



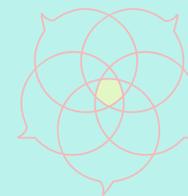
SOTSIAALKINDLUSTUSAMET



A PARENTS GUIDE:

Information and Support
for Separating Families
with Children

Lasteabi.ee
☎ 116 111



perelepitus

Iceland
Liechtenstein
Norway grants

Norway
grants

Dear reader!

You are currently holding a guide that we have prepared at the Estonian Social Insurance Board for parents who are planning to end their cohabitation, who are thinking about divorce or who are recovering from separation. It is also aimed at their friends and loved ones. **The main topic of the guide is how to remain a good parent after separation, as the end of a lasting relationship between adults who have children does not mean the end of parenthood.**

This guide provides you with advice on where to find help and support for yourself and your family.

In addition to advice and recommendations on how to prevent and solve various problems in the event of separation, what to keep in mind, and what to pay attention to, we have also included a range of information channels and necessary contacts to this publication. Separation is different in its nature, but if it involves a family with children, the well-being and safety of the children should remain a priority for both parents.

Even though the parents no longer live together, a child is still entitled to the care and love of both parents. A child has the right to remain a child and to enjoy a quality life after their parents have broken up. **Parents are responsible not only for their child's well-being but also for maintaining a good and developing relationship with the child.** Positive parenthood may become even more important for a child after separation.

The end of a partnership challenges parents to build a different relationship with each other. Although the ex-spouse or ex-partner is no longer a partner in a permanent relationship, they are still important and irreplaceable to the child. Parents need to take responsibility for separation by cooperating and supporting their child in the new situation. Working through



the emotions of separation also helps parents to adjust to the new circumstances and start a new journey.

The supporting material has been prepared on the basis of the similar Finnish guide titled 'A Parent's Guide. Information and Support for Divorcing Families with Children', which has been published in English.

Design and layout: Helen Puistaja

Photos: Pexels, Shutterstock and Getty Images

Publisher: The Federation of Mother and Child Homes and Shelters // ISBN 978-951-9424-75-0
Third, revised edition, April 2020.

The Estonian text has been edited and adapted for Estonia by Helika Saar.

The Estonian version has been prepared as part of the project 'Establishment of a national family mediation system' of the 2014–2021 European Economic Area and Norway Grants programme 'Local Development and Poverty Reduction'.

© The Federation of Mother and Child Homes and Shelters

The Finnish Parent's Guide is part of a programme for separating parents with children, supported by the Funding Centre for Social Welfare and Health Organisations (STEA). Associations: The Federation of Mother and Child Homes and Shelters, toimisto@ensijaturvakotienliitto.fi

THE FEDERATION OF
MOTHER AND
CHILD HOMES
AND SHELTERS

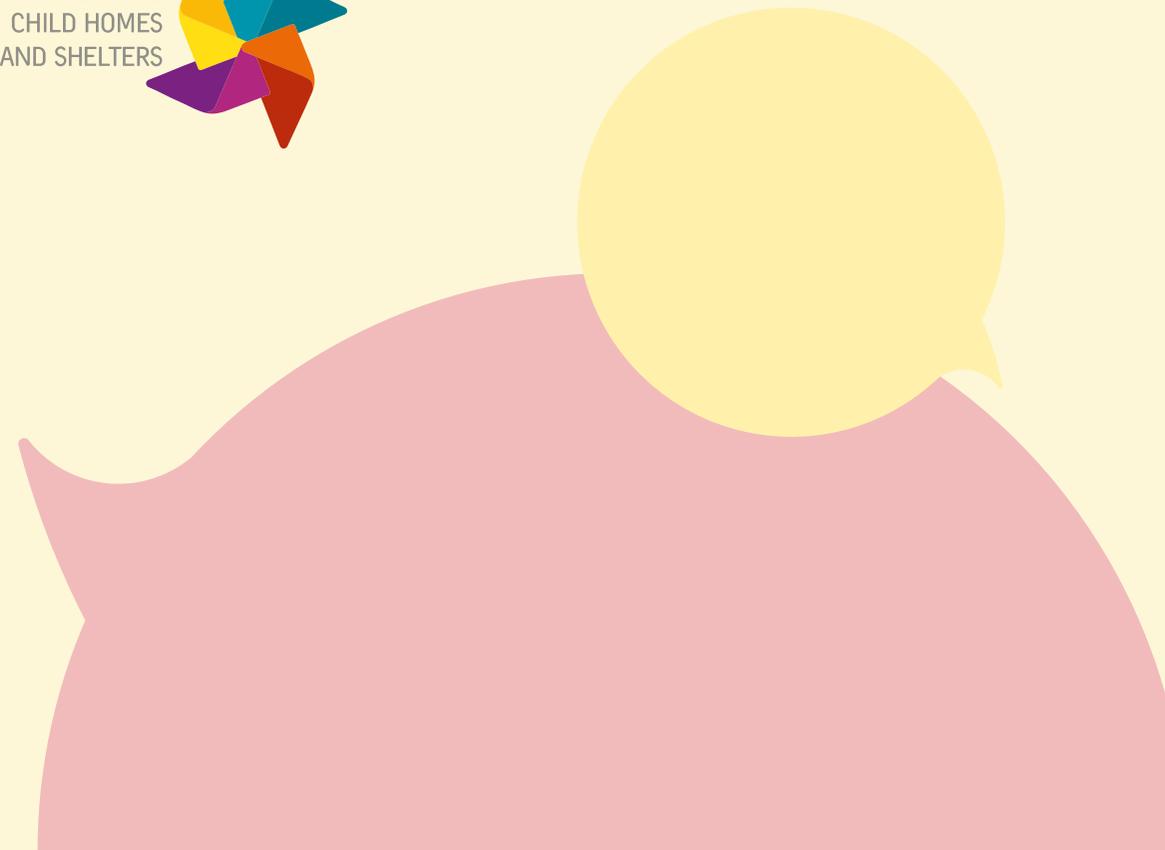


Table of Contents

TO SEPARATE OR STAY TOGETHER?

WHEN YOU HAVE DECIDED TO SEPARATE

Legal steps related to separation

proprietary rights and obligations – what happens after divorce?

Agreements in the child’s best interests

SEPARATION – FROM CRISIS TO RECOVERY

Separation as a crisis

Recovering from separation

PAYING ATTENTION TO THE CHILD’S NEEDS

How to talk to a child about separation

Cooperative parenting – what does it take?

Separation in a bicultural family

VALUES OF A PARENT

To separate or stay together?

If spouses or partners do not talk to each other often enough about their expectations or matters that are important to them in the relationship, separation may come as a surprise to one of them. The topic of separation should also be dared to be discussed.

For the partner who is considering separation, this may seem like the only solution to relationship problems. However, considering or discussing separation does not make it inevitable. **An open conversation does not weaken the relationship, rather the lack of such a conversation does.** It should be borne in mind that at some point separation has been considered

or discussed in all relationships, even in case of those that have lasted.

There can be several reasons to think about separation. You may feel that your feelings for partner have ceased to exist or that you no longer have common dreams. The relationship can be challenged by daily life with the pressure arising from work or unemployment, lack of time spent together, unequal distribution of family responsibilities, and financial worries. The problems could also be related to communication: unwillingness to talk to each other, inability to express your needs or listen to your partner, constant quarrelling and conflicts, and derogatory comments from your spouse or partner may lead to a situation where both partners feel alienated from each other. Relationships are also affected by emotions that arise from problems related to personal growth and development, such as the idea that everyone only lives once. Furthermore, relationships reflect family's developmental crises. The birth of your first child may unexpectedly put your relationship to the test. Raising children may take all of your time, leaving virtually no time to maintain your relationship. Finding the right balance between the needs of your child, yourself, and relationships may be complex.



Alcohol and drug abuse, mental health problems or violence could also put pressure on the relationship and lead to thoughts of separation. As a parent, you should always seek help with such problems, regardless of whether you decide to separate or not in the end.

ISSUES TO CONSIDER

- What events or matters have made me think about separating from my partner?
- What kind of changes would I like to see in my family life?
- How could I discuss this with my partner or spouse?
- How would separation change my life?
- How would it change the life of my spouse/partner and children?
- For whom would separation not be a solution?
- What new problems could separation create?

