



## Grandparents Speak Out for Vulnerable Children To be in our grandchildren's lives.

### **The Love for our grandchildren.**

This is our story - Real life stories of the heartbreak for both grandparents and grandchildren when adults fall out. How at the end of the day it is the children who suffer the most. The story of our campaign to have grandparents recognised for the vital role they can play in children's lives.

Grandparents Apart Self Help Groups Scotland

Authors

Jimmy Deuchars and June Loudoun

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## Foreword

We are grandparents who have felt the devastation of losing contact with our grandchildren, often through no fault of our own. We have fought hard to highlight the problem and the effect this has on children. We fought to change the attitudes of authorities and although we are not lawyers or social workers we fought with justice on our side.

With the Family Law (Scotland) Act 2006, publications to help separating families have been developed with our input and support. The Parenting Agreement helps separating adults focus on their children instead of their own conflict and The Charter for Grandchildren helps adults to remember how important the wider family is to children.

We look forward to seeing families become more important once more, in whatever form they might take. This book tells of our journey from devastation to the Scottish Parliament.

## Acknowledgements

**Thanks** to the grandparents who have allowed their stories to be told in this book – Margaret Deuchars, George Lewis, Margaret Vivien, Hugh & Margaret Rennie, Flo Small, Alexis Meechan, Eileen Buckley,

Honorary Patron - Sir Bob Geldof.

We have always admired Bob Geldof's sense of justice and decided to write to him outlining our cause asking him to be our Honorary Patron, which he agreed to do. We addressed a letter to Sir Bob Geldof, London. We were on holiday in Cumbria when Bob phoned us. We nearly hung up the phone, thinking it was a wind up when he said it was Bob Geldof calling.

**Thanks** to Bob whose patronage boosted our recognition with the media and his constant battle for justice has inspired all of us.

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## Chapter 1

### The beginning

Ours was a typical family, going along with the usual family happiness and problems until the untimely death of our daughter. This event was life changing as you would expect, but opened up a whole new chapter in our lives when we realised how little grandparents were recognised by authorities and how easily our grandchildren could be wrenched from our lives.

My wife and I lost our only daughter to breast cancer, one week after giving birth to her second daughter. My wife and I took the baby home from hospital as her daddy wasn't able to care for a new baby and work too. Her older sister was with us during the day, but at two years old she usually went home at night with her daddy, except when he wanted a night out. The baby stayed with us for nearly three years and bonded with my wife as the only mother she had known.

The day before our daughter died she'd said to me "Dad, I am not going to make it through this. Promise me that if he finds someone else you won't be angry with him, but help him and the children if you can." I promised her I would and keep my promise to this day.

Later, when our son-in-law had met somebody else through Cruse, the support group for the bereaved, he wanted to make a new life with her. She lived 240 miles away and when the time came for our son-in-law and grandchildren to move away they wouldn't or couldn't understand the effect this would have on the children, the youngest in particular as she was leaving her 'mum'. Their new step-mum was not interested in making life easy for the children to transfer over a period of time and in a way that would not traumatise them.

We asked social services for advice on how best to transfer the children from us to their new home and they agreed that the best way was to involve the new 'mum' in all the children's play groups that they attended and encourage her to come and engage in being part of the family to get the kids used to her. However, she refused to do this and wanted to do it her way. Her way was to keep the kids with her for as long as possible when she had the chance, ignoring how upset they were by the time they came back to us.

The day came when they were leaving and because the kids were so upset our hearts were broken, we could do nothing to help them.

We looked around for somewhere to help us and them, for information or support and found there was none available in Scotland.

My wife and I were devastated that not only had we no right to stop our grandchildren being dragged away, but that the children's rights were being ignored as well.

We did meet once a month at Carlisle, almost halfway, for a time. Every time the kids were leaving to go back home we got loads of cuddles and they always asked to be allowed to come back home with us. We saw the heartbreak in their eyes but had no power to ease their sorrow.

The crunch came when it was noted that they were travelling a few miles further than us to meet and they asked to meet in a park closer to them. This we agreed to do.

The night before the next meeting was due, it was cancelled. The reason given was that the weather might not be good and as it was a park it wouldn't be suitable. The park was at their suggestion and they seemed to be making the situation intentionally difficult. The feeling we had at the time was that we were on a slippery slope as far as contact with the children was

concerned and we could see no other way to halt the declining situation than to consult a lawyer.

We contacted a local solicitor who contacted another as the children lived in England. The first meeting was at Sefton Magistrates Court in Liverpool where we met our son-in-law and his new wife with their lawyer.

Before we went in front of the judge we were asked by a court official if we would be willing to attend a mediation session to see if we could come to an agreement outwith court. We were happy to do so and had a discussion that lasted a long time, but with the help of the court official we reached agreement. It was a bit shaky initially, but lasted quite well.

Because the agreement was reached outwith court it was flexible, with any necessary changes possible when approved by all. Had we gone before the judge, any decision could not have been changed without further court appearances, so it was to everyone's benefit to resolve the situation and most importantly, in the best interests of the children.

## Chapter 2

### The Birth of Grandparents Apart Self Help Groups

While all this was going on we found out about the Grandparents Association in London and telephoned them to try to get some support or advice. They told us they did not deal with Scotland, but put us in touch with a lady from Livingston as she had a similar problem to ours. We spent many hours on the phone with her and we talked about starting a group giving information and support to other grandparents in our situation.

We had informal meetings initially and as word spread and more people were contacting us with similar stories we thought we'd better make it official. We did this and the Glasgow group got its charity number in 2000. The group that was started earlier in Bathgate had run into financial difficulties so it was closed leaving Grandparents Apart Self Help Group Glasgow to become **Grandparents Apart Self Help Group Scotland**. We also changed our constitution to allow us to help grandparents throughout the UK and overseas instead of just Scotland because of the number of enquiries we were getting from all over.

Groups opened in Kilmarnock, Tayside, West Lothian, and Rutherglen and we have been instrumental in helping groups such as Grandparents Action Group in Telford, London and Blackpool. A lot of other individuals would have liked to have been able to open local groups, but it is a lot of hard work and as the commitment required is high, they often find it would be too much for them so they settled for being agents.

When we discover that as grandparents we have no right to contact with their own grandchildren we are devastated, but our overriding concern is for the children who in turn have no right to a relationship with us. Every person who contacts us feels the same pain, devastation and injustice.

We have heard arguments from lawyers who say grandparents do have rights. They say we have the right to crave the courts permission to raise an action for contact. That is no more right than any man in the street, no right at all really. Having to spend thousands of pounds to drag yourself and your family through the courts to prove that you are worthy to contact your own grandchildren is an insult to good living grandparents that have often done no wrong. Contact can be stopped simply because the children's parents have separated or have had a silly argument with the grandparents, which blows out of all proportion and is usually nothing to do with the children, simply a conflict of personalities between adults.

In the eyes of Social Services, the courts and other professionals dealing with children, grandparents are considered non relevant persons because they were left out of the UK Children's Act 1989. At that time there were objections from MPs Powell and Ogmore (Hansard) that not enough time had been allowed to debate the issue of grandparents and they warned the government of the day that this would come back to haunt them. How right they were and, in their embarrassment, have tried to ignore the problem ever since.

Scotland followed on with the Children's Act 1995 with not a mention of grandparents either, which re-enforced the non relevant person attitude of authorities and grandparents slipped into obscurity.

Children can suffer "alienation", being told that their grandparents are bad and don't want them. They are educated to tell lies and can be brainwashed to say they do not want to see their grandparents (and their Dad, or Mum).

One granny phoned us broken hearted saying that her daughter would not let her see her grandchildren. Very sad, but during the conversation the granny admitted she had done the same to her mother. She had educated her own children to alienate, and it had come back to haunt her. What goes around comes around. If only the parents could see the damage they are doing their own children.

It has been proven that children taken into care usually pine for their parents or grandparents, but the stance of the heartless Social Services is that grandparents are irrelevant and will not even tell them how the children are getting on or where they are. That same child who loved them suddenly becomes aggressive towards them and says they do not want to see their grandparents any more. We believe this to be "alienation in care" to simplify work, minimise the costs of dealing with the problem and speeding up the adoption process.

Social Services claim the criteria they work to is 'the best interests of the children'. It probably was when it was first introduced, but now with Government introduced targets it has become 'how much does it cost'. The idea was to speed up adoptions and reach targets which were set to help children who had remained in care for a long time, to find a stable home. However this, like most other targets set with good intention, is manipulated to make it look as if a good job is being done. We had to highlight this. We had to help the children.

### **The Guilt of Grandparents**

Research done by Professor Peter K. Smith and Linda Drew of Goldsmith College, Oxford found that the greater percent of grandparents (especially grandmothers) who suffer from depression, nervous problems or have suicidal tendencies are able to link the cause of their illness to them being rejected by their families.

Grandparents who are denied contact with their grandchildren because of family conflict often ask themselves, "What did we do wrong? Were we not good enough parents to our children? Did we bring them up to be so selfish?"

Perhaps when your family were growing up, father had to work long hours to keep a roof over the family's head and the bulk of the child care fell to mum. Whatever the reason the burden of responsibility and guilt for how things have turned out seems to be felt more strongly by the mother, now the grandmother. Almost all grandmothers who have been denied contact with their grandchildren expressed the same feelings of guilt, that they are to blame for their family acting so cruelly. They don't understand what can have gone so wrong.

Sometimes the problem can be that parents don't want to let go when their children grow up and are at an age of "I want to do it my way". The caring for them may never end, but the responsibility does. Young adults need to learn by their own mistakes, no matter how hard it is for you to watch. When they want to go their own way and do their own thing, you must let them. If they feel forced into ways they don't want, they are likely to rebel and may remove themselves from the situation.

Sometimes it is forgotten that everyone has their own spirit and it becomes stronger at a certain age, usually during the middle teens. All the good upbringing or education is ignored if they 'run with the wrong crowd' or go on to meet a partner who is forceful or a bad influence. You can only do so much. There comes a time when they are responsible for their own actions. After that your place is to be there to pick up the pieces if it all goes wrong. They are adults in their own right and will exercise that right regardless.

At this point you must recognise that you have done your best and if you let them go as a child, hopefully they will come back as a friend.

## Chapter 3 - We're growing

Groups were beginning to spring up across the country, **Livingstone, Rutherglen, Kilmarnock, Tayside.**

The **Rutherglen Group** was started by Jimmy & Margaret Deuchars, Jim Black and Joyce Macmillan.

Joyce and her husband Bob ran this group and worked very hard at spreading the word about it and had quite a following.

Unfortunately Joyce died in 2005 and Bob was not in good health so couldn't carry on with the group. In appreciation of all the work they did and the counsellors and MSPs Joyce was in contact with, we stepped in and now it is on its feet again.

Our heartfelt thanks go to Joyce and Bob for their tremendous effort for the cause.

The **West Lothian Group** was started by Jimmy & Margaret Deuchars, Jim Black and Alexis Meechan. Alexis became the chairperson and ended up with a good group in the Livingston area helping support many grandparents with broken hearts.

The **Tayside Group** was started by Carol Wilson with a bit of help and guidance from Jimmy & Margaret Deuchars. It too is doing very well. Grampian TV made a documentary about her group and the problem grandparents face. The media has been very good at giving her group publicity and support.

The **Kilmarnock Group** was started by June & Jake Loudoun, Anne & Bill McCabe and Hugh & Margaret Rennie, once again with the help and encouragement of Jimmy & Margaret Deuchars. Since the group's unofficial beginning in October 2001 and adverts in the local papers the members were able to make the group official in January 2002 with lots of interest and many grandparents looking for help and support.

The group was given charity status and started collecting to get funds to cover postage and stationery so that we could ask anyone who would listen for help to change the situation for grandparents, and of course their grandchildren.

Along with the other groups, Kilmarnock collected signatures for petitions and wrote to local MPs and MSPs to highlight the problems experienced by their constituents. Des Browne MP and Margaret Jamieson MSP agreed to be honorary patrons and came to some of the meetings. Justice Minister Cathy Jamieson also came to one of our meetings to find out how this problem affected people in her constituency as the Kilmarnock Group helps grandparents throughout Ayrshire.

Membership increased and the stories continued. Because a son separates from his girlfriend families discover they have no right to a relationship with his children. Because a son dies, a grandmother loses contact with his sons. Because Social Services become involved grandparents are cut out of the picture without a 'by your leave'. Because a new daughter-in-law is jealous of the relationship between her husband's parents and their first daughter-in-law, contact with the new family is denied.

Many and varied situations appear, but by far the most common is when unmarried partners separate and the father has no rights, so often no contact, falling back on the grandparents too. Next most common is when social services become involved. They are a law unto



themselves and the public have no way of complaining as they close ranks and shut everyone out until their decisions have been made and it's too late to do anything about it.

Coffee mornings are our way of earning funds and this has proved to be a great way of informing the general public of the problem and how easily it can happen to anyone, to you.

Everyone pulls together, making sandwiches, baking, serving tea and coffee, selling raffle tickets on the day. Handing out leaflets in the street with advice and tips to help prevent someone else finding themselves in this heartbreaking situation.

The group's meetings are well attended and there are a constant stream of grandparents looking for advice support and a friendly ear. The problem keeps repeating itself and the number of children affected just keeps increasing.

## Chapter 4 - Real Cases

A grandmother and her daughter had a falling out. Her daughter's new husband didn't like her and was causing friction. Because they couldn't resolve it themselves the grandmother sought the court's help.

The Judge found the mother to be a liar and that she was alienating her children from their grandmother. The Judge also found the grandparents case was the more genuine one. There was corroboration of a close relationship between grandmother and grandchildren. But still contact was refused because of the mother's animosity toward the grandmother. What a terrible injustice to the granny, but more importantly a huge loss to the children.

The grandmother was later asked if she thought there would have been a chance of reconciliation if contact had initially been arranged in a Centre. She thought there would have been a really good chance, knowing her daughter. She felt she would eventually have come around with outside help, but the judgement has split them further.

The Judge removed the innocent grandparents from their grandchildren's lives, instead of dealing with and trying to ease the problem.

The judgement ended up to be in the best interests of the mother and her new husband, not the children.

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A granddad lost his son, and his grandchildren could not be kept together, but were to be taken care of by decent families, except one of them. Although granddad was not really fit enough to take the child himself due to his own health problems, he agreed to do so.

Social Services objected to this and instead of helping the family to stay together, they took the boy into care. Granddad was to see him regularly, which he did for a short time. On one contact visit with his grandson he saw the boy was filthy "tatties growing out of his ears" he said and his clothes were filthy too. He had no laces in his shoes.

Granddad complained to Social Services about the state the boy was in. That was the start of granddad losing contact with the boy. Soon after, he was told that the boy did not want to see his Granda anymore. He was to be cut out of the boy's life. Our group was able to help this Granddad and he now has photos and reports were reinstated, although further contact was denied.

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A widow lived with her son, daughter-in-law and grandson. She took them in when they needed help, and donated a third of her house to each of them as their inheritance.

Dad was a fighter pilot with the R.A.F. but was killed when his jet developed trouble over the North Sea in 1998 also killing his co-pilot. The plane had gone on fire with no means of escape.

Four weeks later her daughter-in-law said she was leaving and wanted her two thirds share of the house right away, meaning grandma would be made homeless. As the argument went on, both thinking they were in the right, the grandmother was refused access to her grandson. Then her daughter-in-law's new boyfriend appeared only to harass the grandma as well.

She was devastated, not only losing her son, but her grandson as well, and because of her willingness to help her family, potentially her home too.

A court order was granted banning contact between grandmother and grandson, but in her grief she went to see him at his school. The head teacher kept grandma talking until her daughter-in-law came and grandma was ordered out of the school and reported to the court.

