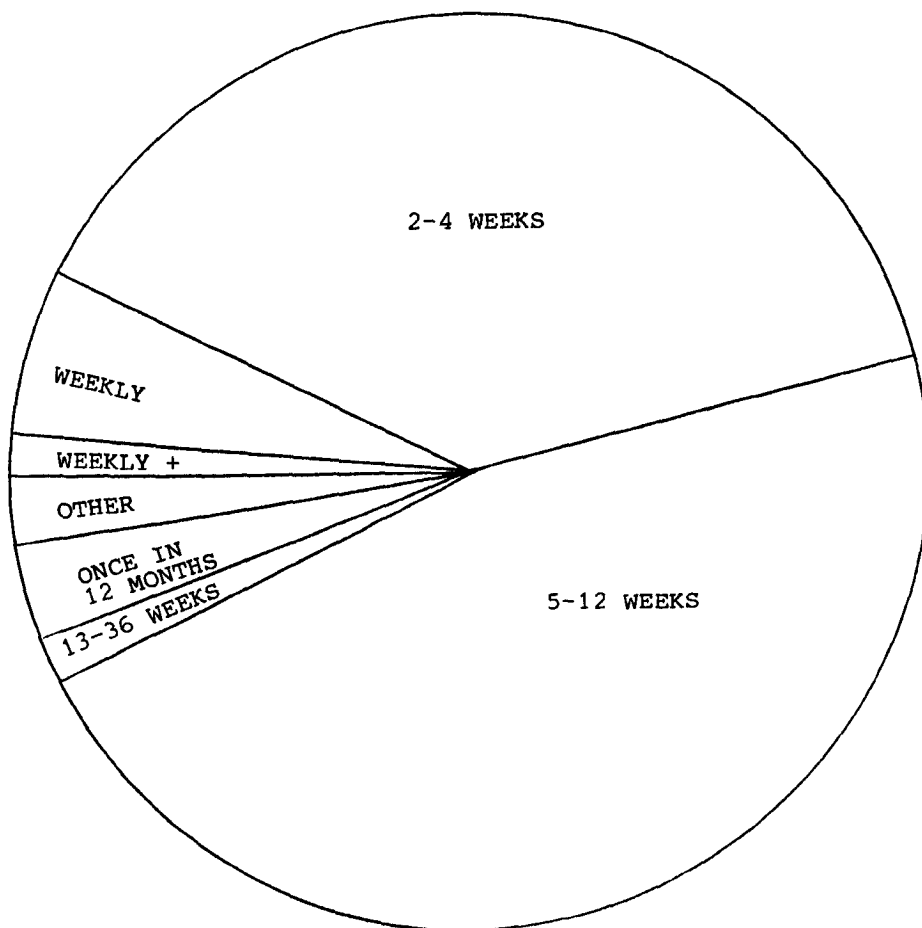


TABLE 40 CONTACT WITH CHILD SUBJECT TO SUPERVISION

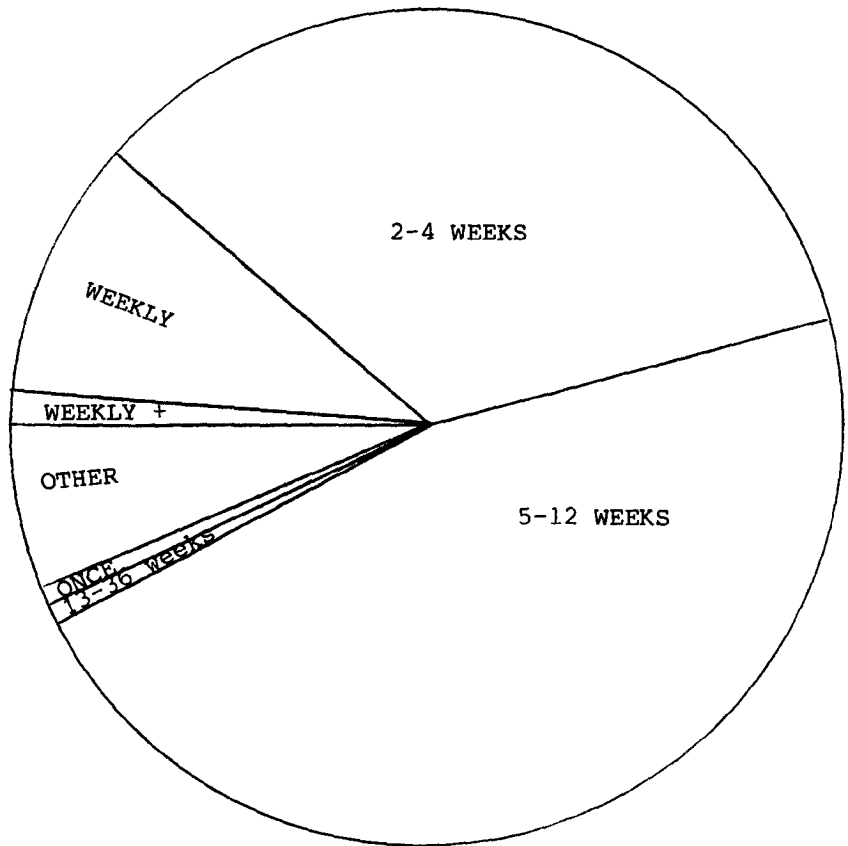
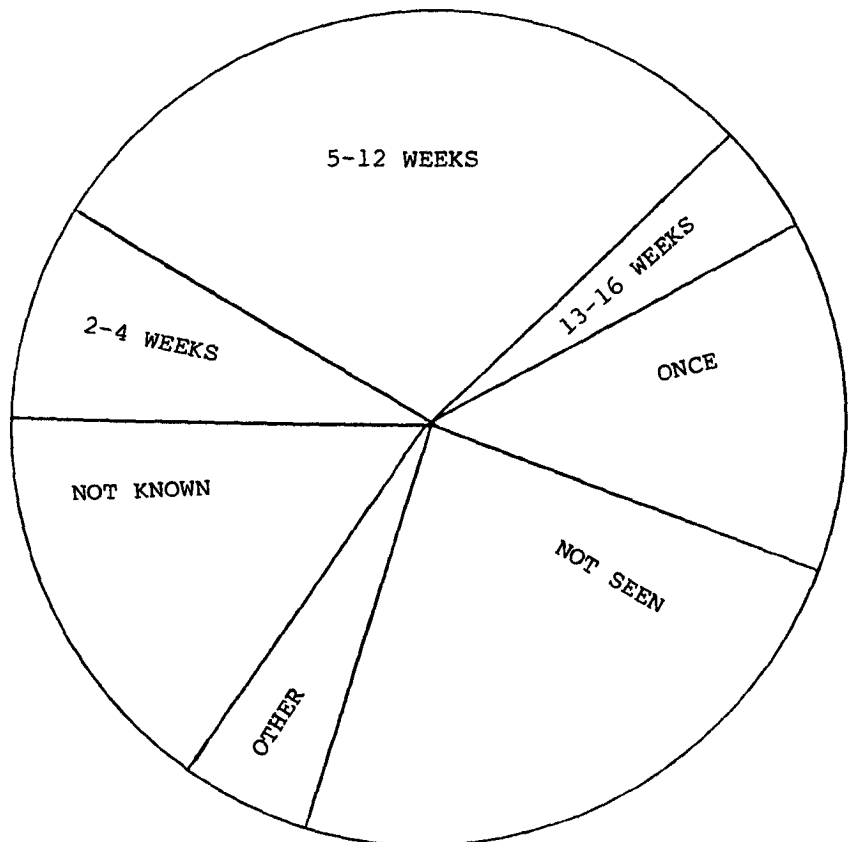


TABLE 41 CONTACT WITH PARENT WITHOUT CUSTODY



This meant that they were likely to be seen between four and ten times a year. In only 9.9% of children was contact recorded as weekly. As regards the source of their information, Supervising Officers were asked to consult their case records for accuracy.

The ability of Supervising Officers to influence the behaviour of an absent parent and thereby promote access arrangements, was made impossible in 34.7% of cases where such individuals were seen only once or not at all during the first twelve months of supervision. This can be compared to 29.8% of cases where absent parents were to be seen at intervals of between five and twelve weeks.

Studies of parole and probation found little difference in the offending rates as between cases where intensive and non-intensive supervision was provided (Californian Board of Correction 1962, Folkard et al 1976). Nevertheless, domestic supervision lacks such a clear indicator of success or failure. The contradiction between the complex objectives set for supervision, and the limited level of contact, meant that very frequently Supervising Officers had not taken an initiative and attempted short term intensive involvement, or had decided to rationalise their intervention and apply for a discharge. The families may instead be visited irregularly but Supervising Officers still had a number of different unresolved apprehensions about family functioning. To the recipients, the service provided may well appear vague and ill-defined, but still intrusive as to their own responsibility for family affairs.

CHAPTER FIVE.

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CHAPTER SIX

DIVORCE COURT SUPERVISION; BENEVOLENCE OR CONTROL?

Divorce Court Supervision Orders, as portrayed in the present study, display all the characteristics of social control as well as a social work service. Hill contends this is a problem which characterises social work provision generally.

"The pressures that lead to calls for more social work come from the anxieties of the public and politicians about child abuse, the deterioration of old people who live alone or the disturbance caused by aggressive mentally ill people". (Hill 1980, p.150).

Supervising Officers, in the present study, do not simply provide an extension of the social work support which may be available to parents and their children when they divorce, or subsequently apply for further consideration of the arrangements for children. Instead, they reflect societies apprehension about stability of second marriages and draw out supervision beyond its original remit to the monitoring of a very different family than the one which was reviewed by the Divorce Court. Child protectionism becomes the dominant feature of supervision, without any particular guidance for cessation.

There are many examples of benevolent social work provision, to the families of divorced parents, portrayed in the present study. Loss counselling is provided to both parents and their children as regards an absent partner or parent. Considerable attempts are made, in some cases, to promote the continued involvement of parent without custody, to the extent

that access orders were exercised in a higher proportion than in samples of the divorcing population.

Why do such apparently discrete activities become part of the same statutory order? Part of the problem is the lack of detail in the legislative framework. Weber's qualifying criteria for the legitimacy of an order, was that its content should accord with the original legal context, is really only applicable when the legislative framework is sufficiently detailed and explicit. In the case of Divorce Court Supervision Orders, Supervising Officers were left primarily to form their own judgements.

The duality of Divorce Court Supervision Orders, as both a preventative approach to child-care provision and, a genuine attempt to resolve often intractable marital problems, is reserved primarily for the tradition clients of social work agencies. There may be no real difference between the degree of disturbance in the completion of divorce proceedings, in the families studied, and in the rest of the divorcing population, but previous social work involvement was likely to be a deciding factor in ordering supervision.

The practice of using Divorce Court hearings to formalise current voluntary involvement or lapsed statutory involvement with a family, must be regarded as a very specific example of allowable opportunism, available to social work agencies and endorsed by the Divorce Courts. It is analogous to seeking wardship proceedings as an alternative to the more demanding legal proof required in the Juvenile Court proceedings, without

the necessity for a social work agency to make its own application. Such a practice may be seen as a blatant example of social control which is not redeemed by the fact that the recipients may experience little difference in the type of social work provided, despite its legal title. Justification for such intervention, may be that such families are just as entitled to support and guidance on their difficulties over marital breakdown and the future arrangements for their children, as any other family and should not be discriminated against because of their history. However, the majority of social workers and probation officers undertaking Divorce Court supervision, were not specialists in domestic disputes. Allocation procedures agreed between agencies means that previous involvement, particularly with social workers, may deny an opportunity to a couple to consult a probation officer, more experienced, if not a specialist, in the continuing problems of marital breakdown. This is because the Welfare Writer has assessed the major issue, as not the continuing effects of a divorce process, but the abilities of parents to exercise acceptable care and control over their children. Child care issues, specific child problems such as non-school attendance, or a form of disability, and personal support to parents, dominate the recommendations in Welfare Reports for supervision, when compared to divorce matters. This is not to say that, in a particular case, a divorce may have been stressful for all parties and there are apprehensions about a parent's ability to care for a child, but the latter considerations are likely to be seen as of paramount importance.

Child protectionism was not the stated objective for supervision given by the Royal Commission for Marriage and Divorce 1951-55. Nevertheless, the detail of the evidence given and the House of Commons Debates, stressed the importance for another jurisdiction over children, at the time of divorce, apart from the Juvenile Court. There was consternation that without specific legal protection, children would be exposed to the consequences of their parent's divorce. There were no specific indicators given for how to assess the threat posed by divorce, apart from reference to delinquency and future mental illness.

In the present population there was no firm evidence of increased levels of delinquency. It would be naive and simplistic to attribute this to the success of supervision. The most common reason for non-continuation of an order, was improved relationships between divorced parents, particularly over access arrangements. Supervising Officers did not refer to avoidance of delinquency as a reason for discharge and their explanations offer the only real guidance as to how success can be measured.

The Royal Commission on Marriage and Divorce 1951-55 did not envisage the complexity of personal relationships that were likely to be formed on the breakdown of a marriage. The present population did not confirm the stereotype of the isolated single parent. Fresh relationships were usual with the resulting adjustments to new step-parents, step brothers and sisters, necessary for the child subject to supervision. Supervising Officers, probably motivated by child protectionist principles,

with its indeterminate axiom of a child's best interests, took it upon themselves to monitor the success or otherwise of new family relationships. This should be seen as an aspect of social control.

It was hypothesised that if the recipients were to be consulted about the content of supervision, it was likely to be at the stage of the formulation of the Welfare Report, as parents have a right to see a copy. Open statements about the nature of new family arrangements were only made in 15.7% of cases in welfare reports, despite the fact that the dominant theme for the first twelve months of supervision, was to assess the suitability and capability of a new parental figure. Such objectives were consequently rarely made explicit.

In the statement of arrangements provided by divorcing parents to the Divorce Court, it is at present not necessary to include details of step-parents. Child protectionists have extended their orbit to include the activities of step-parents following notorious child abuse cases. It was noted in the Maria Colwell Inquiry (Report of the Committee of Inquiry into the supervision provided in relation to Maria Colwell, HMSO 1974, paras 216-224), that the presence of a later abuser, a step-parent, was not reported to the Divorce Court through the mother's submission as to the future arrangements for her children. Nevertheless, despite such cases, is it reasonable for Supervising Officers to be less than open with the responsible adult carers, that they are monitoring their own relationships and their child care technique? In a Juvenile

Court, proof of risk would be required before such a surveillance role could be undertaken and through such an application, legitimacy acquired.

In the present population access orders were exercised in higher proportions than in samples of the divorcing population. This could be regarded as a justification for supervision, as it benefits children by promoting the continued involvement of both natural parents in their upbringing. It is difficult to assess what should be an acceptable level for the utilisation of access in a divorcing population. In the literature survey, some observers would say that ongoing relationships with both parents will have a very positive effect (Wallerstein and Kelly 1980), while others comment that it undermines the primary relationship with the single psychological parent (Goldstein et al 1973). There is certainly some evidence from the present population, that an application for access may often only indicate a desire to assert or protect the real or imagined rights of the respondent, rather than a genuine intention to exercise an access order. When access took place, there were often attempts at marital reconciliation with children being used as pawns in a struggle. A Supervising Officer's promotion of access was unlikely to be value free, and demonstrated the views of institutionalists who supported the maintenance of family ties. Any future study will require detailed attitudinal analysis of social workers and probation offices who undertake domestic work.

