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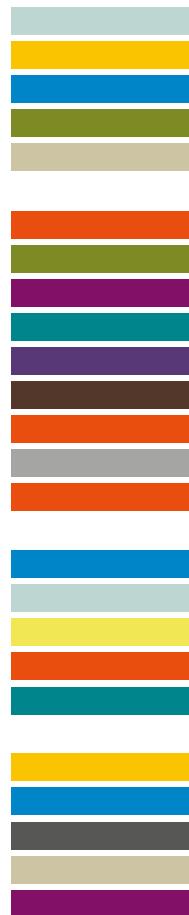
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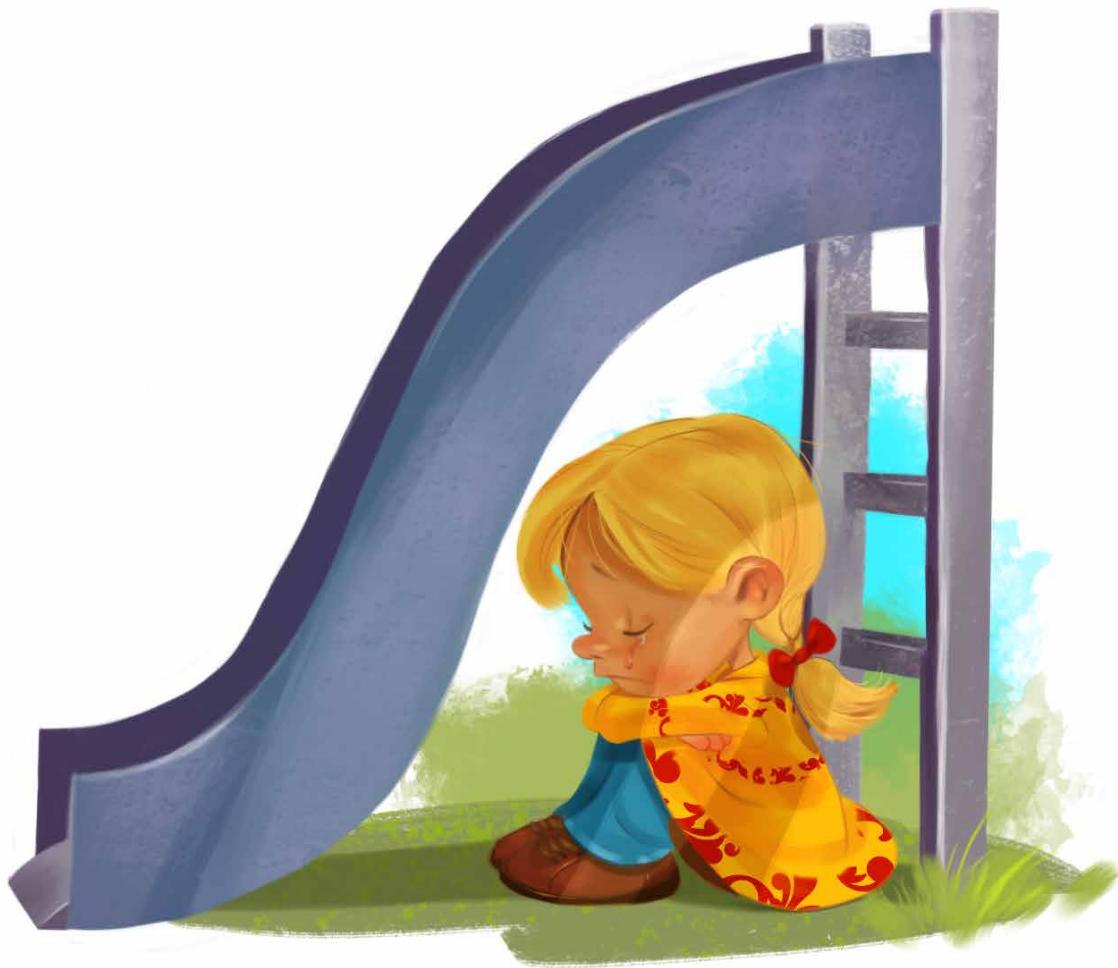
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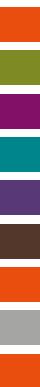
January 2015



CHILDREN FROM BROKEN FAMILIES

Day-care staff working with children and parents of broken families





Each year more than 20 000 children experience that their parents get divorced or are separated. In addition to this there are several thousand breakups between cohabitating couples with children. Most parents cooperate in a positive way during and after a breakup, and most children manage well with the new situation.

