



When the Children Don't want to Go

Justice Cronin in *Ackersley and Rialto* held that because of the 2006 changes to the Family Law Act, there was now an express duty to comply with parenting orders. His Honour came to this conclusion because of the requirement in the Family Law Act to attach a form setting out the obligations under orders. The form states;

Your legal obligations; You must do everything a parenting order says. In doing so, you cannot be merely passive but must take positive action and this positive obligation includes taking all reasonable steps to ensure that the order is put into effect. You must also positively encourage your children to comply with the orders. For example; where the order states your children are to spend time with another party, you must not only ensure that the children are available but must also positively encourage them to go and do so. There are agencies in the community that can help you and your family adjust to and comply with the order.

Listen and understand

Your child needs to feel that they're listened to and their concerns are understood. This means that responses such as "you must go", or "mum/dad will be angry if you don't go", or other threats can be unhelpful.

Talking to your child about why they don't want to spend time with the other parent

A casual conversation is often best. Try to find what is at the cause of your child's resistance. It may be an emotional or behavioural reaction to the separation, and they may, for example, be concerned about leaving one parent on their own. It may be your child has a specific need or want, such as a food preference only met in one parental home, or they may be trying to avoid something, such as homework that is expected in one parent's home.

If they have visited before, ask your child to describe:

- What was their last visit like?
- What did they like the most about that visit?
- Was there anything they didn't enjoy?
- What can your child suggest that would make the visit better?

If they have never visited before, ask your child:

- What do they expect it to be like?
- What do they think will be good about visiting?
- What can your child suggest that would make a good visit even better?



Your child's answers may help you to consider a new solution that you can discuss with their other parent. It can also help to put yourself in your children's shoes. Maybe you can draw on a similar experience in your own life or someone you know? What might you think or feel? This will make it easier for you to focus on those feelings and your children's needs.

Understanding why your child doesn't want to spend time with the other parent

It usually helps if both parents have a better idea of what needs to change. It can be upsetting when your child does not want to visit, but don't assume that this is all the other parent's fault. Even if they are saying unhelpful things, there may be still things you can do differently to try to improve things.

- If you can, talk to your child and try to identify what is behind their resistance to visiting. If this is not possible, ask the other parent what they think is behind their reluctance.
- What changes can you make to address these barriers to your child spending time with the other parent?
- Think about how you can break things down into smaller steps, maybe start with a short visit to a familiar relative's home or another favourite place familiar to the children.
- Speak positively about the other parent to remove any loyalty issues your child may have.
- Both parents talk positively about the fun the child will have on their next visit.
- A goodnight phone call to the child from either parent or phone call about the anticipated visit.
- Offer reminders, such as a photo, cuddly toy or favourite game, that they can take with them.

Thinking about what's best for your children and trying to set aside feelings about the other parent can be difficult. Try though to remember your ex is not your children's ex, they love and are loyal to them. Children instinctively know that they are half mum and half dad.

With younger children especially, a strategy that often works well is; the parent who currently has the care of the child drops the child to the other parents home at each changeover along with positive endorsements such as "we are off back to mum's place now, she's got dinner cooked for you" or "hop in the car, I'll take you to dad's place, he's got a fun weekend planned for you". This way the child hears and sees that a parent is saying and doing things that are supportive of the spend time with arrangement.

When you're worried about your child spending time with their other parent

There may be lots of reasons why you don't want your children to stay with their other parent. Maybe you've had a traumatic separation and still feel angry or hurt. Maybe you don't think the other parents new home is suitable. It's not uncommon for couples to separate because of their very different ideas on parenting, so it's not surprising if you are having worries.

However, unless there are genuine concerns about your children's safety, your children have a right to see and have a meaningful relationship with both parents. Young children tend to see their parents as idols and to lose contact suddenly with one can make them feel they've done something wrong. Teenagers may want to have a say in when and how they see their other parent, this requires flexibility on both parents' part.