

Implementation Programme

Divorce Without Damage

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1. INTRODUCTION

The Divorce without Damage Programme (DwD Programme) was started on 1 September 2018 and was commissioned by the Minister of Justice And Security (JenV), the Minister of Health, Welfare and Sport (VWS) and in partnership with the Association of Netherlands Municipalities [Vereniging van Nederlandse Gemeenten] (VNG). The aim of the DwD Programme is to implement the 45 activities and 2 points for development from the Agenda for action entitled 'Divorce... and what happens to the children then?' [Scheiden... en de kinderen dan] by André Rouvoet, chairman of the DwD Platform.

Divorce has become a frequently occurring social phenomenon. There are all kinds of aspects to it and it has far-reaching effects for everyone involved. Those effects can be even more drastic whenever children are involved. Although parents are no longer partners after the divorce, they continue to be responsible for parenting. The majority of parents are able to make good parenting arrangements once they are no longer together. However, there are also parents who find this impossible, with the child ending up a pawn in the battle between them. Sometimes this will eventually result in the child not having any contact at all with one of the parents.

1.1 Ambition, core values and goals

The DwD Programme wants more attention to be paid to the child in the event of a divorce and has, as its ambition:

To limit the damage caused to children when their parents split up.

The DwD Programme links up with the Convention on the Rights of the Child that stipulates that the child's interests must be one of the primary considerations in any decision about a child.

The core values of the DwD Programme are:

- We do not look the other way when people around us with children decide to get divorced.
- Help is useful for anyone who is going to get divorced, from their social network and from professionals.
- All the professionals involved should act on the basis of continuous contact with, and positive support for, the child by both parents in the interest of the child's healthy development.

With this in mind the focus of the DwD Programme is on, among other things:

- The development of a municipal divorce service desk to support, facilitate and supervise parents, their children and their social environment during the process before, during and after the divorce.
- A child-support figure that guarantees continuous attention for the child.
- The development of new divorce proceedings which are de-escalating, solution-oriented and closely linked to proper assistance and which are intended to prevent parents who are going through a divorce or who are already divorced ending up in acrimonious legal proceedings.

The DwD Programme works on the basis of the conviction that the complexity of divorce cases requires:

- 1) cooperation between the various network partners and;
- 2) a learning approach based on the practical situation.

2. IMPLEMENTATION PHASE

The first phase of the DwD Programme revolved around 'building', with the aim being to ensure additional commitment among all the partners involved in the field (the so-called quartermasters' phase) and to specify the plans for implementing the activities in the Agenda for action.

The DwD Programme is now entering the implementation phase in which the focus is on giving more space to the field. The main idea behind this is that this will generate richer insights during the work in practice and for everyone involved in it. What is more, the parties involved learn from each other, shared insights are created and a connection is made between care and law. The aim of this is for parents to finish the process in a way which is constructive for themselves and for the children. Parents can continue to work on 'good parenting' and the interests of the children are at the forefront and are safeguarded.

How is it organised?

The implementation programme comprises five projects. Four projects are implemented via the DwD Platform and one is implemented in the region. These are:

- communication and awareness
- parenting and prevention
- child support figure
- professionalisation
- regional labs

The main themes for each of the projects have been devised and specific follow-up steps identified in the set-up phase.

1. Letter to the Dutch House of Representatives of 9 May 2018, Parliamentary paper number: Session year 2017-2018, 33836, no. 23.

Expert teams

Expert teams are used within the programme to focus on the development of important and complex themes.

One of these themes concerns the tackling of problems relating to contact and access. In a large number of cases there are serious access problems whereby a child and a parent have sometimes had no contact with each other (for a long period of time) without there being any well-founded reasons for this (such as maltreatment or abuse). Another theme is the role of the family representative.

2.1 Communication and awareness project

In order to achieve social change with more attention for the child in the event of a divorce, the communication strategy is aimed at providing information (counselling) and offering a different perspective for action to children, parents, the social environment and professionals.