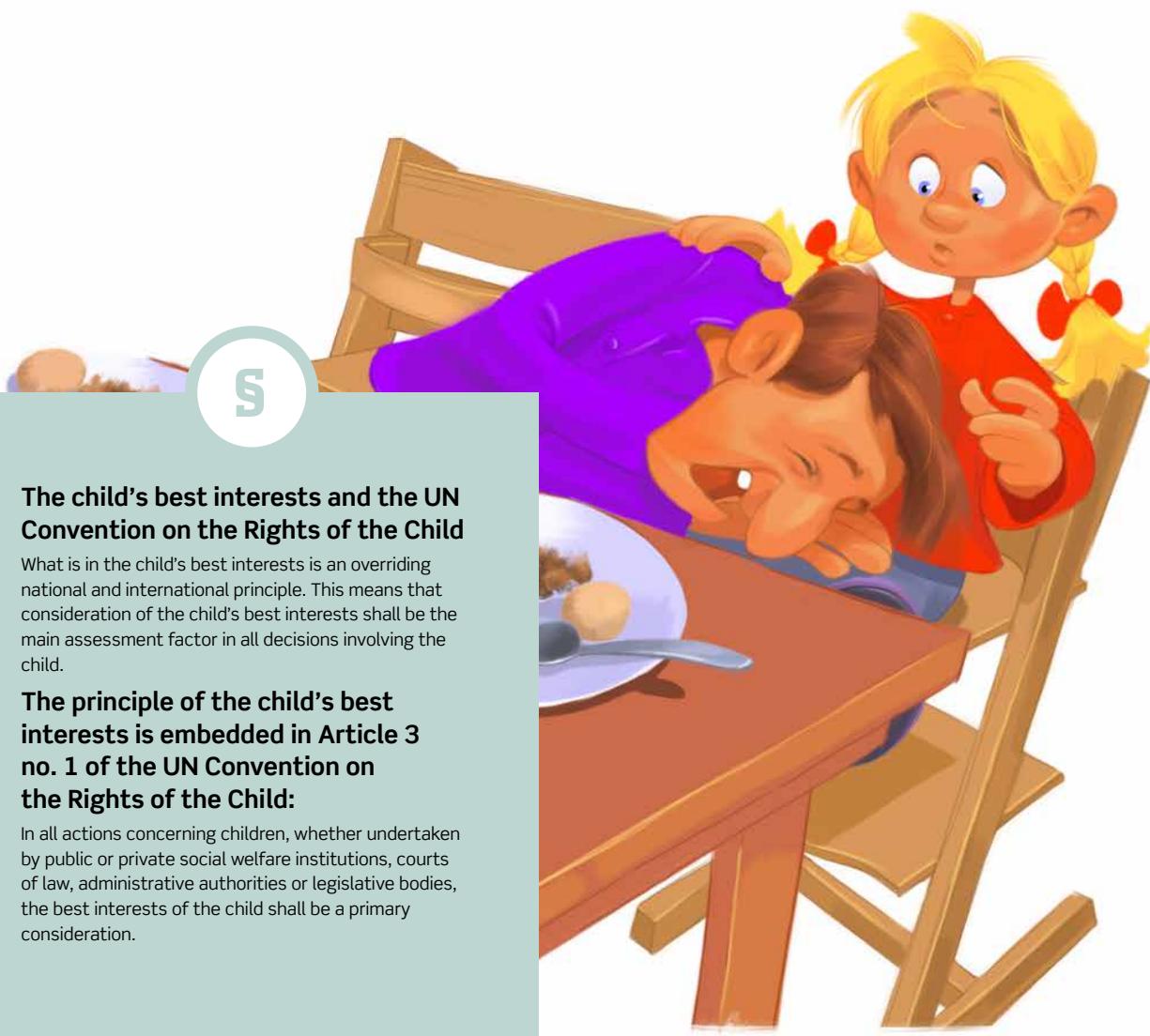
The Day Care Institution Act points out that the day-care centre must work in close understanding and cooperation with the children's homes. This applies just as much to parents of a broken family. When parents are unable to cooperate with each other, the day-care centre has an even more important role to play for the child. To fill this role in a satisfactory manner, the day-care centre must have good procedures in place and must have a positive attitude to cooperation with the parents. What is important is that confidence and trust is established between the parents and day-care staff as early as possible when the child begins in day care. Moreover, it is important to have good procedures for dealing with children and parents of a broken family. The day-care staff must be alert to the child's reactions and behaviour after a breakup and must inform the parents of what they have observed. It is in the child's best interests that the staff invite the parents to reflect on the situation. How the child and the parents are treated in a difficult

