

Family Separation and the Church

Introduction

This paper is submitted in my personal capacity rather than on behalf of any organisation in which I am involved. I used to be a family solicitor and am now a family mediator, working exclusively with families who separate. I am a partner of Wells Family Mediation, a trustee of Restored Lives, and Chair of the Family Solutions Group (FSG), set up by Mr Justice Cobb. Our FSG report 'What about me? Reframing Support for Families following Parental Separation' was published in 2020. Over the last 30 years, I have come alongside hundreds of couples, of all faiths and none, through the painful process of separating their lives.

Many going through separation will experience a whole cocktail of emotions about their situation. Most obviously, a fear of what might happen next, a deep love for their children and worries about money. Underlying these are anger, sadness, fear, failure, guilt, bitterness, hatred, to name but a few. The role of the mediator is to offer a calm space in the midst of the storm and point clients forwards to make orderly plans for their future. Much of our work is in reframing the complexities of an adult relationship breakdown into future-focussed discussions, so that their child(ren) might have the opportunity to thrive.

It is professional peace-making between two people whose lives have not turned out as they had hoped. It has child welfare at its core.

This paper looks at the role of peace-making in the context of family separation, and invites an honest reflection on the part played by Christian faith communities, in its broadest meaning 'the church'. My comments are limited to Christian communities as I have limited experience of other faith communities¹.

The term 'family separation' encompasses all families whose parents separate, whether they are married or cohabiters, heterosexual or same sex. This is not just about divorce, therefore, although spouses with children who divorce fall within the scope of this submission. This is primarily about the church's response to family separation, and the consequences which follow.

There are multiple ways in which the church might come alongside those who are fragile and fearful and point them forwards to a restored hope for their future. I include below some examples. First however, this paper invites an honest reflection on current attitudes about family separation. In writing this paper, my aim is to speak the truth in love.

The response to family separation

¹ The Muslim and Hindu families with whom I have worked suggest the issues might be similar, but I do not have sufficient experience to make general comments, in the way that I can about Christian communities.

When I started out on this road, I expected the faith community to be fully behind this peace-making work, at least in principle. Sadly, over three decades of working in this field which have included many discussions and encounters with church people and leaders of various denominations, that has not been my experience. The church's public message appears to be simple:

Marriage is good; separation is bad. We can't be seen to help people who separate in case we are seen to approve of their separation. The answer is, we'll stay silent.

To anyone who works in this field, this silence from the church makes no sense. Let me give you a simple analogy.

- Imagine that God loves safe driving. So the Church gets right behind safe driving and produces some really great teaching and resources for how to drive safely.
- Every so often, however, there's a crash. People are hurt; they may be stuck in their cars, injured; there may be children in the back seat of cars, crying, afraid, injured. What does the Church do?
- Well, because God loves safe driving, the Church decides it's not going to do anything. After all, if it steps in to help, people might think that it doesn't *really* care about safe driving after all. So the Church pretends that the accidents don't happen; they are not mentioned.
- The care of the injured is left to others. The Church does not rush to be the people in the ambulances who come to the rescue, or the doctors and nurses in the A&E departments who treat the injured.
- The Church will say nothing of the accidents and the injuries at all. It will not get involved. Instead, it will redouble its emphasis on the importance of safe driving.

I have spoken at many Christian events over the years and whenever I ask for a show of hands for anyone who has heard any pastoral teaching about family separation in their local church in the last 10 years, no hands go up. Each time I am surprised. There are vast numbers of children who are growing up with parents in different households, and yet it is not spoken of.

A generous interpretation of the church's silence on family separation is that it has its head in the sand, buried and unresponsive due to helplessness, unsure of how to navigate the mess.

A less generous interpretation is that the church is more comfortable wearing the clean pressed clothes of judgement, than the grubby rags of grace.

The implications of silence

Sadly, the absence of practical and pastoral teaching means that Christians are ill-equipped to respond in a helpful way when a family separates.

At best, the silence leaves people helpless. Many Christians may be keen to help but unsure of how, concerned not to make things worse, so are reluctant to get involved.

At worst, it leaves a void which is filled by judgement. The lack of pastoral teaching leads Christians to turn to the teaching which they do know: the theology for when divorce is permitted. This teaching is based on Jesus's debate with the Pharisees (Matthew 19/Mark 10) about the law of divorce of the day, much like the debate which has taken place here recently about 'no fault' divorce. This may offer a legal analysis, but that is wholly different from a pastoral response. Sadly, the focus on these verses invites a legalistic, tick-box analysis: does this couple fit within the 'required criteria' for a divorce? Has there been adultery? The lens of "justice" is applied to understand who is *at fault* and who *has been wronged*.

