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Article

# Fathers' Experiences of Negotiating Co-Parenting Arrangements and Family Court

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**Abstract:** Background: this study builds on existing research on fathers' experiences of family breakdown, separation, and post-separation abuse, exploring the systemic challenges they face in negotiating co-parenting arrangements. Methods: using data from a survey of 141 fathers and interviews with 30 participants, we examined the dynamics of post-separation co-parenting, particularly focusing on how fathers perceive and navigate family court systems. The data were analysed using reflexive thematic analysis to identify key themes. Results: the findings highlighted two primary themes: the difficulties that fathers face in establishing equitable co-parenting arrangements and their negative experiences with family courts, including perceptions of gender bias and systemic inefficiency. Conclusions: the results indicate a need for greater support mechanisms post-separation to facilitate healthier co-parenting relationships and minimise reliance on adversarial court processes. Furthermore, the research underscores the importance of addressing gender stereotypes within family law and social services to ensure more just outcomes for fathers and their children.

**Keywords:** co-parenting negotiations; family court bias; post-separation conflict; fatherhood; gender stereotypes

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## 1. Introduction

In the UK and around the world, fathers are increasingly expected and encouraged to actively participate in their children's upbringing, to nurture their children and share caring responsibilities with their partners, and to maintain their patriarchal identities as protectors and providers for their families (Bateson et al. 2017). This is due to an increasing cross-cultural acknowledgement of the important role fathers play in child development (e.g., this is Lamb and Lewis 2012). Indeed, in their comprehensive review, Wilson and Prior (2011) made the robust case that (a) fathers make important contributions to their children's development and well-being, (b) accessibility, engagement, and responsibility for the range of child-care activities are important aspects of fathering, and (c) fathers need to be included in early parent education programmes and other family services in recognition of points (a) and (b). Indeed, Allport et al. (2018) go further, arguing that involvement of the father is important for family health and that positive intervention to involve fathers in early paediatric care and beyond should be encouraged.

The benefits of high father engagement for development across a child's lifespan include (but are not limited to) better psychosocial adjustment in children and better mental health of children as adults; higher levels of cognitive and social competence; an increased capacity for empathy as well as increased social responsibility, self-control, self-esteem, social maturity, and life skills; more positive child–father and adolescent–father relationships; more prosocial sibling interactions; fewer school adjustment difficulties, better academic progress, and enhanced occupational achievement in adulthood (Lamb and Tamis-LeMonda 2004). This is supported by meta-analyses examining the positive impact of fathers on their children's cognitive development across early and middle childhood (Rollè et al. 2019). Clearly, the positive involvement of fathers is related to a range of healthy psychosocial outcomes, and some have noted that father involvement may be particularly important for outcomes in boys, especially concerning problem behaviour (Zhang et al. 2021), and have highlighted a particular importance at specific life stages (i.e., adolescence; East et al. 2006). There is also now extensive literature outlining the positive impact of fathers on both school achievement and problem behaviour (see Hine 2025 for review). This includes the time following family breakdown, as evidenced in research detailing college students' reports highlighting that they wanted and valued their father's involvement in their lives following parental divorce (Fabricius 2003; Sadowski and McIntosh 2015). Furthermore, the strength of the father–child relationship has been demonstrated to be a fundamental factor in determining the ultimate well-being of the child (Bastais et al. 2012; King and Sobolewski 2006).

However, despite a transition towards shared parental leave and social policies that reflect attempts to support dual-earner parents in many countries, the changing landscape of fatherhood still creates tensions in new families and leads to men feeling overwhelmed by increased responsibilities and gender-role conflicts between work and parenthood (Hine 2025; Huffman et al. 2014). Societal stereotypes identifying women as 'primary' caregivers (Valiquette-Tessier et al. 2019) and men as principal breadwinners (Machin 2015) still manifest despite contemporary fathers' desires to spend more time with and have more meaningful relationships with their children than men in previous generations (Bateson et al. 2017). Representations of fatherhood through the lens of hegemonic masculinity, portraying men as strong, silent authority figures in opposition to subordinate relationships (Connell 2020), have a profound effect on men's confidence in childrearing and their preparedness in contributing to their children's development and supporting their partners through important life transitions (Baldwin et al. 2019).