At court the judge fined her £900. A neighbour who was kind enough to accompany her to the court expressed his disgust and eventually the fine was reduced to £600. This grandma asked what would happen if she did not pay the fine. She was told imprisonment was the alternative. "I'll take it" she said, "not in my court" said the judge "the only crime I see you have committed is being a caring grandmother". Only for the sake of her old half blind dog which had been her companion for years did she relent and pay up. She is however, determined to highlight the unfairness of her case, and will not be put off by the threat of prison.

She now spends Christmas alone a heart broken old lady, having lost her son and her grandson. All because of her generosity and the greed of others.

This grandmother had lovely antiques, which would have been passed down to all of her grandchildren when she passed on. They had to be sold to pay the £16,000 costs for court appearances and the necessary representation.

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## **Alienation in care 1**

This is a true story, but names have been omitted because it is ongoing through the courts.

A mother of three children was addicted to drugs and alcohol and had the children removed by social services. The granny was always there for the children whenever possible. As time went on social services asked the granny to look after them permanently. She said yes, but as she had a mortgage to pay she would have to give up work as a secretary and asked if she would get any help. The answer was no, even although she had been passed by social services as a foster carer. She took the eldest boy 11, who still lives with her but could not take the two very young children and carry on working.

It became clear that the mother of the children was finding it hard to kick her drug habit, so it was decided by social services to have the two youngest children adopted. Now the mother has no incentive at all to stop and she is devastated.

When the two children were in care the granny had regular contact with the oldest, then contact was rapidly cut to 45 minutes every eight weeks. The 11 year old hasn't seen his brothers for over a year.

The granny has filed for Parental Rights and Responsibilities for the boy who lives with her, which social services are not contesting. Social services are however contesting a contact order raised by the granny and the oldest boy to re-instate contact with the two youngest and are claiming that there are no emotional ties between them. The boy of four is always happy to see her and calls out for her. The baby has not been seen since he was taken from the hospital at birth.

The granny has no objections to the adoption but is anxious that the children are kept in touch with her and their oldest brother. We strongly believe that the children's best interests are not being served here.

Proof once more that it is easier and cheaper to have children adopted if they have no family ties. This does irreversible harm to children and families and enforces the belief that social services need to be policed more, rather than be given more powers to ruin lives for the sake of the cheapest way out.

## **Alienation in care 2**

Heartbroken and near suicidal, was the call we received from one of our group leaders. Her grandson, that she was trying to get contact with for years through many court cases, allegedly told his curator that his granny used to hit him. Before this came about the grandson adored the granny but had been removed by Social Services and fostered out ready for adoption.

"My God what have they done to him, I've never laid a hand on him. One day the truth will out" she cried in her heartbreak.

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## **Social Services closed shop**

In September 1993 the oldest child of the family of five came to stay with her grandparents because their daughter was having her own problems. When they saw that at almost six years of age their granddaughter weighed only 30 lbs they decided to apply for custody of her. After a long court battle they eventually received full custody of their granddaughter in March 1998.

The grandparents were contacted in December 1999 by a social worker in Slough who informed them that they had become involved with a horrific case of abuse concerning their four grandchildren, the siblings of the oldest child they were already caring for. They were asked if they would be willing to provide a home for the children. As they had full custody of the oldest child anyway the grandparents said they would be more than willing to provide a home for the whole family. They were advised that if they stayed in the background everything would be all right regarding the children. In February 2000 the four children were taken into care.

In May, the Guardian ad Litem came to introduce himself and explain his role in the proceedings. He stayed for approximately 3 hours and took no notes. Before leaving he said he had arranged for the children to come the following day for a short visit. The children arrived the next day for a week's holiday then returned to their respective carers.

Following this visit contact with the children was on a weekly basis by telephone, arranged through the social worker. It was also arranged at this time that a local social worker would visit them and us on a regular basis to prepare an assessment for the court case in Slough.

By the time of the court hearing the social worker had changed. The Guardian ad Litem appointed a solicitor to act on behalf of the children and a child psychologist was appointed too.

Between August and September the psychologist came to assess the whole family. After these assessments were carried out all contact with the children was cut. A solicitor in England was required to continue the fight. In September, after requesting a visit from the new social worker that had been assigned and to update them on the progress, it transpired that immediately after the previous meeting she had gone to the local Social Services department and stopped the assessments they had been preparing since June.

At the court case in Uxbridge in January 2001 it was decided that the two youngest children would be placed in care. This was complete by February 2001. Since the case, nothing has been heard from Slough Social Services about where the children are or if the two older ones are together.

Only one person carried out assessments on the extended family, yet it was stated in court that the clinical psychologist, guardian ad Litem and social worker came to the same conclusion independently. The judge made his decision on these assessments and praised the social worker in his summation. Someone was telling lies and the judge's decision was based on those lies.

The grandparents discovered they were entitled to view all reports held by the local authority, so in December 2001 a solicitor requested all the papers relevant to the case, but they only received a copy of the assessments carried out by the psychologist. To date all other requests have been ignored. They then requested a complaint form, but only received one after a number of requests were made through the Department of Health.

Taking into account all the solicitor fees, court and travel costs the grandparents have paid out approximately £18,000, but like a lot of grandparents it is not the money. They only want to know that the children are being well looked after and if they can't have custody to be able to see the children and keep in touch.

Grandparents may be the only people that can tell children in later years about their family and medical history.

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A grandmother and her daughter had a fall out. It was one week before Christmas 1999; a special time for all families, especially grandparents and their grandchildren. Sadly the fall out was taken as far as stopping the children from seeing their Gran.

In desperation the grandmother reverted to court proceedings because of her daughter's determined attitude. However, she was always ready to resolve the matter outwith court at any time if an agreement or reconciliation could be reached. The judge stated in court that she had been a loving caring grandmother for the previous eleven years.

Alas during the three year court battle, the daughter dug in deeper making all sorts of allegations towards her mother — none of which were true. As well as convincing the children their grandmother was bad, she even convinced her brother that their Mum was a bad person. The grandmother now has no family contact with either her own two children or her grandchildren.

Many court appearances took place over the three years in question. The first solicitor dropped out and the 'eleventh hour' solicitor, who was a fighter, tried his heart out, but pressure from the Sheriff even had him asking the grandmother to call it off. Although the court proceedings were proving futile, she fought on. The Sheriff's attitude was that grandparents had no rights at

all. The solicitor was not given the chance to bring in solid witnesses to prove that her daughter was telling lies about her.

The judge's decision was that, despite being a loving grandmother, she was allowed no contact, not even a birthday or Christmas card and that raising the action had upset the children.

Following up on this case, four years later, the children's mother split up with her husband (not the children's father) and left the children with him. The children have now lost their Mum and Grandma because of one person's selfishness, their Mum's. Was the court's decision in the best interest of the children? Or could help and support have conquered the problem?

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### **Through the eyes of a child.**

I have lost contact with Dad. I love him and miss him. My Mum and Dad had been fighting for ages and eventually Dad left home. He went to stay with Gran and Granddad for a while but I'm not sure where he lives now because I'm not allowed to talk about him.

When Dad left he came to see me at the weekend, but Mum kept saying I couldn't go with him because I was ill, or busy or whatever, so he told her he would go to court to get to see me. More fighting.

Mum asked the judge to stop Dad from seeing me and he agreed. No-one asked me what I wanted.

I know Mum and Dad didn't want to stay married, but I can't understand why I'm not allowed to see Dad I didn't fall out with him. We used to live together, he's still my Dad and I miss him. What have I done wrong to deserve this? Was it something I did that made them argue? Mum tells me things that Dad has done, also things that Gran and Granddad have done. I know they used to be nice people 'cause I love them and I used to see them all the time. I miss them and my Auntie too, she was great fun, she used to take me and my cousins to the park and to feed the ducks.

When I ask Mum about it she gets angry at me and tells me I just have to do as I'm told and because the judge says Dad isn't allowed to see me I must run away if he comes near. One day I saw Dad outside school and ran all the way home crying in case the judge and Mum thought I was speaking to him. I miss him so much.

Mum has a new friend staying, he seems O.K. but he is not my real dad and sometimes when I say that, he gets mad and sends me to my room. I miss my Dad.

One day Mum took me to a court and the judge asked me how I felt about Dad, all I could say was that Dad was alright because mum was listening and I was afraid it would hurt her feelings if I said I loved and missed him. The judge said Dad was to see me every weekend. I was very happy and couldn't sleep for excitement that night, but then Mum said she wouldn't allow it. I cried myself to sleep again.

At the weekend when Dad came to collect me, Mum got very angry and started shouting at him. Someone called the police and they came and took Dad away. Mum says I will never see Dad now.

Mum had to go back to court and the judge told her she must let Dad see me, but she still refused. The judge told her she could go to jail for not doing what he ordered. Now I was

scared that Mum might go away too, perhaps while I was at school, so I pretended to be sick so that I didn't need to go to school in case something happened when I wasn't home.

Mum's been to court a few times and was told the same thing again and again. She laughs and says I will never see Dad. No-one cares what I want or how I feel. She's still angry with him and doesn't care that I get hurt too. I wish we could all be a family again like we used to. I want my real Dad back, even if I could just see him I would feel better. I could tell him about school or my friends and the birthday party I was at last week.

I cry a lot but still Mum won't let me see Dad. She says I need to get on with it like she has to. Dad, Gran and Granddad send presents for my birthday and Christmas but mum sends them back. The presents were not for her.

I feel angry about Mum and what she's doing. No-one listens to me and what I want. She is pleased when she hurts Dad. She forgets she's hurting me too. I hate all the arguing, strange people asking questions, going to court. Why can't someone help us all?

I am going to the big school after the holidays and I'm scared. Some of the girls at school have started picking on me because I miss school so much and because I'm always sad or angry. We don't have much money now because Dad won't give Mum money if he doesn't see me and I can't get the right trainers, so they pick on me for that too. Will I be able to do the work at the academy and will I make new friends? I miss talking to Dad about things.

I wish I was sixteen and could see Dad - if I can find him.

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## **Grandparents coping at Christmas 1**

This will be our fifth Christmas without contact with our granddaughters who are now 10 and 11 years old. December 25<sup>th</sup> was the only day of the year they spent with their maternal grandparents. We never saw them on That day but always spoke on the 'phone.

The magic of this time was in their anticipation and boundless excitement, our shared preparations and the traditional family party and panto trip at the end of December. Because the children stayed with us every weekend, together we were able to make cards, decorate the tree, constantly sing carols and there were numerous updated letters to Father Christmas to supervise. Their excitement was contagious. I realise that they will now have outgrown many of the activities we did together, their anticipation and pleasure will be in a more adult form but still enjoyable to experience and share.

Basically I cope with their absence by making Christmas as ordinary as possible. Early preparations enable me to avoid the stores and city centres with their Christmassy promotions. By mid September gifts are bought and wrapped, cards are written and ready for posting. In December I switch off the radio and listen to CD's instead to avoid hearing carols. Other grandparent's plans to share Christmas with their grandchildren are heard and greeted with a fixed smile to stop me breaking down. Received cards remain stacked on the sideboard, there is no decorated tree in our home, no family gathering, and Christmas day is spent walking, usually along our nearby coastline.

From being a child, Advent and Christmas have always been very special for me. Now I try to forget their existence. Without sharing their meaning and happiness with our grandchildren they have become lonely and heartbreaking times of the year, to endure and ignore.

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## **Grandparents coping at Christmas 2**

I don't know how we will get through the Festive Season. I can't face putting up the tree or even doing the Christmas shopping. I just want to sleep until it's past. We have two lovely grandchildren and we won't be able to see them or give them their presents. We have done nothing wrong, we are just the parents of the father they are not allowed to see either.

Our son and his wife separated early this year and relations between them are not good, so our daughter in law has stopped us seeing the children, presumably to hurt our son more than us. We have tried to offer the olive branch, but without success.

However, our big concern is what this is doing to the children. We used to collect them every day from school and have them until either their Mum or Dad finished work. We would also babysit some Saturday nights to let them have a night out. Our grandchildren must miss us terribly and wonder why we can't see each other. I know what we feel like and we can sort of understand the situation, so God knows what they must feel. It has been eight months now and it must seem like a lifetime to them.

We all got on well and we never fell out with our daughter in law so why is she doing this? Why is she taking her anger at our son out on everyone else, especially her own children? I keep imagining the hurt in their eyes or their tears as they fall asleep. I wonder if they hate us for deserting them or blame themselves somehow.

Our son has tried to have contact re-instated, but the court process is so slow and an order granted for contact was ignored. What can we do? Maybe if their solicitors had suggested mediation earlier, before the bitterness set in it would have been better, but there doesn't seem any way back now.

Children are for life to nurture and love, not something to be used as a weapon in a fight. How can we get through this time when everyone is supposed to be so happy, when our hearts are breaking? I'm dreading it.

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## **Grandparents coping at Christmas 3**

As Grandparents this is our first, our Grandson is 1 year old and we are having to go through the legal issues of access. The court allowed in-direct contact only last year when our grandson was a month old.

We were planning a special family Christmas and this was agreed by the parents. The promise was not kept. We were told by our daughter in a telephone call that we were never going to see her son again.

After all the purchases of gifts from us, family and friends and all the support, it has hurt us to be told we are not going to see our grandson. We hope that being a young mother our daughter would not continue in telling lies and face up to the truth. We love our daughter as she will always be our daughter. Not seeing our grandson like we used to hurts terribly.

We can only hope for common sense.

Oh we wish the Government would bring us grandparent's rights. Why are they holding back,



we birth our children to bring us grandchildren and not to hurt us, when we have done nothing.

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#### **Grandparents coping with Christmas 4**

Last Christmas was dreadful, no contact was given to see the children at all. We had to leave their presents at mum's parents' house. Our son felt desolate, upset and very saddened that the children would not know he cared about them at Christmas time. I felt the blow really hard as I had to watch my son and daughter crying because of no contact with the children.

It felt humiliating having to leave presents with their other Grandma. To help us, we made a video for the girls, saying how much we wished they could have been there; singing carols and showing off our Christmas gifts. We haven't shown the children the video, it was more an exercise to help us miss them less, give a feel that they were sharing and enjoying the day too.

Things have progressed, court hearings, cafcass etc... although there is a contact order since August 2005 for weekend visits by the children every 2 weeks, contact has fallen on both children's birthdays and this year Christmas Day, their mother did not allow us to keep these dates or to visit with presents on these dates.

However, we can see the children on Boxing Day, including an overnight stay. Surely with Dad having parental responsibilities now, can't these celebration times be shared? I am very fortunate that my son realises the importance of grandparents in his children's lives, I know there are grandparents who are suffering as I did, this is tragic.

## **Chapter 5 – The rights of the children**

Our heartbreak led us to find out that we had no rights in relation to our grandchildren, but we decided to find out if children had any rights. They do and our fight to make a difference focused on this.

### **UN Convention on the Rights of the Child**

#### ***Article 8***

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

#### ***Article 9***

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.
2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.
3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.
4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

#### ***Article 26***

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.
2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

## ***Article 27***

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.
4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

## **Chapter 6 - Gathering the ammunition**

We felt that grandparents and grandchildren were getting a raw deal, not being recognised in their grandchildren's lives was a total insult to them and a great loss to the children, so we set about writing to Justice Minister Cathy Jamieson about this injustice and continued to lobby all MSPs in Scotland and MPs in England.

Highlighting the issues and problems and showing how common this heartache was becoming had become our life's work.

A petition gathered 3500 signatures in Scotland and 1500 in England and Wales and was handed in to Downing Street by our Equal Parenting Coalition partnership and we made a speech in the House of Commons on behalf of grandparents and grandchildren.

We had meetings with the Scottish Executive to put forward our case. After a few meetings with the Executive and many petitions and getting our ever increasing membership to write to their MSP we started enlisting the support of the general public. The information we provided and the facts of our cases, that such a thing could happen today, amazed many a person in the Executive at our meetings.