Note the lack of any mention of children in this analysis.

Viewing the complex fragility of family separation through a lens of 'justice' is uniquely unhelpful; it is not how peace is made. 'Justice' is focused on a 'blame-shame' narrative. It does not face forwards and consider how to build a better future for this hurting family; it looks backwards so as to establish what went wrong between the adults and which of them is responsible. It pays no attention to the needs of children, who did nothing to bring about the crash and are simply victims trapped in the back seat.

'Justice' is the antithesis of compromise and thus the antithesis of peace.

The priority of 'justice' over 'grace' lies at the root of the problem in the following three contexts:

- First, Christians struggle to manage civilised separations *themselves*. It is my own experience and that of a number of mediators that separating Christians are the very hardest of clients to work with. If 'justice' requires that their own needs be given priority, because the other is 'at fault', this is an unpromising start. Our attempts to encourage child-focussed co-operation are that much harder. It is a sad irony, borne out by experience, that peace may be found more easily between atheist separating couples than Christians.
- Second, Christians struggle to deal appropriately with *other people* who separate, especially other Christians. The idea that separation itself is '*a sin*' inevitably breeds judgement, and so judgement is common in the friends, families and faith communities of the separating couple. I have spoken to many separated spouses who have felt ostracised, judged and unwelcome in their church following separation; they have been treated as if somehow they have committed the unforgiveable sin. Invariably the result has been for them to leave the community quietly, rejected and hurt. Many whom I speak to have not lost their faith; they have experienced the grace of a loving God through the storm; but they do lose their place in their church family.
- Third, the church has been poor at engaging with the *wider society* on this issue.

There have been a number of reviews by the Family Justice sector recently² about managing family separation better, and these are being considered by the Family Justice Board. Sir Andrew McFarlane, President of the Family Division has called for help:

*'To my mind, there has got to be a better way of assisting those couples who need some help and support at what is plainly a difficult time for them and for their children. The task of identifying, developing and then funding a better way to achieve good enough co-parenting between separated parents is a matter for society in general, policymakers, government and, ultimately Parliament; it is not for the judges. My purpose today is, therefore, simply to call out what is going on in society's name, and at the state's expense, and invite others to take up that call.'*³

In other words, our family judges are calling for wider societal engagement. Family breakdown is not, for many families, a justice issue at all and so the Court is the wrong setting for resolving their problems. Families need help early in their separation, long before anyone thinks of turning to court - but providing that help is outside the remit of judges and courts, and outside the remit of the Ministry of Justice. Other organisations need to be involved.

Notwithstanding this plea from the top, there remains an absence of faith leaders as active contributors to these discussions. Family separation is not on their radar.⁴ In spite of societal shifts over recent years affecting every parish in the country, and the millions of children now growing up with parents who live apart, the church has no place at the discussion table.

In the public setting, there remains an uncomfortable and awkward silence on the subject.

By their fruit shall you know them. The fruit of judgement over grace is poor separations between parents, poor responses to other people's separations, and poor engagement in public dialogue about family separation.

The most serious fruit is the increased risk of psychological harm to the children whose lives are affected. It has been said that faith without love is dangerous, and I believe this to be true in the context of the church and family separation.

² Private Law Working Group report July 2019 (inviting consultation responses) and final report April 2020, Risk of Harm Panel report 2020, Family Solutions Group report 2020

³ Resolution Conference Keynote speech, April 2019

⁴ It became briefly on the radar in the consideration of the introduction of no-fault divorce, but there were no messages of grace emerging from the Christian community. It was Christian pressure-groups who actively campaigned to keep fault on the statute book 'to preserve marriage', no matter the harm done by the fiery darts of fault thrown between parents, and the risk of harm to children.

Inter-parental conflict and the risk of harm to children

Research has clearly established that high levels of conflict between parents puts children at risk. The more acrimonious and vindictive the separation, the greater the risk of real and permanent psychological harm to the child(ren).