The communication objectives are:

1. To offer information and a perspective for action to parents and their environment with a focus on the (interest of the) child and diversity.
2. To acquire knowledge about (interventions) and make it accessible for professionals.
3. To increase and reinforce the visibility of the DwD Programme in the professional network.
4. To share the learning experience of the regional labs at national level.

Milestones:

1) The interactive theatre seminar 'Voorstelling van Zaken GOED SCHEIDEN' took place on 26 February 2019 in the Internationaal Theater Amsterdam (partly thanks to the DwD Programme). Actors Gijs Scholten van Aschat, Jacob Derwig and Hannah van Lunteren played out various scenes during the interactive theatre seminar. The audience consisted of a wide range of professionals involved in divorces, namely youth care professionals, social workers, teachers, judges, lawyers and mediators.

The aim of the performance was to gain inspiration and new insights and to come up with new ideas by watching divorce scenes and listening to the discussions on the stage between professionals and experts.

2) In October 2019 a list of dos and don'ts of a divorce were drawn up using a questionnaire among expert parents. The Family Factory foundation is presenting the results in the form of a handy booklet.

2.2 Parenting and prevention project

Parents have to keep a lot of balls in the air. They combine a relationship with their partner with, for example, care tasks, work and children. That is by no means an easy task. They often have high and romantic expectations of a relationship. However, friction occurs in almost any relationship sooner or later. It is part and parcel of a relationship, but how do you successfully get through these periods together?

The 'Parenting and Prevention' project focuses on three main themes:

1. Include relationship lessons in education.
2. Prepare expectant/young parents for parenting and a (new) partnership.
3. Invest in preventive relationship educational programmes and assistance.

The aim is to develop relationship lessons which can be included in existing teaching methods.

As regards preparing for future parenting and partnerships and for preventive relationship educational programmes, the aim is to ensure that proven effective approaches are provided or that people know where to find them. This can be done, for example, via the divorce service desk, district teams or other bodies and professionals who are in contact with parents.

2.3 Child support figure project

In the event of decisions relating to children, the interest of the child must take centre stage. All too often the interest and the voice of the child are currently overlooked when parents divorce. Support from the immediate environment reinforces children's resilience and helps reduce the risks of damage. This becomes even more important when stressful family circumstances pile up, as is the case of a divorce in combination with violence, poverty or feelings of loss.

What is needed?

1. Broad awareness that a child in a situation in which the parents are divorcing or are experiencing serious relationship problems or personal problems needs a support figure.
2. In the case of a complex divorce there is always a support figure for the child with whom professionals can also maintain contact. This may be someone from the social network, but also a professional. The child has an important voice in choosing this support figure.

Milestone: The development of a knowledge synthesis of what is known in scientific literature about the idea of a support figure. The knowledge synthesis offers, among other things, a basis for the continuation of the project that is aimed at communication and awareness and at developing resources to help make the right choice of support figure. Examples are a step-by-step plan and a decision tree for parents, professionals and the social network and a guide to help people use their personal network.

2.4 Professionalisation project

Often a variety of institutions and professionals are involved, particularly in the case of more complex divorces. These range from GPs and teachers to lawyers, judges and health professionals involved in youth and adult care. All too frequently they are still having to search for the right approach to the problems between the parents and a way of ensuring that the child's interest and voice are not overlooked in the process. The focus is on better and more rapid identification of the signals of a complex divorce, possibilities for an earlier intervention and clarity about which interventions can be used and are effective.

The aim of the 'Professionalisation' project is that professionals who work with (expectant) parents and children:

1. know the requirements of parents and children in the event of a divorce and the risk factors and have an insight into the underlying problems;
2. are able to identify complex, or potentially complex, divorces correctly;
3. are aware of the social map in the event of a divorce;
4. are able to offer better support than is currently the case, for example through improved cooperation;
5. apply the same vision based on understanding and commitment.