A person who is thinking about separation may feel that such a step would solve several problems, even those that could not be solved

in reality. For example, separation does not eliminate the different views of parents on parenthood. **Regardless of separation, parents need to stay in touch and be prepared to make compromises when raising their child. After all, they still have parental responsibility after separation.** Remember that even if separation solves some family or relationship problems, it often leads to new ones.

The decision to separate is one of the most difficult things a parent makes in their lifetime. If you are considering separation, you should also think about all the options for finding help before making a final decision.

You can seek support and ideas for improving your family life and relationship even if you are not facing a severe crisis or threat of separation. It is always a good idea to seek help for relationship problems early on, when both spouses are still sufficiently committed to the relationship and neither has taken any definitive steps towards separation. There is a good chance of making it through difficult situations as long as both spouses are still willing to continue the relationship.

You should look for help and support for problems in your relationship and family life

when the idea of separation as a solution to your problems starts to enter your mind regularly. Ideally, you should seek help already before separation. There is plenty of support available for people with relationship issues and those considering separation. Family counsellors, therapists, and mediators help parents in solving their mutual problems and setting common objectives for the future. Family counsellors (including relationship counsellors) or therapists can help if the family's aim is to maintain relationships. When parents separate, their relationship as a couple ends, but parenthood continues, as the child still needs the care and guidance of both parents.

In order to find a suitable way of life for common children, family mediation, which is aimed at spouses who are separating or who are already living apart, is the most widely used method. You can also find support for your problems from support groups, parenting training, etc. For example, **support groups and mini-lectures and discussion panels organised by SA Eesti Lastefond** help you move from difficult feelings to lighter ones, understand what happened in the relationship and what is happening to you, and provide you with the right direction on how to help your child during these difficult times.

When you have decided to separate

If you have been living in a marriage, common-law marriage or registered partnership, the decision to separate brings many changes, challenges, and issues to be taken care of. Some are practical matters related to the end of the relationship and the division of property. Divorce as a process and division of property have been defined in the Family Law Act. It is recommended contacting a lawyer or a law firm when dividing property. In addition, you need to agree on the future living arrangements of the child. Questions may arise about the right of custody, the child's residence or the rights of access. It is worth remembering that parents must take into account the child's well-being and interests when making decisions concerning the child.

Family counsellors, therapists, and mediators help you in solving new challenges and setting common objectives for the future.

LEGAL STEPS RELATED TO SEPARATION

It is possible to divorce by mutual agreement between the spouses, either in a vital statistics office or notary's office, or in case of a dispute, in court.

It can be formalised in a vital statistics office if the spouses have reached an agreement and both of them reside in Estonia. For divorce, the spouses personally submit a joint written application in Estonian and pay a state fee for making an entry of divorce. Divorce is not granted earlier than one month and not later than three months of the filing of the application for divorce. The purpose of the provision of the law is to give spouses time to think about their divorce decision. Even if a petition for divorce has already been submitted to the vital statistics office, the spouses still have the option to change their minds and not divorce. However, if it is decided to divorce, but one of the spouses is unable to come to the vital statistics office on the date of the divorce for good reason, they may separately



submit a consent to the divorce without their presence, which is either notarised or certified by a consular officer¹. After the entry of the divorce has been made, the official will issue a certificate of divorce to the petitioners at their request.

If a notary is involved in the separation process, divorce is granted by agreement of the spouses on the basis of a joint declaration prepared on the site. A notary may also grant divorce if at least one of the divorcing spouses is resident abroad. After the petition for divorce has been filed, the notary determines the date of divorce on which they will grant divorce in the presence of both spouses. As in the vital statistics office, divorce is granted no earlier than one month and no later than three months after the date of submission of the petition for divorce to the notary. If one of the spouses is unable to come to the vital statistics office at the prescribed time for good reason, they may separately submit a consent to the divorce without their presence, which is either notarised or certified by a consular officer.

¹ A consular officer is a civil servant employed in a diplomatic position who holds a consular officer's title or special title and who is authorised to carry out the duties of a consular officer.

Divorce is granted in court if the spouses disagree on the matter of divorce or the circumstances of divorce, or if the vital statistics office is not competent to grant divorce. The court grants divorce if conjugal relations have irreversibly terminated. According to the Family Law Act, conjugal relations have terminated if the spouses do not have matrimonial cohabitation any more and there is reason to believe that the spouses will not restore cohabitation. A court must take measures for the conciliation of the parties unless it is impossible or unreasonable due to the circumstances. A court may give the parties a term of up to six months for reconciliation.

In case of divorce, a person's previous surname may be restored on the basis of a petition, otherwise they will retain their married surname.

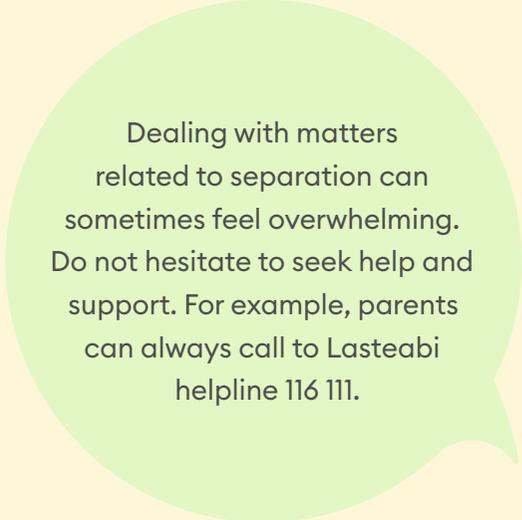
MORE INFORMATION

The vital statistics offices with jurisdiction to grant divorce involve local authorities of the county centres and Tallinn Vital Statistics Department.

If the parents have entered into a registered partnership contract, it will be terminated by a notarial agreement between the parties or, if the parties do not reach an agreement, the

registered partner may file an action against the other registered partner. A court may terminate the registered partnership contract by a court judgment or refer the couple to mandatory notarial reconciliation proceedings. Upon termination of the registered partnership contract, there is no further maintenance obligation, unless the parties agree otherwise.

A common-law marriage ends with the mutual consent of the partners, without a formal act. If children are involved in the ending of a common-law marriage or registered partnership, their affairs must be arranged in the best interests of children and in accordance with the Family Law Act, as in an ordinary marriage.



Dealing with matters related to separation can sometimes feel overwhelming. Do not hesitate to seek help and support. For example, parents can always call to Lasteabi helpline 116 111.

PROPRIETARY RIGHTS AND OBLIGATIONS – WHAT HAPPENS AFTER DIVORCE?

For spouses, marriage means not only personal rights and obligations, but also proprietary rights and obligations. These proprietary rights and obligations arise from the marital proprietary relationship that you have chosen in the petition for marriage or marital property contract. By submitting a petition for marriage, you can choose between the following marital proprietary relationships.

JOINTNESS OF PROPERTY binds the spouses very strongly financially. In case of jointness of property, the assets acquired during the marriage are jointly owned by the spouses, regardless of in whose name they are registered. If one of the spouses wants to make transactions with the joint property, they must have the consent of the other spouse. In the event of divorce, it is assumed that both parties own 50% of the joint property.

FOR EXAMPLE

Mari and Jüri have chosen jointness of property and Jüri buys an apartment where they start to live. Apartment ownership is registered in his name. The apartment is

jointly owned by Mari and Jüri, both owning 50% and 50%, respectively. If Jüri wants to sell the apartment, Mari's consent is required.

SET-OFF OF ASSETS INCREMENT provides spouses with greater financial independence, but leaves clear guarantees for the economically weaker spouse. In case of set-off of assets increment, the assets acquired during the marriage are the sole property of each party. The property is in the name of the spouse in whose name it was acquired. As an exception, the consent of the spouse, who is not an owner, is required if transactions are made with a dwelling used as a family dwelling.

FOR EXAMPLE

Mari and Jüri have chosen set-off of assets increment. Jüri buys a car and Mari buys an apartment where they start to live. The apartment is exclusively owned by Mari and the car is exclusively owned by Jüri (registered accordingly). If Jüri wants to sell the car, Mari's consent is not required, but if Mari wants to sell the apartment used as their home, Jüri's consent is required.

SEPARATENESS OF PROPERTY means that the spouses are completely independent of each

other in terms of property. The property is the sole property of the spouse in whose name it is and who acquired it during the marriage.