life situation should not differ according to which staff member they are dealing with. Everyone working in day care should have the competence to see whether the child is doing well or not. Furthermore, all members of staff shall have the competence to assist parents who are in conflict with each other. The director of the day-care centre has the main responsibility for following-up and ensuring that all members of staff, including newly hired members, have this competence.

This leaflet is based on the UN Convention on the Rights of the Child and recent research. It aims to raise the competence of day-care staff when they are dealing with a child and parents from a broken family, and to support the day-care staff in giving the child in question a predictable, safe and good environment. It can also be used for reflection and discussion during planning and study days in the day-care centre.

We hope that this leaflet will contribute to a positive and safe time in day care, and to safe and reassuring early development for all children.

The Norwegian Directorate for Children, Youth and Family Affairs and the National Parents' Committee for Kindergartens, January 2015.



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The child's best interests and the UN Convention on the Rights of the Child

What is in the child's best interests is an overriding national and international principle. This means that consideration of the child's best interests shall be the main assessment factor in all decisions involving the child.

The principle of the child's best interests is embedded in Article 3 no. 1 of the UN Convention on the Rights of the Child:

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

WHEN A FAMILY BREAKS UP – A CRISIS FOR THE CHILD

Many parents manage to cooperate in a positive way after a breakup, and the family adjust to their new day-to-day life without major problems. But some members of the family may feel uncertain as to how family life will be in the future. Couples with challenges relating to shared parenthood after a breakup may become focused on the conflict itself, and may find it difficult to master the parent role. Some struggle with this in the period after the breakup and before the new situation is normalised, while others may struggle over extended periods of time, perhaps even the entire time the child is growing up. A breakup may influence the child's secure ties to the parents so that it feels uncertain, particularly if the parents are unclear about agreements and shared solutions.

Conflict between parents

It is important to assess the consequences of the breakup for the child. Many parents are in a crisis situation after the breakup but even so are able to function together in a good way for the child. Other parents develop such a high conflict level that it impacts the child adversely, disrupting its development. The day-care centre then has an especially important role in providing good care for the child. What should the staff especially look out for? Below we list some questions to

ask when assessing the conflict level. It may be useful to discuss them with colleagues.

- Do the parents have frequent quarrels or fights?
- Has the conflict been most active immediately after the breakup, or is it lasting and locked?
- Are the difficulties between the parents obvious in the day-care centre, or do the parents appear coordinated and calm?
- When the parents disagree, what do they disagree about?
- Is the conflict dominated by personal attacks and animosity?
- Do the parents manage to focus on the child, or does the conflict dominate so much that they lose sight of what is in the child's best interests?
- How serious is the conflict? Do staff members feel uncomfortable when they interact with the parents?
- Are the parents constructive and resolve their disagreements? Do they both contribute to this?
- Are threats, violence, substance abuse and/or serious mental imbalance involved?
- Is the conflict long-lasting? Are staff members increasingly concerned about the child's development?
- Is the child influenced by the parents' disputes? In what way?

When the parents are unable to cooperate in the child's best interests, the day-care centre becomes increasingly important. If the parents do not see the child's needs, the staff have a responsibility to point them out to the parents.