Here is a very brief synopsis of academic research into this subject, provided by Professor Gordon Harold of Cambridge University:⁵

- *Family separation is always a stressful experience for children and teens **in the short term**. But what drives the **long term impact** on them is the level of conflict they witness before, during and following parental separation.*
- *It's normal for it to take about 2 years for children and teens to adjust to a family separation. The higher the levels of conflict, however, the harder it is to adjust and the longer the ripple effects continue for poor outcomes (e.g. mental health).*
- *High levels of conflict between parents are shown to have many poor outcomes for children. These include anxiety and depression, academic failure, substance abuse, conduct problems, criminality, peer problems and adversely affected brain development. Patterns of conflict can even be passed on to the next generation.*
- *These outcomes stretch on into adulthood. Acrimonious parental conflict is a common childhood factor in adults who experience mental ill health, relationship difficulties, substance abuse, homelessness, and criminality.*
- *By contrast, actions designed to reduce the level of inter-parental conflict are associated with positive long-term outcomes. There are clear improvements in mental health, behaviour, school outcomes and long-term relationships.*
- *These positive outcomes have benefits not just for the individuals but for the whole of society. They produce widespread cost savings, ranging from the education system to the health and social care system, the civil and criminal justice system and they also produce positive future employment outcomes.*

The evidence is clear: children are adversely affected by conflict between their parents. Conversely, actions designed to reduce parental conflict result in improvements for children, and indeed the whole of society. None of this is open to debate.

It therefore follows that a grace-led attitude by and with separating parents which promotes peace will benefit children. A judgmental attitude by and with separating parents which increases conflict will heighten the mental health risks for their children. This has led me to a

⁵ The bibliography:

Feinberg, M.E., Jones, D.E., Kan, M.L., & Goslin, M.C. (2010). Effects of family foundations on parents and children: 3.5 years after baseline. *Journal of Family Psychology*, 24, 532–542

Grych, J. H., & Fincham, F. D. (1992). Interventions for children of divorce: Toward greater integration of research and action. *Psychological Bulletin*, 110, 434–454.

Harold, G. T., Sellers, R. (2018). Interparental Conflict and Youth Psychopathology: An Evidence Review and Practice Focused Update. *The Journal of Child Psychology and Psychiatry*, 59 (4).

worrying and uncomfortable conclusion that children from Christian families who separate may be at increased risk of psychological harm compared to those from non-faith families.

I do not suggest that the grace route is easy; for many it feels impossibly hard. A peaceful parting involves each parent making the difficult choice to lay down some elements of what they think is 'just' in order to achieve a better future for their children. It is sacrificial and difficult, but it is an act of love for their child to choose not to condemn the other parent who may have wronged them.

The task facing our society is to build systems and institutions which will help parents take this sacrificial route, to choose grace over judgment, so that children are not hurt by the years of conflict which might otherwise follow.

At present this huge peace-making task for the nation's children is delegated to the secular world. A groundswell is building within government, Courts and other institutions towards a consensus that our family separation system has to change: it has to move towards creating a less acrimonious, non-adversarial ecosystem. The voice of the church has been absent from this debate.

Let me give an example, about language. One of the recommendations in our FSG report was for a change in language, to take the fight out of family separation in legal processes and more generally in society. The President of the Family Division has been supportive and commissioned a paper on this and we published '[Language Matters](#)' in September 2022. He is actively promoting the move to less adversarial language at family law conferences and inviting widespread reflection about language within legal circles.

This move towards less adversarial language seems to me to be at odds with the recent pressure from some Christian groups to retain fault as a basis for divorce in this country. There's an irony: our judges are pushing for more peace-focussed language, while Christian voices have sought the retention of judgement.

Many in our society now see the importance of promoting peace between parents for the sake of their children, but not yet the church.

Should the church engage?

If the church is going to respond to family separation with judgement, in my view it is far better that it remains absent, for risk that it will do more harm than good. Enough has been said to make that clear. Let the silence continue.

If the church is ready and willing to get stuck into the messy, non-binary, muddles of broken relationships without attributing judgement or blame, if they can respond with grace, then there are a multitude of ways to be involved and make lasting differences to parents, children and the whole of society.

How?