FOR EXAMPLE

Mari and Jüri have chosen separateness of property. Jüri buys a car and Mari buys an apartment where they start to live. The apartment is exclusively owned by Mari and the car is exclusively owned by Jüri (registered accordingly). If Jüri wants to sell the car or Mari wants to sell the apartment used as their home, the consent of the other spouse is not required in this case.

The spouses also exclusively own the property which one of the spouses has acquired before the marriage or which the spouse has acquired during the marriage, for example, by inheritance or restitution.

READ MORE:

About jointness of property, set-off of assets increment, and separateness of property.

If you did not choose the marital proprietary relationship in your petition when you got married, you will be subject to jointness of property. If you have jointness of property and you do not divide the joint property

upon divorce, this property remains the joint property of the divorced spouses and the relation transactions with the property can only be made jointly (i.e. transactions require the consent of the divorced spouse).

Divorced spouses may enter into a joint property division contract after divorce (a notarised contract is required if the joint property includes immovable property ownership). If the divorcing spouses have agreed on the division of the property, they can also formalise their divorce at a notary's office. While being there, they can immediately

enter into a joint property division contract on the date of divorce, under which they divide their joint property.

When married, the proprietary relationship can be changed, but in this case a notarised marital property contract must be concluded. The fourth option for determining the proprietary relationship is therefore a marital property contract, which is notarised before marriage or during marriage. A marital property contract allows the parties to determine which property remains as separate property and which as joint property, how to use joint property, and how

it is divided, if necessary. A marital property contract may not deprive a spouse or divorced spouse of the right to maintenance and waive the right to divide joint property at the end of marriage. A marital property contract terminates upon termination of marriage, conclusion of a new marital property contract or termination of the proprietary relationship in court. A marital property contract is entered in the register of marital property contracts at the request of the spouse.

When concluding a registered partnership contract, the partners must also choose the type of proprietary relationship. The contractual parties may agree on the rules applicable to the separation, as well as the obligation and amount of the periodic payments to be made after the termination of the registered partnership contract. Unlike marriage, legal separation between registered partners has no legal consequences. This means that if registered partners want to live apart but have not terminated their registered partnership contract, their proprietary relations are not as clearly regulated as in the event of marriage. A registered partner cannot claim part of the joint dwelling in the event of legal separation if the dwelling is transferred to one registered partner; they cannot charge



a user fee²; and the division of consumer property³ is not regulated. Upon termination of the registered partnership contract, the court resolves disputes over housing and related property on the same basis as in marriage.

In the event of separation, the parties may decide on the division of property between themselves by preparing a joint agreement or having it done by a lawyer or notary (required if the joint property includes immovable property ownership).

If the spouses do not reach an agreement about the division of joint property, the dispute must be settled in court. If the parties are unable to agree on how to divide the joint property, the court will decide, at the petitioner's request, whether to divide the joint property between the parties in physical shares, to transfer property to one spouse by obligating them to pay out to the other spouse their share in money or to sell the item at a public or inter-spouse auction and to distribute the money

² User fee - If one spouse is required to transfer the housing of the family or a part of it to the other spouse for sole use, they may demand equitable user fee for that (subsection 23 (2) of the Family Law Act).

³ Consumer property involves items used in the household for the benefit of the family, such as furnishings (furniture, appliances) and other items.

received between the parties, taking into account the size of their share. Joint property is generally divided equally between the spouses, but the Family Law Act also provides grounds for deviating from the equality of the shares. If the joint property is subject to proprietary obligations (such as leases or loans), these are settled during the division of the property or divided between the spouses as any other property.

The spouses are mutually obligated to support the family. During the marriage, the spouse is obligated to support the incapacitated spouse in need of assistance, as well as the spouse who is pregnant and cares for a child until the child reaches the age of three. Similar obligations also apply to registered partners who have entered into a registered partnership contract.

It is also possible to claim maintenance from the spouse after divorce. A divorced spouse can claim maintenance (maintenance support) if they are caring for a child up to the age of three, if they are of old age or if they have poor health. When determining the amount of maintenance support, it is taken into account that the standard of living of the divorced spouse would remain the same as during the marriage.

MAINTENANCE SUPPORT

A child has the right to receive full support from their parents. **Parents have the obligation to support their minor child**, as well as a child who, as an adult, acquires basic, secondary or higher education or studying at a vocational level, but not beyond the age of 21, unless the child is incapacitated for work.

Therefore, maintenance is the child's right and the parent's obligation, which the parent of a minor child fulfils by paying maintenance support, in particular if they do not live with the child or do not participate in the child's raising. As parents have equal rights and obligations towards their child, maintenance support should cover half of the child's expenses. Maintenance support is money paid to support a child, therefore, the parent actually raising the child must use it in the child's best interests.

If the parents do not live together or decide to separate, it is necessary to agree on the issue of maintenance of the child, specifying, among other things, how and when the maintenance support is to be paid. Sometimes the child has a home with both parents (alternating home) and both parents, therefore, cover the costs of the child's home. However, alternating home does not always mean that maintenance



support should not have to be paid, as it is also important to keep an eye on the proportionality of the child's expenses. An agreement, which excludes the maintenance obligation in the future or unreasonably restricts the maintenance obligation, is null and void. It is advisable to conclude the agreement in writing or by notarial deed. In the latter case, an immediate submission to enforcement should be agreed, among other things, so it could be used as an enforcement instrument, if necessary. Enforcement instruments are judicial decisions and other documents that an enforcement agent can enforce without opening a case.

It is best for the child if the parents cooperate with each other and the agreements function, including in case of maintenance. Unfortunately, this is not always so. Maintenance support is a child's right, so if a parent who lives separately does not pay maintenance support voluntarily, the parent raising the child must first and foremost take the child to a court to protect the child's rights. Every child has the right to diverse development and well-being. To claim maintenance support, the child's legal representative can file an action on behalf of the child with the county court of the child's residence. If the child maintenance agreement has been notarised, the refusal to

pay maintenance support may be referred to an enforcement agent without having to go to a court at first.

If the other parent does not object in principle to the maintenance claim, it is reasonable to initiate expedited payment order proceedings. Both this and the statement of claim can be submitted electronically in the environment of the E-file.

If the parent fails to fulfil the maintenance obligation and contests the maintenance claim, the court will order them to pay maintenance support to the child. Generally, the monthly maintenance support to a child cannot be less than half of the minimum monthly wages established by the government. However, as of 2021, a plan to change the minimum rate is being processed. In case of a dispute, it must always be reviewed based on the current law. The court can also order the payment of maintenance support for less than the minimum amount for good cause. If the financial situation of the parent raising the child or of the other parent or the child's needs change, it is possible to file a statement of claim with the court to change the amount of the maintenance support.

If the parent has gone to court but the judgment has not yet been issued, they can receive maintenance allowance from the state during the court proceedings.

If there is an enforceable or immediately enforceable court judgment for ordering the payment of maintenance support, but the other parent (debtor) fails to comply with such order, the parent raising the child can apply to an enforcement agent. If the debtor does not make the payments ordered by the court judgment within the prescribed time, the enforcement agent has the right to proceed with the recovery of both the maintenance support and the debt on the basis of an



application by the claimant. The enforcement agent must be provided with the court judgment and enforcement application.

MAINTENANCE ALLOWANCE

Maintenance allowance is temporary state support to a child whose parent(s) do(es) not meet their maintenance obligation or fail(s) to do so to the extent provided by law. As the number of maintenance debtors and the amounts owed to their children increase over the years, a maintenance allowance scheme was introduced in 2017, whereby the state provides a monthly maintenance allowance of up to a hundred euros to the child of a parent raising the child alone.

The purpose of the maintenance allowance is to ensure maintenance for the child if the debtor (the parent who owes the maintenance allowance and who lives apart from the child) does not fulfil the maintenance obligation during the court or enforcement proceedings. The prerequisite for receiving the maintenance allowance is a situation where the child must apply to the court for the maintenance allowance in expedited payment order proceedings or in action proceedings. The easiest way to apply for the maintenance allowance is through the state portal at www.eesti.ee or by

sending a digitally signed application to info@sotsiaalkindlustusamet.ee.