Reported levels of contact with parents without custody, by Supervising Officers would suggest that the ensuring of

successful access was not consistently undertaken, and the reduced future intended contact by Supervising Officers may be a more realistic understanding of the level of access that could be achieved. If success is evaluated by the reasons given for discharge, then access is where Supervising Officers were most effective. When Supervising Officers become delayed by the personal problems of the parent with custody, before attempting to explore access, then it is doubtful whether success would be achieved at a later date. Children were likely to be further estranged from the non-custodian parent and would find reintegration, possibly disturbing and disorientating. The risk of becoming a long-term intermediary between parents, where a Supervising Officer's presence allows conflict to be played out continually rather than being resolved, is a possible scenario of extended domestic supervision.

Consistently of purpose was another aspect of a test of legitimacy applied in the present study. It was proposed that if a Welfare Report writer had discussed the contents of his or her Welfare Report with the parties concerned or made available a copy of the Report, then if he or she maintained involvement along an initially agreed criteria, then legitimacy would be preserved. There was little evidence of consistency, except in cases where there had been long term social work involvement with the family over their child-care abilities.

Hall proposed the renaming of Divorce Court Supervision Orders as "Parental Guidance Orders" (Hall 1968). Such a redefinition is now out-dated, as it does not include the variety

of adult figures and other children who are subject to the influence of Supervising Officers. To advise, assist and befriend, an isolated parent, caring for a number of dependent children, may be a benevolent form of supervision. However, such intervention was dominated by the objective of protecting the interests of children. The high numbers of fathers with custody, present in the population, when compared with samples of divorcing parents, indicates the ambivalence of Divorce Courts and their social work agents about certain types of adult carers. There was nevertheless no specific evidence about supervision being ordered where sexual orientation had been highlighted in a welfare report, despite the difficulties of, in particular, lesbian mothers obtaining custody.

The study revealed the importance of grandparents and other relatives in providing support to a parent with custody, by offering alternative child care arrangements and supporting access. The rights of grandparents in domestic proceedings is unclear. They are not a recognised party in divorce proceedings and this is the principle obstacle to, for example, an application by grandparents for access to their grandchildren. The Domestic Proceedings and Magistrates Court Acts 1978, gave grandparents some specific status in the lower court, but it remains anomalous that it is more difficult for a grandparent to obtain access in the Divorce Court than in the Magistrate Court. Observers, in criticising the situation, have understood the value of grandparents in child-protection.

"...one assumes that the children's interests need more safeguarding on the irretrievable breakdown of their parents marriage than on what might only be a temporary separation". (Parker, Family Law, Vol.9. No.1. 1979, p.9).

What is the supposed contribution of grandparents in the post-divorce family unit?

"The recognition that non-parents have something to contribute to a child's upbringing and development is a welcome one, in view of the contraction in the size of a nuclear family over the last century and the consequent reduction in the number of adults who can perform a socialising role." (Parker op cit, p.10).

As grandparents are not a party to divorce proceedings it is perhaps understandable that they were not (initially) encouraged actively by supervising officers, to continue to play a role in the upbringing of their grand-children. However, as supervision progressed they became key figures in a long term support of a parent with custody. The question must be whether supervision was necessary in these cases. If grandparents were an accepted party in divorce proceedings, then their potential contribution could have been recognised and encouraged at that stage. It may be at present fortuitous that they are consulted in the compilation of a standard welfare report. A legislative

and procedural change to encourage their involvement may obviate altogether some cases of domestic supervision.

The rights of children is an increasing topic of conversation in family law. Nevertheless, there is no universal view on the age at which a child can be consulted about his or her future living arrangements. This is very sensible as a child's development is variable, and the traumas of marital breakdown and pressures exerted by both parents will differ. In the present population, there was evidence that children could demonstrate very clearly their own opinions about their custody and access arrangements. They would refuse to comply with access or extend it to such a degree that their living arrangements would change. It could be argued that such actions may be spontaneous and ill-considered and not in a child's long term and best interest. Supervising Officers failed to use a Divorce Court to advise about such dilemmas, despite the fact that they saw children subject to orders more often than any other party to supervision.

Intervention was child orientated as it was extended to new babies in the post-divorce family unit and to step-brothers and sisters, together with other children not originally made subject to statutory orders. Their behaviour may require surveillance but there was no specific evidence that Supervising Officers had expertise in talking to children about their views concerning their parents marital breakdown. To that extent, legitimacy was also not fulfilled, as it would accord with the legislative framework for Supervising Officers to have a special

role in seeking children's views about how they were coping with the effects of divorce.

The case for a specialised social work service for any future family court, is raised again by the present study. Although the population was not fully representative, as two local authority social service departments refused to take part, it did highlight the probable differences for recipients if supervised by social workers or probation officers. Social services departments were more likely to supervise families where child care problems had already been highlighted. This is in accord with the increasing development of allocation procedures between the two agencies. Nevertheless, in all but 14 cases, there was some evidence of disruption in the divorce process and both agencies appear to support the maintenance of family ties. In practice, there were limited case examples of social workers stating that access was important, but making no realistic attempt to have contact with the parent without custody.

The drift towards child case priorities on behalf of both agencies, belies the specialist role of the probation service in domestic work. Indeed the majority of Supervising Officers were not specialists and the decision not to nominate Divorce Court Welfare Officers, as Supervising Officers, may reflect the increasing marginalisation of domestic work in the probation service.

The juvenile justice model was an appropriate secondary framework for the present study. In many cases supervision was unrelated to the reason for a child's arrangements being reviewed

by a court, that is the divorce of his or her parents. Social workers and probation officers consider it justified to use the machinery of giving marriage a decent burial to intervene on unrelated aspects of family functioning. Likewise, the other critique of the juvenile justice system, that an offence becomes lost in the continuing analysis of the strengths and weaknesses of family behaviour, was in accord with the pattern in the present study of undefined apprehension about child care. There was no detailed evidence that Supervising Officers undertook a careful study of the effects of marital breakdown on children.

The purposes of Divorce Court Supervision Orders as originally intended were brief and inexplicit. It was not anticipated that such orders should be made in significant numbers. ("only to be made in exceptional circumstances", Royal Commission on Marriage and Divorce, 1951, Section 396). This remains the case, although the steep rise in domestic work in the 1970s for the local authority social services departments, has not been recognised, (see Chapter 2.) Supervision was originally considered as being appropriate where custody was changed from one person to another ("arrangements to be reviewed where there is a change of circumstances" *ibid*, section 396). There was evidence that supervision may be used to compensate or soften a move between parents, but there was likely to be a history of custody changes. Supervision was formulated also to allow Divorce Courts continued jurisdiction over the circumstances of particular children. ("If supervision had been

ordered the court should have the power to reopen the question of custody at any time of its own notion", *ibid*, section 396).

There was a remarkable lack of success for this objective as there was profound estrangement between a divorce court and its social work agents. This may be explained by the reluctance of Divorce Court Judges to prescribe grounds and become involved in a minutiae of supervision. It may also reflect the unfamiliarity and apprehension for Supervising Officers about courts in general and the Divorce Court in particular, where a referral back may be seen by a Supervising Officer as an admittal of defeat, evidence of maladministration, or at least an unpleasant high profile aspect of their daily work.

Finally, it was anticipated that supervision should not be restrictive of the personal freedoms of the child and its family, particularly the parent with custody, in a sense of defining specific obligations which have to be complied with. ("We do not contemplate that supervision would be of a formal kind. What we have in mind is that the welfare officer should visit from time to time", *ibid*. section 396). The specific legal obligations of supervision remain unchanged, but Supervising Officers did not complain of being restricted by the short-comings of their statutory powers. In addition, supervision was not intensive in terms of frequency of contact with parties to supervision. Divorce Court Supervision Orders were nevertheless highly intrusive as regards intervening into areas of post-divorce family life. Social work agencies, in the absence of the necessity of establishing formal proof of grounds, were able to

instigate supervision, where formal statutory or intermittent voluntary involvement has lapsed, both social workers and probation officers then became involved with a variety of individuals with either direct or indirect influence on the child subject to supervision. The guiding ideology was child protectionism, but not necessarily reserved for children subject to supervision but directed also to children originating from a variety of relationships. This complex net of intervention was not anticipated by the Royal Commission on Marriage and Divorce. 1951-55.

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CHAPTER SEVEN

THE FUTURE OF DOMESTIC SUPERVISION AND THE CHANGING FACE OF
SOCIAL WORK IN FAMILY LAW: CHILD-PROTECTIONISM IN A NEW GUISE.

In reviewing the future of domestic supervision, a number of very practical proposals can be made. A good number of these will accord with the recently published Law Commission Working Paper on the topic (Law Commission Working Paper No.100 "Care, Supervision and Interim orders in Custody Proceedings," 1987, pps 41-69), which developed possible reforms first proposed in the more general review of Child Care Law (DHSS, October 1985). Domestic supervision is nevertheless in decline. Its importance, as a method of resolving marital disputes, may be made less crucial by better facilities provided by Welfare Report writers who practice a conciliation approach and encourage parents to jointly make decisions about their childrens future. Nevertheless, such a conciliation approach still cannot be value-free and may be compromised by continued apprehensions about the protection of children. Such dilemmas can be informed by the present study of Divorce Court Supervision Orders.

The present use of Divorce Court Supervision Orders has outgrown its legislative framework. Its continuation must relate to the continued necessity of the Divorce Court to have a unique jurisdiction over children. In the absence of an integrated Family Court, this lack of change appears inevitable. This based on an attitudinal view, in the absence of consistently detailed and conclusive research, that children are at risk from their parents divorce and require special protection. This principle is still paramount despite thirty years of, for the most part, liberalisation in family law, and is reinforced by the continued, if now more steady, rise of the number of children

involved in divorce proceedings.

On other grounds there are strong arguments for the abolition of domestic supervision. In a new Family Court, with a specialised social work contingent, specific services could be offered to divorcing couples and their children. Individual or group counselling could be undertaken as regards dealing with the consequences of separation and subsequent divorce. Opportunities could be made available for an absent parent to discuss the exercising of access and specialised loss counselling could be made available to all parties. The problems of being a step-parent and being responsible for a household, where there are a number of children from different relationships, could be more openly discussed and advertised and again, more specialised group and individual social work services provided. In those cases, there would be less necessity for formal legal applications with their consequent risks of fuelling adversarial contests. Such provision would replace the aspects of benevolent social work described in the present study of divorce court supervision.

In the absence of a Family Court, such developments represent a pipe dream. It would require a profound change in the priorities of the two social work agencies, where domestic work is of increasingly marginal importance. Such changes also constitute a new emphasis for a social policy as regards divorce and children. The focus would be on prevention, where a welfare service would not be required just to react to the processes of marital breakdown, by screening the arrangements provided by

parents at the time of divorce proceedings or subsequent applications, but would promote and develop a range of services to those individuals involved. This could include advice on housing, financial affairs and the value of continued contact with the original extended family.

Matrimonial Supervision Orders represent a logical extension of the inquisitorial basis of the Divorce Court hearing. Families, usually known for some time to social work agencies, are selected for continued surveillance. As pointed out in the recent Law Commission Report:-

"It is not sufficient that supervision, in the sense of welfare assistance or guidance, is desirable. It must also be desirable that there be a court order".

(Law Commission Working Paper, No.100, p.48.)

The objective of child protectionism will ensure the survival of domestic supervision. Indeed the more conflict-reduction basis of the work of many individual Divorce Court Welfare Officers, is still fundamentally compromised by the necessity to protect children. If, in the process of their conciliation interview, designed to improve capabilities of parents to agree and manage the future arrangements for their children, information is given which suggests or describes major problems of exercising care and control, then report writers would have to act. The statutory basis of their work and their knowledge of child abuse procedures, would override any question

of privileged information. Welfare Report writers may wish to introduce checks on their own authority. They could explain the problems of confidentiality, indicate what action they will take in the event of certain disclosures, and offer a different worker if a full investigative report is required. Alternatively, as Divorce Court Welfare Officers, employed by the probation service, they could ensure that full child care investigations are undertaken solely by Social Services departments.

The study of Divorce Court Supervision Orders has shown that statutory authority can be abused in domestic cases and requires particular safeguards. The Law Commission suggests that the "exceptional circumstances" criteria may not be sufficient as it allows for differing interpretations between Divorce Courts (Law Commission Working Paper no.100, p.52). There are inadequate restraints on forcing people to accept "permanent long term intervention in family life on the grounds of divorce". (Maidment 1984, p.87).

Nevertheless, the Law Commission opposed assimilated grounds between Juvenile Court Supervision Orders and domestic Supervision Orders, in contrast to their views on the integration of care proceedings in the two jurisdictions. If the proposed new grounds for Juvenile Court Supervision Orders had been applied to the Divorce Court, then proof would be required of actual or likely harm to the child which results from the absence of a reasonable standard of care. (Law Commission *op cit*, p.52).

The reasoning behind their opposition to change was, in

addition to considerations of cost and delay, that such grounds would not be applicable to the work of probation officers in providing help in adjustment to separation and divorce. The conclusions of the present study, do not support such a sharp distinction between the two supervising agencies. Even if allocation of an order was made to the probation service, based on their historical role as Divorce Court Welfare Officers, a fieldworker rather than a domestic specialist was the likely supervisor. The risk for both agencies professional practice, was a drift towards ill-defined areas of adequate child care, based on a history of concern, by virtue of previous contact with families by social work agencies.

The absence of clarity in the qualifying criteria for Divorce Court Supervision is further exacerbated by the absence of any dialogue between the Divorce Court and the Supervising Officer. The Law Commission's suggestions that grounds should be stated by Divorce Courts for such orders, and that the potential supervising agency could be consulted, presumably about the desirability and feasibility of conducting supervision, are both helpful in reducing the estrangement between the decision makers and the social work services, (Law Commission Working Paper, 100, op cit, pps.55-57.) Time limits were also suggested, in the first instance one year, unless the Courts specified a shorter or longer period. Regulations were also proposed to require Supervising Officers to consider discharge of an order every six months, so this initial focussed piece of work would not degenerate into "inert" orders. (ibid, p.66). Such proposals may

reduce the possibility, described in the present population, of ill defined social work practice, where Supervising Officers, in their work, collects aspects of family life like flotsam.

The deliberate use of domestic supervision, as an alternative to full care proceedings, was not very common in the research population. Nevertheless, this was an area of debate for the Law Commission. Their suggestions mirror developments in the criminal justice field, where it was considered that Probation Orders and Supervision Orders should be strengthened by additional requirements, to provide potential alternatives to custody. Negative conditions, curfews and specified attendance and activities at Day Centres were introduced (Criminal Justice Act 1982). The Law Commission's suggestions for 'beefing up' domestic supervision, included notice of address, allowing access to a home, right of medical examination, powers to compel attendance at a particular place, psychiatric or medical treatment enforcements and direction over education. (Law Commission Working Paper, 100, op cit, p.60).

As with the debates about alternatives to custody in the criminal field, it would be difficult to ensure that, in making orders with such conditions, care was otherwise inevitable. There are very real dangers of slippage and parents would feel compelled to agree to orders to retain their children. The Divorce Court would have very increased powers over the circumstances of parents and their children, when it reviewed an application for divorce. The question remains whether, if risk was so gross, why had action not been taken through the Juvenile

Court to safeguard the security of children. The answer is straightforward. The Divorce Court retains the right to review the circumstances from an independent perspective. Any reductions in the formal legal processes parents may have had to endure to obtain a divorce, have not been matched by a decreased attention to children of divorce proceedings.

It is highly likely that parents will be asked to submit more detailed statements of arrangements, as regards their children in the future. The proposed format suggested by the Matrimonial Causes Procedure Committee (HMSO 1983) did include the necessity of information being supplied on other persons living in the household and required acknowledgement of involvement with probation officers or social workers. Despite the present number of falling supervision orders and care orders in matrimonial care proceedings, the potential for increased surveillance with strengthened powers for intervention is evident.