Parents are the most important role models for how children learn and acquire competence to develop positive and comfortable relationships to others. If the parents maintain a poor relationship to each other over time, this may impact the child's ability to resolve conflicts and manage good relationships with others. This may then influence and dominate the child's relationships to other people, even at day-care age. The day-care centre may compensate for this if the child does not learn this well enough from its parents. This means that day care is an important arena where the child may learn to resolve conflicts and build relationships.

Influencing the child

The parents are the most important adults in a child's life. When the parents are struggling or are in conflict, the child's stress level as well as the parents' stress levels will increase. An increased stress level, combined with less accessible parents, may influence the child's development.

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Daddy and Mommy never say Hi to each other. That's strange!

Boy aged 3

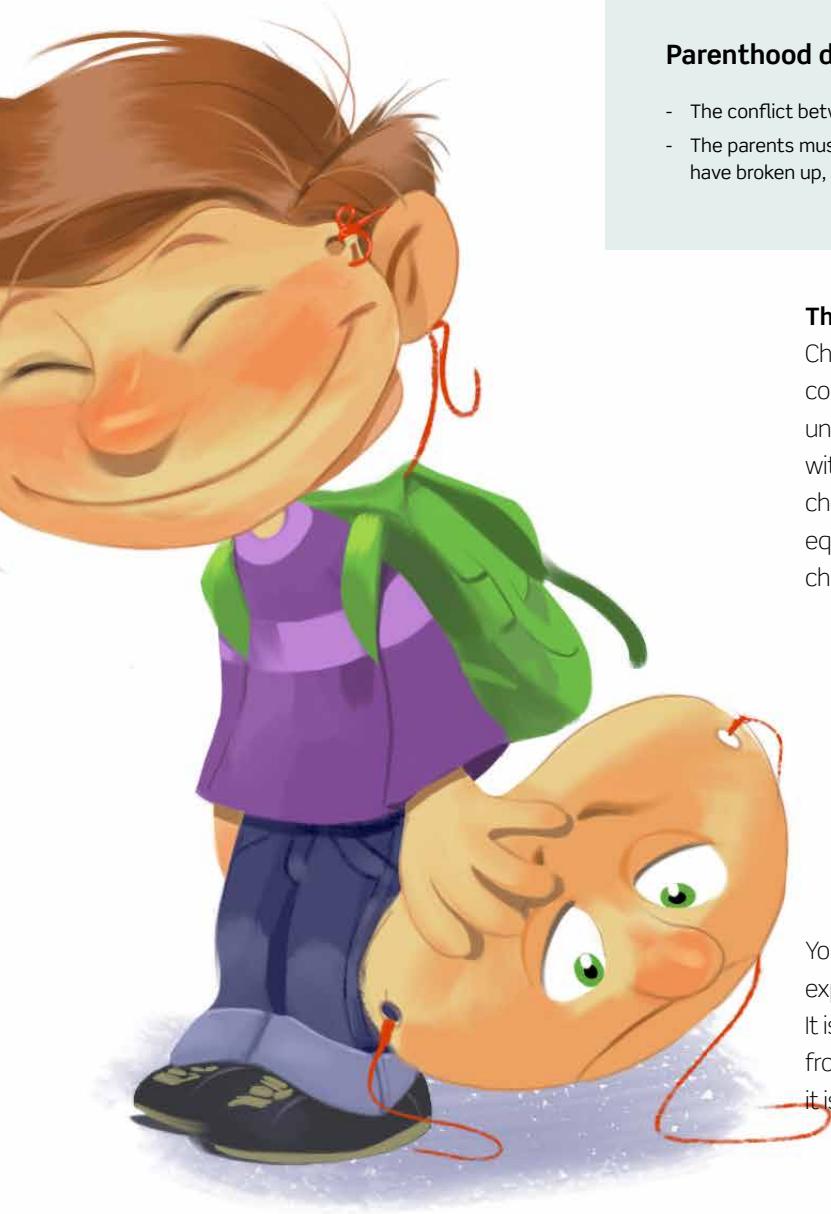
When parents struggle with a strained or hostile attitude to each other, the child may become more guarded, watching how the parents are doing. Children may stretch far for the parents to do well, and this may make it more difficult for them to understand and control their own emotions. A stressed child may also become anxious, and it will become more difficult to understand interactions with others. The consequence may be that the child has difficulties playing with others and forming friendships in day care.