We backed up our information with snippets like the story in a local newspaper when a judge asked who the Spice girls were, right at the height of their fame. The feeling amongst us was that too often judges lived a life so far removed from every day people and updating them was crucial to help our us and our grandchildren.

One of our members has a son, brought up in Govan Glasgow playing in the back courts like other working class families. The boy is now a professor (a brain scientist). He now has a family, but their life is a far cry from their Dad's. The circle they live in knows no poverty or hardship. They will grow up to be doctors, scientists MPs or whatever, too often without having real experience of how ordinary people live. Are there enough representatives from the commonsense population to put forward the real needs of the people or will we continue to have authorities who know nothing about them at all.

Children have been proven to be at risk when their mother brings strangers into the home and in some cases have been abused and murdered. The torment fathers and grandparents go through knowing this could and does happen is unbearable, yet biological dads and grandparents are treated as a bigger danger to the children in a separated family.

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### **Gaps in child care**

Above all we want to fill the gap in the law that exists in the protection of children. The gap is that the child's best interests are not always being served by Social Services, the courts and professionals across the board. Especially in the home when children can be alienated, abused, used as weapons or blackmail. In the home, where child abuse is on the increase, their rights can be zero. Grandparents without legal rights are not able to protect the children and speak up

about abuse without the fear of excommunication from their young lives, if we don't have contact we cannot help.

## Questionnaire

A questionnaire was sent out to 500 members and 135 were returned, enough to establish a pattern of the problems grandparents face.

Although we were well aware of the problems faced by grandparents, the statistics alarmed us.

### Questionnaire - questions made up from complaints most commonly heard

		%Yes	%No	% N/A
Q1	Have you experienced falsified reports from the social services	33.6	42.0	24.4
Q2	Have you been bypassed by social services regards your grandchildren's welfare.	43.5	32.1	24.4
Q3	Have you experienced injustice from the courts.	47.3	27.5	25.2
Q4	Are you having /had problems getting a contact order enforced.	42.0	29.8	28.2
Q5	Have you had a court order against you for no real reason.	26.7	49.6	23.7
Q6	Do/did you find the court system too slow.	60.3	10.7	29.0
Q7	Do/did you find legal advice given you was correct/good	31.3	44.3	24.4
Q8	Do/did you find your grandchildren are/have been brainwashed against you.	78.6	10.7	10.7
Q9	Was/are your grandchildren used as weapons against you in arguments.	79.4	10.7	9.9
Q10	Should mediation be made compulsory in family disputes to encourage compromise.	93.1	5.3	1.5
Q11	Have you experienced one person having ultimate control over a family.	91.6	5.3	3.1
Q12	Do you think family education/contact/mediation centres would help if mandatory.	92.4	5.3	2.3
Q13	Do you think it would be better if disputes could be dealt with outside of courts where possible.	97.7	2.3	0.0
Q14	Do you think that laws are necessary to ensure attempts at family unity have the best chance of success.	95.4	3.8	0.8

## **Analysis of Questionnaire results – sent to 500 members and contacts.**

- Q1 and Q2 Relate to problems with Social Services and show that **76%** of replies had dealt with Social Services and almost half of those had experience of falsified reports, over half felt they had been by-passed in relation to their grandchildren' welfare. This gives rise to great concern for all involved.
- Q3 Of the replies **47%** have experienced what they see as an injustice from the courts.
- Q4 From our replies **72%** have had court orders granted, yet **over half** have had problems with enforcement. Refer to Contact Section of our Family Conciliation, Education & Contact Centres.
- Q5 **27%** of replies feel they have had a court order granted against them for no real reason. Refer to Education section of our Family Conciliation, Education & Contact Centres.
- Q6 **61%** of the replies find our current court system too slow. Refer to Conciliation section of our Family Conciliation, Education & Contact Centres.
- Q7 Asked if problems had been experienced with legal advice. Of the replies **76%** that had sought advice over half of those felt the advice given was wrong or bad.
- Q 8 and Q9 Almost **80%** in each question show suffering to the children because of Alienation/ brainwashing and blackmail (mental cruelty). Refer to our Education section of our Family Conciliation, Education & Contact Centres.
- Q10 Based on their own experience **93%** of replies see Mandatory Mediation as a solution to the problems today. Refer to our Family Conciliation, Education & Contact Centres.
- Q11 Based on their own experience **92%** of replies have experience of one person having ultimate control over a whole family. Refer to Education section of our Family Conciliation, Education & Contact Centres.
- Q12 Based on their own experience **93%** of replies think that the Centres would work best if mandatory. Refer to our Family Conciliation, Education & Contact Centres.
- Q13 **98%** of replies think it would be better if disputes could be dealt with outside of courts. Refer to Mediation section of our Family Conciliation, Education & Contact Centres.
- Q14 **96%** of replies want a change in the law to ensure attempts at family unity have the best chance of success. Refer to our Definitions of Contact and suggestions for Family Conciliation, Education & Contact Centres.

## Chapter 7 - Making a difference

Early on, at Kilmarnock Group meetings we met with Cathy Jamieson MSP Justice Minister, Margaret Jamieson MSP and Des Browne MP. The ethos at these meetings was that they were listening to us and learning about the issues and were keen to improve the situation for all.

### **Mandatory Mediation – Family Education – Presumption of Contact Ending Alienation – Help for Grandparents caring for Grandchildren**

We suggested centres for **Family education/Mediation/ Contact** totally geared towards the family, with **Mandatory Mediation**. Without the Mandatory aspect it will be very difficult to make Mediation work. Agreement is not mandatory, the effort should be.

**“Alienation”** would become a thing of the past as children would be mixing with the wider family and will know the truth anyway, for themselves. They would have the right to decide who they maintain contact with, without brainwashing.

**“Mandatory Mediation”** with a counsellor would encourage families to resolve their differences together rather than attending voluntarily. Making adults think of the welfare of their children rather than just their own selfishness, would ease any bitterness.

**“Contact for grandparents”**, if there is no legitimate reason for grandparents to be denied contact, the grandparents should not be refused contact, because it upsets the parent or their new partner. No one wants to separate the children from their mother unless the children are in danger, least of all grandparents who love the children and want what’s best. So contact just in Family Centres if necessary could be worked out by mediation and the agreement enforced if needed.

**“Family Education”** New partners must be educated to understand that existing children have family ties to non- resident parents and extended family. Young mothers need all the help they can get and should be encouraged to accept the help available and need to know how the children are damaged by needless bitterness in family arguments.

**“Grandparents”** in a lot of cases need to learn to let go of their children, if they let them go as children they will return as friends more eager to accept advice that is not forced down their throat. A young mum would be delighted with the help and advice from the grandparents that is not patronising and with the attitude that grandparents know better, got the T-shirt etc.

**“Family harmony”** needs to be worked at by every member of the family if it is to work, maybe if children are brought up without alienation and being torn apart by arguments and court cases, we would have better citizens in future. When children see adults compromising they will learn to do the same. **“Children live what they learn”**.

**“Grandparents Caring for Grandchildren”** To comply with the UN convention on children, Articles 26 & 27, which UK signed in 2000, the authorities must make sure children are being properly cared for. **This is not happening today**, grandparents are caring for grandchildren permanently, without help or assistance, some only on state pension, trying to keep their grandchildren in a home environment. It appears the authorities would rather remove the

children in these circumstances than pay needy grandparents a carers allowance, like foster carers get. It is double standards, grandparents are regarded as irrelevant people on the one hand, but if they say nothing, living in fear of losing what contact they do have, they are used as unpaid foster carers.

Article 8 of the European Human Rights Act states "The family consists of Mother, Father Children and also includes Grandparents, authorities are ignoring this having already agreed to this too, more double standards.

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### **Family Conciliation, Education & Contact Centres.**

Each Centre would be run on a day to day basis by a co-ordinator whose duties would also cover financial organisation.

Each area would have a 'committee' that would oversee a group of local Centres e.g. Glasgow & District, Ayrshire, Lothian etc. The committee would be a mix of funded employees and volunteers preferably with experience of family problems. A committee member would spend time at each Centre on a regular basis to ensure standards are being met and to pick up on any ideas or improvements that could be passed on to other Centres.

Funded staff required for each Centre (all must have a focus on family unity)

- 1) Co-ordinator – responsible for day to day running and admin duties.
- 2) Educator / counsellor – trained specifically in family issues.
- 3) Conciliator / Mediator – trained specifically in family issues.
- 4) Crèche leader – with appropriate training.

Suggested names – Family Unity Centre / Family Resource Centre / Family Care Centre

Accommodation requirements

Area 1 – Office / Reception / Toilets

Information would be available relating to the Centre. Leaflets on how to help keep families in contact and the benefits of family unity.

Area 2 – Education room

Where parenting classes would be held on a one-to-one basis or in small groups. We suggest a Grandparents Apart Group member could be present to assist. See below our suggested line for education.

Area 3 – Conciliation room

Where conciliation interviews and meetings would take place. See below our suggested process.

Area 4 – Contact room / Crèche

Where children could play while adults take part in education or conciliation sessions. Where the children would spend time with the non-resident parent or grandparent in a communal play area with a Centre member present. There would be less pressure on adult and child if there were other people in the room and the children could play together while slowly gaining confidence with their family member. There should also be a 'corner' where child and adult can have a quiet time with each other if this is appropriate.



This room could also be used in circumstances where a non-resident parent or grandparent has been granted a contact order, but the resident parent has flouted that order. If the resident parent was sentenced to some form of community service as punishment, the children involved could spend time at the Centre, with or without the non-resident parent or grandparent.

#### Area 5 – Waiting room

Where a resident parent could wait if required, while children spend time with the non-resident parent or grandparent. They would perhaps feel easier and more likely to co-operate if they were on hand should any problems arise.

#### Additional points –

- 1) It may also be possible to find some way for violent partners to spend time with their children, if the child's safety is not at risk, without the adults coming into contact.
- 2) All services need to be available in the evening and at weekends to suit working families.
- 3) Set timescale limits must be set down and adhered to so that the problems don't drag on for months or even years because of one party's lack of co-operation. Time is of the essence to prevent 'Alienation Syndrome'.
- 4) Some form of enforcement is required where parties have reached agreement, so that the agreement is not breached.
- 5) Conciliation must be mandatory to give family unity the best possible chance for the benefit of the children.
- 6) Before Legal Aid is granted or a court date arranged, both parties involved would have to show evidence that attempts at mediation and conciliation had failed, perhaps in the form of a report from the Centre.

This would have three main advantages, as it would save immense amounts of funds and speed up court processes because there would be less cases go to court and far fewer claims for Legal Aid. Last but not least it would be much less stressful for all involved, most importantly the children.

- 7) The Centre must be in a pleasant, safe environment. It must be welcoming to encourage people to come forward for help. It must be well maintained and presentable.
- 8) There would be no Social Services control or involvement. A social worker may be assigned to bring a child to have contact with a relative.
- 9) A huge publicity campaign must be a priority to ensure everyone knows about these Centres, not just families with problems. People must know about them so that they will come at the earliest opportunity before too much damage is done to the family.

## **Education**

At parenting classes parents would learn the benefits of family unity and how the child is affected by an adult's behaviour.

Suggestions and discussions about how compromise can be achieved in less than perfect circumstances. Adults need not agree with each other, but can still find middle ground for the benefit of the children, because the children are the main concern of both parties.

It would be explained that in general circumstances it is not a benefit for the child to be denied contact with a non-resident parent or extended family.

New partners need to be helped to understand that children involved already have a relationship with family members and the damage it causes to them to suddenly be denied contact.

Education to prevent 'Alienation Syndrome' is paramount.

## **Steps to family unity –**

- 1) Remember first and foremost this process is for the benefit of the children and family unity. The situation could be delicate, don't lose your temper. Agree to disagree.
- 2) Building bridges is easier than bulldozing. Be friendly. You don't have to love someone to be civil.
- 3) Remember the children are the responsibility of their parents and they must be allowed that privilege. You raised your family your way, let them do it their way.
- 4) The mother may be new to motherhood and can be very sensitive. She must be encouraged to gain confidence. Learn to bite your tongue.
- 5) Grandparents should not present the 'got the T-shirt, saw the movie' attitude. Don't dominate, suggest.
- 6) Grandparents may have to learn to take a bit of a back seat and present an attitude of friendship rather than criticism. Be prepared to muck in when required, but step back when not.
- 7) New partners need to be guided how to deal with and accept existing family members.
- 8) Learn the principle of co-operation, not manipulation. Learn what is expected of each of you in these roles, how not to step over the line.
- 9) If you are interested in being in your grandchild/ren's lives and improving their lives, be prepared to attend conciliation and education groups.
- 10) Be prepared to talk about the problems you are experiencing and listen to how other people cope, learn from others.
- 11) Be patient, results may not happen overnight, but with effort they will.

12) Above all, you want to be proud of your family, so you must work to achieve that as a family.

**Conciliation**

The first meeting should take place within a minimum timescale e.g. two weeks from first request. Time is of the essence.

Mandatory conciliation does not mean mandatory agreement, but it will mean that there will be an increased chance of a resolution.

First meeting – non-resident parent / grandparent

Discuss how the dispute has arisen and what common ground exists. Also what compromises the adult is prepared to make to enable improvements in the relationship, even if it is just 'to agree to disagree' and move forward. The mediator would explain the harm disputes cause emotionally to the innocent child/ren involved and emphasis that the child/ren's needs are paramount.

Second meeting – resident parent (same week)

Same content as above

Third meeting – non-resident parent / grandparent (following week)

Discuss any common ground found from the initial meeting and put forward any suggestions for compromise to hopefully avoid confrontations when the two parties meet. Explain that this is the time to move forward and that the past should perhaps stay in the past.

Fourth meeting – resident parent (same week as third meeting)

Same as above

Fifth meeting – all parties (within one month of initial request)

To work out a suitable contact relationship which will enable communication and co-operation in the best interest of the child.

Subsequent meetings may be required at each stage, but must not be used as a delaying tactic.

A follow up visit / report may be a good idea to check no additional help or support is required.

Where agreements cannot be reached, arrangements should be made for contact via the contact area of the Centre to avoid any further separation.

NOTES – Any particularly difficult cases, or cases where a safety issue exists should still be dealt with by the courts, but because fewer cases will be referred to court, the speed with which they can be dealt with will be greatly improved.

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## **Our definition of legal rights of contact for grandparents / grandchildren.**

Contact with, not control of, our Grandchildren. On going communication by phone, letter etc. If visits can be arranged even better.

We are proposing presumption of contact NOT rights and responsibilities over the children.

Being able to send your grandchild a birthday card or present would not generally be considered a problem.

Our main concern is being able to keep in contact with the children and that the children know we are there if they need us. Also that we know where they are living and that they are safe. Unless there are genuine safety issues, this is not unreasonable. Laws are already in place to protect the vulnerable.

Ideally Grandparents would love to be involved and help out, babysit, comfort and support, but this isn't always possible because of geography. But if geography is the only problem at least they will have some contact and know where each other are.

Grandparents have a lot to offer – love, security, a safety net, stability, time to listen, teach and play games, and of course family history, medical and incidental.

It is a proven fact that when parents separate, the ones who suffer most are the innocent children involved. As it stands the law is allowing the resident parent to wipe out a whole family. If Grandparents feel bereaved and we do, just think how the children must feel.

If there is a drugs issue would it not generally be better for the children to remain with family, rather than have them taken into care? Social Services need to be answerable to someone and need to communicate with the wider family.

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## **Our suggestion for a commonsense solution.**

Change the law to give **PRESUMPTION OF CONTACT** then the resident parent will know ahead of any challenges that they cannot simply wipe out a family from the child's life.

This will encourage those involved to attend conciliation/crisis counselling, which will assist in finding middle ground and compromise.