The transition to parenthood places an immense strain on couples and has been identified as a period of instability and distress that can lead to relationship deterioration and even family breakdown. According to Houts et al. (2008), three months after the arrival of the firstborn, some couples may begin to handle their disagreements destructively by using negative escalation, threats, and coercion instead of cooperative problem-solving approaches, negotiation, and compassion. Fathers appear to be more aware of the resulting changes in marital satisfaction sooner due to increased tension, hostility, withdrawal, a lack of validation, and decreased intimacy with their partners. Contrastingly, it is argued that mothers are so emotionally focused on the needs of the child that their awareness of marital deterioration is concealed for longer and becomes apparent around the child's fifth birthday (Houts et al. 2008). There is, therefore, a distinct disconnect between the new societal desires of fathers and their fathering roles, as well as the support in place to facilitate this, which contributes to eventual family breakdown, separation, and divorce (FBSD).

A good divorce, according to Dewar (2000), is one where the couple is rational, altruistic, settlement-minded, cooperative, and cost-conscious. When these criteria are not met, divorce and separation can, and often do, constitute severe life events (Grych and Fincham

1990; Shmueli 2005). This is often the case despite a change in the “social significance” of marriage, which has led to more cases of cohabitation outside of formal marriage or civil partnership (Evans et al. 2016). Divorce and separation involving children is even more complicated and emotionally heightened, and due to the complex discussions needed when children are involved, these experiences often do not meet Dewar’s optimistic model.

Given the importance of paternal involvement in children’s lives (Bastaitis et al. 2012; King and Sobolewski 2006), it seems logical to ensure that, when FBSD occurs, parental arrangements are shared between co-parents. One such care arrangement which seeks to achieve this is joint physical custody, whereby the child resides with each parent for at least 25% (Steinbach 2019) or 33% (Markham et al. 2017) of the time following parental separation or divorce. Pivoting from the traditional outcome of mothers having sole custody, this is an arrangement that is growing in popularity in some Western societies (Smyth 2017). For example, Sweden adopted a law in 1998 whereby joint legal custody would be the default arrangement following divorce, and parents would be required to apply for an alternative arrangement if desired (Willén 2015).

A review by Steinbach (2019) consolidates research evaluating the benefits and costs of joint physical custody. For the children, there is some evidence to suggest that the frequent exchange between households and disrupted time with each parent can cause insecure attachment and less regulated behaviours (McIntosh et al. 2013; Tornello et al. 2013); however, the conclusiveness of these findings is disputed (Emery and Tornello 2014; McIntosh et al. 2015). Joint physical custody may also be impractical for some families as it requires co-parents to live relatively close to one another to facilitate the child’s regular travel between households and may incur elevated financial costs associated with furnishing two homes with the child’s belongings (Steinbach 2019). Furthermore, joint custody inevitably requires frequent communication between the co-parents to plan and coordinate childcare tasks (Bauserman 2012; van der Heijden et al. 2016); therefore, it is likely to be unsuitable for parents in high-conflict divorces as it creates further opportunities for friction between parents. Research also suggests that having a childcare arrangement which frequently presents opportunities for hostile interactions between co-parents can be detrimental to the child’s welfare, as they suffer from being exposed to this hostility (Emery 2016; McIntosh et al. 2013; Pruett et al. 2014).

Nevertheless, for parents who are in a position to co-parent with minimal conflict, there is a large amount of research which demonstrates the significant benefits of joint custody for both the children and the parents. For example, children benefit from access to a greater number of resources from both parents (Steinbach 2019) and benefit from developing stronger and more enduring bonds with their fathers, which is a pivotal factor in improving children’s development and well-being outcomes, as discussed earlier (Bastaitis et al. 2012; King and Sobolewski 2006). This is supported by reports of lower subjective stress and higher self-esteem among children in joint custody compared to children in sole custody arrangements (Turunen 2017). Similarly, co-parents benefit from sharing the burden and responsibilities of parenting (Botterman et al. 2015; Breivik and Olweus 2006). This, in turn, can help parents to cope more effectively and lead to better physical and emotional health outcomes (Melli and Brown 2008), although some evidence refutes this, finding no evidence of a link with parents’ psychological well-being (e.g., Sodermans et al. 2015).