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I'm afraid when Mommy looks at Daddy with such black sharp eyes – she also gets them sometimes when I tell her what Daddy and I have been doing on the weekend.

Girl aged 6





Parenthood doesn't end with a breakup:

- The conflict between the couple is not a theme for the child
- The parents must have focus on the child's needs and feelings after they have broken up, and keep them separate from their own needs and feelings

The child's reactions

Children are different and react in different ways to conflicts between the parents. Some children become uncertain and passive, others become nervous and withdrawn. Some find the situation so difficult that they choose sides in the conflict, while others struggle to be equally fair to both parents. It does not matter what the child's age is, a parental conflict is serious.

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I wonder whether it's my fault that Mommy and Daddy are fighting?

Girl aged 4

Young children are not always able to find the words to express how they are feeling about the situation at home. It is important that the day-care staff observe the child from a broken family and look for signs that may suggest it is experiencing difficulties.

Children who earlier have been calm and confident in day care may become more restless or anxious, for example in the transition from playing inside to going outside. Some children may regress in their development for a short or long period of time and may start to use a pacifier again or wet their pants. The child may also become suddenly uncertain in situations where it used to be comfortable or might start to cling to adults. Some children have difficulties sleeping or eating, for others the emotional expressions change, becoming stronger or flatter.

The child's development

A child's age and maturity influence how it will deal with the breakup of its parents. Most children feel sorrow and loss when their parents separate, but they will express these feelings in different ways. The sadness a child feels after a breakup may be painful and hard for the parents to tackle. A child may therefore try to hide this sadness to spare the parents; the child does not want to make its parents sad. For some children it may be important to speak with a member of the day-care staff about this feeling of loss. As professionals, the day-care staff are better equipped to deal with the child's emotions.

Some children miss the one parent when they are with the other. The day-care staff can express to the child that it is okay to be sad, to miss the time when the parents lived together or wish that they would move back together again. On the other hand, children who have experienced frightening conflicts, violence, substance abuse and/or mental illness in one of the parents may feel safer after the breakup.

Some factors that may influence a child's development after a breakup:

- How stable is each of the parent's access to the child?
- How good is the cooperation and communication between the parents?
- How strong are the child's ties to each of the parents before the breakup?
- How sensitive are the parents to the child's emotional expressions?
- How good is the contact between the child and the day-care staff?
- How well do the staff understand the child's emotions?
- Are there other adults who are important for the child?
- How serious is the conflict level between the parents?



Petter (5 years of age)

has always been so calm and collected. Now he has become even more silent, and almost invisible in the day-care centre.

Emilia (4 years of age)

has always been easy to drop off at day care. Now she clings much more to mommy and daddy when they are leaving.

Oscar (3 years of age)

has always been playful and a little bit wild. Now the day-care staff are struggling to draw boundaries and he has started to tease other children.

IMPORTANT CONCEPTS

If the day-care staff are to have good cooperation with the parents, it is important to have knowledge about the legal rights and obligations parents have after a breakup. It may be challenging for the day-care staff to know how to deal with the parents and their responsibilities during and after a breakup.

The concepts most used in connection with divorce and breakups are:

- parental responsibility, or legal custody
- joint parental responsibility
- permanent residence
- joint permanent residence
- access, or contact with the child

Parental responsibility

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Section 30 of the Children Act states: “The child is entitled to care and consideration from those who have parental responsibility. These persons have the right and the duty to make decisions for the child in personal matters within the limits set by sections 31 to 33.

Parental responsibility shall be exercised on the basis of the child’s interests and needs. (...)”

Parental responsibility means the obligation to take care of the child and the right to make decisions on the child’s behalf in personal matters of various kinds, such as guardianship, medical treatment, choice of day care and school and on moving abroad.

Joint parental responsibility

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Section 37 of the Children Act states that “Decisions may be taken by the person with whom the child lives permanently.