Where adults cannot resolve their differences, this has to be **MANDATORY** to avoid the manipulative parent being uncooperative. At present, often very little effort is put into this by the controlling parent, meaning little chance of compromise.

Contact Centres should be available so that the children can meet with the other parent or grandparent without the adults having to come into contact, saving stress for both adult and child. Suggest 2-3 hours per month minimum, or by agreement.

Lawyers should be trained to encourage compromise in family issues, not one-up-man-ship.

The judiciary should be trained to look at the whole picture and what really is "IN THE BEST INTEREST OF THE CHILD" not the best interest of the resident parent and her partner or what at first seems to be the easy way out or the most financially lucrative.

If a Legal Right of Contact became the norm and everyone was aware of it, fewer disputes would go as far as court. This has to be better for everyone concerned, especially the children.

These solutions will require some funding, but the money and time saved in Legal Aid and Court costs would soon be recouped. The cost saved in human heartache is not quantifiable and if children grow up to see the adults around them compromising and cooperating, then they in turn will grow up to do the same.

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**Some useful tips for parents and grandparents.**

**PARENTS**

***IS SOMETHING MISSING IN YOUR CHILD'S LIFE ?***

Have you – fallen out with your partner / parents / parents-in-law?

Have you – refused your children the right to see or visit their parent or grandparent?

Have you – dug your heels in, exercising all the 'power' over everyone and feeling good?

Do you – alienate (brainwash) your children to dislike their parent or grandparent, then say that it's the children who don't want to see them?

Do you – use your children as weapons to win an argument with their parent or grandparent?

Do you – wonder why as your children get older, how disrespectful they've become?

Do you – know that nursery and primary school children talk about their family as part of their schooling? Is yours the odd one out when they have nothing to say?

Do you – hate the parent or grandparent so much that you are willing to put your child and yourself through this emotional hell?

Do you – know this is child abuse? that the children suffer most in the long run?

Are you – horrified by this? *Are you guilty without realising it?*

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**Grandparents**

***STOP AND THINK***

1) Learn to bite your tongue.

- 2) Don't dominate, suggest.
- 3) Remember the children are the responsibility of their parents.
- 4) You raised your family your way, let the parents do it their way.
- 5) You've done it before (seen the movie etc) let them build their own confidence.
- 6) Be friendly, you don't have to love or like somebody to be civilised.
- 7) If you are able, be prepared to help when asked, step back when not.
- 8) If you are estranged, try writing to the parents. Stress that it is the whole family you would like to see not just the children. The mother can feel left out, so befriend her especially. Be prepared to 'give' a lot if you want to get back into your grandchildren's lives.
- 9) Find out where Mediation is available in your area. Be prepared to attend.
- 10) The situation is very delicate, never lose your temper, be prepared to accept you can be wrong, agree to disagree.

Grandparents often being wiser and having more time to think about life will spot younger ones making mistakes. In this day of rush, rush, rush that can happen. We know it can hurt to see them do it, but you can't put an old head on young shoulders and it could possibly be the right way for them. Perhaps not your way, but you have to accept that. Loving them doesn't mean you have to control them or criticise them. Ask yourself, with all the mistakes you made in life, how did you turn out? You survived!

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## Chapter 8 - Our campaigning



Lobbying the Scottish Parliament.



Spreading the word at meetings



Walking for the cause.



Petitioning Downing Street

Our group was asked to join the Equal parenting Council for England Scotland and Wales which we did and contributed 3500 signatures from Scotland along with 1500 from England and Wales. We travelled to Downing Street to hand in the petition but were excluded from the hand in committee which we felt was a slap in the face. However it did not deter us from cooperation for the cause. Our chairman gave a speech in the House of Commons for grandparents which went down very well.

We were invited to a Tory party conference on family law in Westminster where Michael Howard supported a presumption of contact for wider families. Promises while in opposition are great, but what a party does when in power is what matters.

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We have the support of much of the general public shown in petitions. We submitted a petition to the Scottish Parliament with 3000 signatures agreeing that grandparents should have a right of contact with their grandchildren and another with 3000 signatures asking the Scottish government to comply with Article 8 of the Human Rights Act, which the U.K. government has signed up to comply with. Article 8 states that Grandparents are part of the family. We also have **cross party support of many MPs and MSPs**, some of whom agreed to be our honorary patrons.

We spent long hours gathering information to give to the Executive. We did many TV and radio spots and countless newspaper articles and press releases highlighting the problem and what we were trying to do to help. We even hosted a radio programme for three Fridays on Sunny Govan Radio, playing some music and telling the public about the issues involved.

During this work we realised that fathers were getting the same raw deal as grandparents, with courts and social services disregarding their value to children and too often ignoring the fact that many fathers have Parental Responsibilities and Rights. We also realised that this problem was reflecting on many paternal grandparents and to help one would help the other. We therefore began to concentrate on the whole family issue and how children were suffering because one person had been given too much control, supported by the current legal system. Because children usually live with their mother this was the person given all the control and children were not benefiting from this. We had to try to find some way of highlighting this unfairness to children, without mothers fearing they would lose control.

Listening to some of the men's groups we felt their frustration, in some cases fully justified frustration, and climbing buildings had its usefulness in publicising the problem, but the time had come to get around the table to negotiate. That's been the whole point of our work. Negotiation, not confrontation.

Along the way we also realised that many grandparents are looking after their grandchildren, formally or informally and are struggling financially because they are afraid to speak up to ask for help for fear that the children could be taken away from them and placed in care, as is sadly too often the case. We had to help them too.

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## **The Children's Champion**

One person we spoke to was the Commissioner for Children, Kathleen Marshall pointing out that children can be dragged away from their carer when it suits the birth parents. Repeatedly we have come across children that have bonded for years with a carer or grandparent. The parents who usually were visitors or complete strangers come along and take the children away. It is the worst thing that can happen to a child to be taken abruptly from the people they have bonded with. By the time it reaches court the damage is done. There should be a programme to soften this sort of transfer from the outset as from our experience this is devastating to children, a trauma that takes years to recover from if they ever do.

Kathleen Marshall listened very intently to our concerns about the best interests of the child principle being lost to financial constraints. The following week she issued a statement to say the children's best interest principle was not being adhered to.

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## **MSPs**

Rosemary Byrne MSP arranged a meeting for us to speak to MSPs and their researchers at the Scottish Parliament. Our expectations and suggested solutions were well received and we were congratulated on how quickly we had reached the position we now found ourselves in - in Parliament talking to the people who could make things happen. We could not waste this opportunity.

Rosemary also arranged for us to meet with Children in Scotland to discuss with them our problems, potential solutions and how we saw the problem affecting children. Once again our evidence was well received and our input noted.

We are feeling justifiably proud. We are opening eyes and raising awareness to the plight of our children. We are making ground.



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**Other meetings**

We met with a group that has similar interests to ours in that they help grandparents not receiving support to look after their grandchildren full time. The Glasgow Association of Family Support Groups (GAFSG).

We had several meetings with David Cummings of Glasgow Council on this subject and wrote to Ewan Robson MSP, the children’s minister, who informed us that payment for grandparents in this situation was at the discretion of the local council and should not be far off carers’ rates. However the local council said they did not receive money from the Executive for this purpose. Passing the buck back and forth does nothing to help children.

A lot of publicity was raised on this subject and Glasgow did receive a sum of money for grandparents and promises from the executive that it would be considered for national payments. Another success.

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**Civil Servants**

We were invited to attend a meeting with Moira Wilson and Carol Duncan, members of the Scottish Executive Justice Department; the civil servants who run our government, despite the fact that they are not voted into their job by anyone.

We gave them our collated information and our suggestions to help reduce the problems. They were extremely surprised by what we told them actually happened in practice when families separate or fall out.

What had happened to the petitions we’d handed in? What had happened to the generous amounts of information we’d already given to the people who run our country? No-one knew, no-one had any answers. But our foot was in the door, we had to make the most of this opportunity.

Through this and following meetings we were invited to take part in a Stakeholder Group to create two non-legislative documents to run concurrently with the Family Law (Scotland) Act 2006.

At a later meeting we questioned Carol Duncan about non-compliance and what was to be done to prevent it - Carol Duncan’s reply was basically ‘too bad’. They had no intention of doing anything about it.

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**Scottish Law Society**

We wrote to the Scottish Law Society and presented them with our questionnaire results, showing the public’s dissatisfaction with their members. Their response was that it was grandparents that had lost their cases who were the ones that were complaining.

## Letter in response

At a recent meeting we were discussing mediation and the role that early mediation plays when families separate or find themselves with communication problems. It was suggested that at present CALM solicitors promote mediation as a first step before resorting to court proceedings.

However, the experience of our members and many others is that various correspondence is entered into and often court appearances made, increasing and sometimes causing animosity and divisions in families before mediation is suggested.

Therefore we feel that it would be in the client's best interest and more importantly that of any children involved, that the first correspondence should be to invite the other party to attend mediation and to explain the benefits of that and any agreement reached voluntarily. The only exception to this procedure would be where there is a proven safety issue.

More family solicitors should be trained as mediators, giving a better all round service to their clients, rather than a quick profit making scheme as is the current profile of solicitors.

We feel strongly that the benefits early mediation would give to families would very much raise the profile the general public have of solicitors, therefore giving potential for increasing business.

We sent you statistics earlier this year as a result of a questionnaire sent to our members and contacts. You chose to interpret the dissatisfaction in the responses as dissatisfaction of the outcome of the case rather than dissatisfaction with the solicitor. However, it is in fact the case that people are too often given false expectations by the solicitor and so part with their hard earned cash for that purpose, only to find that the expectations they have been given are unrealistic with the present laws.

As a grandparents support group trying to encourage family unity we feel strongly that the Executive's decision to change the attitudes of the professionals involved in dealing with families in every aspect, has to be the way forward. We would be very pleased if your organisation would encourage its members to move forward in this less confrontational way.

We received no response to this.

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## Social Services

After presenting our questionnaire to social services headquarters, we received a reply saying that the figures were not very encouraging and would be fed into the computer to assist in the reforms.

Soon after -

**Scottish ministers announce the biggest reform of social work in almost 40 years.**

The review comes in the wake of several high profile cases where social workers were heavily criticised. It is thought recommendations will focus on team leadership and management while

calling for a review of society's expectations of social workers. The review is partly prompted by the continuing difficulty in recruiting and retaining social work staff.

It follows public scandals such as that of 11-month-old Caleb Ness, who died at the hands of his brain-damaged father and the abuse of a young adult in the Borders. However, ministers insisted the driving force was the huge change in society since the last major reform in 1968.

As well as making recommendations on the improved operation of social work departments, the review will also focus on public expectations and modern society's blame culture. It will stress that social workers cannot be expected to have all the answers in Scotland's ever more complex communities.

However, Grandparents Apart believe that education in commonsense would go along way to sorting out many of social work's problems.

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## **Legal Aid**

We attended a meeting about how our Legal Aid system could be improved. When we informed the others that too often court orders are defied and Legal Aid continues to fund the case they appeared surprised. Their stance was that 'Solicitors are supposed to inform the Legal Aid Board if this happens and Legal Aid would be reassessed and perhaps withdrawn'. Biting the hand that feeds you comes to mind. Do they really assume that solicitors would cancel their gravy train?

Suggestions to make the remuneration for solicitors geared towards reward for early resolution, instead of them gaining financially by dragging the case out were received favourably by solicitors present.

It was suggested by the convenors that there would be a follow up meeting in two to three months, but this has not happened almost a year later.

## Chapter 9 – Our Campaign widens

We had to widen the scope of publicity. We had to raise awareness across the nation. We started creating press releases, with various angles or if a particularly bad case came to light, hoping national newspapers would take up the article and even more people would know about us and know where to get help if they found themselves in this awful position.

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### Non compliance with court orders

A court makes an order in the best interests of a child to have contact with its wider family. When the court order is ignored the person ignoring it is in contempt of court. This contempt carries a punishment of a fine or imprisonment. This has worked perfectly well for years, ask anyone who has been sentenced for contempt.

Through publicity it has been brought to the attention of the general public that there are people who are committing contempt of court (flouting the law) and not receiving the punishment laid down by our law.

This is well known by the Executive. They have been well informed of it. The new Family Law Bill due to be made law in the Spring of 2006 does not address this problem.

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### Press release 1- British Justice, a farce or what?

One Monday morning a sheriff (Judge) was feeling off colour. First case up was big Mary. "What is it this time Mary" muttered the sheriff "Am definitely no' letting that man o' mine near ma kids, no matter what ye say I cannot stand him because of the life he gave me when we were together" said Mary. The sheriff gave a big sigh and said to himself "*whit a bloody start tae a Monday morning, why do I always get these cases?*" "But Mary, that contact order was made in the best interests of the children, can you not see that?" Mary answers "that may well be, but it's a drag waiting in for him every Monday night especially as I've got a new boyfriend coming round, a don't want him meeting that idiot".

"This is the third time you have been before me for refusing to comply with the court order. Do you know I could send you to jail?" said the sheriff, to which Mary replied, "who will watch ma weans if I'm inside? It's in all the papers we are not being jailed for refusing to allow contact, it would be bad publicity if you jailed me".

The sheriff really blowing his top, but trying to compose himself said "I'm going to give you one more chance and I hope (and pray) that you will comply so please, please go away and think about it, I really would not like to send you to jail" (*got myself out of that nicely*).

OK your Worship, thanks a lot. (thinking to herself) "If he thinks I'm worried he's off his head, they'll no send us to jail".

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## **Press Release 2 - Are our children protected properly from drugs?**

It has been reported there are 500,000 addicts in the UK. How many of them are passing their habit on to their children? 35,000 children under the age of 16 in UK are using heroin. Who is protecting them? The authorities refuse to give grandparents the right to try and protect them.

One of the reasons grandparents are cast aside can be to prevent them finding out that parents are having problems like splitting up, drink or drugs etc. At the moment grandparents have no legal rights to contact with their own grandchildren and being considered irrelevant persons in law, are too easily refused contact with them. The law makes it all too easy to have grandparents barred legally, merely because of their concern.

Most parents have nothing to hide and grandparents are usually an asset to any young family and everyone is horrified to think otherwise.

We want to try and fill the gap in the law that exists in the protection of children before they are damaged beyond help. Will the government never recognise the grandparent's army of care for children at risk?

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## **Press release 3 - Law system fails children grandparents and fathers**

As grandparents who have been denied contact with our grandchildren we can sympathise with fathers who suffer the same injustice. We have to thank Fathers 4 Justice for highlighting this whole issue. However, we cannot support their militant style of action. Whilst highlighting the problems in the justice system, we have been promoting mediation and counselling. This means getting round the table and talking, so we have been doing just that.

The "Parenting Agreement" and "Charter for Grandchildren" created by the Scottish Executive in consultation with various groups and charities will help tremendously, but only if the Scottish Executive addresses the remaining unresolved problems. Failure to do that will show an enormous lack of confidence in the documents.

It is incredibly frustrating for the parents and grandparents that are denied contact without just reason, often at the whim of the resident parent. The resident parent has ultimate power over and too often brainwashes children and uses them as weapons. The children are forced to take sides. They suffer the loss of a loved one without understanding why, and often feel they have done something wrong,

Contact orders are granted by judges in the "**best interests of the child**" but are too often ignored by the resident guardian. This is contempt of court, and the person in contempt rarely receives punishment for it. When contempt of court is not addressed it makes a mockery of and undermines the laws of any country. The legal system is failing by not implementing the laws already in place and the government is failing by knowingly allowing this to happen.

When a father pays toward the upkeep of his children, but is still denied contact with them, even when a court has already granted contact it causes understandable frustration and resentment. The reason groups of fathers do stunts to highlight the issue is because of the hopelessness of the situation when the law ignores them when they are in the right. If we cannot stand by our own laws, where do we go next?