Both a minor child and a child who, as an adult, acquires basic, secondary or higher education or is studying at a vocational level, but not longer than reaching 21 years of age, is entitled to receive maintenance allowance. An application or a statement of claim for a minor child will be submitted by the child's legal representative. An adult child submits the application themselves. A child is not entitled to receive maintenance allowance if another person fulfils the maintenance obligation on behalf of the parent in accordance with section 106 of the Family Law Act.

READ MORE:

→ Maintenance allowance during court proceedings is paid at the time when the maintenance claim has been brought before court and the court has accepted it, but a judgment has not yet been given. Maintenance allowance is paid for 150 days and the amount of maintenance allowance paid in one month is 100 euros.

www.sotsiaalkindlustusamet.ee/et/lapsed-ja-pere/elatisabi#Kohtumenetlusaegne%20elatisabi (in Estonian)

→ Maintenance allowance during enforcement proceedings is paid if the person liable to pay maintenance support to the child does not pay maintenance support, even though it has been ordered by a court judgment. In this case, the child is ensured monthly maintenance allowance in the amount of up to 100 euros.

www.sotsiaalkindlustusamet.ee/et/lapsed-ja-pere/elatisabi#T%C3%A4itemenetlusaegne%20elatisabi (in Estonian)

FROM A PARENT LIVING ABROAD

If the parent liable to pay maintenance support for the child has moved abroad and the child is no longer paid maintenance support, enforcement proceedings can be initiated. In order to initiate proceedings abroad, a petition (including a petition for maintenance allowance during enforcement proceedings) must be submitted to the Estonian Ministry of Justice together with a power of attorney authorising a suitable Estonian enforcement agent to mediate maintenance support from a foreign state.

The payment of maintenance allowance does not release the maintenance debtor from their obligations, but the state requires the parent who has failed to pay maintenance support to their child to pay the debt later.

READ MORE:

→ Maintenance allowance (in Estonian)

www.sotsiaalkindlustusamet.ee/et/lapsed-ja-pere/elatisabi#Elatisabi%20taotlemine,%20kui%20v%C3%B5lgnik%20elab%20v%C3%A4lismaal

→ More information about the recognition of a maintenance decision in a foreign country (in Estonian)

www.juristaitab.ee/et/kuidas-eesi-kohtuotsust-voi-dokumenti-valismaal-tunnustada/elatisotsuse-tunnustamine

AGREEMENTS IN THE CHILD'S BEST INTERESTS

Even if the relationship ends, the parenthood and parental responsibility will continue. The support of both parents is still very important for the child, as both parents are important and necessary to them. The child must not be put in a situation where they have to choose between their parents.

Regardless of whether the parents are married or live in a common-law marriage, in the event of divorce or separation, questions must be addressed on how to organise future communication between the parents and the child, where the child will reside, who represents the child, etc. Most parents come into contact with family law for the first time during the separation process, which governs the relationship between the child and the parents.

The Estonian Constitution establishes the right and obligation of parents to raise and care for their child. According to the Family Law Act, parents have equal rights and obligations towards their child. A parent has the obligation and the right to care for

However, it is important to remember that the child does not only have material needs. First and foremost, the child needs love, care, and attention of both parents. The child has the right to communicate with both parents, regardless of the nature of the relationship between the parents. All decisions made by parents about the child must be made in the child's best interests. If there are legal disputes between the parents, the child is likely to find out about them and will need an explanation in a language they understand what the dispute is about, why it is happening, and whether and how it affects the child.

their minor child, i.e. the right of custody. The purpose of the law is to ensure the child's right to balanced development and well-being and communication with both parents. The obligations of the parents do not depend on whether they live in the same residence or separately.

Parents must agree on how the child's affairs will be arranged after separation. If there is more than one child in the family, it is

necessary to find a solution for each child that is in the best interests of that child. **If the parents do not reach an agreement on their own, it is recommended that they consult a family mediator, for example. Help can also be sought from a child protection specialist in the area of the child's residence, who can recommend support services or programmes to parents to make the best decisions for their child.**

Decisions about the child should always be made by the parents. They are also responsible for the consequences of their decisions. It is not always easy for a child to express their hopes and wishes, for example, in relation to the organisation of their life. This is especially difficult for a child when they know that their parents do not agree on issues that concern them. The child wants to be loyal to both parents and does not want to quarrel with either of them. When parents trust each other and are able to negotiate, it is also easier for the child to express their views and wishes. In this case, the child knows that no one will become angry or abandon them when they express their thoughts.

Remember that all children, regardless of age, have the legal right to be heard in matters

that concern them. Listening to a child means taking into account their wishes, opinions, and developmental needs. Under no circumstances should the child be forced to express their opinion. The child may not have a clear opinion and may trust their parents to be able to work together to solve problems in the child's best interests.

It is important to set aside personal emotions related to the other parent and always base the child's life management decisions solely on the child's best interests. Separation is difficult for everyone in the family, but parents must first of all remember that it causes confusion and sadness in the child, as well as guilt. It is best for the child if the parents calmly explain the situation and the next steps, taking into account the child's age, including, for example, when the child will meet their other parent again or why a meeting is not possible. Stability is very important for a child, especially in a situation full of change.

RIGHT OF CUSTODY

When making decisions concerning a child, parents must be guided by the child's well-being and interests, not their own interests and wishes.

The parent's right of custody includes the right to care for the person of the child (custody over person) and for the property of the child (custody over property) and decide on matters related to the child. The parent who has the right of custody is usually also the child's representative. Parents generally have joint right of custody of the child, which does not end with the termination of the parents' cohabitation or with the child remaining with one parent. Parents cannot mutually agree to end their joint right of custody, however, they can agree on how they will organise the decision-making over matters related to joint right of custody. Joint right of custody can only be terminated by a court on the basis of a parent's application.

Parents must exercise the right of custody jointly, whether or not they live together, whether the child lives mainly with one parent or has an alternating residence. Joint right of custody means, among other things, that both parents have the opportunity to have a say in matters concerning the child, but also that important matters concerning the child (for example, what school or hobby the child attends, what health care is provided to the child) are decided jointly by the parents. Therefore, the parent with whom the child lives



after separation does not automatically have greater rights in making decisions concerning the child than the other parent. Only the daily (ordinary care) issues of the child can be decided by the parent alone during the time the child is with them.

If the parents who have joint right of custody do not wish to exercise this right jointly in the future, either parent has the right to apply to the court in proceedings on petition for the custody of the child to be transferred to them in part or in full. The court may also resolve a custody dispute in divorce proceedings. The

court will not satisfy an application if a child of at least 14 years of age objects to the transfer of custody or there is reason to believe that the termination of joint right of custody and the granting of sole right of custody to the petitioner is not in the child's best interests. The court decides on the termination of joint right of custody and the custody of one parent in the child's best interests, taking into account, among other things, the mental and economic readiness of both parents to raise a child, their spiritual connection with the child, and their previous commitment to caring for the child, as well as the child's future living conditions. If

the right of custody belongs to one parent on the basis of a court decision, the other parent may request the transfer of the right of custody if the circumstances on the basis of which the court decision was made have changed significantly.

The parent who has the right of custody is the child's legal representative. Parents with joint right of custody have joint right of representation. A parent represents the child alone if they has sole right of custody of the child or if the court has given them sole discretion to decide the relevant matter. For example, if a parent has been given sole discretion in choosing a school, the parent alone can decide which school the child will attend. At the same time, a parent who has been granted sole right of custody in matters of the child's health can decide solely on matters concerning the child's health. Regardless of the right of custody, parents must always make decisions in the best interests of the child, including not endangering the child through their actions or omissions (for example, hiding important information about the child's health from the other parent, etc.). The sole right of custody does not release either parent from the maintenance obligation or restrict the other parent's right of access.

CHILD'S RESIDENCE

In case of separation, the parents separate from each other, but neither separates from the child. The question concerning the child's permanent residence after separation is too often at the heart of parental disputes. If parents are unable to decide at the beginning of the negotiations where the child will live in the future, this may undermine their future cooperation. Also, it is not in the child's best interests. No agreement works if the parents cannot trust and support each other as parents.

It is important that the parents trust each other and that the child can live flexibly with both of them. The parents can decide on the child's residence by agreement or have it decided by a court, taking into account in particular which living arrangements (permanent or temporary) are best suited to the child without causing them undue stress.