If the parents have joint parental responsibility, but the child lives permanently with only one of them, the other parent may not object to the parent with whom the child is living making decisions concerning important aspects of the child’s care, such as the question of whether the child shall attend a day-care centre, where in Norway the child shall live and other major decisions concerning everyday life.”

Both parents have the right and obligation to make decisions on behalf of the child relating to personal matters, and to give the child appropriate upbringing and care and education according to its capabilities and personality. The general rule is thus that the day-care staff must give both parents the same information about the child at the same time, including information about dialogues with the parents, parents’ meetings, examinations, mapping, bullying or concerns about development, interaction and so on.

Permanent residence

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Section 36 of the Children Act states that the parents may agree that the child shall live permanently with either one or both of them.

If the parents fail to agree, the court shall decide that the child will live permanently with one of them. If there are special conditions, however, the court may determine that the child shall live permanently with both.

The concept of “where the child shall live permanently” in most cases indicates which of the parents the child lives with the most. In the majority of cases, the child’s permanent residence is where it is most of the time, even if in principle the child may have access with the other parent up to 50 per cent of the time. The concept also refers to the right to decide for the child that is conferred on the parent with whom the child is living permanently. Examples include whether the child should attend day care, choice of recreational activities, attending birthday parties, food, dress, bed time, friends, supervision and caregiving.

Normally the person who has the day-to-day care and the person who has the right to access have joint parental responsibility.

Joint permanent residence

Joint residence is only possible when the parents agree to this and means the child lives permanently with both parents, such as every other week with the mother and every other week with the father. An agreement about joint residence could also involve other arrangements, for example the child spending 60 per cent or 70 per cent of the time with one parent and 40 per cent or 30 per cent with the other. When the child has permanent residence or lives permanently with both parents, this means that the right to decide is assigned to both parents jointly. Both parents have equal rights when it comes to decisions about the child's day-to-day life.

Access

The parent with whom the child does not live permanently normally has access with the child.

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Even if I live in Bardufoss and Lucas lives in Oslo with his mother, I have always received the same information from the day-care centre. This is nice to know when Lucas comes to stay with me on holiday.

Father with joint parental responsibility





THE DAY-CARE CENTRE'S ROLE



How the day-care staff act and help children and parents in a breakup situation is very important for how safe both the child and the parents feel in the situation.

A reassuring connection to day care

Being attentive to and able to act on their child's feelings and needs is the most important task parents have. The ability of the adults to be sensitive to the child's emotions and to provide stable and safe surroundings are two of the most important tasks the day-care staff have. The adults must help the child to put into words what it can display but what it finds difficult to express in words. Finding the right words for emotions is a skill that has to be learnt, and nuances of feelings must be developed.

Being understood and finding that others confirm our emotions helps us to feel safe and secure. This is particularly important for children. Because they are young and immature, they are unable to find words to describe their emotions in the same way that adults can. As the brain is not fully developed, the child may be easily

overwhelmed and emotionally bewildered by what is occurring around it. If there is a conflict around the child, it will help if the adults in day care have close contact with the child and show understanding for what he or she is expressing through words and behaviour. This may help make the child feel safer. It is hard for the staff to be equally attentive to all the children in their care, but it is fully possible to be a significant adult for the children who need this most.

The role of the day-care staff in relation to the child

Day care is primarily the child's arena, and is a sanctuary when the conditions at home are difficult. The child must be allowed to use its energy to develop and grow and not on dealing with the adults' conflicts. It is therefore particularly important that a child experiencing a family breakup and difficulties between its parents is given special care.

Children of a broken family have a deep need to be seen by the staff and need extra care and encouragement. The staff are very important for the child, and a close and encouraging relationship may be the best protection a child can be given. The child needs a balance between

being comforted in a safe lap and being given challenges from a safe base.

The child must have the opportunity to talk about how it is doing, without being pressed to talk until ready to do so.

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The child is just as good at expressing itself as the adult is at listening and understanding each child.

Gamst and Langballe, 2006

The role of the day-care centre in relation to the parents

The parents have the main responsibility for the child's upbringing. The day-care centre is a supplementary environment for the child and is responsible for promoting good contact and cooperation with both parents.