When adults separate it is not a reason for compounding the child's distress by refusing contact with or the love of one parent or grandparents. Providing there are no safety issues or violence involved a child should expect the continuing love and support of their whole family.

Please speak up for the children, they need your help. Speak to your MSP, they are your voice in government. Ask them to highlight this injustice in the Stage 3 debate on Family Law in early December 2005 in the Scottish Parliament.

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#### **Press release 4 - Contempt of Court - non-compliance**

Consider if you have been charged with contempt of court, what sentence you would expect? A fine or imprisonment - would be quite right because defying the law is one of the most serious crimes in our country. If it goes unpunished it undermines the whole of the legal structure of the country.

Flouting of the law goes on daily in our courts, some people are receiving the full force of the law while others are walking away laughing up their sleeves at it. How would you feel if you were sentenced for contempt of court and the next person gets off Scot free, repeatedly? Think of the lack of justice in the implementation of these laws.

There can be extenuating circumstances, and each case is judged on these, but a certain group of people appearing at court have established a pattern of flouting the law and getting away with it.

The group we refer to here are the ones who defy court orders, court orders that have been granted by a judge usually "in the best interests of the children" with the assistance of other professionals involved in the care of children.

The Scottish Government has been constantly informed of this situation but all they can say is "we have no answer to it". A most ridiculous statement for a government to make.

The law is clear; fine or imprisonment. There is no justice otherwise. Severely dealt with prevents reoccurrence. Otherwise our legal system is reduced to a laughing stock.

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## Article - Sunday Post The Honest Truth. By Gary Moug

ONE OF the saddest and fastest-growing areas of family law is that of grandparents being denied access to their grandchildren.

An estimated 300,000 grannies and grandpas in the UK are now thought to be in this position. Jimmy Deuchars (right) knows exactly how they feel.

He and wife Margaret spent almost three years looking after their grandchildren after the death of their daughter. But when their son-in-law met a new woman, the couple moved south with the kids.

The Deuchars were forced into court action just to regain contact with them.

Jimmy is now chairman of Grandparents Apart — a support group for people who have lost contact with their grandchildren.

They're currently working with the Scottish Executive with a view to improving grandparents' rights.

Jimmy, who lives in Mosspark, Glasgow, told Gary Moug The Honest Truth about grandparents fighting for justice.



### WHAT'S YOUR own story?

Our daughter died of breast cancer in 1993, just two weeks after giving birth to her second child.

We looked after the baby and her big sister for nearly three years afterwards.

My wife was like a mother to them. But our son-in-law met a new partner and then moved to Liverpool with the children.

At first they agreed to meet us in Carlisle, which is about half-way, once a month so we could see the girls. But after a while they started cancelling the trips for what we thought were flimsy reasons like the weather.

The visits became less and less frequent and I could see we were on the slippery slope.

We hired a lawyer and went to court to try to regain contact with the children.

A mediation session thrashed out a solution before it actually went in front of a judge. It was shaky at first, but has lasted well. These days we see the girls often, but there are many couples who haven't been as fortunate as us.

### WHY WAS Grandparents Apart set up?

I helped form the group because when we had the problem there was nowhere to turn — no support or advice except from lawyers who charged a fortune.

It was started in January 2001 in a pub in Baillieston by a few affected grandparents. We formed a committee and eventually became a charity in our own right.

When someone comes to us with a problem we comfort them and provide a friendly ear, try to help them build bridges and act as mediators in disputes.

We can also put them in touch with excellent family lawyers and there's a buddy service available for anyone nervous of going to court or anywhere with an official air about it.

### HOW MANY members do you have?

We have about 200 paid-up members but have had 1600 calls for help or advice since we started — an average of about 50 a month. We have five Scottish groups in Glasgow, Kilmarnock, West Lothian, Tayside and Rutherglen.

ARE CHILDREN often used as weapons in family squabbles?

All too often. There's a very rich woman in Glasgow who has been blackmailed.

Her daughter-in-law lets her see her grandchildren only if she pays the mortgage and bills for her.

And the other week a granny came on the phone broken hearted because her daughter was refusing her contact with her grandchildren. During our conversation she told me that in the past she'd refused to let her mother see her own children.

What goes around comes around.

EVER HEAR of parents turning kids against their grandparents?

Yes, this is called alienation — where kids are encouraged to tell lies and brainwashed into thinking their grandparents are terrible. The first time one of our members met her grandson he ran away terrified that she was an old witch and would eat him.

SADDEST STORY you've heard?

I know of grandparents whose daughter was murdered by a former partner who later committed suicide. They tried to get custody of their granddaughter but were refused. After a series of interviews with social services and various hearings and police checks, no fault was found with them but they were told their granddaughter was to be adopted by strangers.

I don't know all the facts, but it seems they were turned down because unsubstantiated accusations had been made about the grandfather's father (the child's great-grandfather) — someone who would have had nothing to do with the child.

HOW IMPORTANT is the grandparent-grandchildren relationship?

It's one of the joys of growing older. Playing with the kids and searching for frogs and fairies in the garden is great fun. When grandparents lose contact with their grandchildren it's similar to a bereavement.

It's also beneficial for children to have as many people as possible in their lives who love and look out for them. Grandparents have time to provide the personal touch. Often parents are busy so plant the kids in front of a telly or computer. Grandparents have more time to play and tell them stories.

WHAT CHANGES to the law would you like to see?

I'd like grandparents to be given contact rights — a couple of hours a month — and a general right to be involved in grandchildren's lives.

In England you have to crave a court's permission to raise a contact action and prove you're fit to have contact with your own grandchildren. In Scotland you can ask a sheriff to regulate. To us it is an insult either way.

Even a criminal is innocent until proven guilty, but grandparents have to prove themselves even though they've been decent, law-abiding citizens all their lives.

IS IT better if disputes are dealt with outside court?

Once a dispute goes to court, bitterness can really set in. Our group has been invited by the Scottish Executive to work with them in producing a package for grandparents in the new Family Law Bill and we have suggested mediation centres where families can get help and advice early on.

The court system is too slow. In a child's life a week is for ever, but sometimes court battles last years.

BEST THING about being a grandparent?

Spending time with the kids and knowing you're there to help in any way you can.



We have five grandchildren and the highlight of our lives is taking them on outings to places like safari parks and going on caravan holidays.

AND THE worst?

Finding out you have no rights to see your own flesh and blood is devastating and a major cause of illness in older people who are deprived of their family.

Recently there was a case of a grandparent who died of a broken heart.

No medical reasons were found for the death.

WHAT DO you remember of your own grandparents?

I only knew one grandfather — an old man sitting by the fire smoking a pipe and telling fascinating stories about his days as a coalman.

I'm glad to say today's grandparents tend to be a bit younger and more agile.

DO GRANDPARENTS ever have less positive effects?

A lot of grandparents can give out the attitude that they know best and interfere too much.

Some must learn to let go and realise that parents should be allowed to do things their own way.

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## **Letter to MSPs**

Please find enclosed information on various issues relating to the Family Law Bill now working its way through parliament, and grandparents and grandchildren in particular. Please read through this information. It contains details of the problems experienced by families and solutions that from our experiences we believe would help.

We are pleased that our concerns have now been acknowledged by the Executive and look as if they are being addressed. The proposed Grandparents Charter is a great step forward however, there are still issues we believe that are not being dealt with in an effective way.

Our main concern is that our grandchildren will still have no legal right of contact with us or us with them. We understand the Executive's argument that if rights were granted it would often be the case that fathers could have fewer rights than grandparents, but believe that this only highlights the absurdity of father's rights. If that problem was effectively addressed then the other would follow on.

The problems we showed that people were having with social services have been dealt with in that a new Social Work Inspection Agency is to be established in April 2005. There is also to be a review of provision for looked after children, which includes a study of kinship care, care by grandparents and contact with them. Only time will tell if this is enough to solve the present problems with social work attitudes.

There is also to be some changes to encourage mediation and other out of court solutions to reduce the stress caused by solicitors and court situations. However there have been no positive suggestions to solve the problem of the flouting of court orders that have been granted. Without this the problem will continue.

We wrote to the Law Society of Scotland and asked them to comment on the problems our members experienced with solicitors. However their reply blamed our dissatisfaction on the

outcome of events, rather than the incorrect information too many people are given in relation to grandparents.

The Bill will be debated in Parliament in due course and your informed debate is crucial. We do not want power over our grandchildren, only to be acknowledged as their relation and to be allowed to be part of their life.

Another huge problem is that often one person has complete control over the children, the non-resident parent and the grandparents. The children are often 'alienated' against other family members. This has to be prevented and this has not been dealt with either.

There are various different scenarios and case stories contained in the information to give you a wide picture of what happens. We have also included our response to the Bill and the issues we have highlighted to the Stakeholder Group. If you would like to discuss any of these with us please do not hesitate to contact us.

Our members would appreciate it if you could find the time to let us have your views in due course.

## **Chapter 10 - Meeting with the decision makers**

### **Stakeholder Group**

At our early meetings with the Scottish Executive it appeared to us they were unaware of the problems that grandparents face, it was obvious by their reaction to what they were being told, despite substantial information having been given to the department.

We did not 'mince our words' and still our group was invited by the Scottish Executive to attend a consultation meeting for preparation to revise Family Laws in Scotland in April 2005. A foot in the door, we could not miss this chance. This was a totally new experience for us. We were just ordinary grans and granddads, we had never done anything like this before and we were very nervous, but we could not pass up this opportunity we had to contribute, we had to do what we could to help families to help children.

The remit of the Stakeholder Group was to assist in producing a "Parenting Agreement" to help separating couples and a "Grandparent's Charter" to help anyone dealing with children to know how important their wider family is to them. We put forward proposals for a better way forward.

Also involved in the group were representatives of Families Need Fathers, Couple Counselling Scotland, Family Mediation Scotland, Scottish Marriage Care, Scottish Women's Aid, Parenting Across Scotland, Stepfamily Scotland, Social Services, Children in Scotland, Family Law Association, Association of Directors of Social Work. All supported the opinion that grandparents were of great value to their grandchildren, but supported the Executive's stance that no legal backing should be given to that value.

At one of the Stakeholder Group meetings a presentation was given by Children 1<sup>st</sup>. The presentation was about how they help families in trouble to sort out their own issues, with the child as the central character. The process is not unlike our earlier suggestions for how we wanted conciliation to work in a Family Centre situation.

An appointed advocate spends time with the child to find out what the child wants and how they feel. Then opinions and facts are sought from wider family, schools and any other adult involved in the child's life. Usually within around six weeks a family conference is held to decide on a way forward that can suit everyone involved, but that focuses on the best interests of the child.

The success rate is over 90% and agreements are kept because there is less animosity, blame and friction with this process.

At the moment Children 1<sup>st</sup> are only able to help families that are in crisis, but hope in the future to receive the funding to help all those requiring assistance to resolve family problems affecting children.

We hope so too.

After only a few meetings of the Stakeholder Group it was obvious to all that our main priority was the children and the Grandparent's Charter was soon renamed 'The Charter for Grandchildren'. Most appropriate.

## **Evidence to Justice 1 Committee**

### **Written evidence for Justice 1 Committee.**

#### **Proposed changes to divorce Law (Section 10-15)**

Yes our group generally agree with the Bill's proposals. We feel the changes will benefit the children involved.

In relation to financial provision we have seen nothing that clarifies the position on pensions. When a couple divorce, each is able to make a claim on the other's pension, but the pension value at the time is not necessarily its value later e.g. The value of a pension today is, say £10,000 and is divided. One partner pays the other £5,000 as their share of the pension, then two years later the employer goes out of business and the employee loses their pension. They have therefore paid out £5,000 for something that was actually worth nothing. This needs to be clarified.

When no Parenting Agreement exists could the Decree Nisi be delayed until an agreement has been reached (or could this be used as a delaying tactic by one partner).

#### **Unmarried fathers : rights in relation to children (Section 17)**

Our group agrees with the Bill's proposals in so much as married fathers will have PRRs as it will benefit children to have two parents, however we feel there are too many unmarried fathers now that will not benefit from the legislation and something has to be done to help them and their children.

Page 20 of the memorandum says that unmarried fathers will be in no worse situation than before, but that does not make the Executive's solution right. It is all of those unmarried fathers who have brought this issue to light and their problems should be addressed. If a huge publicity campaign clarified the present lack of PRRs and how to obtain them, unmarried fathers could be given automatic Legal Aid to apply, where they already pay for their child or where they are named on the birth certificate and who apply for PRRs, say within one year of the Bill's introduction, where no safety issues exist.

It was also commented, that at present a father with PRRs is too often dismissed by solicitors and courts when they try to act on those PRRs in the child's best interest. 'One person' control over a family has to be stopped as too many children are being deprived because of it and too many are 'alienated' because this control is encouraged.

#### **Proposed new rights for cohabitants (section 18-23)**

Our group generally agree with the changes as it is reasonable to expect that where a couple are recognised as such and both contribute to the relationship, that neither should benefit unfairly from it on separation. This would also help reduce animosity, helping children involved.

#### **Proposed changes in respect of occupancy rights and protection from violence (sections 24 & 26)**

Our group generally agree with the changes to update occupancy rights. The protection from violence changes also help protect those who are not married and the children involved in any violent situation. The changes to a power of arrest attachment also seems sensible.

## **Other provisions in the Bill**

**Marriage** – Our group generally agree, clarification is for everyone's benefit, hopefully reducing animosity.

**Children** – Our group generally agree, seems to have been updated to suit today's lifestyle.

**Share of matrimonial property on divorce** – Our group generally agree as fairness is important to reduce animosity for the benefit of all, especially the children. However the aspect of unguaranteed pensions is still not addressed if the company later folds leaving no pension fund.

**Administration of Justice** – Our group generally agree, seems to have been updated to suit today's lifestyle.

## **Rights in relation to children for step-parents and grandparents**

In relation to **step-parents** our group agrees that changes to the current system could have proved too complicated, however it was commented that protection for non-resident parent's and the child's feelings was important. It must be stressed that when these matters go before a court, that that whole picture is taken into account and not just the view of a resident parent and their new partner.

In relation to **grandparents** our group disagree that the Executive could find no way to legally include them in their grandchild's life or clarify the situation.

A grandparent should be made a 'legal relative' of their grandchild so that they are better able to step in to protect them where necessary. The fact that the father in some situations would have less rights only highlights that problem, it doesn't excuse the lack of acknowledgement of a grandparent / grandchild relationship.

It is commonsense that unless there is a safety issue that a grandparent should have priority over people who are not related to the child.

Too often when parents separate a child is deprived of contact with grandparents they love and the stability they can offer because of the parent's disagreements. The child should not suffer. 'One person' control over a family has to be stopped as too many children are being deprived because of it and too many are 'alienated' because this control is encouraged.

A grandchild can make a claim on their grandparent's estate on death, if their own parent is already deceased, but they have no legal relationship in life.

## **Consultation**

Our group believes the Executive should have consulted with teachers themselves, nursery, primary and secondary as they are the people who deal with the children on a day to day basis and work with the effects of family break-ups. We also believe they should have consulted with doctors, health visitors and district nurses for the same reason.

Neither has there been any visible consultation with people who might resolve the present problem of unenforced court orders and laws in relation to children.

Despite enormous amounts of information having been sent to the Executive over the past few years in relation to the grandparent / grandchildren problems, last year the Executive still seemed oblivious to these problems. Therefore we believe there may well be other information which has not been taken into account in the compilation of this Bill.

#### ADDITIONAL POINTS

Since our involvement with the Executive last year there has been a distinct lack of continuity with the people involved in the issue of grandparental contact. This, along with the fact that administrators with NO working knowledge of family problems are leading the Steering Group does not give confidence in an educated solution.

Too many people are not aware of their rights or in some cases their lack of rights and this situation needs to be addressed urgently.