If the child has a permanent residence, it is in their best interests to have sufficient contact with the parent who lives separately. **It is vital to maintain a trusting and close relationship between the child and the separated parent after separation.** In cases where the child has an alternating residence and spends an equal

amount of time with both parents, the parents need to monitor whether living in different homes periodically is suitable for the child and does not become too burdensome. In case of alternating residence, the parents agree on the address at which the child's official residence will be registered. An alternating residence must be in the child's best interests, meaning that, for example, the child's age and character, the distance between the parents' residences, and the parents' capacity to cooperate on matters concerning the child should be taken into account. An alternating residence must not be chosen solely to ensure equal treatment of parents.

The child must be given the opportunity to express their views. The court will hear a child of at least 10 years of age in person in a matter concerning a child, unless otherwise provided by law. The court may also hear a younger child.

If the parents cannot reach an agreement on custody issues, it is recommended contacting a child protection specialist in the area where the child lives, who will help the parents reach an agreement considering the child's best interests or refer them to counselling or a family mediator (read more about family mediation on page ...).



RIGHT OF ACCESS

Children are happy when they have the opportunity to live with loving parents. When parents separate, it is very difficult for a child if their relationship with one parent weakens. Parents who fully support the child's close relationship with the other parent deserve recognition, as they understand that distance from the mother or father can be painful for the child.

Both parents have an obligation and the right to communicate with the child personally. The rights and obligations of a parent apply to their child, regardless of whether the parent lives with the child or not, unless the parent's rights have been restricted by a court. The right of access between the child and the parent also remains with the termination of the joint right of custody and the granting of the sole right of custody to one parent. The child has the right to communicate personally with both parents, but has no obligation to do so.

Unfortunately, due to the conflict between the parents, the child's interest may be left in the background. According to the law, a parent must refrain from activities that damage the child's relationship with the other parent or make it difficult to raise the child (for example, preventing the child and the other parent from

meeting or influencing the child to refrain from communicating with the other parent). It is important to remember that the end of a relationship does not end the parenthood, meaning the child's relationship with the other parent. Separation leads to different emotions, and although, for example, a parent does not want to communicate with the other parent, this does not mean that not communicating with the other parent is also in the child's best interests.

It is in the child's best interests that the parents are able to agree on and adhere to effective communication procedures despite their disagreements. When concluding an agree-

ment, you can get help from a child protection specialist in the area of your residence, a family mediator, and a law firm, for example. The access procedure must not place an unreasonable burden on the child, taking into account, among other things, the child's age, their relationship with parents, distance between the parents' residences, parents' work schedule, the child's daily schedule, but also, for example, the child's involvement in learning and hobbies, etc. Access procedures must be clear and enforceable.

However, if an agreement on the access procedure cannot be reached amicably, the parent can apply to the county court of the



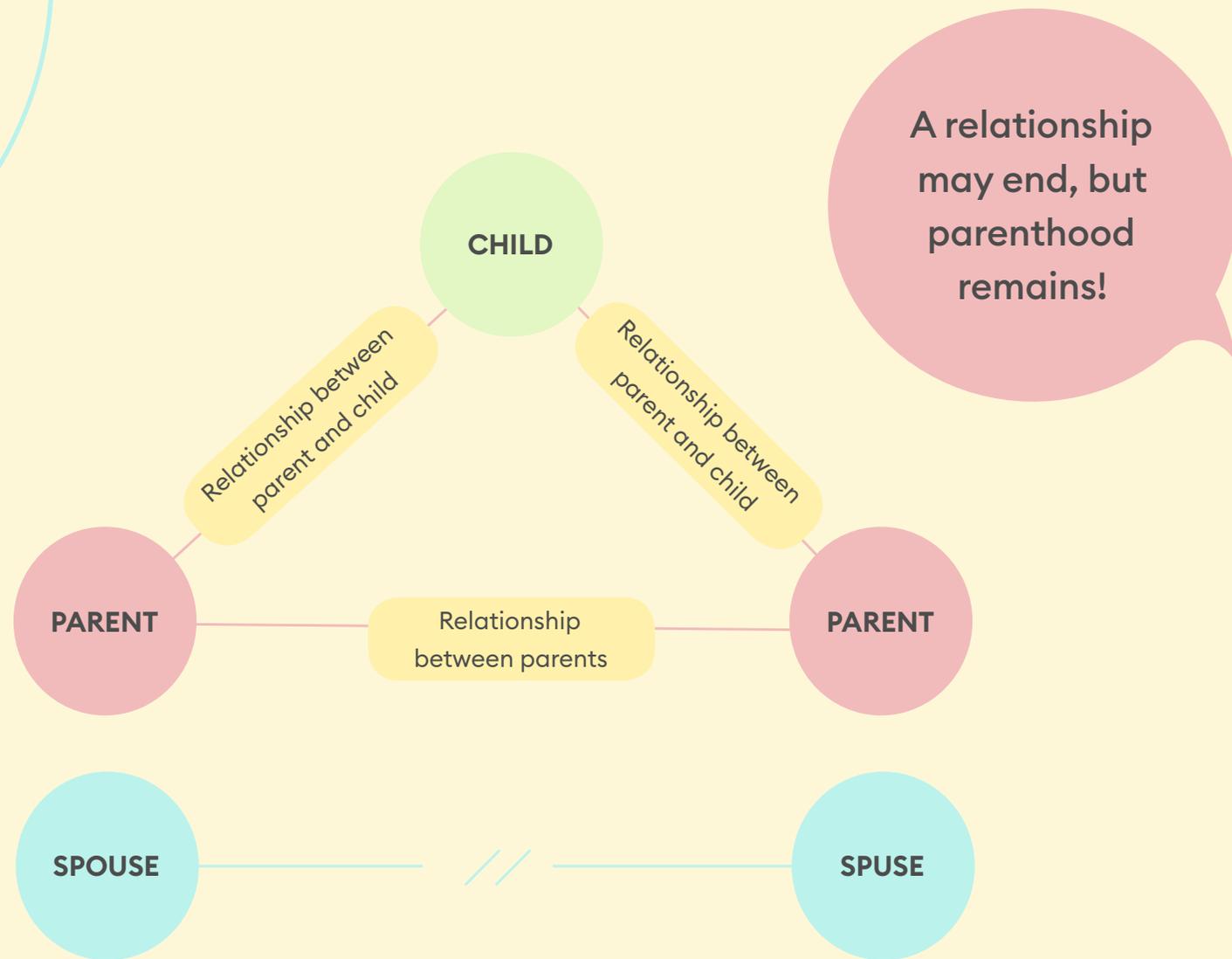


Figure 1: „Triangle of cooperative parenting“

child's residence to determine the access procedure. The application should indicate, among other things, which access procedure the parent wishes to determine. In the child's best interests, the court may limit the right of access or the enforcement of earlier related judicial decisions, or terminate the exercise of the right of access or the enforcement of earlier related judicial decisions. The court may order the child to communicate with the parent or another person in the presence of a suitable third party, prohibit the third party from communicating with the child or restrict it. The court may also impose an obligation on

the person concerned to refrain from activities that damage the child's relationship with the parents or make it more difficult to raise the child. In the child's best interests, the court determines the manner, place, frequency, duration, and procedure for the transfer of the child when establishing the access procedure between the child and the parent.

Determining the procedure for access in cases where the right of access cannot exercised is necessary not only to safeguard the rights of the parents living separately, but also to protect the child's rights and interests.

From the child's perspective, it is very important that the parent living with them supports and contributes to maintaining a close relationship between the child and the separated parent. The parents who are guiding from the child's best interests cooperate with each other both during and after their cohabitation.

FAMILY MEDIATION

Family counsellors, therapists, and mediators help parents in solving their mutual problems and setting common objectives for the future.

Family counsellors (including relationship counsellors) or therapists can help if the family's aim is to maintain relationships. When visiting a counsellor, you will focus on your feelings and relationship and discuss relationship issues. Family therapy, however, pays attention to a family as a whole, meaning that the purpose of therapy is to bring about change that enhance the well-being of all family members.

In order to find a suitable way of life for common children, family mediation, which is intended for spouses who are separating or who are already living apart, is the most widely used method.