Despite the well-documented harmful effects of children being exposed to continued conflict between parents after family breakdown, there is also evidence to suggest that engaging in joint custody can reduce inter-parental tensions over time (Bauserman 2012; Fabricius 2003; Sadowski and McIntosh 2015). Taken together with evidence that most parents (particularly fathers) are satisfied with their joint custody arrangement

(Bergström et al. 2014) and that most sampled parents report a preference for joint custody (Andreasson and Johansson 2019; Kruk 2015), it is reasonable to rationalise making joint custody the initial default co-parenting arrangement for low-conflict families post-divorce or separation, as is the case in Sweden (Willén 2015). This is especially the case considering that, in some instances, losing out on a relationship with their father will be worse for the child than having to witness occasional conflict (Kruk 2012; Warshak 2014).

However, in circumstances that involve high conflict or where the parents are unable to settle their disputes, engagement with the legal system is inevitable, and dissatisfaction is now widely supported. This is captured in Treloar's (2019) study, which found that both mothers and fathers expressed feelings of powerlessness and frustration due to being unheard and the seeming lack of justice in the Canadian judicial system. Participants also described the process as being too concerned with complex rules and practices and not concerned enough with the best interests of the children and parents involved.

In addition, there is now considerable work on the widespread dissatisfaction of fathers in particular who have engaged with the legal system following FBSD (e.g., Lehr and Macmillan 2001; Treloar 2019). For example, negative experiences with the judicial system were a key theme in Lehr and MacMillan's (2001) focus groups with noncustodial fathers. Fathers described their court experiences as extremely financially and emotionally taxing, which is pertinent considering this is a time when fathers may already be financially and emotionally vulnerable as a result of the relationship breakup. They also expressed little confidence that the process would lead to a satisfactory outcome for them, as they believed the system to be skewed in the mother's favour (Braver and Griffin 2000). This is reflected in more recent research, where fathers are equally damning of a system they feel is 'stacked against them' (Bates and Hine 2023), and in research examining fathers taking part in repeat proceedings, who are similarly despondent (Philip et al. 2020). They nonetheless feel it essential to seek formal co-parenting arrangements through the court, as they feared, alternatively, that the mother would try to deny them contact.

Of particular concern is fathers' frequent accounts of so-called legal and administrative abuse (Tilbrook et al. 2010), whereby the structures and processes of the legal system were used as a tool by ex-partners to exhibit aggression towards the fathers as a form of post-separation abuse (Bates 2019; Hines et al. 2015; Kruk 2015; Lehr and MacMillan 2001; Poustie et al. 2018; Tilbrook et al. 2010). Such research, again, highlights the vulnerabilities that fathers, in particular, face after FBSD when there are subsequent disputes around co-parenting arrangements, which are addressed within potentially biased systems.

One of the specific issues outlined in a previous work on fathers and family breakdown (Hine et al. 2025.) was the economic challenges associated with the payment of child support following separation and how this and previous financial control constituted a significant proportion of the abuse perpetrated towards men post-separation. Historical representations of mothers as resident parents assume that women are biologically bound to assume the role of primary caretaker to their offspring following divorce. Therefore, social welfare policies and financial assistance have been provided to children and single-parent households (typically mothers) who are financially disadvantaged. There are few if any, programs specifically targeted to assist non-resident fathers (NRFs), who are frequently held financially accountable for supporting their children despite their age, the economic landscape, or their available options for full-time employment (Castillo et al. 2011). In the UK, between 12 and 18% of fathers who pay child support fall below the poverty line, with the numbers arguably being higher should housing costs be excluded from the calculations (Hakovirta et al. 2019).

The marginalisation of non-resident fathers has been detailed by Hawthorne and Lennings (2008), with men's accounts specifying little input into decisions concerning children's post-separation living arrangements or the amount of child support due. Moreover,

NRFs stressed that their ability to interact or maintain a relationship with their children was contingent on whether the mother was pleased with their financial contributions and the co-parenting dynamic (Roberts et al. 2014; Turner and Waller 2017). The damaging effect of economic recessions on noncustodial fathers can explain the crisis in child support payment and the correlative effect on mothers' gate-keeping behaviours (Roberts et al. 2014).

It is evident, therefore, that fathers experience significant challenges in fulfilling their fathering role following FBSD, with many of the seeds of these difficulties arising due to poor support during key life transitions (i.e., to parenthood). Previous work has detailed fathers' experiences of abuse both during and post family breakdown, with some fathers speaking about the enactment of financial and coercive abuse through court systems (Hine et al. 2025). As a continuation of that work, this paper will examine fathers' experiences of co-parenting negotiations, as well as their experiences of the family court system, including as a vehicle for the abuse.