Milestone: An initial important milestone in 2019 is the revision of the Guideline on divorce and problems of young people [Richtlijn Scheiding en problemen van jeugdigen] of the Dutch Association of Psychologists (NIP), the Association of Educationalists in the Netherlands (NVO) and Dutch Association of Social Workers (BPSW) (performed by the Netherlands Youth Institute [Nederlands Jeugdinstituut]) for professionals registered with the Youth Quality Register Foundation [Stichting Kwaliteitsregister Jeugd] (SKJ) and under the Individual Healthcare Professions Act [Wet op de beroepen in de individuele gezondheidszorg] (BIG) who work in the youth domain, so that more attention can be paid in the Guideline on the guiding principle of equal parenting (activity 43). The aim of the professional associations is to publish the revised Guideline at the end of 2019.

The 'Professionalisation' project will also assess, for various other professional groups involved, which specific expertise professionals ought to have at their disposal when working with parents and children in a divorce situation.

Work is also being carried out on improving cooperation between professionals with a legal, behavioural science and social background, and their organisations, for example by improving the coordination between the behavioural science guideline and rules/codes of conduct for the various professional groups.

2.5 Regional labs project

Professionals from the field cooperate in the regional labs, each on the basis of their own responsibility. They make and test prototypes to tackle complex divorces. It is a bottom-up approach of learning and experimenting together with plenty of space for professionals and implementing agencies. The regional labs are going to work on developing the divorce service desk and the new divorce proceedings, including the development of the role of a family representative.

2.5.1 Divorce service desk

The idea behind the divorce service desk is to offer a place for parents, children, their social network and professionals to go to during and after a divorce. The divorce service desk provides counselling, information, expertise, access to good quality, tailor-made care and activates or supports individuals and their social network. The divorce service desk also plays an important role in identifying possible complications and responding adequately to these. The divorce service desk also concentrates on divorces which do not involve children, but where the focus is on the interest of the child.

Youth welfare is a local matter organised by municipalities and youth regions. Existing divorce service desks often link up with these and the DwD Programme is also aimed at a regional or local approach. The divorce service desk is not necessarily a body, but can also be a function within an existing structure. It is important that the divorce service desk is properly linked to the municipal district team and ensures connection and continuity.

It is desirable for it to be made up of experts in the field of divorce. These experts then support the social network and other professionals such as GPs, teachers, sports teachers and community workers.

A divorce service desk also has a connecting and coordinating function when it comes to responding to possible complications, whereby specific support can be provided if necessary.

2.5.2 New divorce proceedings and family representative

As regards the new divorce proceedings 1) the family system is the point of departure and 2) the joint submission of a dispute is the route which the DwD Programme wants to follow. The term divorce proceedings refers to all civil law procedures which relate to divorces which involve children, in the case of both married and cohabiting couples. This means legal proceedings in the first instance and on appeal, as well as in conjunction with ancillary provisions (for example custody and access, alimony) and temporary arrangements.

The aim is for the legal process to take place as quickly as possible and in a way which de-escalates the situation as much as possible, with a minimum of conflict. Instead of a petition and defence there is the idea of having one single joint introductory procedural document containing the points on which there is no agreement. An assessment will also be made of which role some kind of (qualified) family representative can play.

In order to be able to carry out a proper assessment of the effects of the changes in the divorce proceedings without slowing down the process, the use of action learning is to be encouraged and supported, with practical experiences being directly used in order to make improvements. The new Experiments Act [Experimentenwet] provides for the removal any regulations that hamper the testing of a new element.

The question is whether the new divorce proceedings, in which a dispute is jointly submitted, is suitable or desirable for all divorcing parents. In current legal practice the majority of cases are already dealt with unopposed (approx. 86%). Cases which go well should be allowed to continue. An assessment also has to be made as to whether the joint submission of a dispute does not, in some cases, actually exacerbate the conflict (for example due to the existence of a psychological problem in the case of one or both parents) and how these families can otherwise be assisted. In the regional labs investigations are to be carried out to determine for which divorcing parents the new divorce proceedings are desirable and whether (and which) additional instruments are necessary for these and other cases.