The aim of family mediation is not to reconcile or reunite spouses or partners who have broken up, but to seek cooperation as part of a parent-child relationship in a way that spares the child. Family mediation is a process that tries to find, with the help of a family mediator, the most suitable and appropriate living agreements for the child and for both parents, based on the child's best interests. Negotiations could result

in a written parenting agreement focusing on parental cooperation, for example, on issues such as the child's permanent residence, the child's nursery or school, hobbies, staying abroad, etc. When the parents separate, their relationship as a couple ends, but parenthood continues, as the child still needs the support of both parents.

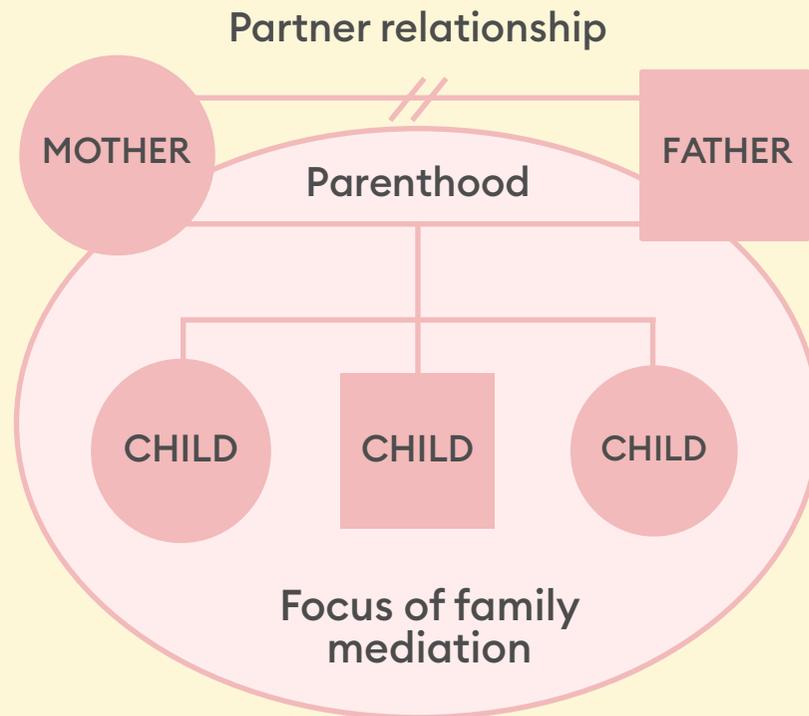


Figure 2. Ecogram (Haavsto 2018, Parkinson 2020)

THE RULES FOR FAMILY MEDIATION ARE THE FOLLOWING:

- Parents participate in the mediation process voluntarily.
- Parents are **equal** and they **seek the best possible solution for the child themselves**.
- A family mediator is merely a neutral intermediary who, using their professional knowledge and skills, assists parents in concluding an agreement in the child's best interests.
- **Relatives and friends are usually not suitable to mediate problems between parents**, as their subjective assessments or support for one parent may create even more tension in an already difficult situation.
- **Family mediation is generally unsuitable when there is mental or physical violence in the relationship or if one of the parties is significantly more powerful than the other and is not prepared to reduce their power in cooperation with each other.**

Parents always have the right to go to court to resolve disputes, however, practice shows that personal conflicts and former tensions tend to deepen during court proceedings. In court proceedings concerning a child, the court must also, as early as possible and at each stage of the proceedings, endeavour to direct the parties concerned to settle the dispute by agreement. The court must hear the parties as early as possible and draw their attention to the possibility of using the assistance of a family counsellor, in particular to develop a common position on the care and responsibility of the child.

However, in the event of disputes concerning the child, it is extremely important to resolve the differences as quickly and peacefully as possible and to ensure that a stable way of life continues. Studies show that voluntary agreements are faster, more lasting, and more beneficial. Family mediation looks towards the future for the sake of the child.

From 2020–2024, the Child Protection Department of the Estonian National Social Insurance Board develops a national family mediation service, the aim of which is to ensure the availability of free national family mediation service across Estonia. Read more: www.sotsiaalkindlustusamet.ee/et/organisatsioon-kontaktid/asutusest/projektid#Perelepitus

In addition to the family mediator, it is worth contacting the child protection specialist of your local government or calling Lasteabi helpline 116 111 for any questions related to the child's welfare.

References:

www.tarkvanem.ee/paarisuhe/lahkuminek-ja-lahutus/perelepitus

www.ajakiri.lastekaitseliit.ee/2020/06/01/mis-on-perelepitus-2/

www.lepitus.ee/vana/docs/juridica.pdf

www.tarkvanem.ee/paarisuhe/lahkuminek-ja-lahutus/perelepitus/lisamaterjalid/

Separation – from crisis to recovery

In the best-case scenario, a relationship is built on mutual affection and trust. A relationship consists of many expectations, which are related to intimacy, security, acceptance, and love. Separation and the breakdown of a relationship bring up a range of emotions, such as disappointment, insecurity, the pain of losing a loved one, hopelessness, grief, and anger. A parent who has ended a marriage or cohabitation is generally fearful about the future and considers the following questions.

The way you separate has a strong effect on your recovery from separation.

How can I manage financially? Will I be alone for the rest of my life? The child is also often a source of anxiety. How does the child react when we tell them about separation? How does divorce affect their future? How can I keep in touch with my child when we no longer live under one roof?

When you separate, the shared dreams of the future are shattered. Separation is especially difficult for the partner who did not want to. When we feel abandoned in the most important relationship, we often begin to doubt the meaning of life. All kinds of thoughts run through our heads. Why did this happen to me? What did I do wrong? Could I have done something differently? Guilt over the choices that led to separation and the decision to separate, frustration with oneself and the relationship, as well as mourning the relationship are just some of the feelings that spouses or life partners are likely to experience.

Each person experiences separation in their own way. Partners may have completely different views on separation. One may feel relieved, while the other may be very anxious. The fact how separation relates to your past life experiences also affects how you experience and recover from the separation process.



Childhood experiences, the separation of your parents, and previous separations you may have experienced may re-emerge at this point. In addition to the reasons that led to separation, the reactions are also influenced by the way separation is handled.

Separation is often characterised by the fact that the thought processes of spouses or partners do not flow in the same rhythm. Quite often, the person who initiated separation has been considering it for some time and has already worked through the emotions involved.

The best way how a friend or relative can support a person who has gone through a separation process is to listen, comfort, and simply be there from them.

They may have begun to make practical arrangements before the possibility of separation was discussed. In such a situation, the other partner may be caught by surprise. Many problems are caused by the fact that



the separation process does not flow in the same rhythm for the parties. Therefore, it is important that the possibility of separation or divorce is discussed as early as possible. However, if separation becomes a reality, the discussion that took place in the initial phase of separation will allow both sides to deal with it on a more or less equal footing. It is also ideal for future cooperation.

Separation does not only affect parents. It also affects the child and close relatives of the family. It is in the child's best interests to share responsibilities for parenting and to

maintain relationships with close relatives and other people who are important to the child. Grandparents and other close relatives often experience the same emotions as divorcing spouses or separating partners.

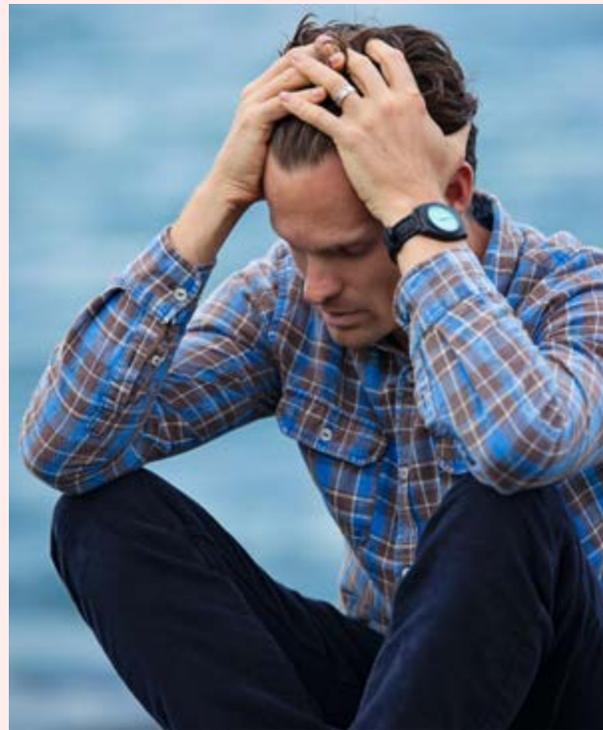
Too often, friends and relatives make the mistake of imposing their own opinions and ideas on the separation issue by disparaging the other party, taking the role of arbitrator or trying to blame someone. The best way how a friend or relative can support a person who has gone through a separation process is to listen, comfort, and simply be there from them.