The staff must address both the child and its parents in a courteous and empathetic manner, and must focus on establishing a close and trusting relationship with all the parties right from the first phase of adjusting to day care. When the child is from a broken family, the staff must be aware of their role in relation to the parents. It may be difficult to deal with parents who are in conflict with each other, particularly if the staff feel more sympathy for one of the parties. If the centre staff have a clear ethos, they will be better able to deal with individuals in different life situations. This may make it easier to avoid taking sides.

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The day-care staff showed us both respect and understanding and did not take sides. It was safe and predictable.

Mother after breakup

COOPERATION IN THE CHILD'S BEST INTERESTS

The work to create a trusting relationship with the parents should start as soon as the child begins to attend day care. Establishing good contact makes it possible to have a close and trusting relationship between day-care staff and both parents. This trustful contact should therefore be built in the good times. The staff must be available for conversations in day-to-day situations and if any problems arise.

Expectations

Clarify and specify mutual conditions for creating realistic cooperation and preventing misunderstandings. Cooperation between home and day care must be dominated by mutual acknowledgement and respect. When the adults have an open and trusting relationship to each other, this also leads to a better experience of trust and well-being for the child in day care.

The cloak room

The cloak room is often an important meeting-place as this is where the child is dropped off in the morning and picked up in the afternoon, and is perhaps the most important arena for contact between the parents and staff. Dropping the child off and picking it up represent a transition between the home and day care.





The day-care staff can make the cloak room a positive zone and a sanctuary for children and parents. It is important to clarify with the parents that this is an area where adults do not talk together about serious issues, and particularly not in the presence of the child. This especially applies to saying negative things about the parent who is not there. It is very important to keep this in mind as things can be hectic in this situation and something could easily slip out without thinking. In the cloak room situation, the child should be in focus and be included in the conversation between the adults. Conversations of a more serious nature should take place in other rooms and without the presence of the child.

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It is good when the adults speak about daddy too, even if mommy and daddy don't live together anymore.

Girl aged 5

Good information

It is very important that the day-care staff give relevant information to both parents, as the staff cannot expect that the parents will inform each other. Maintaining good contact with both parties after a breakup is also very important. That is how the staff show that they care about both parents. This is also good for the child and will help to make it feel safer.

THE DAY-CARE CENTRE'S PROCEDURES

All day-care centres should have good procedures for how to deal with parents when a family breaks up, and particularly when the parents are in conflict.

The procedures may include:

At the first parents' meeting in the day-care centre the director should inform the parents that the centre wants to have a close and trusting cooperation with them, see the objectives clause in the Day Care Institution Act. Bearing this in mind, the director may choose to use the opportunity to encourage the parents to inform the educational head, or the child's primary contact, about special events or situations in the family which it may be important for the centre to know about.

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When the parents inform the day-care centre:

The day-care staff member who is first informed of the breakup must listen attentively to what is being said and give the parent time, acknowledge what is being said and ask follow-up questions. The staff member must

also clarify who else the parents want to be notified of the situation.

2

When the day-care centre has been informed of a divorce or breakup:

The educational leader summons the parties for a dialogue shortly after the information has been given. It is important that both parents are called in and that they receive the same information.

3

Relevant questions which should be clarified in the conversation may include:

- What does the child know? What does the child need now?
- Which reactions has the child had to the situation?
Have the staff noticed any changes in the child in day care?
- What needs does the family have? How can the day-care centre assist in this situation?
- If both parents have parental responsibility:
 - What type of information exchange can the day-care centre and the parents agree on?

- If one parent has the parental responsibility
 - Which procedures can the day-care centre and the parent agree on? The day-care centre must have a plan for how to have contact with the other parent to ensure the child's rights.
- Clarify expectations the staff and parents have in this new situation.

4

information procedures:

- Agree on which day-care staff member the parents want to use as their contact person, preferably this is a person both parents trust.
- Agree on when and how often the educational leader and parents should have meetings in the time ahead.
- Agree how information should be given to both parties.

- Agree on who should have which information.
- Inform the parents about the role of the day-care centre and how important it is for the child to have a good dialogue in the future.
- Agree on a new meeting, ensure continuity and good follow-up.