## 2. Materials and Methods

The 141 men who took part in this qualitative study are the same sample as those described in a recent publication (Hine et al. 2025). This manuscript will explore father's experiences of negotiating co-parenting arrangements, including their experiences of family court.

### 2.1. Participants

Information about the sample is outlined in detail in Hine et al. (2025). However, in brief, 141 men took part in the survey (Mage = 45.54, SD = 9.22) who were mostly white (89.3%) and heterosexual (97.9%), and who were either divorced (40%), separated but not previously married (35%), or separated and previously married (25%). The 30 men who took part in interviews (Mage = 43.97, SD = 9.76) were, again, mostly white and heterosexual, had a similar spread of marital status, and had also taken part in the survey. They were self-selecting, indicating their willingness to take part at the end of the survey, and no specific inclusion/exclusion criteria were applied to this group.

### 2.2. Materials and Procedure

Again, as described in Hine et al. (2025), both the survey and interview schedule used in this study were developed based on previous work in this area (e.g., Bates and Hine 2023; Hine and Bates 2024). Examples of questions are: "Please describe the events that took place during the end of the relationship", "Did you ever experience any behaviour from your ex-partner that you would describe as abusive during your relationship?", "When thinking about all of the experiences described so far related to the end of your relationship and the events following, how would you say this has impacted you?", and "Following the end of your relationship, did you engage in any coping strategies you deem to be 'unhealthy' or maladaptive?".

We recruited participants by advertising the survey via social media (e.g., Twitter, now known as 'X') and with the support of organisations that support fathers in this position. Posts contained a link to a website where more information was provided about the eligibility criteria for participation and where to direct questions. This webpage contained a link to the survey on Qualtrics for participants to complete at their convenience before a specified deadline. For interviews, participants contacted the researchers directly via email to arrange a mutually convenient time and date for an interview using Microsoft Teams.

All survey participants were eligible for entry into a prize draw to win a £25 Amazon voucher. Twenty-five vouchers were available in total (a maximum of one per

participant). All interview participants were given a voucher of this value. Due to the sensitive subject matter, both the survey and interview ended with a debrief sheet explaining the purpose of the study, presenting information on how participants could withdraw their data at a later time point, if necessary, and containing signposts to organisations providing support specifically for fathers and for mental health more generally.

### 2.3. Analytic Plan

Survey responses and interview transcripts were analysed jointly utilising Braun and Clarke's (2019) reflexive thematic analysis (RTA) technique, and their six stages were followed. Due to the volume of information generated, this manuscript focuses only on themes and subthemes related to fathers' experiences of negotiating co-parenting arrangements, including experiences of family court. Other themes are detailed in prior or subsequent manuscripts.

## 3. Results

During our analysis, two themes relating to negotiating co-parenting arrangements were developed, each with several subthemes. These were 'Negotiating Co-Parenting Arrangements' and 'Experiences of Systems (including Family Court)'.

### Theme 1 Negotiating Co-Parenting Arrangements

One of the main necessities after FBSD, and indeed one of the key stressors, was negotiating co-parenting arrangements.

#### Subtheme 1 Negotiating process

Some fathers negotiated a child arrangement informally between themselves and their ex-partner. Two described it quite positively, stating that it was effective and reasonably amicable. One father said it was quite difficult, as it brought about a fair amount of conflict, and he would have preferred mediation:

"We just did it between ourselves. [...] I think we came to that fairly amicably really. [...] We haven't felt the need to get anyone else involved. [...] I think as an arrangement it works. [...] I'm probably quite satisfied." (P26)

Others negotiated through formal mediation, either solely or in addition to court proceedings. Mediation, overall, was spoken about positively, and the mediators were praised for being unbiased and for their resistance to the ex-partner's attempts to employ manipulation, abuse, or coercive control:

"I think it's good. Rather than wasting time and money going directly to court, and emotions as well, it's a good starter for ten. [...] Having a formally trained, experienced third party who is neutral in the conversation, it is good." (P20)

Indeed, several fathers expressed a desire to avoid court if at all possible:

"I think when we total both parties' money, there was more than one-quarter of a million thrown at solicitors. I never wanted that. I'd have been quite happy to sit down and just sort it out over a table individually." (P13)

"I was very reluctant to go to court, I really, really, really didn't want to go to court. It happened to my sister and it's extremely difficult and I wanted- I tried my best to avoid it." (P16)

However, ultimately, for the majority of fathers, court was inevitable given their ex-partner's resistance to cooperating or negotiating and due to the high level of conflict between them and their ex-partner:

"I've been trying to negotiate with her and through her solicitors for the past two years, for some extra time, and it's just been blocked constantly. So, I'm

finding that impossible. And that's one of the reasons that I felt I had to raise court action." (P22)

The involvement of a third party is often unavoidable in these circumstances. The analysis here revealed that where, for some, this was mutual and a positive experience, for others, it was the result of high conflict and hostility.