We were also invited to give oral evidence to Justice 1 Committee and Jimmy Deuchars put forward our arguments for a right of contact with our grandchildren. This was a nerve wracking experience but part of the big learning curve we were finding ourselves in. As usual June Loudoun was behind the scenes helping with preparations, supporting and encouraging Jimmy's public speaking.

#### **Family Law Bill Debates**

At the end of the Stage 1 debate on the Family Law Bill in the Scottish Parliament Cathy Jamieson, in her closing speech praised our group for the work we had done and information we had submitted during the preparations for revising Family Law in Scotland.

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Because of the number of issues that have still not been addressed properly we believed that the Scottish Executive was trying to push through the changes with too many questions still unanswered and too many problems unresolved.

We must not have a repeat of the 1989 UK Children's Act, when the Westminster government was accused of the same thing. It was predicted then that their haste would come back to haunt them. It did. That is why we have so many problems within current family law.

The main problems still unresolved are within our legal processes.

1) There is a solution for enforcing court orders granted for contact when the order is flouted (Contempt of Court). The law for this is clear but isn't used. It either needs to be used or an alternative found.

2) Lawyers should start off their process with concerted attempts to resolve differences with the help of Mediation, instead of the current adversarial style of advice. The case should only proceed when Mediation does not work. If anyone does not want to Mediate in the best interests of the child, then the process should be mandatory. Agreement would not be mandatory, just the attempt.

- 3) Courts should clamp down on time wasting / delaying tactics used.
- 4) Courts could speed up the process simply by rendering a testimony void if a person does not appear at court, unless unavoidable, allowing the hearing to go ahead without this person.
- 5) Courts should also set time limits for receiving reports from the necessary services and keep to them. Assurances must be obtained that they are accurate.
- 6) Legal Aid was rightfully created to help the people who could not afford the backing of our justice system. However, when the other party is not eligible for Legal Aid and court processes are unnecessarily extended, it causes the other party to withdraw through needless expense. This result is not in the best interest of the child.
- 7) If rights for unmarried fathers are not to be retrospective, then the means to obtain them should be given all assistance by simplifying the process, reducing cost implications and publicising the need to acquire them.

A case example -

A mother is awarded Legal Aid to stop the non-resident parent or grandparent having contact with the child. The non-resident parent or grandparent is granted contact by the court, but the mother still refuses to allow the contact, granted by the court in the best interests of the child. Legal Aid funds are wasted when the law is not upheld. The cost to the non-resident parent or grandparent is about £5000.

Do they pursue the case wasting more of their hard earned money if court decisions are not upheld or accept that they will not see the child? This is an insult to the British Justice system. We asked the Scottish Executive to restore faith in the legal system.

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In preparation for the Stage 3 debate (the next discussion involving grandparents) we prepared what still remained as issues to be resolved and sent them out to all MSPs to ask for their help to raise an amendment on any or all of the subjects. This would allow further discussion before laws were passed.

### **Our request to MSPs**

We are pleased with the proposed changes to the Family Law Bill, however there are still a few issues we feel need to be addressed. We are asking if you would support any or all of these issues by putting forward an amendment at Stage 3 discussion.

- 1) We feel that because the Charter is not a legal document it is necessary for the Guidance that accompanies the Bill to include some reference to the Charter that the Executive have seen fit to create, to enhance the effect of this worthwhile piece of work.
- 2) We also feel that fathers who will not get PRRs through the changes in legislation (retrospective PRRs) should have some assistance, since they are the ones who showed the need for change. Assistance in the form of legal aid for fathers who are already named on the birth certificate or who are already paying for the upkeep

of the child to apply to court for PRRs within one year of implementation of the Bill. Publicity would be required to highlight this opportunity and why it might be necessary.

- 3) We see a great omission in the Bill to address the issue of non-compliance with Court orders granted for contact. Current law only gives judges two alternative sentences for non-compliance; fine or imprisonment. Neither of these is in the best interest of the child. However something must be done to prevent flouting of the law.

The Executive admit that the current system does not work, so ignoring the problem is not an option. An order has been made in the child's best interest and this should be complied with.

We suggest some form of Community Service based deterrent, similar to the new ASBO punishment. This could be carried out while the child is at school, nursery, or with the parent or grandparent granted the order. The child would not be deprived by this option. This option has been accepted by Westminster and an anomaly will exist between English and Scottish law if we keep to our 'status quo'. An additional option would be to bring in Social Services to support the carrying out of the court order.

- 4) The other problem we see which hasn't been addressed is that when a sheriff hears a case his decision too often does not reflect what would be in the child's best interest. We see the solution as a panel, headed by a sheriff with two lay people with life experience and a professional who works with children and can give information and experience, in how children are affected by adults behaviour, or by being withdrawn from someone they have bonded with, giving a more balanced and consistent outcome. Or we would like to see a trained Children's Champion for various areas to revise cases to ensure decisions are made in the real best interest of the child, not the adults.

Please let us know if you would be willing to put forward an amendment on any of these issues. If you would like any other information please do not hesitate to contact us. We look forward to hearing from you.

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At a meeting with two of our members our Honorary Patron Margaret Jamieson MSP for Kilmarnock & Loudoun intimated that she would put forward our amendments when she said that she would have to find out 'how to go about it'. She also asked us to amend slightly some of the wording, which we did.

At the Stage 3 debate Rosemary Byrne put forward an amendment that would put the Charter for Grandchildren on the face of the Bill, but was asked to withdraw her amendment. She refused which meant MSPs had to vote on it. Despite several mentions during the debate that voting on amendments was a conscience vote and not a whip vote (instructed by the party), the Labour whip was demanding Labour MSPs voted against it, which they did.

Not only did Margaret Jamieson not put forward any of our suggested amendments, she voted against the amendment put forward by Rosemary Byrne MSP.

The labour members who spoke against the amendment seemed not to have paid proper attention to the wording -

'The purpose of amendment 41 is to highlight the positive role that grandparents or other family members have in children's lives and to ensure that that role is widely recognised. It would ensure that one of the key aims of the charter - that in making decisions, courts should



consider whether grandparents can play a role in children's lives - is enshrined in legislation. It would ensure that the role of grandparents and other family members is not overlooked and that the best interests of the child are taken fully into account'.

The ethos of their speeches was of keeping within the party line.

The Executive readily accepts the important role that grandparents have in children's lives, but declined to support that role legally. They instructed MSPs to follow that line. Why were they afraid to let them vote with their conscience?

We witnessed a failure of the democratic system of our country. Civil servants won the day instead of constituents.

Bullying in schools is on the increase and it is a distinct possibility that emotionally harmed children contribute to this trend.

A child denied contact with people they love without reason, manipulated and perhaps even lied to, can store up all sorts of anger and frustration that is often taken out on the wrong person.

A child denied the support and love of extended family can turn to crime or drugs with a feeling that no-one cares about them, that they are unworthy and have done something wrong to make those people go away.

A child denied a listening ear, someone to discuss their worries or concerns with, that might take a more neutral view, have more time to listen can be a pressure pot waiting to explode.

When are the people in power going to open their eyes and look properly at how our children are suffering and need their help? Are they afraid to look properly in case they see the reality?

## Chapter 11 - Decisions have been made - we're still fighting

At the Stage 3 debate MSPs were shocked at evidence given about various problems -

**Mike Pringle -**

***I will support the bill, but we will have to follow up several issues as a result of it. Re. contact etc. - It is beyond me that some people can ignore court orders, which cannot be right. People cannot be allowed to ignore court orders, yet Sylvia Jackson has shown that people have done so for a long time.***

**Stewart Stevenson -**

***We have addressed the issue of contact orders to some degree. The minister must continue to work with members to convince us that contact orders will be complied with, given that there are cases in which severe hurt is inflicted through what appears to be wilful disregard of the judgement that the court hands down***

Because of our complaints and those of fathers groups about the problem of non-compliance with court orders, the Scottish Executive has come up with the idea of 'Non-compliance Officers'. How many? They won't say. Their job will be to investigate why these offenders are not obeying the law and possibly introducing further sentences of community service or group therapy, in the end it comes back to the law not being obeyed. One aim of the new Family Law proposals was to speed up the courts. We have our doubts, but for the children's sake we hope it works.

It is generally felt that judges are reluctant to grant contact orders because they do not want to be faced with non-compliance. This must work or be addressed without delay. We need to stand firm. No matter what is done, the original order will still have to be complied with because it was granted in the best interests of the children in the first place.

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### **Sexual inequality**

Any changes that have been made to Scottish Law do not change the ingrained inequality in the outcome of any court decision or any decision by Social Services.

Because of our support for fathers Grandparents Apart Self Help Group Scotland was asked "are we against mothers?"

Our reply -

God forbid, a lot of us are mothers. We are however, saddened that some parents can use their own children as weapons in adult disagreements. The fact is that mothers are more often the main carer of children than fathers.

We do not believe that all mothers are bad mothers, but many parents do not realise the damage they are doing to their children by using them to hurt the other parent or grandparents. The harm inflicted on children short and long term can not be over emphasised. Mothers are the backbone of society and are often the main educators of children if Dad is working or if the parents are separated so their contribution to the child's upbringing is of greater importance.

Mother is a special title attributed to a person who loves and nurtures her children and would do anything to protect them. How can anybody be against that? Unfortunately it has no apprenticeship or training period and the usual way to learn as you go.

It has become fashionable for women and young girls, to become mums without thinking about the long term commitment involved and of the other people affected by their choices. They often talk of "my child" as if no one else should be a part of the child's life and too often shut others out and are therefore unable to benefit from the experience, skills and support of family.

The decline of the family started when the law excluded grandparents from children's lives by not including them in the Children's Acts 1989 and 1995 making them irrelevant persons to their grandchildren, forcing them into obscurity.

To help reverse this decline the Scottish Executive, along with various other groups and charities including Grandparents Apart Self Help Group Scotland have created the "Charter for Grandchildren" and the "Parenting Agreement" Both of these documents aim to help parents focus on how their situation affects the children involved and how to do the best for the children when adults disagree. Adults and children don't have to live in the same house to be part of a family.

We believe the whole family need to be encouraged to be a family again, to work together to resolve their own differences, instead of turning to the courts. This will bring a more enduring agreement than any court ruling, which too often widens the gap between families.

**The "Parenting Agreement" and "Charter for grandchildren" will work if based on a just foundation with mothers and fathers treated as equally important to their children.**

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## **Solicitors**

Any changes that have been made to Scottish Law have not changed the adversarial way that solicitors approach the issues of family separation. Neither has the way that Legal Aid is awarded. While giving the person with less funds access to the law, it also increases the incidence of lawyers pursuing the court route and claiming the costs involved, instead of encouraging mediation and conciliation.

Even Family Law Solicitors are guilty of this with the simple issue of how they word their letters. Aggressive and intimidating wording is used, usually when completely unnecessary. Instead of inviting the other adult to reach agreement they challenge them with demands and entitlements.

Instead of thinking how their actions will affect any children involved, they think of how much money they can make from the case.

When we tried to show how unfair the Law Society's complaints system was and how wrong it was that only the Law Society looked at complaints against its own members the Executive agreed. As part of a range of improvements the Executive instructed the Law Society to include non society members in its complaints system and make other changes to make themselves more user friendly. They protested loudly and refused to comply with the Executive's instruction.

What are they afraid of?

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**Courts**

Points we asked to be considered for speeding up of court cases.

- 1) No answer to the non enforcement of contact. This should not be a problem as the laws are available.
- 2) Lawyers to prove Mediation was not successful before going to court.
- 3) Courts to crack down on time wasting tactics by lawyers.
- 4) Speeding up of court procedures by obliging parties involved to turn up unless impossible to do so.
- 5) Wrong reporting by Social Services thereby wasting courts time. Courts to set time limits on reporting. Stress for accuracy and confirm facts.
- 6) Lawyers unnecessarily delaying cases, costing more in Legal Aid, and draining the opposing parties funds. (no one can compete with the bottomless pit of legal aid funding)

The Executive are hoping that other changes made to help families resolve their differences outwith courts will help speed up the court system. It may well help, but nothing was actually put in place to ensure time wasting in courts was reduced

When the law is used, the current system is far too slow. Resident parents are encouraged by the structure of our law to delay the process allowing time to 'alienate' family members and mentally abuse children in their 'fight' to win at all costs. This in turn encourages disrespect and selfishness.

The resident parent must be aware from the outset that they will not be allowed to manipulate court proceedings and flout the law. Their version of events should be backed up by further investigation and discussion with the wider family. The whole picture must be taken into account.

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**Social Services**

Any changes that have been made to Scottish Law have not changed the way Social Services must approach cases. We are depending on promises of retraining.

Too many people complain to us about being shut out, ignored and pushed to the side by social workers. They complain that calls are not returned, that information is not offered, meetings are not kept and most importantly of all, when things go wrong, they have no-one to complain to. The other frightening complaint is of too many falsified reports, of fictitious meetings and reports and errors about what has been said when they do take place.

The complaints process is - firstly complain to the manager of the social worker - door closes. The next step is complain to the person in charge of the area - you need to find out their name

or your letter is disregarded - door closes. Where next? Nowhere - there is no-one that they are accountable to. Senior social workers cannot comment on individual cases and by the time they go through any process to check things out, it's too late - the child is adopted and there's no reversing the decision, even when it is proved to be wrong. You can't go to the press when there are children involved, even if you wanted to subject the children to that.

Social work departments use money and targets as an excuse for everything. They seem to lack commonsense and the ability to look properly at the whole picture, but if they could just be honest we could all work together.

This is a recent communication from a **Disgusted Social Worker**

**Subject:** Social Workers tore girl nine away from family on a whim

I read the above article in the daily mail [18/3/06] and wanted to let my fellow Social Workers know that I currently have a formal complaint against the Government on behalf of Social Workers and Service users which includes the difficulties that we have with care proceedings law as there is nothing between an EPO and an Interim Care Order.

I wrote to the Lord Chancellors Office to ask if there was a way to change the law so that Local authorities could get temporary joint parental responsibility for say a period of six months the reply was that they could not give a view as there could be a test case.

During my 23 years as a qualified Social Worker I have had very little direct experience of care proceedings [I just didn't get the cases] but what I witnessed when I did have one was an awful lot of both waste of time and money and anguish to both workers and service users.

I have spent mornings at court with up to five Solicitors arguing about one line in a report which could have been done by email and at what cost?

I recently left my post as an area Social Worker to try to do some support work instead because of these practises on the one hand and because by wasting this time and money children in need are not being supported effectively. A mother justifiably had made a stage two complaint about the lack of support that she wasn't receiving and I had to take the flack .

I can no longer condone these practises and so ask other Social Workers to contact me and I'll help them to speak out too.

I am in contact with a BBC Producer who wants to make a programme about these practices. I am willing to support anyone who wants to help her.

I came into Social Work to support people not push paper around and be condemned by the press. The Government has to wake up to the fact that at least one Social Worker is not going to be bullied by them anymore and look at the discrepancy between what we get paid and that of the legal profession.

When it comes down to it who has the Daily Mail blamed most in their article?

Surely its time that we stood up to our principles that brought most of us into Social Work.

## And from - **An unhappy grandmother**

I am very anxious to progress this matter as quickly as possible, since I have received account after account from grandparents of children who have been placed at risk by Social Workers who repeatedly lie and record false information in the body of court reports.

Accounts of children being bullied into silence or acceptance of dangerous situations by Social Workers who refuse to put the safety of abused and vulnerable children first. This is a clear breach of children's human rights and makes a mockery of the "Children's Act".

I intend to expose these deliberate criminal acts. The charity organisation **Grandparents Apart Self Help Group Scotland** are presently compiling a book containing the experiences of their members, it contains allegations against Social Services who dealt in each instance with their grandchildren's cases, and accounts of the corruption that runs through the heart of this disgraceful organisation.