5

Further cooperation with both parents

- Development dialogues: Who should participate? Together or separately? Step-parents do not have the right to participate in development dialogues unless both parents consent.
- Events in the day-care centre: Who can participate? How should information be given?



CONCERN ABOUT THE CHILD

If the staff observe that the child is taking things hard over time, it is necessary to have a dialogue with the parents about the child's well-being. The staff must talk about the child's best interests by inviting the parents to reflect on how the child experiences the situation. The parties should discuss together what is needed if the child is to have a better and more comfortable day-to-day life. After the dialogue the staff must follow up with feedback to both parties about the child's well-being and development.

If the day-care staff find that the parents are unable to assume responsibility for the child's best interests, it is recommended that they contact other agencies for advice and guidance.

Which agencies can the day-care staff contact?

● FAMILY COUNSELLING SERVICES

Family counselling is a state service that offers assistance with breakups and conflicts between parents. The family counselling service provides statutory mediation in cases where the couple are breaking up. This applies to married and cohabiting couples who

have children together and to parents who want to bring the case to the courts pursuant to the Child Welfare Act. Individuals, couples, former couples and families can contact this service. It is free and no referral is required. There are family counselling offices in all the counties in Norway. The day-care staff may want to inform the parents of this service.

www.bufetat.no/familievernkontor

● FUB (National Parents' Committee for Kindergartens) The FUB is an independent national body for parents with children in day care. Parents as well as the day-care staff may contact the FUB for advice and guidance on issues relating to day care and issues relating to cooperation between parents and the day-care staff. Services given by the FUB are free.

www.fubhg.no

● HEALTH CLINICS AND FAMILY CENTRES

Health clinics are a service for all children and parents and can be found across all of Norway. Health clinics have public health nurses and other professionals on duty who can give guidance, advice and support.

● THE CHILD WELFARE SERVICE

Section 22 of the Day Care Institution Act on the obligation of informing the child welfare service states in the first paragraph: “The day-care institution staff shall in their work be alert to circumstances which may lead to action on the part of the child welfare service.”

The day-care centre has an obligation to notify the child welfare service if the staff suspect that the child is struggling and is in a tough situation and the parents do not show the ability to do something about the child’s situation. It is important that the parents are informed about the day-care centre’s contact with the child welfare service, also if a child in jeopardy report has been submitted to the child welfare service.



Anonymous discussion

If the dialogue with the parents about the day-care centre's concern does not lead to change or the day-care staff find the parents evasive or in denial, they should contact the child welfare service and request an anonymous discussion about their concern. The child welfare service can give advice and guidance on how to proceed, and on whether the day-care centre should submit a child in jeopardy report or not.

Obligation to report

A decision on whether or not the day-care centre's concern about a child is so serious that it calls for the obligation to notify the child welfare service must be based on a concrete assessment of the situation the child is in. In some cases it will be clear that the day-care centre is obliged to report to the child welfare service. This will be the case, for example, if there is suspicion of violence and abuse in the family, substance abuse or other care deficiencies. In other cases the day-care centre will have to make some difficult assessments. Conflict between parents may give grounds for reporting to the child welfare service.

If there is any suspicion of a punishable offence carried out in or outside the day-care centre, it is important that any evidence is not compromised. The day-care staff

should therefore not "interrogate" the child, as this may undermine the evidence if the case goes to court. The child must be seen and heard, and if it wants to tell about something, it should have the opportunity to do so. However, the day-care staff should be extremely careful in asking follow-up or leading questions. They should write down the child's statement or story and the questions asked by the adult immediately after the conversation has taken place. This should then be submitted to the local prosecution authority immediately because any questioning of the child must be undertaken within 14 days after a child in jeopardy report has been registered.

Information obligation

In cases where the child welfare service orders the day-care centre to disclose information, the child welfare service is the agency that will assess and define whether the obligation to provide information has been satisfied, and which information is relevant for the case. The day-care centre may contact the child welfare service for advice about the procedure for describing the child's situation. The day-care centre must submit any information the child welfare service asks for, regardless the contact with the parents and the obligation of confidentiality. The County Governor is the appellate body if a dispute arises over this.

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