Social work services to the Divorce Court are in a state of flux. The enthusiasm of Divorce Court Welfare Officers for conciliation, has led to criticisms from elements of the judiciary, who object to limited information, restricted to the progress or otherwise of family meetings designed to foster agreements between parents. Some judges wish for more detailed investigative reports, as regards the development of children in the family and at school, details of the home environment, the suitability of access arrangements and the extent of support from an extended family. (Latham. Justice of the Peace, August 15th

1987) It is likely that such differences will become less strident when misunderstandings are clarified, but they are illustrative of the potential schisms between social work services and the judiciary who may still require a detailed surveillance role over the circumstances of children. Divorce Court Supervision Orders represent an available tool to monitor the development of the children of divorce.

The present population of Divorce Court Supervision Orders showed no great difference in the type of supervision provided by the two social work agencies. The only exception was the initial assessments of social workers, where there was a higher emphasis on child-care issues. However statistical material suggests a movement towards supervision by the local authority. Socialworkers appear ill-equipped in terms of being able to give any priority to such work and are untrained for the task of resolving outstanding domestic conflicts.

The original Inter-departmental working party on Child Care Law, had acknowledged criticisms of the present arrangements for Divorce Court Supervision Orders and other domestic orders from the Local Authorities. Directors of social services departments were both uncertain as to what was required of them and concerned about the persistence of Orders which had outlived their usefulness. (Review of Child Care Law 1985, p.132-134). Such confusion may be in part explained by the paucity of legislative guidelines, but does not suggest the basis for a sound and informed service to divorcing couples and their children. The author was not aware, from the experience and

pilot survey or subsequently, of any specific training programmes to equip social workers for an increased role in domestic work initiated and run by the probation service. There is some evidence indeed of increasing strain between the probation service and social services department over Family Law issues. The very noticeable growth in the use of wardship proceedings by the local authority, when there is a failure to establish grounds for care proceedings, involved probation offices as independent scrutineers of their applications.

In 1985, local authorities were involved in approximately 40% of wardship cases initiated, in some 36% of cases as plaintiff. They have felt encouraged to make use of wardship if it was considered that their statutory powers were insufficient to enable them to protect the interests of children. A recent Law Commission Review explains such developments by the absence of forward looking grounds for care proceedings. The grounds for care proceedings deal mainly with current neglect of ill-treatment of the child, or with his or her behaviour, and only to a limited extent with future harm. (Law Commission Working Paper no.101, pps.47-48.)

It is possible that probation officers, as independent report writers, may differ with social services departments, in some cases, about the need to maintain continuing contact with a child's original parents. Wardship proceedings may be a device to give some legal authority to a permanent foster placement arrangement, where natural parents could be seen as an unhelpful influence in the light of their past failures to exercise

adequate care and control.

The administration of Divorce Court Supervision Orders will pose very similar dilemmas about keeping a child in touch with both its parents. The population studied did not suggest a convenient two tier system of problems to be addressed, with the social services department supervising parental competence cases and the probation service providing expertise to those parties suffering still from the aftermath of marital breakdown. Instead, the majority of families supervised by both agencies had had difficulties in the divorce process. Social workers and their managers therefore will be required to be attuned to the particular problems of the post-divorce family unit, where an absent parent will need support in maintaining family ties.

More specific qualifying criteria for Divorce Court Supervision Orders, may increase the clarity of involvement by Supervising Officers. The duality of Divorce Court Supervision, which includes both helping couples over divorce and offering child protectionism is now acknowledged. Nevertheless, domestic supervision, if the Law Commission's proposals are adopted, would still be unique in not having to establish proof for grounds of intervention. The distinction is very questionable in the light of the diverse practice presented in the present study and the potentiality of substantially increased powers for supervisors. Lemert, Hardiker and Curnock all argue that social work professionals are not just guided by the priorities of their employers, the details of statute or follow a particular ideology. Decisions are likely to be determined on a day to day

basis ("the exigencies of practice", Curnock and Hardiker 1979), by what was considered possible in any given situation (Lemert 1976). Consequently the only real safeguard to prevent the abuse of Divorce Court supervision, is the establishment of strict qualifying criteria.

Domestic supervision will remain in the absence of a pro-active Family Court, with an objective of providing appropriate services to the divorcing population, rather than dissecting applications for signs of family pathology.

Eekelaar, in describing the social policy considerations of family law, have suggested three criteria by which they could be evaluated. He suggests that family law should provide mechanisms for adjusting the relationships between family members. In the present study of Divorce Court supervision, Supervising Officers did seek to regulate the relationships in the post-divorce family unit. There are no references to such a role in the Royal Commission on Marriage and Divorce 1951-55, or in the Law Commission's Working Paper no.100, published thirty years later. From evidence of the present population, such a role was an implicit extension of the monitoring of a child's development. Consequently there is continuing confusion as to whether supervision is directed towards children or towards adult carers. Concern has been expressed that it is wrong that the child is "saddled with an order which is primarily directed to his parents' needs". (Priest and Whybrow, Supplement to Working Paper No.96, Law Commission "Custody Law in Practice in Divorce and Domestic Courts", p.21, paras 7.22.

The Law Commission Working Paper no.100 opposed specific sanctions on adults, except the threat of care proceedings, and did not consider specifically what measures could be applied to influence the anti-social behaviour of a step-parent. (Law Commission Working Paper no.100, p.61). As in potential care proceedings, a parent with custody may be asked therefore to chose between a continued relationship with a partner and the retention of the care of their children.

Eekelaar's second qualifying criteria, was the protection of individuals. The child proectionist focus of Divorce Court Supervision Orders has been very clearly revealed in the present study and given validation in the recent Law Commission Report.

"In some cases the child's welfare may appear to be at risk, although not such as to warrant his removal from home. Here, supervision at least partially, involves the oversight of the question of custody as well as child protection". (Law Commission Working Paper no.100, p.47).

From the present study it was apparent that some Supervising Officers anticipated a long-term protection role for children, including monitoring through the stages of adolescence. The rules to require review and early consideration of discharge proposed by the Law Commission, may go some way to reduce the problems of the extended supervision where Supervising Officers failed to define what was adequate child care provision.

Finally, Eekelaar contends that the social policy of Family Law should be judged by whether it supports the maintenance of family relationships. In the present study, Supervising Officers promoted the maintenance of access arrangements and by their involvement access orders were exercised in higher proportions than in the rest of the divorcing population. Nevertheless, as with their mobilisation of family support from grandparents and other relatives, such achievements were often by-products of orders with different sets of objectives. Access issues did not dominate the recommendation for Divorce Court Supervision Orders. Any revised Family Law procedure as regards children in divorce has to address fundamentals. Are the principles of a child maintaining contact with both parents, and receiving the support of the original extended family of paramount importance, and if so what mechanisms can be devised to specifically promote such continued integration? It remains unsatisfactory, that decision making on these issues are left primarily to the values and attitudes of Supervising Officers.

Goldstein et al were very clear about the limits of achievable results for increased intervention.

"The law does not have the capacity to supervise the fragile, complex, inter-personal bonds between child and parents. *Parens Patriae*, the state is too crude an instrument to become an adequate substitute for flesh and blood parents. The legal system has neither resources nor the sensitivity to respond to a growing

childs ever changing needs and demands. It does not have the capacity to deal on an individual basis with the consequences of its decisions...."

(Goldstein et al, 1979, p.11-12).

The present study of Divorce Court supervision has shown the pitfalls of the state's intervention in the domestic field. More sensitive and liberal responses to parental circumstances following marital breakdown and divorce, will still have to be balanced by a reasoned and balanced approach to child-protectionism. The changing face of social work in family law will necessitate either an attempt at better harmonisation of these tasks, or a more radical re-structuring, involving separation of child protectionism from improved services to children and their parents in divorce proceeding. The practice of domestic supervision, although now declining, has highlighted the continued potential contradictions and tensions of social work with all those individuals effected by the phenomenon of divorce.

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RESEARCH QUESTIONNAIRE: DIVORCE COURT SUPERVISION ORDERS(Part I)

(Running prompt)

INTRODUCTION: The questionnaire is basically designed to increase understanding with regard to Divorce Court Supervision Orders, and is particularly interested in the role of the supervising officer and the circumstances of the Supervision Order being made in the first place by the Divorce Court. All replies will be treated in strictest confidence. It is very much hoped that you will agree to take part in the follow-up survey which hopes to examine the same Supervision Order once it has been in operation for twelve months.

The questionnaire is divided into three sections. First, general information with regard to the Supervision Order. Secondly, the way you envisage working with this particular case. Finally, there is a very brief section concerning your own involvement with other work concerning children.

System of CODING:- 1 - 8 and Y, NOT KNOWN = 0, NOT APPLICABLE = 9

DATE OF INTERVIEW:

NB:- For child subject to Divorce Court Supervision Order read 'child'
For 'Divorce Court Supervision Order' read 'Supervision Order'

SECTION ONE: GENERAL INFORMATION

1. What is subject's code number? / / 1 2 3

1a. What is subject's name?
Family Name(uncoded question)

2. What is the name of the supervising officer?.....
(uncoded question)

3. What is supervising officer's social work department? 4

PROBATION 1
SOCIAL SERVICES 2
OTHERS(please specify)

.....
.....
.....
.....
.....

1
2
3
4
5
6
7
8
9
0

4. Supervising Officer's office address-
 (uncoded question)

5. What is the name of the Divorce Court making the Order? 5

- DERBY 1
- LINCOLN 2
- NOTTINGHAM 3
- MANFIELD 4
- LEICESTER 5
- HULL 6
- DONCASTER 7
- SHEFFIELD 8
- NOT KNOWN 0
- OTHERS (please specify-code later)
-
-
-
-

6. Was a previous Magistrates order in existence? 6

- Yes 1
- No 2
- Not known 0

6a. If 'yes' what was the nature of that decision? 7

- Custody decision 1
- Access decision 2
- Separation Order 3
- Financial provision 4
- Supervision Order 5
- Not known 0
- Not applicable 9
- Others (please specify-code later)
-
-
-
-

7. If 'yes' to 6, please specify when order was made:- 8

- More than four years ago 1
- Three/four years ago 2
- Two/three years ago 3
- One/two years ago 4
- During last twelve months 5
- Not known 0
- Not applicable 9

8a.	Number of supervision orders made by Divorce Court:-		9
	One - name of child.....	1	
	Two - name of children.....	2	
	Three - name of children.....	3	
	Four - name of children.....	4	
	Five - name of children.....	5	
	Six - name of children.....	6	
	Seven - name of children.....	7	
	Eight - name of children.....	8	
	and over		
8b.	Are all supervision orders made your responsibility?		10
	YES	1	
	NO	2	
	NOT KNOWN	0	
8c.	If 'no' to question 8b please specify other source of supervision.		11
	Supervising Officer from same geographical area and Social Work Department.	1	
	Supervising Officer from same Social Work Department but different geographical area.	2	
	Supervising Officer from same geographical area but different Social Work Department.	3	
	Supervising Officer from different geographical area and Social Work Department.	4	
8d.	If different social work department please specify.		12
	PROBATION	1	
	SOCIAL SERVICES	2	
	CHILD GUIDANCE	3	
	N.S.P.C.C.	4	
	NOT KNOWN	0	
	NOT APPLICABLE	9	
	OTHERS(specify)		
		
		
		

8e. Please specify reason for use of other Social Work Department.

13

.....
.....
.....
.....
.....
.....

9. Can you tell me(name of child's) date of birth(ask for all children to which supervision orders apply):-

.....
.....
.....
.....
.....
.....
.....
.....

9a. Age(to be worked out by interviewer) Specific Age..... 14

(Note for INTERVIEWER: if more than one Supervision Order exercised by Supervising Officer presently interviewed, please choose <u>ONE</u> at this stage: others to be represented on questionnaires (separate).)	0 - 2 years	1
	3 - 5 years	2
	6 -10 years	3
	11 -15 years	4
	15 -18 years	5
) Not known	0

10. Is(name of child)with:-

15

Chosen by <u>INTERVIEWER</u>	Mother	1
	Father	2
	Grandparents	3
	Both parents	4
	Other relatives	5
	Not known	0
	Combination of those above	8
	(please specify).....	

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10. continued:- Others(please specify,code later)

(please specify,code later).....

11. Are there other people living with person with custody, and child? 16

Cohabitee 1
 Housekeeper 2
 Grandparents 3
 Other relatives 4
 Others(please specify,code later)

 Not known 0

12. What was Divorce Court decision on length of Supervision Order? 17

Until the age of 18 reached by child 1
 3 - 4 years 2
 1 - 2 years 3
 More than six months but less than one year 4
 Less than six months 5
 Not known 0
 Other(please specify,code later)

13. Was there any specific ground stated by the Divorce Court with regard to the making of the supervision order? 18

Yes 1
 No 2
 Not known 0

14. If 'yes' please specify ground(s):- 19

Custody arrangements 1
 Access arrangements 2
 Major housing difficulties 3
 Major financial difficulties 4
 Major physical health problems 5
 Major mental health problems 6
 Criminal behaviour 7
 Non-school attendance X
 Ability of parent(s) to exercise 'care and control' Y
 Not known 0
 Not applicable 9
 Combination of those above 8

....contd....

14. (continued:-)

Others(please specify,code later)

DIVORCE PROCESS

15. Were custody arrangements in dispute or at least unclear at any point up to granting of 'absolute' decree?

20

- Yes 1
- No 2
- Not known 0

16. If 'yes', what were the nature of the difficulties over custody?

21

Please specify(code later)

16a. If 'yes': Does factual information indicate that this problem has existed for:-

22

- Five years or more 1
- Four/five years 2
- Three/four years 3
- Two/three years 4
- One/two years 5
- During last twelve months 6
- Not known 0
- Not applicable 0

25. continued

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26. What was the Divorce Court decision on custody?

34

.....	Straight custody (to one person)	1
	Custody to one person - 'care	
	and control' to another	2
	Joint custody	3
	Interim Order	4
	No order made	5
	Not known	0
	Other(please specify,code later)	

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27. Nature of Divorce Court decision on access:

35

	Reasonable access	1
	Defined access	2
	Supervised access	3
	Access not granted	4
	Not known	0
	Others(please specify-code later)	

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27. continued

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BACKGROUND TO SUPERVISION ORDER

(Running prompt: With regard to this section all questions to apply to 'child subject to supervision' - family situation prior to making of order).

28. Was there evidence of major housing difficulties before supervision order made? (running prompt - e.g. rent arrears, overcrowding, homelessness, poor living conditions). 36

Yes 1
No 2
Not known 0

28a. If 'yes', what were the nature of the housing difficulties? 37

Rent arrears 1
Overcrowding 2
Present homelessness 3
Poor living conditions 4
Mortgage arrears 5
Recent eviction 6
Not applicable 9
Combination of those above 8

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Others(please specify)
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28a. continued.

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29. If 'yes' to 28, does factual information indicate that this problem has existed for:- 38

Five years or more	1
Four/five years	2
Three/four years	3
Two/three years	4
One/two years	5
During the last twelve months	6
Not known	0
Not applicable	9

30. Was there evidence of major financial problems before supervision order was made? (for example - bankruptcy proceedings, hire purchase agreements in arrears, County Court appearance for debt, inability to cope on level of wages or Supplementary Benefit levels) 39

Yes	1
No	2
Not known	0

30a. If 'yes' to 30, what were the nature of the financial difficulties? 40

Bankruptcy proceedings	1
Hire Purchase agreements in arrears	2
County Court appearances for debt	3
Inability to cope on level of wages	4
Inability to cope on supplementary benefit levels	5
Not known	0
Not applicable	9
Combination of those above	8

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Others(please specify)

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32a. continued.