The position and voice of the child are important factors in the new proceedings. The Research and Documentation Centre [Wetenschappelijk Onderzoek en Documentatiecentrum] (WODC) research into the position of juveniles in legal proceedings can be a source of inspiration in this respect. It is also important to take account of the psychological burden on, or relief for, the child before, during and after the proceedings. An assessment is also being made of the age at which a child should be involved in the proceedings.

The regional labs also provide an opportunity to investigate improvements of other elements. The Agenda for action recommends, for example, using forensic mediation (parental assessments) not only on appeal but also during proceedings at the lower courts. Together with the Child Care and Protection Agency [Raad voor de Kinderbescherming] the DwD Programme also wants to look at the alternatives for assessments and how access should be arranged. Here there is a relationship with referrals by the court to the uniform range of help available, as a result of which assessments by the Child Care and Protection Agency are unnecessary. The aim is to create short lines for providing help. The DwD Programme wants to encourage this possibility in the regional labs as well.

3.1.1 District regional labs

Regional labs are going to be set up in the districts of The Hague (District Court of The Hague, the youth regions of Haaglanden, Holland-Rijnland and Midden Holland) and East Brabant (District Court of Den Bosch, the youth regions of Northeast Brabant and Southeast Brabant). Both the courts in these districts and the Child Care and Protection Agency, several municipalities and district teams in the corresponding youth regions have demonstrated enthusiasm and a willingness during the build-up phase of the DwD Programme to become involved in the regional labs. The next step in terms of setting up the regional labs is to organise regional consultations in both regions to discuss with the most important partners what the best structure for the regional labs would be. The first regional consultations took place in May. The next regional consultations are planned for July 2019. During the build-up phase of the DwD Programme a national group has been put together, at administrative level, with the most important partners who, for example, played a role in the definitive regional selection. This group will be given a different role during the implementation phase, depending on the requirements in the regions.

3. 'Vision document on justice for parents involved in a divorce or separation' [Visiedocument Rechtspraak (echt)scheiding ouders met kinderen (10 October 2016).

4. The letter to the Dutch House of Representatives of 9 May 2018 about DwD states that a regional lab to conduct experiments will be created in three districts. During the programme's build-up phase there appeared to be a lot of enthusiasm and willingness to start working immediately with a regional lab. During the definitive selection of the regions it was decided to start where divorce-related partnerships already exist between all the organisations.

Milestone: The start in two regions of experiments with a divorce service desk and the new divorce proceedings in the autumn of 2019.

Details of the milestones and corresponding schedule relating to the projects clarified here, as well as the other activities and products to be generated, are included in Annex 1.

3 . RELATIONSHIP WITH OTHER PROGRAMMES

Collaboration is taking place between those involved in the DwD Programme and the participants in other programmes relating to the same problems. In this way the programmes are mutually reinforcing. Steps were taken during the build-up phase to make the correlation between these programmes more specific. Put briefly this relates to the following:

Action Programme for Youth Care

- Expertise (pillar 6)
- District teams (pillar 1)
- Child support figure (pillar 1)
- Fact researcher action plan (pillar 5)

Solid Start Action Programme

- Prevention and parenting

'Besluit met muisjes' programme

- Support for municipalities with the development of a preventive approach

'There is no place for violence' programme

- Professionalisation (Veilig Thuis, district teams)
- Police (serious access-related problems)
- Position of child (or support figure)

Programme to renew legal aid

- The development of divorce experiments with a suitable payment for legal aid providers to support the experiments in the regional labs.

4 . MONITORING AND RESEARCH

The programme team is monitoring the execution of the DwD Programme activities by means of a half-yearly monitoring overview.

As regards monitoring/research in the regional labs it is important that the approach there is experimental and educational in nature, based on joint investigations into what works through the development and testing of prototypes. As already mentioned the DwD Programme is encouraging and supporting a form of action learning to enable a proper assessment of the effects of the divorce service desk and the changes in the divorce proceedings while still maintaining momentum.