The Curator for my grandchild recorded that the social worker has said that the letter I wrote to her following my receipt of her "report", challenging her Lies and Corrupt behaviour, was shocking.

Her comment is accurate in the respect that *her* lying, corrupt and criminal behaviour is most shocking. I take great exception to the fact that this disgraceful person is shocked at being challenged. Her attitude sickens me to the core.

I realise that you are all reeling from my blunt approach to Social Services and their corruption. I also appreciate that you are unlikely to wish to help me, given that I am so very critical of the disgusting immorality of Social Services and the closing of ranks that snaps into place when they are criticised or challenged. All to the detriment of the vulnerable children they place at risk each day by ignoring reports of abuse and neglect, and further ignoring the "Children's Act" and the child's human rights.

However I urge you to act professionally and put the children first, my complaint WILL help uncover corrupt practices and abusive behaviour of children placed in their care. Which can only be a good thing. Those who have tread carefully with you and Social Services in the past, get absolutely nowhere. My passion for this cause knows no limit, and I will not go away until satisfied that the correct steps are being taken to eradicate this type of behaviour from within Social services.

Children cannot defend themselves. It is little wonder that vulnerable children who have passed through the Social Services system, grow into cynical and angry adults, when they have experienced nothing but abuse and injustice from EVERY adult that they have ever had contact with.

Is their anyone out there who *really* cares.

I cannot see anyway in which Social Services can redeem itself. There are so many organisations set up across the Country working hard to uncover and expose This Government Organisation, an organisation which feels it is above being made accountable. From my experience, this attitude is true. They have NOT been brought to account. But hopefully, they very shortly shall be.

I have sent my evidence to a number of these organisations who will take this fight up on my behalf if I am unable to complete this Campaign for any reason. Meanwhile while I have a breathe in my body. I shall not stop campaigning for Justice for all those vulnerable children who are at the mercy of the corrupt Social Services. Ultimately the blame has to lie with our government for failing to deal with this scandal at its conception. A matter I am presently

making Jack McConnell aware of. A matter we are attempting to have published by one means or another.

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## **Drug affected families**

We wrote to Children's Minister Peter Peacock to enforce our concern. There has never been a greater need for grandparents in grandchildren's lives than at the present time. It would be a real boost to the "Charter for Grandchildren" and beneficial to children if yourself as cabinet minister were to encourage more use of the army of grandparents who would just love to help in protecting children.

It is estimated that 60,000 children in Scotland live with someone who is drug dependant (***Scotland to-day 3/3/06***). Thankfully the Scottish Executive has created the **Charter for Grandchildren** which will benefit a lot of children caught up in this situation. Social Services will now be expected to consider the role grandparents can play in their grandchildren's lives, as will the legal profession.

The Scottish Executive states that it does not want to interfere in family life unnecessarily. Rightly so when no one is in danger, but can the Scottish Executive ignore these 60,000 kids at risk? There is a proven high risk that these children will become addicts themselves and they depend on other adults making their situation better for them.

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## **Grandparents on Obese children**

The Scottish Executive has seen the value of grandparents in the family, of lost values and traditions so much so they have created the Charter for Grandchildren to help reverse the decline of families not having grandparents' wisdom. The Charter is to come into effect on 4<sup>th</sup> May 2006 and specifically states that officialdom should recognise the role that grandparents can play in their grandchildren's lives.

Do you remember your grandparents Sunday dinners made the old fashioned way? The great soup your granny made and great dinners by way of good wholesome cooking. Remember Granny giving you a ticking off for not eating your vegetables, eating between meals or scoffing too many sweets. They mainly taught you healthy eating habits, not common today.

Grandparents played with you, took you to the park or to the zoo and enjoyed life without being stuck in front of the TV or computer. They taught games like peeevers, rounders, flying kites and tried their best to join in with you. They helped with crafts like boat or aeroplane modelling or sewing, that are just about dead in the family when grandparents are not around.

With the busy world we live in young mothers do not have the time to do all these things because they often have to work to make ends meet and too many one-parent families don't have the time or experience to make a home cooked meal.

The other day two grannies waiting at the checkout noticed what a young mother had in her shopping basket. It was loaded with quick meals, frozen this, frozen that and every kind of convenience food but very little fresh food. There were not so many overweight children in the days of "Grannies home cooking".

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## **Grandparents - double standards from Government**

Press release 8<sup>th</sup> May 2006

### **Grandparents to care for children on the cheap.**

Grandparents and extended family are to be used as a cheaper alternative to foster carers. Does it not cost the same for grandparents to look after children as foster carers? We know grandparents have a special magic with children, but this is going too far. Presently grandparents are being penalised for looking after their grandchildren because of love and to keep them in a home environment, often with no financial help or a mere social service handout and we have already reported of children living in poverty and grandparents running into huge debts to make ends meet.

*Renfrewshire Director of Social Work Recommendations:*

*2. 2.1 Payments for Fostering Allowances is £345 rising to £353 per placement per week.*

Renfrewshire Council admits (letter to community and Family Policy Board on 20<sup>th</sup> December 2005) Revised Operational Guidance : Kinship Carers.

*3.2 It is predominately grandparents who take on the care of children.*

*3.3 Over time this arrangement has proved to be successful in supporting children coming into the care of the Local Authority. The revised scheme continues on these bases as it fulfils the requirements of the Children (Scotland) Act 1995. that the council support families to discharge their parental responsibilities. It also avoids the Council in the far greater expense of accommodating a child in foster care or a residential setting which is considerably more expensive.*

*3.7 The level of payment made to carers who benefit from the schemes operated by Renfrewshire and other Councils has been subjected to challenge. Renfrewshire Council rates are age related and range from £ 21.89 to £43.78 per week. Renfrewshire Social Work (complaints Review) Appeals panel dealt with a complaint where the key argument concerned whether related carers should receive the same level of allowance as a foster carer would for caring for a child.*

*A similar argument was presented in judicial challenge to South Lanarkshire Councils Scheme. Neither challenge was successful and the proceedings have confirmed that the status of related carers is different from that of foster carers.*

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### **Letter to Mr Jack McConnell MSP First Minister**

Dear Mr McConnell

Can you explain to our members why a granny grant is being considered? Why grandparents who do the same job as foster carers, should not be eligible for the same rate of allowance? Why are grandparents being treated as a lesser form of carer?

Grandparents should be thought of more highly, as the main reason they take on their grandchildren is to keep them in a known loving home environment. I have heard repeatedly



from the majority of grandparents, including myself, that they have brought up their own family and would only do it again because they love the children.

One of our members cares for her grandson and receives around £60 a fortnight. She was asked about taking her other grandchildren. She was told if she did not take them they would be adopted. This granny would love to have taken them but needs to work full time to pay a mortgage and could not afford to take the other kids without help, at present she is in a lot of debt as her grandson is now a teenager. Grandparents have been doing this all along because they feel the children need the love and security they can offer. Paid or unpaid.

I look forward to your reply.

### **Reply on behalf of Jack McConnell;-**

Dear Mr Deuchars

#### *Grants for Grandparents*

Thank you for your email of 31 March 2006 to the First Minister who has asked me to reply on his behalf.

I can assure you that the Scottish Executive recognises the important role played by all family carers, including grandparents, in providing a secure and stable home for children. Families who take on this responsibility are providing a valuable service and should be supported.

Local authorities can pay allowances both when children are formally in the care of the authority and when grandparents, other relatives or friends have stepped in before the child has become looked after. Where kinship carers are approved as foster carers, it is unlikely the cost of caring for those children will be much different from that of other foster carers. (Kinship care is the term used when children are looked after by friends or relatives.)

The Adoption and Children (Scotland) Bill, which was introduced to the Scottish Parliament on Monday 27 March, contains a power for Ministers to create a national system of fostering allowances. The detail of such a scheme and the extent to which this may cover kinship carers has still to be considered and would be the subject of consultation.

I hope this reassures you and the members of the Grandparents Apart Self Help Group Scotland that the important matters that you have raised are being properly considered.

Yours sincerely,

Margaret Rooney  
Looked After Children Branch

## **Chapter 12 - The future**

New mediation projects move ahead

Two new pilot in-court mediation projects at Aberdeen and Glasgow Sheriff Courts and a funding package for the Scottish Mediation Network was announced today.

The projects will provide assistance with small civil disputes, helping people to resolve problems without going through court proceedings.

The details of the pilot services are being finalised but it is hoped that the Glasgow pilot will be up and running later this year 2006, with the Aberdeen pilot likely to commence early next year.

### **Deputy Justice Minister Hugh Henry said:**

"Going to court can be a stressful, time-consuming and expensive process and I am delighted to be able to support the constructive process of mediation.

"Obviously for some problems mediation is not the answer and going to court might be the better option, but the Executive greatly supports efforts to promote other ways of dealing with many different types of complaint.

"The funding we are providing for these new pilots and for the Scottish Mediation Network demonstrate our ongoing commitment to supporting the expansion of mediation in Scotland and the benefits that it can provide for those who have disputes they wish to settle."

The new court projects will each cost around £30,000 a year and follow the first in-court mediation pilot based at Edinburgh Sheriff Court which has been in operation in its present form since 2003.

In the last two years over 100 people have been helped to find alternative ways to deal with disputes without having to resort to court action.

Edinburgh Sheriff Court has two new dedicated mediation rooms funded by the Executive which were opened in July.

### **Marjorie Mantle, mediation co-ordinator at Edinburgh, said:**

"We are delighted to receive the support from the Executive to open the new rooms. The rooms show that in-court mediation is going from strength to strength, with thanks to the support from the Sheriff Principal and the Court officials."

The Scottish Mediation Network will receive nearly £180,000 of funding over the next two years to pay for a number of projects aimed at raising public awareness and develop a quality assurance framework across all spheres of mediation.

### **SMN Chair Ian McDonough said:**

"Mediation usually produces solutions for disputes which everyone can live with. However, people need to know that mediation is an option open to them, so we are excited that the Scottish Executive had decided to fund our Public Awareness project.

"This Executive funding will allow us to develop a framework for assuring the quality of all forms of mediation in Scotland. This work will put Scotland at the forefront of developing mediation standards in Europe."

The SMN provides links between practicing mediators and providers of mediation services. The main aim of the SMN since 2002 has been to support and assist the movement of mediation into the mainstream of dispute resolution options.

The new funding for the SMN is made up in the following way:

£67,613 will be awarded from September 2005 to March 2006, and a further £110,820 for year two of these projects up to March 2007. Funding for further years will be subject to evaluation of the impact and effect of the projects.

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The future will be promotion of mediation and education about what is in the child's best interest. This hopefully will help in the majority of cases as parents often don't realise that what they do has such a big impact on their children. They don't mean to harm them or disadvantage them; they just get caught up in their own hurt and unhappiness.

This will be a future to give us all hope, that families will start pulling together like they used to and adults will get support to help guide them with the most important job there is; bringing up a confident, secure and happy family, whether they live together or not.

From the beginning we asked for grandparental legal rights of contact, but were refused. The rights we asked for are not controlling, far from it. We asked, not unreasonably, for the right to ensure that we could fill the gap that often exists in the protection of children in modern day family life e.g. with increasing drug addiction problems, yet there is still nothing a grandparent can do to protect the child from being treated as a possession or subject to alienation, abuse or blackmail. Grandparents want to be able to speak out to protect their grandchildren when necessary without fear of excommunication, without the fear of being removed from their lives where they cannot help at all.

The "Charter for Grandchildren" says that children can expect to know their grandparents, but it doesn't protect children who, for example have been looked after by their grandparents informally and are suddenly and forcibly removed from the adults they have bonded with to return to their parent(s) who can be a relative stranger to them. This change can scar the child for life if not done with care. Grandparents still need the legal right to be able to protect their grandchildren when necessary.

Although mediation and education may help reduce non compliance with court orders for contact, it is disappointing that despite much research the Executive only recently became aware that this is a problem. The creation of Compliance Officers is a quick fix solution still to be thought through properly, to save the Executive's embarrassment. It still doesn't ensure courts deal with non compliance as our law states they should. Despite years of research the results didn't give them the facts. Not the facts they needed anyway.

Once again we are depending on education and discussion. Let's hope for the children's sake, that the appropriate resources are put behind the proposals and the right people are in the positions to deal with the safety of children.

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Grandparents Apart Self Help Groups would like to see all family support groups working together, purely with the Best interests of the children” as their 1st commandment. If this was truly adopted some changes would be required. It would mean putting your own feelings to the side in decisions relating to the children. It would mean softening of the terminology used and changing attitudes. It would mean fewer court appearances by encouraging adults to use the “Parenting Agreement” and “Charter for grandchildren” and to seek mediation or conciliation long before the situation reaches boiling point. It would also mean equality for mums and dads, the only exception being one of safety of either party.

We would like to see solicitors change their wording in communications where couples are divorcing to minimise conflict. e.g. ‘the division of assets is necessary’ to ‘reach agreement on the division of assets’. Words are very important to prevent bitterness and further conflict and care must be taken for the sake of our children.

We recently approached all the other groups involved in the Stakeholder Group on the Family Law reforms to work closely together to ensure the principle of “best interests of the child” is made to work in practice. All were enthusiastic and we look forward to further improvements through bringing our ideas together.

## **FAMILY MATTERS CHARTER FOR GRANDCHILDREN**

Scottish Ministers' vision for children and young people in Scotland is that they are safe, nurtured, achieving, healthy, respected and responsible, active and included.

This means that parents or guardians, teachers, doctors, social workers and other people who are responsible for helping children and making decisions about their lives must do all they can to protect and care for them, to help them to do well at school and to make sure that they are happy, supported and confident.

### **Families are important to children.**

Families come in all shapes and sizes. Grandparents, aunts, uncles and cousins can all play an important role in nurturing children. While parents are responsible for caring for their children and making sure their needs are met, the wider family can play a vital supporting role.

Family life is usually happy but sometimes there can be difficulties. These can range from family quarrels through to divorce and separation to ill health or death. During these times, the children in the family may need extra support. They may want someone to talk to, or simply a safe place where they can have fun. Grandparents can and do play a vital role in helping children to maintain some stability in their lives.

Sometimes, children or young people may lose contact with their grandparents. This can be for a variety of reasons. There may have been a family quarrel, a house move, or a change in who is caring for the children.

When there are problems in families, it can be difficult to see a solution. Tempers can run high, and family members may take sides. Everyone involved should be prepared to put the welfare of the child first and be ready to compromise. Whatever the problem in your family, it is important to look beyond your own feelings to help the children stay in touch with the people who are important to them as well as to adjust to a new situation.

It is important that parents, grandparents and other family members, speak to, and treat each other, with respect. You may not get on, but you can still be civil, for the sake of the children. Try to avoid arguing with or criticising family members in front of the children. It can be very upsetting for them.

On occasions professional organisations such as social work departments or the courts can become involved and may have to make decisions that will have a lasting impact throughout a child's entire life. In these circumstances it is vital that the loving and supportive role that the wider family, in particular grandparents can play is respected and protected for the child.

**FAMILIES ARE IMPORTANT TO CHILDREN. –  
GRANDCHILDREN CAN EXPECT:**

- To be involved with and helped to understand decisions made about their lives.
- To be treated fairly
- To know and maintain contact with their family (except in very exceptional circumstances) and other people who are important to them.
- To know that their grandparents still love them, even if they are not able to see them at the present time.
- To know their family history.
- The **adults** in their lives to put their needs first and to protect them from disputes between adults - not to use them as weapons in quarrels.
- **Social workers**, when making assessments about their lives, to take into account the loving and supporting role grandparents can play in their lives.
- The **Courts**, when making decisions about their lives, to take into account the loving and supporting role grandparents can play in their lives.
- **Lawyers and other advisers** to encourage relationship counselling or mediation when adults seek advice on matters affecting them and their children.