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33. If 'yes' to 32, please indicate individual subject to physical illness:-

48

- Child subject to supervision 1
- Other children in family 2
- Parent with custody 3
- Parent without custody 4
- Grandparents with custody 5
- Grandparents without custody 6
- Other relatives with custody 7
- Other relatives without custody X
- Cohabitee of individual with custody Y
- Combination of those above 8
- Not known 0
- Not applicable 9

34. If 'yes' to 30, does factual evidence indicate that this problem has existed for:-

49

- Five years or more 1
- Four/five years 2
- Three/four years 3
- Two/three years 4
- One to two years 5
- During last twelve months 6
- Not known 0
- Not applicable 9

35. Was there evidence of major mental health problems before supervision order made? (running prompt - for example - schizophrenia, paranoia, clinical depression, mental handicap or any other serious mental condition).

50

- Yes 1
- No 2
- Not known 0

35a. If 'yes' to 35, what were the nature of those mental health problems?

- Schizophrenia 1
- Paranoia 2
- Clinical depression 3
- Mental handicap 4
- Not known 0
- Combination of those above 8

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- Not applicable 9
- Others(please specify)

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36. If 'yes' to 35, please indicate individual subject to mental illness.

- Child subject to supervision 1
- Other children in family 2
- Parent with custody 3
- Parent without custody 4
- Grandparents with custody 5
- Grandparents without custody 6
- Other relatives with custody 7
- Other relatives without custody X
- Cohabitee of individual with custody Y
- Combination of those above 8

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- Not known 0
- Not applicable 9

47. If 'yes' to 45, does factual information indicate that this involvement has existed for:-

Five years or more	1
Four/five years	2
Three/four years	3
Two/three years	4
One to two years	5
During last twelve months	6
Not known	0
Not applicable	9

SECTION TWO: SUPERVISOR'S INITIAL ASSESSMENT PLUS INTENDED FORM OF INTERVENTION

48. Have you been able to make contact personally with the individuals involved in the supervision order? 69

Yes	1
No	2

49. Are you able to make an initial assessment of the way you intend to become involved/work with the supervision order? 70

Yes	1
No	2
Not known	0
Not applicable	9

50. Is it your intention at this point in time to deal with any of the following possible problem areas during the first twelve months of the supervision order? 71

Yes	1
No	2
Not known	0

51. If 'yes' please specify - 72

Custody arrangements	1
Access arrangements	2
Major housing difficulties	3
Major financial difficulties	4
Major physical health problems	5
Major mental health problems	6
Criminal behaviour	7
Non-school attendance	X
Ability of parents to exercise 'care and control'	Y
Major employment difficulties	0
Not applicable	9
Combination of those above	

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51. continued.

Number of cases

Others(please specify - code later)
 (running prompt-write out specific
 nature of problem area)

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If it was intended to have contact with any of the following
 persons in connection with this case?

1
 2
 3
 4
 5
 6
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 8
 9

1 Child subject to supervision
 2 Other children in family
 3 Parents with custody
 4 Parents without custody
 5 Grandparents with custody
 6 Grandparents without custody
 7 Other relatives with custody
 8 Other relatives without custody
 9 Contact with individuals in custody
 0 No contact with any of those above

52. If other children are subject to supervision but supervised
 by a different supervisor, is it your intention to have
 contact with the latter? 73

(If not applicable, write "not applicable")

Yes 1
 No 2
 Not known 0
 Not applicable 9

52a. If 'yes' to 52, please indicate purposes of this contact. 74

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52a. continued.

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53. Is it your intention to have contact with any of the following during the first twelve months of supervision order?

75

Yes	1
No	2
Not known	

54. If 'yes' please specify:-

76

Child subject to supervision	1
Other children in family	2
Parents with custody	3
Parents without custody	4
Grandparents with custody	5
Grandparents without custody	6
Other relatives with custody	7
Other relatives without custody	X
Cohabitee of individual with custody	Y
Combination of those above	8

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Not known	0
Not applicable	9
Others(please specify-code later)	

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56. continued.

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57. Is it your intention to have contact with any of the following external agencies/organisations during the first twelve months of the supervision order?

80

Yes	1
No	2
Not known	0

58. If 'yes', please specify:-

81

School of child subject to supervision	1
Solicitors involved in divorce proceedings	2
Local authority social services departments	3
National Society for Prevention of Cruelty to Children	4
General Practitioner/General hospital	5
Psychiatric hospital/psychiatrist	6
Local Authority housing department	7
Department of Health and Social Security/Hire Purchase firms/County Court(debt section)	8

.....contd.....

58. continued.

Probation and After Care Department	Y
Not known	0
Not applicable	9
Combination of those above	

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Others(please specify-code later)

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59. Is it your intention to apply to Divorce Court during the first twelve months of the supervision order? 81

Yes	1
No	2
Not known	0

60. If 'yes' to 59, please specify possible purposes:- 83

For discharge of supervision order	1
For committal to care	2
For change in custody arrangements	3
For change in access arrangements	4
For general consideration by Divorce Court	5
Not known	0
Not applicable	9
Combination of those above	

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Others(please specify-code later)

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61. Is it your intention to apply to the Juvenile Court during the first twelve months of the supervision order?

84

Yes 1
No 2
Not known 0

62. If 'yes' to 61, please specify possible purposes-code later.

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SECTION THREE : Workload of Supervising Officer - children under eighteen years of age subject to some form of supervision.

63. Is all your work involved with children under the age of eighteen confined to Divorce Court supervision order?

86

Yes 1
No 2
Not known 0

64. If 'no' to 63, please specify other forms of statutory orders involving children under eighteen:-

87

Magistrates Court Matrimonial Supervision Orders	1
Juvenile Court Supervision Orders (criminal)	2
Juvenile Court Supervision Orders (civil)	3
Probation Orders	4
Detention Centre Licences	5
Borstal Licences	6
Not known	0
Not applicable	9
Combination of those above	8

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Others (please specify-code later)

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65. If 'no' to 63, do you specialise to some degree in Divorce Court Supervision Orders? (on a team level or within social work department as a whole).

88

Yes	1
No	2
Not known	0

S.GOOD.

March, 1979.

SEARCH QUESTIONNAIRE:

DIVORCE COURT SUPERVISION ORDERS (Part II)

System of coding, 1 - 8, X and Y, NOT KNOWN = 0, NOT APPLICABLE = 9

DATE OF INTERVIEW:

SECTION ONE: GENERAL INFORMATION

What is subject's code number? / /
(uncoded question - see original questionnaire)

What is subject's name?

Family name (uncoded question)

Is the Order originally made by the Divorce Court still being supervised? 1

YES	1
NO	2
NOT KNOWN	0

If 'No' to question 3, please specify why Order is not now supervised? 2

ORDER DISCHARGED BY THE DIVORCE COURT 1

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If 'Yes' to question 3, is the Order being supervised on: 3

ORIGINAL STATUTORY ORDER	1
VOLUNTARY BASIS	2
NEW STATUTORY ORDER	3
NOT KNOWN	0
NOT APPLICABLE	9
OTHERS (please specify)	

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6 If 'Yes' to question 5, 'NEW STATUTORY ORDERS' please state nature of that Order; 4

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7 If 'Yes' to question 5, options other than 'ORIGINAL STATUTORY SUPERVISION ORDER' please state reason for change (uncoded question) 5

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8 What is the name of the supervising officer? (uncoded question)

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9 What is supervising officer's social work department? 6

- PROBATION 1
- SOCIAL SERVICES 2
- OTHERS (please specify)

10 What is supervising officer's address? (uncoded question)

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Are you the same supervising officer as interviewed previously with regard to this research approximately 12 months ago? 7
YES 1
NO 2

If 'No' to question 11, please specify nature of 'new involvement'. 8

Supervising officer from same geographical area and social work department 1

Supervising officer from same social work department but different geographical area. 2

Supervising officer from same geographical area but different social work department 3

Supervising officer from different geographical area and social work department 4

NOT KNOWN 0

NOT APPLICABLE 9

OTHERS (please specify)

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If option stated under question 12 equals (1), ie, supervising officer from same geographical area and social work department, please specify reason for change in officer: 9

Previous supervising officer leaving the department 1

Moved to another post/promotion within his own department 2

NOT KNOWN 0

NOT APPLICABLE 9

OTHERS (please specify)

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Number of Supervision Orders made by Divorce Court: 10

ONE - Name of child 1

TWO - Names of children 2

THREE - Names of children 3

FOUR - Names of children 4

FIVE - Names of children 5

- SIX - Names of children 6
- SEVEN - Names of children 7
- EIGHT - Names of children 8
- 15 Are all Supervision Orders made your responsibility? 11
 - YES 1
 - NO 2
 - NOT KNOWN 0
 - NOT APPLICABLE 9

- 16 If 'No' to question 15, please specify other source of supervision: 12
 - Supervising officer from same geographical area and social work department 1
 - Supervising officer from same social work department but different geographical area 2
 - Supervising officer from same geographical area but different social work department 3
 - Supervising officer from different geographical area and social work department 4
 - NOT KNOWN 0
 - NOT APPLICABLE 9

- 17 If different social work department, please specify : 13
 - PROBATION 1
 - SOCIAL SERVICES 2
 - CHILD GUIDANCE 3
 - NSPCC 4
 - NOT KNOWN 0
 - NOT APPLICABLE 9
 - OTHERS (please specify)
 -
 -
 -

SECTION TWO: GENERAL CHANGES RE: CUSTODY AND ACCESS

- 18 Is the person with custody neither of natural parents? 14
 - YES 1
 - NO 2
 - NOT KNOWN 0
 - NOT APPLICABLE 9

18a If 'Yes' to question 18, please specify person responsible: 15

- GRANDPARENT 1
- OTHER RELATIVES 2
- IN CARE OF THE LOCAL AUTHORITY 3
- OTHERS (please specify)

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- NOT KNOWN 0
- NOT APPLICABLE 9

19 Have there been any changes in the parent responsible for custody arrangements since the last interview (approximately 12 months ago)? 16

- YES 1
- NO 2
- NOT KNOWN 0
- NOT APPLICABLE 9

20 Is present position different re; custody to that agreed by the Divorce Court when making the original Supervision Order? 17

- YES 1
- NO 2
- NOT KNOWN 0
- NOT APPLICABLE 9

21 How often have changes taken place re; custody? 18

- ONCE 1
- TWICE 2
- THREE TIMES 3
- FOUR TIMES 4
- OTHERS

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.....

- NOT KNOWN 0
- NOT APPLICABLE 9

22 Please state present person responsible for custody: 19

- NATURAL MOTHER 1
- NATURAL FATHER 2
- GRANDPARENTS 3
- OTHER RELATIVES 4

Question 22 continued ...

		OTHERS	4
		
		
		
		
		
		NOT KNOWN	0
		NOT APPLICABLE	9
23	Have there been any changes in access arrangements since the last interview (approximately 12 months ago)?		20
		YES	1
		NO	2
		NOT KNOWN	0
		NOT APPLICABLE	9
24	If 'Yes' to question 23, please state changes:		21
	Parent with custody refusing to give access		1
	Access not being exercised by person without custody of child		2
	Children unhappy/not co-operating with access		3
	Access arrangements very irregular		4
	Others		
		
		
		
		
	NOT KNOWN		0
	NOT APPLICABLE		9
25	Is present position re; access different to that agreed by Divorce Court (when making original Supervision Order)		22
		YES	1
		NO	2
		NOT KNOWN	0
		NOT APPLICABLE	9

1
2
3
4

SECTION THREE:

What degree of supervision (ie, the frequency of contact between supervising officer and relevant parties to supervision) took place during the last 12 months of supervision?

26 How often was child subject to supervision seen? 23

- ONCE A WEEK 1
- ONCE A FORTNIGHT 2
- ONCE A MONTH 3
- ONCE EVERY 3 MONTHS 4
- ONCE EVERY 6 MONTHS 5
- OTHERS (please specify)

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27 From supervising officer's point of view (from memory or from records available) was child subject to supervision seen more frequently during the last 6 months of supervision than the first 6 months of supervision? 24

- YES 1
- NO 2
- NOT KNOWN 0
- NOT APPLICABLE 9

27a Please state source, ie → 25

- MEMORY 1
- RECORDS AVAILABLE 2
- NOT KNOWN 0
- NOT APPLICABLE 9

28 How often was parent with custody of child seen? 26

- ONCE A WEEK 1
- ONCE A FORTNIGHT 2
- ONCE A MONTH 3
- ONCE EVERY 3 MONTHS 4
- ONCE EVERY 6 MONTHS 5
- OTHERS

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NOT KNOWN 0

NOT APPLICABLE 9

29 From supervising officer's point of view (from memory or from records available) was parent with custody seen more regularly during first 6 months of supervision than last 6 months of supervision? 27

Question 29 continued ...

1	YES	1
2	NO	2
0	NOT KNOWN	0
9	NOT APPLICABLE	9

29a Please state source, ie → 28

1	MEMORY	1
2	RECORDS AVAILABLE	2
0	NOT KNOWN	0
9	NOT APPLICABLE	9

30 How often was parent without custody of child seen? 29

1	ONCE A WEEK	1
2	ONCE A FORTNIGHT	2
3	ONCE A MONTH	3
4	ONCE EVERY 3 MONTHS	4
5	ONCE EVERY 6 MONTHS	5
	OTHERS (please specify)	

0	NOT KNOWN	0
9	NOT APPLICABLE	9

31 From supervising officer's point of view (from memory or from records available) was parent without custody of child seen more regularly during the first 6 months of supervision than second 6 months of supervision? 30

1	YES	1
2	NO	2
0	NOT KNOWN	0
9	NOT APPLICABLE	9

9 31a Please state source, ie → 31

1	MEMORY	1
2	RECORDS AVAILABLE	2
0	NOT KNOWN	0
9	NOT APPLICABLE	9

SECTION FOUR: ... Involvement with the Divorce Court

32 Has the Supervision Order gone back to the Divorce Court since the time of the last interview? 33

1	YES	1
2	NO	2
0	NOT KNOWN	0
9	NOT APPLICABLE	9

33 If 'Yes' to question 32, was this at your request? 34

Question 33 continued ...

YES	1
NO	2
NOT APPLICABLE	9

34 If 'No' to question 33, please specify who was responsible: 35

The Divorce Court	1
Parents of child subject to supervision	2
Your own senior management	3
NOT KNOWN	0
NOT APPLICABLE	9
OTHERS (please specify)	

35 If 'Yes' to question 32, please specify reason for this 36

For discharge of Supervision Order	1
For committal to the Care of the Local Authority	2
For change in custody arrangements	3
For change in access arrangements	4
For general consideration by the Divorce Court	5
NOT KNOWN	0
NOT APPLICABLE	9
Combination of these above (code according)	

Others (please specify, code later)

36 If 'Yes' to question 32, please specify outcome of Court hearing 37

Question 36 continued ...

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NOT KNOWN 0

NOT APPLICABLE 9

SECTION FIVE: Information with regard to the reasons for the
continuation of supervision and information
regarding what problem areas the supervising
officer will be dealing with during the next
12 months of supervision

37 Do you consider the present Supervision Order should continue? 38

YES 1

NO 2

NOT KNOWN 0

NOT APPLICABLE 9

38 If 'No' to question 37, please state reasoning: 39

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NOT KNOWN 0

NOT APPLICABLE 9

39 If 'Yes' to question 37, will you, as supervising officer, be 40
dealing with the problem of major mental health problems during
the next 12 months?

YES 1

NO 2

NOT KNOWN 0

NOT APPLICABLE 9

40 If 'Yes' to question 37, will you as supervising officer be dealing 41

with the problem of criminal behaviour during the next 12 months?