In doing so practical experiences are to be directly used to carry out improvements. With this in mind the DwD Programme is initiating scientific research.

5 . THE DwD PLATFORM

The DwD Platform restarted in September 2018 and is made up of professionals, stakeholders and experts who meet a number of times per year. Annex 2 contains details of the Platform's composition. Both the legal side and the care side of divorce cases are represented in the Platform.

As was the case in the previous phase, André Rouvoet is the Platform's chairman and ambassador for the DwD Programme as a whole. The Platform members are involved in implementing the projects which are part of the DwD Programme.

Annex 1

PROJECTS AND ACTIVITIES IMPLEMENTATION SCHEDULE

Project	Product	Schedule
Communication and awareness	'Voorstelling van Zaken GOED SCHEIDEN' theatre seminar.	February 2019
	DwD Programme communication plan: profiling, target groups, channels, key messages, advice, use of communication resources.	May - June 2019
	Database of organisations and contact people: channels as a basis for communication strategy.	June 2019
	Proposal for the use of website and development of basic information.	March - July 2019
	Development of a conversation diagram about the DwD Programme.	July 2019
	Identification of journals and magazines which are suitable for publications.	Autumn 2019
	Development and distribution to municipalities of top 5 dos and don'ts by the Family Factory.	October 2019
	Development of an online/offline magazine about divorce.	Mid 2020
	Update of government brochure entitled 'Splitting up... and what happens to the children then?' [Uit elkaar ... En de kinderen dan?]	2021
	Parenting and prevention	Identification of proven effective resources which prepare parents for partnership, parenting and the related transition moments. Then clarify the resources for parents and professionals who work with parents.
Identification of proven effective and preventive relationship-education programmes. Through dialogue with district teams and communication professionals investigate how parents can be reached on time and effectively in order to prevent, identify and reduce conflicts.		Autumn 2019
Develop a module about relationship lessons which teaching method writers can include in existing teaching methods, with their usage being encouraged via, for example, Healthy School [Gezonde School].		Mid 2020
Child support figure	Develop knowledge synthesis on the basis of an analysis of scientific literature about the effectiveness of support (nature, timing), identify the reach, impact and effectiveness of existing initiatives and make a recommendation about the approach and follow up on that basis.	Autumn 2019
	Develop resources to enable the right support figure to be chosen, for example a step-by-step plan and a decision tree for parents and professionals.	Autumn 2019

Continuation of Annex 1

PROJECTS AND ACTIVITIES IMPLEMENTATION SCHEDULE

Project	Product	Schedule
Professionalisation	Information to municipal officials about the scientific and organisational developments relating to (in cooperation with Youth Care). Introductions and the development of a good social map.	End of 2019
	Identify which knowledge is already available at various professional groups, associations, training institutions in the field of problems in the field of relationships and divorce.	2019
	Set up an expert group to advise on which knowledge, skills and expertise the various professionals must have if they become involved in a complex divorce, taking account of children's development phases.	2019
	Development of a vision on interventions and the role of the government as a basis for interpreting and implementing activities from the Agenda for action which relate to interventions.	2019
	Expert group advice for directly involved professions with regard to differentiation in and dealing with serious access-related problems.	Autumn 2019
	Publication of the revised Guideline on divorce and problems of young people [Richtlijn Scheiding en problemen van jeugdigen] of the professional associations NIP, NVO and BPSW (performed by the Netherlands Youth Institute [Nederlands Jeugdinstituut]) for professionals registered with the SKJ and BIG who work in the youth domain.	End of 2019
	Expert group advice for GPs, paediatricians, lawyers specialised in family law and juvenile law, clinical psychologists and remedial educationalists.	Spring 2020
	The organisation of accredited and multidisciplinary regional meetings for district team employees, divorce experts and policymakers at the request of the regions and, where possible, in cooperation with Youth Care and the 'There is no place for violence' programme.	2019 - 2020
	Expert group advice for indirectly involved professions such as Public Health Service (GGD) paediatricians, psychologists, remedial educationalists working in education and other professions yet to be determined.	End of 2020