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Along with others, Grandparents Apart put a lot of hard work into **“The Charter for Grandchildren”** demanding to be heard about the gaps in the family law concerning their grandchildren. Why? Because we really do have the best interests of our grandchildren at heart, if it was not for love of them why would we bother?

We are happy to promote the Charter for Grandchildren and the Parenting Agreement because they are useful documents, but the executive is not helping to gain confidence in their own creation by defeating Rosemary Byrne’s amendment (***to have the role of grandparents enshrined in legislation***).

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## Still campaigning - IN THE BEST INTEREST OF THE CHILDREN

### Letter to Townswomen's Guild

Please submit to your members at 2006 AGM in Harrogate (2000 delegates)

Due to personal circumstances our group (see booklet bringing families together) was created and has been campaigning for over 6 years to have grandparents recognised more in children's lives. Previously, grandparents were regarded as non entities in grandchildren's lives but now the Scottish Executive recognises the importance grandparents can be to families (better late than never) but stops short at giving legal rights.

The Scottish Executive felt that a legal right of contact for grandparents would be giving grandparents more rights than fathers had. We have stated repeatedly the rights we asked for was contact rights, not the right to control or take the children away. The right to see our grandchildren a couple of hours a month, telephone calls, e-mails to keep in touch for the safety of our grandchildren. We felt we were not being listened to at this point.

Our role today as well as supporting families is to make sure the Charter for Grandchildren is being complied with and to encourage its use and mediation in resolving problems in families by early intervention before it gets to the point of no return.

As abuse and drugs are on the up, we as grandparents are worried how the children are being treated. If we speak out we are often excommunicated from the children by the parent(s) and if that happened we could not help at all. We are walking on thin ice.

Grandparents are regarded as irrelevant persons by the courts and social services and other professionals dealing with children, but instead of grandparents having rights, it is the children that can expect that grandparents are to be recognised for the role they can play in their lives. Everything we asked for in the original Charter for Grandparents is included in the renamed Charter for Grandchildren created by the Executive in consultation with ourselves and other family groups making up a stakeholder group.

Because of the rise in drug addicted parents there is a huge shortage of carers for children taken into care, and the recognition of the role grandparents can play in children's lives as carers will open up a huge army of willing helpers, and for the first time, rather than a paltry handout from social services, proper assistance in the form of the granny grant will be available. The benefit to the children is being kept in as near a home environment as possible, instead of being separated and fostered out to different homes. That is the worst trauma that can happen to a child, removed completely from those that they know and love.

The emphasis is **now** in the best interests of the children and steering away from the courts, as court cases can be more damaging to families and children. Even if contact is won there is still no guarantee that it will be complied with. All professionals dealing with children are expected to cooperate fully as agreements reached by mutual understanding have been proven to be more reliable.

So far the cooperation of the social services has been very encouraging. They have reopened the door previously closed to a granny to be considered as carer for her grandchildren. We are waiting eagerly for further meetings to take place.

Fingers crossed that Social Services are actively encouraged to continue to change current attitudes.

## The Forgotten Children

The majority of mothers are brilliant, I know, I had one myself, but there is a gap in child protection that the law and the government turn a blind eye to. Sadly, mothers abuse children just as often as fathers, or others.

It is typical of the law to stop Dads or grandparents having contact with the children to appease the Mother and the abuse can go on until it becomes so bad that a neighbour or someone else is horrified and calls in the police. The NSPCC are highlighting the abuse of children by Mothers in their latest adverts, but the law and governments in their blinkered approach, protect the Mothers and allow this abuse to continue. When a contact order is granted by a court in the child's best interests, for contact with Dad or grandparents it is seldom enforced if the Mother ignores it, allowing this kind of abuse to go on unnoticed until it is too late.

The child in this story is called Patrick. His name has been changed to protect his identity as he is now 'in care'.

Patrick's mother and father could not live together any longer, so they separated and Patrick stayed with his mother. His dad was able to see him any time he could and father and son still had a good relationship. The only problem was when dad came round to see him and mum and dad would always argue. One day Patrick's mum hit his dad and he hit her back, knocking her over. She banged her head and had to go to hospital. The hospital called the police and dad was arrested.

When she got out of hospital she told Patrick he would never see his dad again. This broke Patrick's heart and he cried a lot for his dad. Patrick's mum told him that if his dad came round again he would be put in jail. Patrick was very unhappy about this and tried to tell his mum, but she just said he had to do as he was told. She told him not to speak to his dad if he does contact him. As if not seeing his dad was distressing enough, now his mum also said he was not allowed to see his gran and grandad in case his dad was around. He couldn't understand this as they were always kind and loving toward him. The grandparents protested trying to explain to her that the problem was between her and her husband and not to take it out on Patrick. Mum went to court and told Patrick that if they tried to get in touch they would be put in jail too.

Patrick was very sad at not having his dad or grandparents around and his mother was drinking a lot. It wasn't so bad before, when dad was around to make dinner and put mum to bed before grand and grandad came round and saw her. They would come to see Patrick and play with him or take him out.

As time went by Patrick's mum was drinking more and more and Patrick had to try and get his own food, if there was any. Mum forgot to get food quite often and only seemed to bring home vodka. His mum fell asleep a lot and Patrick was sometimes left alone in the house and was very hungry. When he tried to speak to his mum about not having anything to eat, she pushed him away and really hurt him. She said next day she was sorry but it happened again so often that Patrick kept out of her way. He had a lot of bruises from falling over when she hit him, telling him it was his fault for the miserable life she had.

One day Patrick was so hungry, and his mum was lying down drunk again, he went to a neighbour to ask for something to eat. The neighbour saw the state he was in and phoned his dad as they used to be good friends. His dad hurried round but by this time his mum had woken up. When she saw his dad at the door she called the police and his dad was arrested. Mum warned Patrick never to do that again and promised him a right thrashing if he did.

Dad, gran and grandad could not see him or contact him and Patrick's mum was drinking more and more. He did not have enough to eat and wasn't being looked after properly so he became



very ill. After a few days a neighbour saw Patrick at their bin looking for something to eat and noticed how thin and ill he looked. So, this time, the neighbour called the police who found Patrick's mum lying on the sofa drunk. An ambulance was called, and Patrick was taken to hospital, but he was so malnourished and bruised that he would be affected for life.

The reason Patrick's life was ruined was that no family could get contact to see if he was being looked after. His dad, gran and grandad could not come near or they would have been put in jail. If his dad or grandparents had been allowed to see him this would never have happened.

In effect the law allowed the mother to build a fortress around herself and Patrick. The law aided and abetted to keep out anyone the mother did not like, people who could have helped put a stop to Patrick's abuse before it was too late.

## **Chapter 13 – Pat on the back for Grandparents Groups.**

Grandparents Apart Self Help Groups all deserve a pat on the back.

When we started our support groups, grandparents were regarded as irrelevant persons, shut out by governments, social services, and professionals across the board that dealt with children. Because of this lack of respect by authorities, grandparents have easily been cast aside by families, aided and abetted by the thoughtless family laws of that time.

Now we are proud to say that the profile of grandparents has been raised tremendously. In the five years of our existence we have been highlighting the asset that grandparents are to the family. We would like to think we had a big hand in the current improvements with all the hard work our groups have put into it. There hasn't been a week without us highlighting the case that grandparents are an essential part of a child's life. We have attended loads of meetings with The Scottish Executive, putting our case that children need us in their lives.

Our groups were invited to consult with the Scottish Executive on the proposals for the new Family Law (Scotland) Act 2006, the accompanying "Parenting Agreement" to help separating couples and the "Charter for Grandchildren" to help adults think of what matters to their children. Both contain a lot of our proposals, which were based on commonsense and experience.

It has just been announced that the Scottish Executive will now give grandparents a grant for looking after their grandchildren in this day of drug abuse rather than take them into care. We have written to the First Minister to ask why grandparents are being treated as second class carers as the allowances grandparents receive are far short of those foster carers receive.

We think it is a tremendous boost that grandparents will now be restored to the rightful respect they used to have and lost because of The Children's Act 1989 and following Scottish Acts.

The Family Law Act 2006 will come into force in early May 2006 with the accompanying Parenting Agreement and Charter for Grandchildren coming into use at the same time.

The Charter for Grandchildren depends on re-education and moral support to make it an everyday way of life. We were invited to contribute to the creation of the Charter in an advisory capacity and a lot of what we asked for is there. Grandparents will now be considered in their grandchildren's lives by the Social Services, Courts and professionals across the board. We thank the Executive for this opportunity.

We intend to monitor the success the Charter for Grandchildren and the Parenting Agreement and where there are any failures or misuse we will be right there to highlight it and to try our best to have things improved – but we need you to tell us about your experiences and concerns.

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### **Praise indeed from Grandparents Plus**

Dear Jimmy,

Thanks for your e-mail. Grandparents Apart Self Help Groups seem to have some considerable influence with the Scottish Executive. We have watched your progress with interest and admiration! Periodically we get approached by the Herald or other Scottish media for a quote - we always refer them to you as well as giving them a quote, which I suspect they don't use.

## **A Christmas Message**

At Christmas will you have the love, goodwill and forgiveness to include the whole family? Family life depends on life experiences, the basics are learnt in the family being together.

So much heritage can be lost without grandparents. They can give children a spiritual magic, a magic that is lost without them, reading stories, listening to their worries, their secrets, and taking part in their games, looking for fairies, frogs and the like. It is so easy to stick them in front of the TV or computer rather than devote the time personally. Children lose out on childhood innocence and a loving comfort which they seek all their lives, and most never find because of the lack of a family life.

If your children are educated to exclude grandparents, remember, what goes around comes around. How long will it be before you are left out in the cold?

There is no denying children have to learn to exist in a modern world but a warm loving childhood sets children up for growing up when the time is right into real people, not force grown, cultivated like plants in a hothouse. Strong family roots grow into happy and loving families.

This Christmas don't just play at the season of goodwill, but live it, bring the whole family together, with all the love of the festive season, a time of forgiveness and goodwill.

Christmas can be a very lonely time for grandparents and older people. It can be lonely too for the child who isn't able to share the joys of Christmas with a grandparent.

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### **The Worth of Grandparents at Christmas.**

In the true spirit of Christmas, will you have the love, goodwill and forgiveness to include the whole family? Make it a happy time especially for the children.

Mum and dad running around getting last minute presents, grandparents coping with patience and understanding at the children's excitement in the run up to Christmas. A magic that is shared in reading stories, taking part in their games and constantly being asked "is Santa here yet". Leaving the parents to do the shopping for when Santa comes.

In this time of family celebrations, think how good you will feel in vowing to make a new start. Is it not more important that your children learn forgiveness rather than bitterness? Children learn what you teach them.

This Christmas don't just play at the season of goodwill, but live it, bring the whole family together, with all the love of the festive season.

Christmas can be a very lonely time for older people so please think off them and ask them to join in the celebrations. It can be lonely too for the child who isn't able to share the joys of Christmas with a grandparent.

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## A New Year Message

It is the last day of the old year, a time when folks go out, a time when you shake hands and wish everyone a happy new year. As you get older you get to thinking about the real values in life, family life. So this year think how you can improve someone else's life, it may in turn improve your own life. Make your New Year resolution to patch up quarrels, to put your pride to the one side and look to see if **you** are being family friendly. Sometimes we cannot see how our own actions affect others. A little thought can be the start of a renewed family relationship.

Aw ra best

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**APART**

*"This is your grandchild"  
I remember you say  
"You're part of his life now  
in every way."*

*So why did you take him  
and tear me apart?  
You walked from my son  
but took also my heart.*

*I know he is growing,  
I'm told that it's so,  
but nothing of me  
will he grow up to know.*

*Whatever has happened  
'tween you and my son  
was that really reason  
to do what was done?*

*I cannot make contact,  
The law makes it so,  
but I'm hurting to be there  
my grandchild to know.*

*So please, if you read this,  
think not of my son  
but of loving grandparents  
who'd bring so much fun*

*To the child you delivered  
and then took away.  
I pray that we'll meet soon  
and again hear you say -*

***"you're part of his life now  
in every way"***

## **Where has my family gone?**

Last Christmas was fun and a happy time  
Lots of presents from that family of mine  
Changes that have happened since those happy days  
I don't understand, they've gone by in a haze.

No-one will tell me why my family has gone  
My Dad, Gran and Papa and cousins I long  
To see them again have fun, laugh and run  
Hear stories of old, tell them what I've done.

Mum says they don't want me, but that can't be right  
They loved me last Christmas and try as I might  
I don't know what it is that I've done  
That's made them stop loving me, I miss the fun.

Mum's upset and angry and won't tell me why  
I can't see my family I just cry and cry  
She says I must try to move on like her  
But why can't I see them, I liked how we were.

I know mum and dad were fighting too much  
But I didn't fight, I love them both such  
A lot and I know Dad can't stay here  
But why can't I see him, I like when he's near.

Mum says it'll get better, but I don't see how  
I miss my family, can I see them now  
Adults don't care, they don't seem to see  
Why don't adults listen to children like me?

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## ***Gran I do love you***

*When God made little children  
He knew there was a need  
For someone very special,  
a special one indeed.*

*He'd made their mum and daddy  
But still there was a gap  
For one who'd sit for hours  
With a wee one on their lap*

*A very special someone  
Who everything would share  
Who'd cuddle out the hurting  
And chase away each care*

*A someone who would make things  
Who always took the time  
To listen to long stories  
And took in every line*

*A very special lady,  
No other kind would do  
For a **Gran** is always special  
And Gran I do love you.*

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## Why me?

I'm scared of the shouting  
My Gran is upset  
A stranger is here  
And calls me "Her pet"

She tells me "Get ready"  
"you're coming with me."  
I've always been happy  
With just Gran and me.

So why should this woman,  
A face I don't know  
Take me from my Granny  
And tell me to go?

She says she's my Mummy  
And that may be so  
But where has she been  
And where will we go?

No one has asked me  
Like my Gran seems to do.  
Its just - do this and do that  
And get moving now you.

I cling to my Granny and say  
"Please can't I stay?"  
My Mummy says "No dear  
We're going away."

PLEASE stop this and listen  
I'm a person, though small  
I don't want this to happen,  
No way at all!

Can't you ask me what I want,  
It's my life you know.  
If you really love me  
Then let your love show -

By doing what I want  
Not hurting my Gran  
Just leave me here happy  
To grow to a man.



## **You don't feel my hurt**

You don't feel my hurt  
And you don't feel my pain  
I live my nightmare  
Again and again

I try to keep the little one  
From things that are cruel  
But I face you, the powers,  
And your ridicule

This child doesn't need to be  
Scared and alone  
All this child needs  
Is love, and a happy home

So tell me powers that be  
Why behave this way?  
Why are you hell bent  
On taking kids away?

Don't send the little ones  
Away, and so far,  
Give us a chance to care  
Best wishes grandad and grandma

Andy Green

## **Chapter 14 – Our Fight Goes On**

### **Adoption Bill**

The Adoption Bill now going through the parliamentary process wants 'adoption without consent'. This would mean that no family member has a right to disagree with social services if they decide to remove a child for adoption.

The Charter for Grandchildren advised that Social Services consider grandparents and wider family, but this would turn that advice on it's head.

This cannot be right – **OUR FIGHT GOES ON**

### **Families in Turmoil**

Until a solution is found to help families that find themselves in situations causing tension and fallout this problem will continue and we will continue to highlight the damage done to children by thoughtless adults

We will continue to call for support and education to try to prevent families being torn apart and to make adults realise how their actions affect children.

We will call for a child to have the right to contact with their grandparents and wider family and for authorities to be more helpful and honest.

It is an unfortunate fact of life that the problem will never be solved completely, but if we can prevent the mental anguish for some, or hopefully many, we will carry on our fight to be heard.

Please let us know if you are affected by anything you have read.

Thank you.