YES	1
NO	2
NOT KNOWN	0
NOT APPLICABLE	9

41 If 'Yes' to question 37, will you, as supervising officer, be dealing with the problem of non-school attendance during the next 12 months? 42

YES	1
NO	2
NOT KNOWN	0
NOT APPLICABLE	9

42 If 'Yes' to question 37, will you, as supervising officer, be dealing with the problem of the ability of parents to exercise 'care and control' during the next 12 months? 43

YES	1
NO	2
NOT KNOWN	0
NOT APPLICABLE	9

43 If 'Yes' to question 37, will you, as supervising officer, be dealing with the problem of 'major employment difficulties' during the next 12 months of supervision? 44

YES	1
NO	2
NOT KNOWN	0
NOT APPLICABLE	9

44 If 'Yes' to question 37, will you, as supervising officer, be dealing with the problem of 'custody arrangements' during the next 12 months of supervision? 45

YES	1
NO	2
NOT KNOWN	0
NOT APPLICABLE	9

45 If 'Yes' to question 37, will you, as supervising officer, be dealing with the problem of 'access arrangements' during the next 12 months of supervision? 46

YES	1
NO	2
NOT KNOWN	0
NOT APPLICABLE	9

46 If 'Yes' to question 37, will you, as supervising officer, be dealing with the problem of 'major housing difficulties' during the next 12 months of supervision? 47

YES	1
NO	2
NOT KNOWN	0
NOT APPLICABLE	9

47 If 'Yes' to question 37, will you, as supervising officer, be dealing with the problem of 'major financial difficulties' during the next 12 months of supervision? 48

Question 47 continued ;...

YES	YES	1
NO	NO	2
NOT KNOWN	NOT KNOWN	0
NOT APPLICABLE	NOT APPLICABLE	9

48 If 'Yes' to question 37, will you, as supervising officer, be dealing with the problem 'major physical health problems' during the next 12 months of supervision?

YES	YES	1
NO	NO	2
NOT KNOWN	NOT KNOWN	0
NOT APPLICABLE	NOT APPLICABLE	9

49 If 'Yes' to question 37, what other problem areas not mentioned above will you be dealing with during the next 12 months?

Please list: (code later)

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NOT KNOWN	0
NOT APPLICABLE	9

50 If 'Yes' to question 37, what do you consider to be your first priority area of work during the next 12 months (using information from questions 39 to 49)?

Please state: (code later)

.....

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.....

NOT KNOWN	0
NOT APPLICABLE	9

51 If 'Yes' to question 37, what do you consider to be your second priority area of work during the next 12 months? (using information from questions 39 to 49)

Please state (code later)

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Question 51 continued ...

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.....

NOT KNOWN 0
NOT APPLICABLE 9

52 If 'Yes' to question 37, what do you consider to be your third priority area of work during the next 12 months? (using information from questions 39 to 49) 53

Please state: (code later)

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NOT KNOWN 0
NOT APPLICABLE 9

SECTION SIX: Who does Supervising Officer intend to have contact with during the next 12 months of supervision?

53 Is it your intention during the next 12 months of the Supervision Order to have contact with - CHILD SUBJECT TO SUPERVISION? 54

YES 1
NO 2
NOT KNOWN 0
NOT APPLICABLE 9

54 Is it your intention during the next 12 months of the Supervision Order, to have contact with - PARENT WITH CUSTODY OF THE CHILD? 55

YES 1
NO 2
NOT KNOWN 0
NOT APPLICABLE 9

55 Is it your intention during the next 12 months of supervision to have contact with - PARENT WITHOUT CUSTODY OF THE CHILD? 56

YES 1
NO 2
NOT KNOWN 0
NOT APPLICABLE 9

56 If 'Yes' to question 55, ask 'Would you see this person?' 57

Question 57 continued ...

NOT KNOWN 0
NOT APPLICABLE 9

58 Do you intend to have contact with anyone else (apart from representatives of external agencies/organisations) during the next 12 months of supervision? 59

YES 1
NO 2
NOT KNOWN 0
NOT APPLICABLE 9

59 If 'Yes' to question 58, please specify who this would be. Please state, possible options as follows: 60

Other children in family 1
Grandparents with custody 2
Grandparents without custody 3
Other relatives with custody 4
Other relatives without custody 5
Cohabitee of individual with custody 6
New husband/wife of individual with custody 7
Cohabitee of individual without custody 8
New husband/wife of individual without custody X
Combination of those above Y
Others

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Not known 0
Not applicable 9

60 If 'Yes' to question 59, options Cohabitee of individual with custody OR New wife/husband of individual with custody Please state purpose of contact (code later) 61

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Question 60 continued ...

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Not known 0
Not applicable 9

61 If 'Yes' to question 59, options
Cohabitee of individual without custody OR
New wife/husband without custody
Please state purpose of contact (code later)

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Not known 0
Not applicable 9

62 If 'Yes' to question 59 options
Grandparents with custody
Grandparents without custody
Other relatives with custody
Other relatives without custody
Please state purpose of contact (code later)

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Question 62 continued ...

Not known 0
Not applicable 9

63 If 'Yes' to question 59. 'Other options' 64
Please state purpose of contact (code later)

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Not known 0
Not applicable 9

SECTION SEVEN: Involvement with external agencies/organisations?

(During next 12 months)

64 Is it your intention to have contact with any of the following external agencies/organisations during the next 12 months of supervision? 65

YES 1
NO 2
NOT KNOWN 0
NOT APPLICABLE 9

65 If 'Yes' to question 64, please specify: 66

- School of child subject to supervision 1
- Solicitors involved in divorce proceedings 2
- Local Authority Social Services Departments 3
- National Society for Prevention of Cruelty to Children 4
- General Practitioner/General hospital 5

- Psychiatric hospital/psychiatrist 6
- Local Authority Housing Department 7
- Department of Health and Social Security/Hire Purchase firms/.....
- County Court (debt section) 8
- Probation and After-Care Service 9
- Not known 0
- Not applicable 9
- Combination of those above;

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Others (please specify, code later)

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SECTION EIGHT: Involvement with Divorce Court? (During next 12 months)

66 Is it your intention to apply to the Divorce Court during the next 12 months of the Supervision Order? 67

- YES 1
- NO 2
- NOT KNOWN 0
- NOT APPLICABLE 9

67 If 'Yes' to question 66, please specify possible purposes: 68

- For discharge of Supervision Order 1
- For committal to Care 2
- For change in custody arrangements 3
- For change in access arrangements 4
- For general consideration by Divorce Court 5
- Not known 0
- Not applicable 9
- Combination of those above

Question 67 continued ...

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 Others (please specify, code later)

SECTION NINE: Do I have your agreement with regard to approaching
the person with custody of the child?

IF YES, PLEASE STATE:

NAME

ADDRESS
.....

Best form of contact
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Basic question I would ask that person would be:

- 1 Why do you think the Supervision Order was made?
- 2 What are the main problems now?
- 3 Degree of contact with supervising officer.
- 4 Do you find the Supervision Order helpful?

SG/MG
9 June 1980

STEVE GOODE
93 Henrietta Street
Bulwell
Notts

RESEARCH QUESTIONNAIRE: DIVORCE COURT SUPERVISION ORDERS(Part I)

(Running prompt)

INTRODUCTION: The questionnaire is basically designed to increase understanding with regard to Divorce Court Supervision Orders, and is particularly interested in the role of the supervising officer and the circumstances of the Supervision Order being made in the first place by the Divorce Court. All replies will be treated in strictest confidence. It is very much hoped that you will agree to take part in the follow-up survey which hopes to examine the same Supervision Order once it has been in operation for twelve months.

The questionnaire is divided into three sections. First, general information with regard to the Supervision Order. Secondly, the way you envisage working with this particular case. Finally, there is a very brief section concerning your own involvement with other work concerning children.

System of CODING:- 1 - 8 and Y, NOT KNOWN = 0, NOT APPLICABLE = 9

DATE OF INTERVIEW:

NB:- For child subject to Divorce Court Supervision Order read 'child'
For 'Divorce Court Supervision Order' read 'Supervision Order'

SECTION ONE: GENERAL INFORMATION

1. What is subject's code number? / / 1 2 3

1a. What is subject's name?

Family Name(uncoded question)

2. What is the name of the supervising officer?.....
(uncoded question)

3. What is supervising officer's social work department? 4

PROBATION 1

SOCIAL SERVICES 2

OTHERS(please specify)

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4. Supervising Officer's office address-
(uncoded question)
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5. What is the name of the Divorce Court making the Order? 5

- DERBY 1
- LINCOLN 2
- NOTTINGHAM 3
- MANSTFIELD 4
- LEICESTER 5
- HULL 6
- DONCASTER 7
- SHEFFIELD 8
- NOT KNOWN 0
- OTHERS (please specify-code later)

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6. Was a previous Magistrates order in existence? 6

- Yes 1
- No 2
- Not known 0

6a. If 'yes' what was the nature of that decision? 7

- Custody decision 1
- Access decision 2
- Separation Order 3
- Financial provision 4
- Supervision Order 5
- Not known 0
- Not applicable 9
- Others (please specify-code later)

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7. If 'yes' to 6, please specify when order was made:- 8

- More than four years ago 1
- Three/four years ago 2
- Two/three years ago 3
- One/two years ago 4
- During last twelve months 5
- Not known 0
- Not applicable 9

8a.	Number of supervision orders made by Divorce Court:-		9
	One - name of child.....	1	
	Two - name of children.....	2	
	Three - name of children.....	3	
	Four - name of children.....	4	
	Five - name of children.....	5	
	Six - name of children.....	6	
	Seven - name of children.....	7	
	Eight - name of children.....	8	
	and over		
8b.	Are all supervision orders made your responsibility?		10
	YES	1	
	NO	2	
	NOT KNOWN	0	
8c.	If 'no' to question 8b please specify other source of supervision.		11
	Supervising Officer from same geographical area and Social Work Department.	1	
	Supervising Officer from same Social Work Department but different geographical area.	2	
	Supervising Officer from same geographical area but different Social Work Department.	3	
	Supervising Officer from different geographical area and Social Work Department.	4	
8d.	If different social work department please specify.		12
	PROBATION	1	
	SOCIAL SERVICES	2	
	CHILD GUIDANCE	3	
	N.S.P.C.C.	4	
	NOT KNOWN	0	
	NOT APPLICABLE	9	
	OTHERS(specify)		
		
		
		

8e. Please specify reason for use of other Social Work Department.

13

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9. Can you tell me (name of child's) date of birth (ask for all children to which supervision orders apply):-

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9a. Age (to be worked out by interviewer) Specific Age.....

14

(Note for INTERVIEWER: if more than one Supervision Order exercised by Supervising Officer presently interviewed, please choose <u>ONE</u> at this stage: others to be represented on questionnaires (separate).	0 - 2 years	1
	3 - 5 years	2
	6 - 10 years	3
	11 - 15 years	4
	15 - 18 years	5
) Not known	0

10. Is (name of child) with:-

15

Chosen by <u>INTERVIEWER</u>	Mother	1
	Father	2
	Grandparents	3
	Both parents	4
	Other relatives	5
	Not known	0
	Combination of those above (please specify).....	8
	

10. continued:- Others(please specify,code later)

11. Are there other people living with person with custody,and child? 16
- | | |
|-----------------------------------|---|
| Cohabitee | 1 |
| Housekeeper | 2 |
| Grandparents | 3 |
| Other relatives | 4 |
| Others(please specify,code later) | |
| | |
| | |
| Not known | 0 |
12. What was Divorce Court decision on length of Supervision Order? 17
- | | |
|---|---|
| Until the age of 18 reached by child | 1 |
| 3 - 4 years | 2 |
| 1 - 2 years | 3 |
| More than six months but less than one year | 4 |
| Less than six months | 5 |
| Not known | 0 |
| Other(please specify,code later) | |
| | |
13. Was there any specific ground stated by the Divorce Court with regard to the making of the supervision order? 18
- | | |
|-----------|---|
| Yes | 1 |
| No | 2 |
| Not known | 0 |
14. If 'yes' please specify ground(s):- 19
- | | |
|---|---|
| Custody arrangements | 1 |
| Access arrangements | 2 |
| Major housing difficulties | 3 |
| Major financial difficulties | 4 |
| Major physical health problems | 5 |
| Major mental health problems | 6 |
| Criminal behaviour | 7 |
| Non-school attendance | X |
| Ability of parent(s) to exercise 'care and control' | Y |
| Not known | 0 |
| Not applicable | 9 |
| Combination of those above | 8 |

14. continued:-

Others(please specify,code later)

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DIVORCE PROCESS

15. Were custody arrangements in dispute or at least unclear at any point up to granting of 'absolute' decree?

20

Yes	1
No	2
Not known	0

16. If 'yes', what were the nature of the difficulties over custody?

21

Please specify(code later)

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Not applicable 9

16a. If 'yes': Does factual information indicate that this problem has existed for:-

22

Five years or more	1
Four/five years	2
Three/four years	3
Two/three years	4
One/two years	5
During last twelve months	6
Not known	0
Not applicable	0

17. Were there access difficulties at any point up to granting of 'absolute' divorce? 25

Yes	1
No	2
Not known	0

18. If 'yes', what were the nature of the access difficulties? Please specify (code later) 24

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Not applicable 9

18a. If 'yes': does factual information indicate that this problem has existed for:- 25

Five years or more	1
Four/five years	2
Three/four years	3
Two/three years	4
One/two years	5
During last twelve months	6
Not known	0
Not applicable	

19. Did child change residence as a result of Divorce Court decision? 26

Yes	1
No	2
Not known	0

20. Were there any disputes over financial provision? 27

Yes	1
No	2
Not known	0

21. If 'yes' to 20, please specify:-

- Maintenance 1
- Disposition of matrimonial home 2
- Not known 0
- Not applicable 9
- Combination of those above 8
- Others(please specify,code later)

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22. Was welfare report asked for by Divorce Court? 29

- Yes 1
- No 2
- Not known 0

23. If 'yes', did present supervising officer undertake the enquiry? 30

- Yes 1
- No 2
- Not known 0
- Not applicable 9

24. Was there a recommendation to the Divorce Court for a supervision order? 31

- Yes 1
- No 2
- Not known 0

25. If 'yes', what was the recommendation and why was it recommended? Please specify - code later. 32/33

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25. continued

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26. What was the Divorce Court decision on custody?

34

Straight custody (to one person)	1
Custody to one person - 'care and control' to another	2
Joint custody	3
Interim Order	4
No order made	5
Not known	0
Other(please specify,code later)	

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27. Nature of Divorce Court decision on access:

35

Reasonable access	1
Defined access	2
Supervised access	3
Access not granted	4
Not known	0
Others(please specify-code later)	

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27. continued

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BACKGROUND TO SUPERVISION ORDER

(Running prompt: With regard to this section all questions to apply to 'child subject to supervision' - family situation prior to making of order).

28. Was there evidence of major housing difficulties before supervision order made? (running prompt - e.g. rent arrears, overcrowding, homelessness, poor living conditions). 36

- Yes 1
- No 2
- Not known 0

28a. If 'yes', what were the nature of the housing difficulties? 37

- Rent arrears 1
- Overcrowding 2
- Present homelessness 3
- Poor living conditions 4
- Mortgage arrears 5
- Recent eviction 6
- Not applicable 9
- Combination of those above 8

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Others(please specify)
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28a. continued.