Continuation of Annex 1

PROJECTS AND ACTIVITIES IMPLEMENTATION SCHEDULE

Project	Product	Schedule
Regional labs	Regional consultations about setting up the regional labs.	May 2019
	Start implementing prototypes in regions.	Autumn 2019
	Parenting after divorce dialogue session.	Autumn 2019
	Conference about divorce service desk.	Autumn 2019
	Various evaluation, learning and development meetings relating to implementation (regional labs).	2019 - 2021
	A conference twice a year to enable information to be exchanged between the regional labs and the rest of the country.	2020 - 2021
Other activities		
Individual parent	Memorandum/analysis/advice about divorce-related problems and the connection with mental healthcare and youth care.	March 2019
	Try to link with mental healthcare.	Summer/autumn 2019
Good practices	Identification of good examples in the context of problems relating to debts, accommodation and health insurers.	End of 2019
	Discussion with Aedes about accommodation bottlenecks/solutions.	Spring 2020
	Inclusion of good examples in regional labs.	2019 - 2021
Parallel parenting and resilience	Review method for tackling complex divorces for certified institutions by Youth Care The Netherlands.	End of 2019
Employers	Short survey of absenteeism due to illness because of divorce.	March 2019
	Discussion with the Confederation of Netherlands Industry and Employers (VNO-NCW) about the role of employers during	Autumn 2019
	Discussion(s) with large companies and GP professional association.	Autumn 2019/Spring 2020

Continuation of Annex 1

PROJECTS AND ACTIVITIES IMPLEMENTATION SCHEDULE

Project	Product	Schedule
Parental Access House [Omgangshuis]	Round table of parental access houses to provide follow-up, together with municipalities and institutions, to the advice by the Ombudsman for Children about parental access houses.	Mid 2019
Police	Meeting to assess the specific expertise required by the police, as a basis for the police training programme.	Autumn 2019
Legal assistance	Within the framework of the legal aid programme divorce experiments are to be developed with a suitable payment for legal aid providers to support the experiments in the regional labs.	End of 2019
Care consent	<ul style="list-style-type: none"> - Identification of bottlenecks relating to the consent requirement for the use of youth care or medical treatment. - Formulate vision on situations in which youth care can be provided without the permission, or with the permission of one or both parents. 	Mid 2020
Netherlands Statistics	An annual overview (in May) of the percentage of children from 2019 - 2022 of divorced parents who are lagging behind at school and are receiving youth care and youth protection.	

Annex 2

COMPOSITION OF DwD PLATFORM

Chairperson:

André Rouvoet

Permanent observers:

Marion Smit (VWS)

Anna van Beuningen (JenV)

Participating organisations:

VNG, Victor Everhardt

Judiciary, Marion Beckers

Nova, Theda Boersema

NIP/NVO, Gerda de Boer

Ombudsman for Children, Coby van der Kooi

Child Care and Protection Board, Annette Roeters

Villa Pinedo, Marsha Pinedo

Augeo Foundation, Mariëlle Dekker

Certified institutions/Youth Care

The Netherlands, René Meuwissen

LBBO, Loek Mak

Fas lawyer/mediator, Dianne Kroezen

Psychologiepraktijk Hechtscheiden, Heleen Koppejan

Expert, Kyra de Hair

Scientists, Esther Kluwer and Carolien Gravesteijn

Guest members (invited):

a change expert

regional project leaders, councillors and/or judges

legislators

"Do not completely change children's lives around when your grief is still raw, but try to initiate change in clearly defined periods."

Carrie Jansen (social lawyer) during the 'Voorstelling van Zaken GOED SCHEIDEN' theatre seminar.

Publication

The Divorce without Damage programme is being implemented by:

The Ministry of Justice and Security
Ministry of Health, Welfare and Sport
in partnership with the Association of Netherlands Municipalities.

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