1. A starting point is to acknowledge family separation as a reality and focus teaching on principles of safety and child welfare.
2. The first step is always to assess whether there are safety issues. Is there domestic abuse in this family, or are there any child protection issues? Is anyone at risk? The church's safeguarding policy must apply to the separating family, as with any other individuals. The principle of safety must come first and for some families, this will require legal protection from domestic violence or abuse.
3. Second to safety is to understand the broader child welfare considerations. What is the lived experience of any children in the family; are their needs being met and/or are they at risk from parental conflict? Here it becomes important to promote a peace-led response, being mindful of the risk of harm to children from parental conflict. Children should be safe from harm, both physical and psychological.
4. Many leaders may wish to respond with grace but feel helpless and don't know what to do. Some teaching at Diocesan level or other leadership conferences may be needed to address this issue and provide guidance about how to come alongside parents in the fragile time which follows a separation.
5. Looking outwards to the community, leaders should be encouraged to teach a pastoral response to divorce and separation: the complexity of relationship breakdown, the impact on children, the message of grace from the Gospel and the call to peace. This is not about taking sides and fuelling conflict, it is about supporting families going through a vulnerable time to make brave choices to move on and, wherever safe and appropriate, to cooperate with each other.
6. To complement the teaching, there are practical ways in which local churches can provide support. There are many inspirational Christian individuals and voluntary organisations who are reaching out to offer support. Some examples of practical ways to help are:
 - a. Recovery courses for adults struggling to come to terms with the end of their relationship. The Restored Lives course⁶ is one example and is running in about 40 churches in the UK, plus overseas, including in Switzerland, Hong Kong, Japan and France. About 2,000 people have now attended this course. It has also developed a similar resource for young people coming to terms with their parents' separation, called 'Your Direction'.⁷
 - b. The United Nations Convention on the Rights of Children, article 12, provides that young people should be consulted when decisions are made which affect them. At present in England and Wales, this right exists in theory but there are no established mechanisms for child consultation when parents separate⁸.

⁶ <https://www.restoredlives.org/>

⁷ <https://www.restoredlives.org/yourdirection>

⁸ Child consultation is available if parents choose to come to mediation.

Subject to appropriate training, churches could offer an important role in both promoting and/or the direct provision of child consultation.

- c. Run workshops for separated parents, to provide specific information about parenting following separation. There are many separated parenting resources available, and the one which is best known in legal circles is the Separated Parents information Programme (SPIP), although the Christian charity Spurgeons has also developed a resource for separated parents. Recent statistics from 1010 attendees of the SPIP in RCJ Advice and Kent Family Mediation Service are as follows:
 - *Have you found this course helpful? **Yes 97%***
 - *Do you think that attendance on this course will have a positive impact on your child? **Yes 86%***
 - *Would it have been helpful to attend this course earlier in your separation? **Yes 70%***
 - *Would you recommend attending this programme to someone else in a similar situation? **Likely 94%***
 - d. Support the National Association of Child Contact Centres by providing space for a contact centre to be run.⁹ There are around 350 contact centres running in the UK, many of which are dependent on church space being made available at a weekend.
7. Engage with others in the local community who work with families going through separation: the local schools, health practitioners, police, domestic abuse specialists, mediators, therapists, solicitors and so on. In Kent, there's an alliance for agencies and professionals to share information and provide coordinated support for separating families¹⁰. The alliance has many members, including Spurgeons.
 8. Engage with policy-making. The church could seek to influence the principles which apply to families when they separate and the processes that follow. The FSG 'What about me?' report¹¹ speaks to the needs of families who separate, before they come under the remit of the Ministry of Justice with an application to court. Until and unless they apply to court, they fall into a political void: there is no departmental oversight of this massive cohort of society or of the children who are vulnerable in the hurly burly which follows a separation.

Early engagement alongside separating families is needed, so separations can be managed in a child-focussed way. As evidenced by Professor Gordon Harold above, this will bring benefits to both individuals and the whole of society. The President

⁹ <https://naccc.org.uk/>

¹⁰ <https://www.ssfak.org.uk/>

¹¹ <https://www.familysolutionsgroup.co.uk/>

of the Family Division is asking others to take up this call. Will the church respond? Do we want to be the litigious nation, with the only known provision being an application to court?

“Those of us working in the system long for a better way of helping children, of helping parents to resolve what are, in effect, relationship difficulties when they break up.”¹²

9. This all comes back to the risk of harm to children from parental conflict. Would the church lead the charge in calling for safe systems for all who separate, from the moment of separation rather than the only game in town being an application to court? Will it add its voice? This is not promoting separation; it is all about promoting child welfare.

Conclusion

If judgement is the route taken, then the needs of vulnerable families are best left to others. Better the church stays out of the way.

If grace is the route taken, then it is time to end the silence about family separation. The church should be proclaiming from the rooftops to the world at large that children must be protected from harm, physical or psychological, when parents separate. Some families will need the protection of the family court to find safety, but many families will simply need the helping hand of others around them, which could be a loving faith community, to let go of what has passed and be pointed towards a future in which they and their children can thrive.

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¹² President of Family Division at launch of Family Solutions Group report Nov 2020