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29. If 'yes' to 28, does factual information indicate that this problem has existed for:- 38

Five years or more	1
Four/five years	2
Three/four years	3
Two/three years	4
One/two years	5
During the last twelve months	6
Not known	0
Not applicable	9

30. Was there evidence of major financial problems before supervision order was made? (for example - bankruptcy proceedings, hire purchase agreements in arrears, County Court appearance for debt, inability to cope on level of wages or Supplementary Benefit levels) 39

Yes	1
No	2
Not known	0

30a. If 'yes' to 30, what were the nature of the financial difficulties? 40

Bankruptcy proceedings	1
Hire Purchase agreements in arrears	2
County Court appearances for debt	3
Inability to cope on level of wages	4
Inability to cope on supplementary benefit levels	5
Not known	0
Not applicable	9
Combination of those above	8

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Others(please specify)
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32a. continued.

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33. If 'yes' to 32, please indicate individual subject to physical illness:-

48

- Child subject to supervision 1
- Other children in family 2
- Parent with custody 3
- Parent without custody 4
- Grandparents with custody 5
- Grandparents without custody 6
- Other relatives with custody 7
- Other relatives without custody X
- Cohabitee of individual with custody Y
- Combination of those above 8
- Not known 0
- Not applicable 9

34. If 'yes' to 30, does factual evidence indicate that this problem has existed for:-

49

- Five years or more 1
- Four/five years 2
- Three/four years 3
- Two/three years 4
- One to two years 5
- During last twelve months 6
- Not known 0
- Not applicable 9

35. Was there evidence of major mental health problems before supervision order made? (running prompt - for example - schizophrenia, paranoia, clinical depression, mental handicap or any other serious mental condition).

50

- Yes 1
- No 2
- Not known 0

35a. If 'yes' to 35, what were the nature of those mental health problems?

Schizophrenia	1
Paranoia	2
Clinical depression	3
Mental handicap	4
Not known	0
Combination of those above	8

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Not applicable	9
Others(please specify)	

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36. If 'yes' to 35, please indicate individual subject to mental illness.

Child subject to supervision	1
Other children in family	2
Parent with custody	3
Parent without custody	4
Grandparents with custody	5
Grandparents without custody	6
Other relatives with custody	7
Other relatives without custody	X
Cohabitee of individual with custody	Y
Combination of those above	8

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Not known	0
Not applicable	9

44a. If 'yes' to 43, does factual information indicate that this problem has existed for:- 64

- Five years or more 1
- Four/five years 2
- Three/four years 3
- Two/three years 4
- One to two years 5
- During last twelve months 6
- Not known 0
- Not applicable 9

45. Was there evidence of involvement of statutory welfare agencies generally before supervision order was made? 65

- Yes 1
- No 2
- Not known 0

46. If 'yes' to 45, what was the nature of the involvement with statutory agencies? (Please specify - code later) 66

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46a. If 'yes' to 45, do please indicate which statutory agencies involved. 67

- Probation and After Care Service 1
- Social Services Department 2
- Education Welfare Department 3
- Child Guidance Clinic 4
- National Society for Prevention of Cruelty to Children 5
- Health Visitor 6
- Not known 0
- Others(please specify,code later)

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47. If 'yes' to 45, does factual information indicate that this involvement has existed for:-

- Five years or more 1
- Four/five years 2
- Three/four years 3
- Two/three years 4
- One to two years 5
- During last twelve months 6
- Not known 0
- Not applicable 9

SECTION TWO: SUPERVISOR'S INITIAL ASSESSMENT PLUS INTENDED FORM OF INTERVENTION

48. Have you been able to make contact personally with the individuals involved in the supervision order? 69

- Yes 1
- No 2

49. Are you able to make an initial assessment of the way you intend to become involved/work with the supervision order? 70

- Yes 1
- No 2
- Not known 0
- Not applicable 9

50. Is it your intention at this point in time to deal with any of the following possible problem areas during the first twelve months of the supervision order? 71

- Yes 1
- No 2
- Not known 0

51. If 'yes' please specify - 72

- Custody arrangements 1
- Access arrangements 2
- Major housing difficulties 3
- Major financial difficulties 4
- Major physical health problems 5
- Major mental health problems 6
- Criminal behaviour 7
- Non-school attendance X
- Ability of parents to exercise 'care and control' Y
- Major employment difficulties 0
- Not applicable 9
- Combination of those above

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52a. continued.

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53. Is it your intention to have contact with any of the following during the first twelve months of supervision order?

75

- Yes 1
- No 2
- Not known

54. If 'yes' please specify:-

76

- Child subject to supervision 1
- Other children in family 2
- Parents with custody 3
- Parents without custody 4
- Grandparents with custody 5
- Grandparents without custody 6
- Other relatives with custody 7
- Other relatives without custody X
- Cohabitee of individual with custody Y
- Combination of those above 8

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- Not known 0
- Not applicable 9
- Others(please specify-code later)

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56. continued.

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57. Is it your intention to have contact with any of the following external agencies/organisations during the first twelve months of the supervision order?

80

Yes	1
No	2
Not known	0

58. If 'yes', please specify:-

81

School of child subject to supervision	1
Solicitors involved in divorce proceedings	2
Local authority social services departments	3
National Society for Prevention of Cruelty to Children	4
General Practitioner/General hospital	5
Psychiatric hospital/psychiatrist	6
Local Authority housing department	7
Department of Health and Social Security/Hire Purchase firms/County Court(debt section)	8

....contd.....

58. continued.

Probation and After Care Department	Y
Not known	0
Not applicable	9
Combination of those above	

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Others(please specify-code later)

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59. Is it your intention to apply to Divorce Court during the first twelve months of the supervision order? 81

Yes	1
No	2
Not known	0

60. If 'yes' to 59, please specify possible purposes:- 83

For discharge of supervision order	1
For commital to care	2
For change in custody arrangements	3
For change in access arrangements	4
For general consideration by Divorce Court	5
Not known	0
Not applicable	9
Combination of those above	

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Others(please specify-code later)

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61. Is it your intention to apply to the Juvenile Court during the first twelve months of the supervision order?

84

- Yes 1
- No 2
- Not known 0

62. If 'yes' to 61, please specify possible purposes-code later.

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SECTION THREE : Workload of Supervising Officer - children under eighteen years of age subject to some form of supervision.

63. Is all your work involved with children under the age of eighteen confined to Divorce Court supervision order?

86

- Yes 1
- No 2
- Not known 0

64. If 'no' to 63, please specify other forms of statutory orders involving children under eighteen:-

Magistrates Court Matrimonial	
Supervision Orders	1
Juvenile Court Supervision Orders	
(criminal)	2
Juvenile Court Supervision Orders	
(civil)	3
Probation Orders	4
Detention Centre Licencees	5
Borstal Licencees	6
Not known	0
Not applicable	9
Combination of those above	8

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Others(please specify-code later)

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65. If 'no' to 63, do you specialise to some degree in Divorce Court Supervision Orders? (on a team level or within social work department as a whole).

Yes	1
No	2
Not known	0

RESEARCH QUESTIONNAIRE:

DIVORCE COURT SUPERVISION ORDERS (Part II)

(System of coding, 1 - 8, X and Y, NOT KNOWN = 0, NOT APPLICABLE = 9)

DATE OF INTERVIEW:

SECTION ONE: GENERAL INFORMATION

1 What is subject's code number? / /
(uncoded question - see original questionnaire)

2 What is subject's name?
Family name (uncoded question)

3 Is the Order originally made by the Divorce Court still being supervised? 1
YES 1
NO 2
NOT KNOWN 0

4 If 'No' to question 3, please specify why Order is not now supervised. 2
ORDER DISCHARGED BY THE DIVORCE COURT 1

5 If 'Yes' to question 3, is the Order being supervised on: 3
ORIGINAL STATUTORY ORDER 1
VOLUNTARY BASIS 2
NEW STATUTORY ORDER 3
NOT KNOWN 0
NOT APPLICABLE 9
OTHERS (please specify)

6 If 'Yes' to question 5, 'NEW STATUTORY ORDERS' please state nature of that Order; 4

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7 If 'Yes' to question 5, options other than 'ORIGINAL STATUTORY SUPERVISION ORDER' please state reason for change (uncoded question) 5

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8 What is the name of the supervising officer? (uncoded question)

.....

9 What is supervising officer's social work department? 6

- PROBATION 1
- SOCIAL SERVICES 2
- OTHERS (please specify)

10 What is supervising officer's address? (uncoded question)

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.....

11	Are you the same supervising officer as interviewed previously with regard to this research approximately 12 months ago?	7
	YES	1
	NO	2
12	If 'No' to question 11, please specify nature of 'new involvement'.	8
	Supervising officer from same geographical area and social work department	1
	Supervising officer from same social work department but different geographical area.	2
	Supervising officer from same geographical area but different social work department	3
	Supervising officer from different geographical area and social work department	4
	NOT KNOWN	0
	NOT APPLICABLE	9
	OTHERS (please specify)	
	
	
13	If option stated under question 12 equals (1), ie, supervising officer from same geographical area and social work department, please specify reason for change in officer:	9
	Previous supervising officer leaving the department	1
	Moved to another post/promotion within his own department	2
	NOT KNOWN	0
	NOT APPLICABLE	9
	OTHERS (please specify)	
	
	
	
	
14	Number of Supervision Orders made by Divorce Court:	10
	ONE - Name of child	1
	TWO - Names of children	2
	THREE - Names of children	3
	FOUR - Names of children	4
	FIVE - Names of children	5

- SIX - Names of children 6
- SEVEN - Names of children 7
- EIGHT - Names of children 8
- 15 Are all Supervision Orders made your responsibility? 11
 - YES 1
 - NO 2
 - NOT KNOWN 0
 - NOT APPLICABLE 9

- 16 If 'No' to question 15, please specify other source of supervision: 12
 - Supervising officer from same geographical area and social work department 1
 - Supervising officer from same social work department but different geographical area 2
 - Supervising officer from same geographical area but different social work department 3
 - Supervising officer from different geographical area and social work department 4
 - NOT KNOWN 0
 - NOT APPLICABLE 9

- 17 If different social work department, please specify : 13
 - PROBATION 1
 - SOCIAL SERVICES 2
 - CHILD GUIDANCE 3
 - NSPCC 4
 - NOT KNOWN 0
 - NOT APPLICABLE 9
 - OTHERS (please specify)
 -
 -
 -

SECTION TWO: GENERAL CHANGES RE: CUSTODY AND ACCESS

- 18 Is the person with custody neither of natural parents? 14
 - YES 1
 - NO 2
 - NOT KNOWN 0
 - NOT APPLICABLE 9

Question 22 continued ...

	OTHERS	4
	
	
	
	
	
	NOT KNOWN	0
	NOT APPLICABLE	9

23 Have there been any changes in access arrangements since the last interview (approximately 12 months ago)? 20

	YES	1
	NO	2
	NOT KNOWN	0
	NOT APPLICABLE	9

24 If 'Yes' to question 23, please state changes: 21

Parent with custody refusing to give access	1
Access not being exercised by person without custody of child	2
Children unhappy/not co-operating with access	3
Access arrangements very irregular	4
Others	
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.....	
NOT KNOWN	0
NOT APPLICABLE	9

25 Is present position re; access different to that agreed by Divorce Court (when making original Supervision Order) 22

	YES	1
	NO	2
	NOT KNOWN	0
	NOT APPLICABLE	9

SECTION THREE:

What degree of supervision (ie, the frequency of contact between supervising officer and relevant parties to supervision) took place during the last 12 months of supervision?

26 How often was child subject to supervision seen? 23

- ONCE A WEEK 1
- ONCE A FORTNIGHT 2
- ONCE A MONTH 3
- ONCE EVERY 3 MONTHS 4
- ONCE EVERY 6 MONTHS 5
- OTHERS (please specify)

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27 From supervising officer's point of view (from memory or from records available) was child subject to supervision seen more frequently during the last 6 months of supervision than the first 6 months of supervision? 24

- YES 1
- NO 2
- NOT KNOWN 0
- NOT APPLICABLE 9

27a Please state source, ie → 25

- MEMORY 1
- RECORDS AVAILABLE 2
- NOT KNOWN 0
- NOT APPLICABLE 9

28 How often was parent with custody of child seen? 26

- ONCE A WEEK 1
- ONCE A FORTNIGHT 2
- ONCE A MONTH 3
- ONCE EVERY 3 MONTHS 4
- ONCE EVERY 6 MONTHS 5
- OTHERS

.....

.....

- NOT KNOWN 0
- NOT APPLICABLE 9

29 From supervising officer's point of view (from memory or from records available) was parent with custody seen more regularly during first 6 months of supervision than last 6 months of supervision? 27

Question 29 continued ...

1	YES	1
2	NO	2
3	NOT KNOWN	0
4	NOT APPLICABLE	9

29a Please state source, ie → 28

1	MEMORY	1
2	RECORDS AVAILABLE	2
3	NOT KNOWN	0
4	NOT APPLICABLE	9

30 How often was parent without custody of child seen? 29

1	ONCE A WEEK	1
2	ONCE A FORTNIGHT	2
3	ONCE A MONTH	3
4	ONCE EVERY 3 MONTHS	4
5	ONCE EVERY 6 MONTHS	5
6	OTHERS (please specify)	

1	NOT KNOWN	0
2	NOT APPLICABLE	9

31 From supervising officer's point of view (from memory or from records available) was parent without custody of child seen more regularly during the first 6 months of supervision than second 6 months of supervision? 30

1	YES	1
2	NO	2
3	NOT KNOWN	0
4	NOT APPLICABLE	9

9 31a Please state source, ie → 31

1	MEMORY	1
2	RECORDS AVAILABLE	2
3	NOT KNOWN	0
4	NOT APPLICABLE	9

SECTION FOUR: Involvement with the Divorce Court

32 Has the Supervision Order gone back to the Divorce Court since the time of the last interview? 33

1	YES	1
2	NO	2
3	NOT KNOWN	0
4	NOT APPLICABLE	9

33 If 'Yes' to question 32, was this at your request? 34

Question 36 continued ...

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NOT KNOWN
NOT APPLICABLE

0
9

SECTION FIVE: Information with regard to the reasons for the continuation of supervision and information regarding what problem areas the supervising officer will be dealing with during the next 12 months of supervision

37 Do you consider the present supervision Order should continue? 38

YES 1
NO 2
NOT KNOWN 0
NOT APPLICABLE 9

38 If 'No' to question 37, please state reasoning: 39

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NOT KNOWN 0
NOT APPLICABLE 9

39 If 'Yes' to question 37, will you, as supervising officer, be dealing with the problem of major mental health problems during the next 12 months? 40

YES 1
NO 2
NOT KNOWN 0
NOT APPLICABLE 9

40 If 'Yes' to question 37, will you as supervising officer be dealing 41

with the problem of criminal behaviour during the next 12 months?

1	YES	1
2	NO	2
0	NOT KNOWN	0
9	NOT APPLICABLE	9

41 If 'Yes' to question 37, will you, as supervising officer, be dealing with the problem of non-school attendance during the next 12 months? 42

1	YES	1
2	NO	2
0	NOT KNOWN	0
9	NOT APPLICABLE	9

42 If 'Yes' to question 37, will you, as supervising officer, be dealing with the problem of the ability of parents to exercise 'care and control' during the next 12 months? 43

1	YES	1
2	NO	2
0	NOT KNOWN	0
9	NOT APPLICABLE	9

43 If 'Yes' to question 37, will you, as supervising officer, be dealing with the problem of 'major employment difficulties' during the next 12 months of supervision? 44

1	YES	1
2	NO	2
0	NOT KNOWN	0
9	NOT APPLICABLE	9

44 If 'Yes' to question 37, will you, as supervising officer, be dealing with the problem of 'custody arrangements' during the next 12 months of supervision? 45

1	YES	1
2	NO	2
0	NOT KNOWN	0
9	NOT APPLICABLE	9

45 If 'Yes' to question 37, will you, as supervising officer, be dealing with the problem of 'access arrangements' during the next 12 months of supervision? 46

1	YES	1
2	NO	2
0	NOT KNOWN	0
9	NOT APPLICABLE	9

46 If 'Yes' to question 37, will you, as supervising officer, be dealing with the problem of 'major housing difficulties' during the next 12 months of supervision? 47

1	YES	1
2	NO	2
0	NOT KNOWN	0
9	NOT APPLICABLE	9

47 If 'Yes' to question 37, will you, as supervising officer, be dealing with the problem of 'major financial difficulties' during the next 12 months of supervision? 48

Question 47 continued ;..