It is easier to discuss separation and analyse events more clearly with someone you trust. For example, the occasional provision of childcare is an example of the specific support that separated parents except from their friends and relatives.

SEPARATION AS A CRISIS

We may face many crises throughout our lives, both natural developmental crises as well as sudden and unexpected crises. Separation may be perceived as a process that begins with thoughts of separation and ends with recovery. Each separation has its own reasons and background, but the emotions of the parties during the process are often very similar. Losing a spouse or partner who played a major role in daily life often results in loneliness.

In the early stages of a separation crisis, attempts are often made to deny what is happening, as the situation seems daunting and intolerable. At some point, however, you must try to face reality. This stage is often characterised by grief and anger. Everyone deals with painful feelings differently. Many people who have terminated their marriage or cohabitation protect themselves by creating a distorted picture of reality. They may blame the



ex-partner for their suffering and for everything that has happened. But the other person may see themselves as the one to blame. At this stage of the separation crisis, people often suffer from insomnia and problems with loss of concentration and appetite, as well as depression.

Even if separation was not your idea and you did not want to separate, it is in your own best interests to face reality and find comfort in the fact that life goes on. By surrendering such

feelings, it is possible to focus on the future and start creating a new life after separation. Your damaged self-confidence is likely to recover gradually, and surviving such a crisis may even boost it. While dealing with the crisis, you can learn to understand yourself and others. Separation may force us to look at our choices and values from other perspective and make us think about what we really want from our life and relationship. We may see our past experiences and events that we thought to be obvious in a whole new light.

However, the separation crisis does not always automatically move in the right direction. Sometimes those who have survived such crisis are caught in a web of anger and bitterness. Separation can become a major threat to such a person's well-being if they refuse or are unable to face and deal with the emotions arising from separation. If a person fails to analyse the separation process, it may manifest itself in resentment towards the ex-partner, who is seen as the sole party at fault for their ill-being and difficulties they have had to cope with since separation. A person who is stuck in a crisis of separation may repeat the same pattern in their next relationship, or withdraw and avoid a relationship altogether, as they fear the failure of other relationships.

RECOVERING FROM SEPARATION

The time to recover from separation depends on the person. It is comforting to know that we all have the skills and knowledge that help us through the crisis. Our past life experiences, inner strengths, ways of coping, and the difficulties and crises we have previously overcome help us move forward. Generally, we adapt to changes over time.

Dealing with separation is extremely important in order to let go of the relationship and the ex-spouse or ex-partner and look towards the future. The act of letting go of the former partner on an emotional level is also necessary to create a healthy parent-child relationship. Cooperation between parents based on the child's best interests is possible only if the emotions that arose during separation no longer affect or endanger the communication between the parents.

You know that you have survived the crisis of separation if you accept that separation is part of your past and you are ready to focus on the future. You can now look back on separation as a stage in life.

The support groups for recovering from separation also provide peer support. In the support group, you meet other people in the same situation. Their experiences may help you better understand matters from a new angle.

The support and information you receive from the group can even turn a difficult separation experience into an experience that supports the separation process and helps you cope with change.

ISSUES TO CONSIDER:

- At what stage do I find myself with my separation process?
- What about my former spouse or partner?
- What may help me move forward in the separation process?



Paying attention to the child's needs

When parents separate, the child experiences a range of emotions and life changes. For a child, separation may be frightening, sad, confusing or infuriating. Sometimes they even feel relieved. Every child reacts differently to separation.

A child may mourn the fact that one of the parents is moving away and fear losing them forever. At the same time, the child may be afraid of what will happen to them. Will the remaining parent also leave, and if so, who will look after them then? The child may be angry and enraged at the parent who moves out and leaves them, or at the parent who the child blames for separation. The child may also feel immense helplessness when they realise that they cannot affect their parents' decision to separate.

The child's reaction is greatly influenced by the pre-separation situation in the family. Were family life and the child's emotional environment harmonious and supportive of development? Were there many disputes between parents and other issues that caused stress to the child during the cohabitation period? The child's perception of the divorce is particularly affected by how the parents handle separation in practice, what their relationship after separation turns out to be like, and to what extent the parents manage to keep the child's best interests in mind when making decisions related to separation. The child's reaction also depends on their age, various individual factors, what their relationship with their parents was like, and the support provided by other adults close to the child.

HOW TO TALK TO A CHILD ABOUT SEPARATION

Children have no prejudice about how separation affects their lives. The way parents talk to their child about separation and how ready the child is to do so is, therefore, particularly important. The child should be aware of any changes in the family situation, especially those that concern them. However, the child should not be overburdened with





parental relationship issues or discussions about separation. The relationship between the parents is not a matter for the child. The child should only be told about separation once the parents are certain of their decision.

From the child's point of view, separation usually becomes reality when one parent moves away from the family home or the child moves to a new home with one of their parents. Once the decision to separate has been made and the time for separation approaches, it is important that both parents have an opportunity to spend some time with the child, talk to them and answer their questions.

It is very important to prepare the child for separation. In an ideal situation, the parents talk to the child about separation together. Even if the decision to separate was not made together, telling the child about it together communicates to the child that their parents are still able to take responsibility together and look after the child. How and what to tell the child about separation depends on their age. It is enough for a small child to know that their father and mother no longer live together, but both take care of them and spend as much time with them as possible. When the child is older, they are likely to have a better understanding of adult problems. Therefore, parents can tell

the child that they have decided to separate, because they believe it is best for everyone and, therefore, have fewer quarrels in the future.

The parents should talk openly and honestly to the child about separation. This way, the child does not have to think of own explanations in their head. It is particularly important to make it very clear to the child that separation is not their fault; the decision was made by the parents and they will also carry the responsibility for it. The reasons behind separation should not be discussed in too much detail with the child, as this may weaken the other parent's authority in the eyes of the child. In the child's best interests, it is wiser to look for the reasons that led to separation in terms of circumstances rather than people.

During the separation process, it is very important that both parents show the child in their actions and words that they still love them and will remain a part of their life. The child must be allowed to love both parents, and this is also something that should be said out loud. This promise can be made more credible and specific for children – and adults – by clarifying its meaning. For example, a child may be told that the parent is still supporting them with

a particular hobby or homework, or that the holiday planned for next summer is still taking place. The child needs to be told many times about the new arrangements and changes in daily life, as things may be too complicated and unfamiliar for them to understand at first. For the child, separation leads to a new situation, which they will only realise over time, after the life after separation has settled down.



The child may not know what separation means or how it will affect their life. That is why talking is particularly important.

There is no point in trying to tell the child that nothing will change or that life will go on as before. The partner who initiated the separation process may be inclined to underestimate the negative aspects of separation and the loss the child is facing. The fact is that separation may be a solution to the parent's problems, but it is rarely a solution to the child's concerns.

Seeing the distress and grief of the child may be such an agonising experience for the parent that they may be tempted to make promises that they know are impossible to keep. The parent should not make any promise to the child that they cannot keep. It helps the child to adapt to the new situation if the parents do not promote or confirm false hopes that they will live together again. This wish may persist in the child's mind for a long time.

Like adults, a child also need time and support to deal with the emotions arising from separation. Adults can talk to their child and encourage them to express their feelings. The child may not want to talk to the parents about separation or does not know how to do it. You do not have to worry about it as long as the child seems to be doing well otherwise. The child's memories and questions come at their own pace and in various situations. Sometimes the child may not show their feelings until long after separation, when they sense that their parents are strong enough to respond to the child's feelings. The parents may not realise that a child's behaviour is actually a reaction to separation.