YES	1
NO	2
NOT KNOWN	0
NOT APPLICABLE	9

48 If 'Yes' to question 37, will you, as supervising officer, be dealing with the problem 'major physical health problems' during the next 12 months of supervision? 49

YES	1
NO	2
NOT KNOWN	0
NOT APPLICABLE	9

49 If 'Yes' to question 37, what other problem areas not mentioned above will you be dealing with during the next 12 months? 50

Please list; (code later)

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NOT KNOWN	0
NOT APPLICABLE	9

50 If 'Yes' to question 37, what do you consider to be your first priority area of work during the next 12 months (using information from questions 39 to 49)? 51

Please state; (code later)

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NOT KNOWN	0
NOT APPLICABLE	9

51 If 'Yes' to question 37, what do you consider to be your second priority area of work during the next 12 months? (using information from questions 39 to 49) 52

Please state (code later)

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Question 51 continued ...

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NOT KNOWN 0
NOT APPLICABLE 9

52 If 'Yes' to question 37, what do you consider to be your third priority area of work during the next 12 months? (using information from questions 39 to 49) 53

Please state: (code later)

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NOT KNOWN 0
NOT APPLICABLE 9

SECTION SIX: Who does Supervising Officer intend to have contact with during the next 12 months of supervision?

53 Is it your intention during the next 12 months of the Supervision Order to have contact with - CHILD SUBJECT TO SUPERVISION? 54

YES 1
NO 2
NOT KNOWN 0
NOT APPLICABLE 9

54 Is it your intention during the next 12 months of the Supervision Order, to have contact with - PARENT WITH CUSTODY OF THE CHILD? 55

YES 1
NO 2
NOT KNOWN 0
NOT APPLICABLE 9

55 Is it your intention during the next 12 months of supervision to have contact with - PARENT WITHOUT CUSTODY OF THE CHILD? 56

YES 1
NO 2
NOT KNOWN 0
NOT APPLICABLE 9

56 If 'Yes' to question 55, ask 'Would you see this person?' 57

Question 57 continued ...

NOT KNOWN 0
NOT APPLICABLE 9

58 Do you intend to have contact with anyone else (apart from representatives of external agencies/organisations) during the next 12 months of supervision? 59

YES 1
NO 2
NOT KNOWN 0
NOT APPLICABLE 9

59 If 'Yes' to question 58, please specify who this would be. Please state, possible options as follows: 60

Other children in family 1
Grandparents with custody 2
Grandparents without custody 3
Other relatives with custody 4
Other relatives without custody 5
Cohabitee of individual with custody 6
New husband/wife of individual with custody 7
Cohabitee of individual without custody 8
New husband/wife of individual without custody X
Combination of those above Y
Others

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Not known 0
Not applicable 9

60 If 'Yes' to question 59, options Cohabitee of individual with custody OR New wife/husband of individual with custody Please state purpose of contact (code later) 61

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Question 62 continued ...

Not known 0
Not applicable 9

63 If 'Yes' to question 59, 'Other options' 64
Please state purpose of contact (code later)

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Not known 0
Not applicable 9

SECTION SEVEN: Involvement with external agencies/organisations?
(During next 12 months)

64 Is it your intention to have contact with any of the following external agencies/organisations during the next 12 months of supervision? 65

YES 1
NO 2
NOT KNOWN 0
NOT APPLICABLE 9

65 If 'Yes' to question 64, please specify: 66

School of child subject to supervision 1
Solicitors involved in divorce proceedings 2
Local Authority Social Services Departments 3
National Society for Prevention of Cruelty to Children 4
General Practitioner/General hospital 5

- Psychiatric hospital/psychiatrist 6
- Local Authority Housing Department 7
- Department of Health and Social Security/Hire Purchase firms/..... 7
- County Court (debt section) 8
- Probation and After-Care Service 9
- Not known 0
- Not applicable 9
- Combination of those above;

0

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Others (please specify, code later)

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SECTION EIGHT: Involvement with Divorce Court? (During next 12 months)

66 Is it your intention to apply to the Divorce Court during the next 12 months of the "Supervision Order?" 67

- YES 1
- NO 2
- NOT KNOWN 0
- NOT APPLICABLE 9

67 If 'Yes' to question 66, please specify possible purposes: 68

- For discharge of Supervision Order 1
- For committal to Care 2
- For change in custody arrangements 3
- For change in access arrangements 4
- For general consideration by Divorce Court 5
- Not known 0
- Not applicable 9
- Combination of those above

Question 67 continued ...

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Others (please specify, code later)

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SECTION NINE: Do I have your agreement with regard to approaching
the person with custody of the child?

IF YES, PLEASE STATE:

NAME

ADDRESS

.....

Best form of contact

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Basic question I would ask that person would be:

- 1 Why do you think the Supervision Order was made?
- 2 What are the main problems now?
- 3 Degree of contact with supervising officer.
- 4 Do you find the Supervision Order helpful?

SG/MG
 9 June 1980

STEVE GOODE
 93 Henrietta Street
 Bulwell
 Notts

RESEARCH QUESTIONNAIRE: DIVORCE COURT SUPERVISION ORDERS(Part I)

(Running prompt)

INTRODUCTION: The questionnaire is basically designed to increase understanding with regard to Divorce Court Supervision Orders, and is particularly interested in the role of the supervising officer and the circumstances of the Supervision Order being made in the first place by the Divorce Court. All replies will be treated in strictest confidence. It is very much hoped that you will agree to take part in the follow-up survey which hopes to examine the same Supervision Order once it has been in operation for twelve months.

The questionnaire is divided into three sections. First, general information with regard to the Supervision Order. Secondly, the way you envisage working with this particular case. Finally, there is a very brief section concerning your own involvement with other work concerning children.

System of CODING:- 1 - 8 and Y, NOT KNOWN = 0, NOT APPLICABLE = 9

DATE OF INTERVIEW:

NB:- For child subject to Divorce Court Supervision Order read 'child'
For 'Divorce Court Supervision Order' read 'Supervision Order'

SECTION ONE: GENERAL INFORMATION

1. What is subject's code number? / / 1 2 3

1a. What is subject's name?

Family Name(uncoded question)

2. What is the name of the supervising officer?.....
(uncoded question)

3. What is supervising officer's social work department? 4

PROBATION 1
SOCIAL SERVICES 2
OTHERS(please specify)

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4. Supervising Officer's office address-
 (uncoded question)

5. What is the name of the Divorce Court making the Order? 5

- DERBY 1
- LINCOLN 2
- NOTTINGHAM 3
- MANFIELD 4
- LEICESTER 5
- HULL 6
- DONCASTER 7
- SHEFFIELD 8
- NOT KNOWN 0
- OTHERS (please specify-code later)
-
-
-
-

6. Was a previous Magistrates order in existence? 6

- Yes 1
- No 2
- Not known 0

6a. If 'yes' what was the nature of that decision? 7

- Custody decision 1
- Access decision 2
- Separation Order 3
- Financial provision 4
- Supervision Order 5
- Not known 0
- Not applicable 9
- Others (please specify-code later)
-
-
-
-

7. If 'yes' to 6, please specify when order was made:- 8

- More than four years ago 1
- Three/four years ago 2
- Two/three years ago 3
- One/two years ago 4
- During last twelve months 5
- Not known 0
- Not applicable 9

8a.	Number of supervision orders made by Divorce Court:-		9
	One - name of child.....	1	
	Two - name of children.....	2	
	Three - name of children.....	3	
	Four - name of children.....	4	
	Five - name of children.....	5	
	Six - name of children.....	6	
	Seven - name of children.....	7	
	Eight - name of children.....	8	
	and over		
8b.	Are all supervision orders made your responsibility?		10
	YES	1	
	NO	2	
	NOT KNOWN	0	
8c.	If 'no' to question 8b please specify other source of supervision.		11
	Supervising Officer from same geographical area and Social Work Department.	1	
	Supervising Officer from same Social Work Department but different geographical area.	2	
	Supervising Officer from same geographical area but different Social Work Department.	3	
	Supervising Officer from different geographical area and Social Work Department.	4	
8d.	If different social work department please specify.		12
	PROBATION	1	
	SOCIAL SERVICES	2	
	CHILD GUIDANCE	3	
	N.S.P.C.C.	4	
	NOT KNOWN	0	
	NOT APPLICABLE	9	
	OTHERS(specify)		
		
		
		

8e. Please specify reason for use of other Social Work Department.

13

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9. Can you tell me (name of child's) date of birth (ask for all children to which supervision orders apply):-

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9a. Age (to be worked out by interviewer) Specific Age.....

14

(Note for INTERVIEWER: if more than	0 - 2 years	1
{ one Supervision Order exercised	3 - 5 years	2
{ by Supervising Officer presently	6 - 10 years	3
{ interviewed, please choose <u>ONE</u>	11 - 15 years	4
{ at this stage: others to be	15 - 18 years	5
{ represented on questionnaires	Not known	0
{ separate).		

10. Is (name of child) with:-

15

Chosen by <u>INTERVIEWER</u>	Mother	1
	Father	2
	Grandparents	3
	Both parents	4
	Other relatives	5
	Not known	0
	Combination of those above	8
	(please specify).....	

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10. continued:- Others(please specify,code later)
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11. Are there other people living with person with custody,and child? 16
- Cohabitee 1
- Housekeeper 2
- Grandparents 3
- Other relatives 4
- Others(please specify,code later)
-
-
- Not known 0
12. What was Divorce Court decision on length of Supervision Order? 17
- Until the age of 18 reached by child 1
- 3 - 4 years 2
- 1 - 2 years 3
- More than six months but less than one year 4
- Less than six months 5
- Not known 0
- Other(please specify,code later)
-
13. Was there any specific ground stated by the Divorce Court with regard to the making of the supervision order? 18
- Yes 1
- No 2
- Not known 0
14. If 'yes' please specify ground(s):- 19
- Custody arrangements 1
- Access arrangements 2
- Major housing difficulties 3
- Major financial difficulties 4
- Major physical health problems 5
- Major mental health problems 6
- Criminal behaviour 7
- Non-school attendance X
- Ability of parent(s) to exercise 'care and control' Y
- Not known 0
- Not applicable 9
- Combination of those above 8

14. continued:-

Others(please specify,code later)

-
-
-
-
-
-

DIVORCE PROCESS

15. Were custody arrangements in dispute or at least unclear at any point up to granting of 'absolute' decree?

20

- Yes 1
- No 2
- Not known 0

16. If 'yes', what were the nature of the difficulties over custody?

21

Please specify(code later)

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-
-
-

Not applicable 9

16a. If 'yes': Does factual information indicate that this problem has existed for:-

22

- Five years or more 1
- Four/five years 2
- Three/four years 3
- Two/three years 4
- One/two years 5
- During last twelve months 6
- Not known 0
- Not applicable 9

17. Were there access difficulties at any point up to granting of 'absolute' divorce? 25

Yes	1
No	2
Not known	0

18. If 'yes', what were the nature of the access difficulties? Please specify(code later) 24

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Not applicable 9

18a. If 'yes': does factual information indicate that this problem has existed for:- 25

Five years or more	1
Four/five years	2
Three/four years	3
Two/three years	4
One/two years	5
During last twelve months	6
Not known	0
Not applicable	

19. Did child change residence as a result of Divorce Court decision? 26

Yes	1
No	2
Not known	0

20. Were there any disputes over financial provision? 27

Yes	1
No	2
Not known	0

25. continued

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26. What was the Divorce Court decision on custody?

34

Straight custody (to one person)	1
Custody to one person - 'care and control' to another	2
Joint custody	3
Interim Order	4
No order made	5
Not known	0
Other(please specify,code later)	

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27. Nature of Divorce Court decision on access:

35

Reasonable access	1
Defined access	2
Supervised access	3
Access not granted	4
Not known	0
Others(please specify-code later)	

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28a. continued.

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29. If 'yes' to 28, does factual information indicate that this problem has existed for:- 38

Five years or more	1
Four/five years	2
Three/four years	3
Two/three years	4
One/two years	5
During the last twelve months	6
Not known	0
Not applicable	9

30. Was there evidence of major financial problems before supervision order was made? (for example - bankruptcy proceedings, hire purchase agreements in arrears, County Court appearance for debt, inability to cope on level of wages or Supplementary Benefit levels) 39

Yes	1
No	2
Not known	0

30a. If 'yes' to 30, what were the nature of the financial difficulties? 40

Bankruptcy proceedings	1
Hire Purchase agreements in arrears	2
County Court appearances for debt	3
Inability to cope on level of wages	4
Inability to cope on supplementary benefit levels	5
Not known	0
Not applicable	9
Combination of those above	8

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Others(please specify)
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31b. If 'yes' to 31, does factual information indicate this problem has existed for:- 44

- Five years or more 1
- Four/five years 2
- Three/four years 3
- Two/three years 4
- One to two years 5
- During last twelve months 6
- Not known 0
- Not applicable 9

31c. If 'yes' to 31 please indicate individual subject to employment difficulties. 45

- Parent with custody 1
- Parent without custody 2
- Others(please specify)
-
-
-
- Not known 0
- Not applicable 9

32. Was there evidence of major physical health problems before supervision order made? (running prompt - for example, cancer,heart disease,epilepsy,arthritis or other serious disabling illness). 46

- Yes 1
- No 2
- Not known 0

32a. If 'yes' to 32, what were the nature of the physical health problems? 47

- Cancer 1
- Heart disease 2
- Epilepsy 3
- Arthritis 4
- Not known 0
- Not applicable 9
- Combination of those above 8

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Others(please specify)

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32a. continued.

33. If 'yes' to 32, please indicate individual subject to physical illness:-

Child subject to supervision	1
Other children in family	2
Parent with custody	3
Parent without custody	4
Grandparents with custody	5
Grandparents without custody	6
Other relatives with custody	7
Other relatives without custody	X
Cohabitee of individual with custody	Y
Combination of those above	8
Not known	0
Not applicable	9

34. If 'yes' to 30, does factual evidence indicate that this problem has existed for:-

Five years or more	1
Four/five years	2
Three/four years	3
Two/three years	4
One to two years	5
During last twelve months	6
Not known	0
Not applicable	9

35. Was there evidence of major mental health problems before supervision order made? (running prompt - for example - schizophrenia, paranoia, clinical depression, mental handicap or any other serious mental condition).

Yes	1
No	2
Not known	0

35a. If 'yes' to 35, what were the nature of those mental health problems?

Schizophrenia	1
Paranoia	2
Clinical depression	3
Mental handicap	4
Not known	0
Combination of those above	8

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Not applicable	9
Others(please specify)	

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36. If 'yes' to 35, please indicate individual subject to mental illness.

Child subject to supervision	1
Other children in family	2
Parent with custody	3
Parent without custody	4
Grandparents with custody	5
Grandparents without custody	6
Other relatives with custody	7
Other relatives without custody	X
Cohabitee of individual with custody	Y
Combination of those above	8

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Not known	0
Not applicable	9

44a. If 'yes' to 43, does factual information indicate that this problem has existed for:- 64

- Five years or more 1
- Four/five years 2
- Three/four years 3
- Two/three years 4
- One to two years 5
- During last twelve months 6
- Not known 0
- Not applicable 9

45. Was there evidence of involvement of statutory welfare agencies generally before supervision order was made? 65

- Yes 1
- No 2
- Not known 0

46. If 'yes' to 45, what was the nature of the involvement with statutory agencies? (Please specify - code later) 66

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46a. If 'yes' to 45, do please indicate which statutory agencies involved. 67

- Probation and After Care Service 1
- Social Services Department 2
- Education Welfare Department 3
- Child Guidance Clinic 4
- National Society for Prevention of Cruelty to Children 5
- Health Visitor 6
- Not known 0
- Others (please specify, code later)

.....

47. If 'yes' to 45, does factual information indicate that this involvement has existed for:-

- Five years or more 1
- Four/five years 2
- Three/four years 3
- Two/three years 4
- One to two years 5
- During last twelve months 6
- Not known 0
- Not applicable 9

SECTION TWO: SUPERVISOR'S INITIAL ASSESSMENT PLUS INTENDED FORM OF INTERVENTION

48. Have you been able to make contact personally with the individuals involved in the supervision order? 69

- Yes 1
- No 2

49. Are you able to make an initial assessment of the way you intend to become involved/work with the supervision order? 70

- Yes 1
- No 2
- Not known 0
- Not applicable 9

50. Is it your intention at this point in time to deal with any of the following possible problem areas during the first twelve months of the supervision order? 71

- Yes 1
- No 2
- Not known 0

51. If 'yes' please specify - 72

- Custody arrangements 1
- Access arrangements 2
- Major housing difficulties 3
- Major financial difficulties 4
- Major physical health problems 5
- Major mental health problems 6
- Criminal behaviour 7
- Non-school attendance X
- Ability of parents to exercise 'care and control' Y
- Major employment difficulties 0
- Not applicable 9
- Combination of those above

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51. continued.

Others (please specify - code later)
 (running prompt-write out specific
 nature of problem area)

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52. If other children are subject to supervision but supervised by a different supervisor, is it your intention to have contact with the latter? 73

Yes	1
No	2
Not known	0
Not applicable	9

52a. If 'yes' to 52, please indicate purposes of this contact. 74

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52a. continued.

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53. Is it your intention to have contact with any of the following during the first twelve months of supervision order?

- Yes 1
- No 2
- Not known

54. If 'yes' please specify:-

- Child subject to supervision 1
- Other children in family 2
- Parents with custody 3
- Parents without custody 4
- Grandparents with custody 5
- Grandparents without custody 6
- Other relatives with custody 7
- Other relatives without custody X
- Cohabitee of individual with custody Y
- Combination of those above 8

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- Not known 0
- Not applicable 9
- Others (please specify-code later)

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56. continued.

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57. Is it your intention to have contact with any of the following external agencies/organisations during the first twelve months of the supervision order?

80

Yes	1
No	2
Not known	0

58. If 'yes', please specify:-

81

School of child subject to supervision	1
Solicitors involved in divorce proceedings	2
Local authority social services departments	3
National Society for Prevention of Cruelty to Children	4
General Practitioner/General hospital	5
Psychiatric hospital/psychiatrist	6
Local Authority housing department	7
Department of Health and Social Security/Hire Purchase firms/County Court(debt section)	8

....contd.....

64. If 'no' to 63, please specify other forms of statutory orders involving children under eighteen:-

Magistrates Court Matrimonial	
Supervision Orders	1
Juvenile Court Supervision Orders	
(criminal)	2
Juvenile Court Supervision Orders	
(civil)	3
Probation Orders	4
Detention Centre Licences	5
Borstal Licences	6
Not known	0
Not applicable	9
Combination of those above	8

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Others(please specify-code later)

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65. If 'no' to 63, do you specialise to some degree in Divorce Court Supervision Orders? (on a team level or within social work department as a whole).

Yes	1
No	2
Not known	0

S.GOODS.
March, 1979.

RESEARCH QUESTIONNAIRE:

DIVORCE COURT SUPERVISION ORDERS (Part II)

(System of coding, 1 - 8; X and Y, NOT KNOWN = 0, NOT APPLICABLE = 9)

DATE OF INTERVIEW:

SECTION ONE: GENERAL INFORMATION

1 What is subject's code number? / /
(uncoded question - see original questionnaire)

2 What is subject's name?
Family name (uncoded question)

3 Is the Order originally made by the Divorce Court still being supervised?
YES 1
NO 2
NOT KNOWN 0

4 If 'No' to question 3, please specify why Order is not now supervised.
ORDER DISCHARGED BY THE DIVORCE COURT 1

5 If 'Yes' to question 3, is the Order being supervised on:
ORIGINAL STATUTORY ORDER 1
VOLUNTARY BASIS 2
NEW STATUTORY ORDER 3
NOT KNOWN 0
NOT APPLICABLE 9
OTHERS (please specify)

11	Are you the same supervising officer as interviewed previously with regard to this research approximately 12 months ago?	7
	YES	1
	NO	2
12	If 'No' to question 11, please specify nature of 'new involvement'.	8
	Supervising officer from same geographical area and social work department	1
	Supervising officer from same social work department but different geographical area.	2
	Supervising officer from same geographical area but different social work department	3
	Supervising officer from different geographical area and social work department	4
	NOT KNOWN	0
	NOT APPLICABLE	9
	OTHERS (please specify)	
	
	
13	If option stated under question 12 equals (1), ie, supervising officer from same geographical area and social work department, please specify reason for change in officer:	9
	Previous supervising officer leaving the department	1
	Moved to another post/promotion within his own department	2
	NOT KNOWN	0
	NOT APPLICABLE	9
	OTHERS (please specify)	
	
	
	
	
14	Number of Supervision Orders made by Divorce Court:	10
	ONE - Name of child	1
	TWO - Names of children	2
	THREE - Names of children	3
	FOUR - Names of children	4
	FIVE - Names of children	5

SIX - Names of children	6
SEVEN - Names of children	7
EIGHT - Names of children	8
15 Are all Supervision Orders made your responsibility?	11
YES	1
NO	2
NOT KNOWN	0
NOT APPLICABLE	9
16 If 'No' to question 15, please specify other source of supervision:	12
Supervising officer from same geographical area and social work department	1
Supervising officer from same social work department but different geographical area	2
Supervising officer from same geographical area but different social work department	3
Supervising officer from different geographical area and social work department	4
NOT KNOWN	0
NOT APPLICABLE	9
17 If different social work department, please specify :	13
PROBATION	1
SOCIAL SERVICES	2
CHILD GUIDANCE	3
NSPCC	4
NOT KNOWN	0
NOT APPLICABLE	9
OTHERS (please specify)	
.....	
.....	
.....	

SECTION TWO: GENERAL CHANGES RE: CUSTODY AND ACCESS

18 Is the person with custody neither of natural parents?	14
YES	1
NO	2
NOT KNOWN	0
NOT APPLICABLE	9

SECTION THREE:

What degree of supervision (ie, the frequency of contact between supervising officer and relevant parties to supervision) took place during the last 12 months of supervision?

- 26 How often was child subject to supervision seen? 23
- | | | |
|--|-------------------------|---|
| | ONCE A WEEK | 1 |
| | ONCE A FORTNIGHT | 2 |
| | ONCE A MONTH | 3 |
| | ONCE EVERY 3 MONTHS | 4 |
| | ONCE EVERY 6 MONTHS | 5 |
| | OTHERS (please specify) | |
| | | |
| | | |
| | | |

- 27 From supervising officer's point of view (from memory or from records available) was child subject to supervision seen more frequently during the last 6 months of supervision than the first 6 months of supervision? 24
- | | | |
|--|----------------|---|
| | YES | 1 |
| | NO | 2 |
| | NOT KNOWN | 0 |
| | NOT APPLICABLE | 9 |

- 27a Please state source, ie → 25
- | | | |
|--|-------------------|---|
| | MEMORY | 1 |
| | RECORDS AVAILABLE | 2 |
| | NOT KNOWN | 0 |
| | NOT APPLICABLE | 9 |

- 28 How often was parent with custody of child seen? 26
- | | | |
|--|---------------------|---|
| | ONCE A WEEK | 1 |
| | ONCE A FORTNIGHT | 2 |
| | ONCE A MONTH | 3 |
| | ONCE EVERY 3 MONTHS | 4 |
| | ONCE EVERY 6 MONTHS | 5 |
| | OTHERS | |
| | | |
| | | |
| | | |
| | NOT KNOWN | 0 |
| | NOT APPLICABLE | 9 |

- 29 From supervising officer's point of view (from memory or from records available) was parent with custody seen more regularly during first 6 months of supervision than last 6 months of supervision? 27

Question 29 continued ...

1	YES	1
2	NO	2
0	NOT KNOWN	0
9	NOT APPLICABLE	9

29a Please state source, ie →

1	MEMORY	1
2	RECORDS AVAILABLE	2
0	NOT KNOWN	0
9	NOT APPLICABLE	9

30 How often was parent without custody of child seen?

1	ONCE A WEEK	1
2	ONCE A FORTNIGHT	2
3	ONCE A MONTH	3
4	ONCE EVERY 3 MONTHS	4
5	ONCE EVERY 6 MONTHS	5
	OTHERS (please specify)	

0	NOT KNOWN	0
9	NOT APPLICABLE	9

31 From supervising officer's point of view (from memory or from records available) was parent without custody of child seen more regularly during the first 6 months of supervision than second 6 months of supervision?

1	YES	1
2	NO	2
0	NOT KNOWN	0
9	NOT APPLICABLE	9

31a Please state source, ie →

1	MEMORY	1
2	RECORDS AVAILABLE	2
0	NOT KNOWN	0
9	NOT APPLICABLE	9

SECTION FOUR: ... Involvement with the Divorce Court

32 Has the Supervision Order gone back to the Divorce Court since the time of the last interview? 33

1	YES	1
2	NO	2
0	NOT KNOWN	0
9	NOT APPLICABLE	9

33 If 'Yes' to question 32, was this at your request? 34

Question 33 continued ...

YES	1
NO	2
NOT APPLICABLE	9

34 If 'No' to question 33, please specify who was responsible; 35

The Divorce Court	1
Parents of child subject to supervision	2
Your own senior management	3
NOT KNOWN	0
NOT APPLICABLE	9
OTHERS (please specify)	

.....

.....

.....

35 If 'Yes' to question 32, please specify reason for this 36

For discharge of Supervision Order	1
For committal to the Care of the Local Authority	2
For change in custody arrangements	3
For change in access arrangements	4
For general consideration by the Divorce Court	5
NOT KNOWN	0
NOT APPLICABLE	9
Combination of these above (code according)	

.....

.....

Others (please specify, code later)

.....

.....

.....

.....

36 If 'Yes' to question 32, please specify outcome of Court hearing 37

.....

.....

.....

.....

.....

with the problem of criminal behaviour during the next 12 months?

YES	1
NO	2
NOT KNOWN	0
NOT APPLICABLE	9

41 If 'Yes' to question 37, will you, as supervising officer, be dealing with the problem of non-school attendance during the next 12 months? 42

YES	1
NO	2
NOT KNOWN	0
NOT APPLICABLE	9

42 If 'Yes' to question 37, will you, as supervising officer, be dealing with the problem of the ability of parents to exercise 'care and control' during the next 12 months? 43

YES	1
NO	2
NOT KNOWN	0
NOT APPLICABLE	9

43 If 'Yes' to question 37, will you, as supervising officer, be dealing with the problem of 'major employment difficulties' during the next 12 months of supervision? 44

YES	1
NO	2
NOT KNOWN	0
NOT APPLICABLE	9

44 If 'Yes' to question 37, will you, as supervising officer, be dealing with the problem of 'custody arrangements' during the next 12 months of supervision? 45

YES	1
NO	2
NOT KNOWN	0
NOT APPLICABLE	9

45 If 'Yes' to question 37, will you, as supervising officer, be dealing with the problem of 'access arrangements' during the next 12 months of supervision? 46

YES	1
NO	2
NOT KNOWN	0
NOT APPLICABLE	9

46 If 'Yes' to question 37, will you, as supervising officer, be dealing with the problem of 'major housing difficulties' during the next 12 months of supervision? 47

YES	1
NO	2
NOT KNOWN	0
NOT APPLICABLE	9

47 If 'Yes' to question 37, will you, as supervising officer, be dealing with the problem of 'major financial difficulties' during the next 12 months of supervision? 48

Question 47 continued ;...

1	YES	YES	1
2	NO	NO	2
0	NOT KNOWN	NOT KNOWN	0
9	NOT APPLICABLE	NOT APPLICABLE	9

48 If 'Yes' to question 37, will you, as supervising officer, be dealing with the problem 'major physical health problems' during the next 12 months of supervision? 49

1	YES	YES	1
2	NO	NO	2
0	NOT KNOWN	NOT KNOWN	0
9	NOT APPLICABLE	NOT APPLICABLE	9

49 If 'Yes' to question 37, what other problem areas not mentioned above will you be dealing with during the next 12 months? 50

Please list: (code later)

.....

.....

.....

.....

.....

0	NOT KNOWN	0
9	NOT APPLICABLE	9

50 If 'Yes' to question 37, what do you consider to be your first priority area of work during the next 12 months (using information from questions 39 to 49)? 51

Please state: (code later)

.....

.....

.....

.....

0	NOT KNOWN	0
9	NOT APPLICABLE	9

51 If 'Yes' to question 37, what do you consider to be your second priority area of work during the next 12 months? (using information from questions 39 to 49) 52

Please state (code later)

.....

Question 51 continued ...

.....
.....
.....

NOT KNOWN 0
NOT APPLICABLE 9

52 If 'Yes' to question 37, what do you consider to be your third priority area of work during the next 12 months? (using information from questions 39 to 49) 53

Please state: (code later)

.....
.....
.....
.....

NOT KNOWN 0
NOT APPLICABLE 9

SECTION SIX: Who does Supervising Officer intend to have contact with during the next 12 months of supervision?

53 Is it your intention during the next 12 months of the Supervision Order to have contact with - CHILD SUBJECT TO SUPERVISION? 54

YES 1
NO 2
NOT KNOWN 0
NOT APPLICABLE 9

54 Is it your intention during the next 12 months of the Supervision Order, to have contact with - PARENT WITH CUSTODY OF THE CHILD? 55

YES 1
NO 2
NOT KNOWN 0
NOT APPLICABLE 9

55 Is it your intention during the next 12 months of supervision to have contact with - PARENT WITHOUT CUSTODY OF THE CHILD? 56

YES 1
NO 2
NOT KNOWN 0
NOT APPLICABLE 9

56 If 'Yes' to question 55, ask 'Would you see this person?' 57

Question 57 continued ...

NOT KNOWN 0
NOT APPLICABLE 9

58 Do you intend to have contact with anyone else (apart from
representatives of external agencies/organisations) during the
next 12 months of supervision? 59

YES 1
NO 2
NOT KNOWN 0
NOT APPLICABLE 9

59 If 'Yes' to question 58, please specify who this would be.
Please state, possible options as follows: 60

Other children in family 1
Grandparents with custody 2
Grandparents without custody 3
Other relatives with custody 4
Other relatives without custody 5
Cohabitee of individual with custody 6
New husband/wife of individual with custody 7
Cohabitee of individual without custody 8
New husband/wife of individual without custody X
Combination of those above Y
Others

.....
.....
.....

Not known 0
Not applicable 9

60 If 'Yes' to question 59, options 61
Cohabitee of individual with custody OR
New wife/husband of individual with custody
Please state purpose of contact (code later)

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