Furthermore, the parents should be aware of the fact that the child wants to talk about

separation over and over again, and that they may keep asking about the same things. The child is supported by familiar daily routines and their parents taking an interest in the daily events in the child's life, joys, and sorrows. Old familiar toys and objects also create a feeling of security for the child. A child needs support from their parents in the form of love, tenderness, and approval. They must not witness the quarrels between their parents or be the cause of their conflict. When a parent disparages and slanders a former spouse or partner in the presence of their child, they also disparage someone dear to the child. Even in the difficult stages of separation, the parents should remember that the child does not have the same feelings towards their father or mother as their parents do towards each other.

The child's needs are neglected and their positive development undermined if one of the parents tries to make them an ally against the other parent, or if the right of access is used to extort something (such as maintenance support) from the other parent. It is crucial to protect the child's impartiality and loyalty. Naturally, the child loves both of their parents and wants to remain loyal to both of them. Talking about separation in a neutral manner helps the child remain a neutral party in the

separation process. Separation does not give the parents the right to neglect the child's other needs. For the child, sufficient rest, sleep and nutrition together with everyday routines are necessary prerequisites for growth and development and an important part of the practical love and caring shown by a parent towards their child.

Just like adults, children also need time and support to deal with the emotions arising from separation.

The child's behaviour in day care or at school may change as a result of separation. Therefore, it is very important for the parents to notify the teachers or support staff and other grown-ups in the child's life well in advance of the changes that are about to take place in the family. This helps adults better understand the child's changed behaviour and support the child. In addition, the child does not have to inform other people about what is happening in their family.

Child protection specialist provide help and support to parents who are worried about how their child is coping with separation. They also share information about support groups and programmes and services in your area.

COOPERATIVE PARENTING – WHAT DOES IT TAKE?

It takes a lot effort, multiple discussions and flexibility for parents to make post-separation joint right of custody and cooperative parenting work. Cooperative parenting is not necessarily easy. However, it is in the child's best interests and protects them from the losses and negative effects of separation.

The parents should be willing to learn to cooperate with each other voluntarily. Parents who engage in cooperative parenting build a cooperative relationship that is good for their child and works well in their situation. They understand the significance and value of the other parent to the child, and try to support and protect this relationship within their resources. Where necessary, the parents negotiate, trying to find the best solutions for the child and commit themselves to these. The parents do not hide matters related to the child from one another, or go behind each other's backs. They



trust that the other parent is loyal in matters related to the child. Mutual appreciation and respect will help the parents to keep working for the well-being of their child.

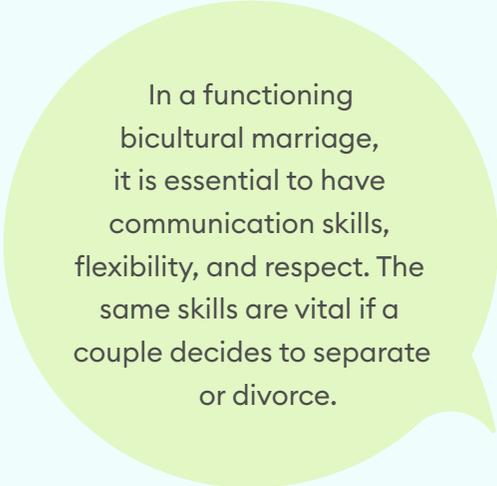
It is not always easy to look in the mirror. Nonetheless, it would be in the best interests of everyone if you could see their own motives and actions also through someone else's eyes. It is always a good policy to treat the other person the way you would like to be treated yourself. From the child's perspective, separation itself is not the decisive factor in case of separation. What matters instead is the way the parents handle separation, as well as what the child's life is like and what kind of relationship the parents manage to build with one another after separation.

How well the child copes with the changes resulting from separation depends largely on how well the parents manage to solve their conflicts. If the parents take a positive attitude towards one another as parents and cooperate in matters related to the child, it will help the child to maintain a close relationship with both parents even though they live apart. If the parents find it difficult to cooperate and they fight for the child, it is very likely to be stressful for the child and cause serious conflicts. Therefore, it is vital that both parents seek help as early as possible in the early stages of cooperation if they are unable to solve problems themselves.

The programme 'No Kids in the Middle' is aimed at parents who are going through or have just gone through a difficult separation process and who are unable to reach any agreement on matters concerning their child. Through the training programme, parents learn new ways of coping and relaxed communication, thereby making their child's environment safer.

In addition, there are various services and activities for parents who have gone through the separation process, and these are intended to provide help and support in raising the child alone or with a former partner. Such services and

activities may also help the people involved to make friends and provide them with meaningful output. The services and activities are provided by local authorities and other organisations.



In a functioning bicultural marriage, it is essential to have communication skills, flexibility, and respect. The same skills are vital if a couple decides to separate or divorce.

SEPARATION IN A BICULTURAL FAMILY

If the family is bicultural or the parents come from different countries, the problems, emotions, and experiences of separation will be the same as in a family where the parents share the same country and cultural background. However, there are some characteristic issues here, such as the decision on which country to reside in, the issue of the right of custody, and supporting the child's bilingual and bicultural identity after separation.

In the event of separation, a bicultural family may face the following issues. What law applies to a divorce? Where can a parent with a foreign background find information about Estonian divorce practice? Will both parents remain in Estonia? What happens if one of the parents goes back to their home country or moves to a third country? How can the development of a child's bilingual and bicultural identity be supported in a situation where the parents no longer live together?

If parents from different cultural backgrounds decide to separate, they are likely to blame the culture that will be used as a weapon in their disputes. This kind of situation places the child in a conflicting and confusing position as what the parents are fighting about is an important and inalienable part of the child's self-image. In the worst case, the parents' disputes can lead to a situation in which the child is ashamed and insecure about their cultural background.

The parents should, therefore, try to see the situation through the child's eyes and accept that the divorce will not change the fact that the child has roots in both countries and that there are still two equally valuable aspects to the child's identity. Parents must also avoid contempt for each other in the presence of

the child, and the child should never have to choose between their parents or cultures if their father or mother so wishes.

The parents' cultural background should be present in the child's life in a natural and positive way even after separation. Such positive experiences will help the child deal with the painful experiences that separation inevitably brings. The parents should also aim to secure the child's right to develop and maintain the native language of both their parents. After all, language is the key to understanding your culture and roots.

Bilingualism supports the child's identity and opens up windows to the world of both parents. It also creates favourable circumstances for close relations with grandparents and other relatives. In the event of separation, the parents should consider the linguistic environment of the family and the opportunities it offers for supporting the child's bilingual identity in the form of foreign- language day care centres, nurseries, schools, friends, relatives, books, and films.

Communication skills, flexibility and respect are important in a functioning bicultural marriage, and the same skills are important even if the

couple decides to divorce. Despite the fact that the parents no longer live together, they still have a child and are both responsible for their raising and healthy development. In an ideal situation, the parents provide the child with both a bilingual identity and a strong and positive bicultural identity.

ISSUES TO CONSIDER:

Are we ready for the following as separating parents?

- WE TELL THE CHILD that we are planning to separate and we talk about the reasons that led to such a decision. In that way, the child does not have to come up with their own explanations for separation or feel guilty about our decision.
- WE COOPERATE TO FIND the best solutions and living arrangements to OUR CHILD. We are not separating from the child but ending a dysfunctional relationship.
- WE SHOW AND TELL OUR CHILD that we love them and take care of them even after separation. We are open to the child's emotions and listen to the child.



Values of a parent

WE TELL OUR CHILDREN WHAT changes separation will bring and what will remain the same in their life. Together, we will do everything we can to ensure the child's confidence.

WE PROTECT OUR CHILD from disappointment. We do not make empty promises we cannot keep or raise false hopes about the things we cannot control.

WE UNDERSTAND AND ACCEPT that it is important for the child to stay in contact with parents, grandparents, and other people who are important to them. As parents, we try to maintain these relationships.

WE TELL other adults in the child's life about our separation. The child does not have to be responsible for explaining the new situation to other people.

WE TRY to stay in touch. It is not the child's responsibility to be a messenger between us.

WE TAKE CARE OF OUR OWN financial situation and seek help when needed. It is not the child's responsibility to be a support person for either parent, nor to be a balancing factor in the family's emotional atmosphere.

WE REMEMBER that, regardless of separation, the child has the right to live a life appropriate to their age. We are aware that parents can influence what their child's life will be like.