#### Subtheme 2 Power Imbalance

Many fathers described the mother as the parent who gatekeeps their contact with their children. Mothers were often able to do this as the resident parents:

"You get no contact: you get no communication. You get very firm kind of: 'No you're not in charge. This is what you're getting and that's all you're getting.'" (P18)

The mother often achieved this gatekeeping in various ways, such as placing barriers between the father and the children during their time together, trying to reduce or minimise contact between the father and the child, or cutting contact completely:

"She arranges get-togethers for my young one with her friends during my time. But I won't know about this. So, when the children are meant to be with me, she'll kind of arrange things so that they are busy doing activities somewhere, so they won't have time with me. She won't do it when they are staying with her, which is when they should be." (P8)

"I was getting very scant access to the children. 2 hours here, 2 hours there. All last minute, all very ad hoc." (P14)

"I get a text message saying, 'You're not getting them tonight. Try again at 8 o'clock tomorrow morning.' Try again? You know, there's no explanation." (P13)

"For the first year, because my ex-wife was quite vindictive. She was refusing to do things or refusing visitation rights, my parental responsibilities and everything else. And then, when she moved up to the northeast, she completely cut contact with me. [...] I think I got to the point where I was feeling the lowest of my entire life." (P20)

"Once I left the house, communication completely stopped. [...] And really, since from that moment I didn't—as much as I tried—I didn't have any communication with her until about three or four months after our son was born. So I didn't know when our son was born. I didn't know it was a boy. [...] I didn't know what his name was, what she named him and that was all very deliberate." (P18)

Some fathers reported the mother as having breached contact arrangement orders:

"I'm thinking of going back to court now to have a relook at the child arrangements because she's constantly breaching them." (P8)

Despite consistent barriers and a lack of cooperation from the mother, most fathers declared that they would prefer a shared custody arrangement if it were their choice, as they saw this as optimal regarding in the interests of the children:

"The most I would really want would be 50/50 time, because that's what they need. It's not about taking them away from her. [...] All I want is for my children to have access to both parents freely that they don't feel that they have to ask permission from Mum to see Dad. [...] I want them to have their parents in their life and I want them to be able to love their parents without any issues and for their parents to be able to put aside the past" (P12)

#### Theme 2 Experiences of Systems (Including Family Court)



Inevitably, then, many fathers had to engage with systems due to a lack of support or structure in the negotiation process described above. However, most fathers were felt negatively about said systems, including and especially family courts.

#### Subtheme 1 Perceived Biases

One of the most prevalent criticisms of professional authorities from fathers was a perceived bias towards their ex-partner. Some attributed this bias to their status as the resident parents:

“It’s very frustrating how inequitable this process is and how it very much benefits the resident parent. The resident parent basically can do whatever they want and get away with it.” (P30)

Several fathers noted that having more financial resources created a significant advantage in court, describing an “asymmetry of funding” (P16) that resulted in a power imbalance. Many ex-partners had access to legal aid or family support, while fathers were often self-funding, which enabled their ex-partners to prolong the legal battle without facing the same financial strain. This financial imbalance also enabled post-separation abuse, as one father explained:

“She can continue to control and abuse me through the financial abuse of having to take her to court where I have to pay, and she does not.” (P18)

As well as self-funding, some fathers were self-representing, which one father identified as another potential factor contributing to discrimination in the courtroom:

“When you go to court as a litigant in person and when you go to court with a lawyer or whatever, the way that you’re treated is so different. [...] If you do it yourself, well, certainly in my experience, you just get dismissed and discriminated against because you’re not a lawyer.” (P10)

Most fathers, however, attributed the systemic bias to gender, perceiving the system to be inherently “sided towards the mother” (P22):

“I’m left feeling like [...] less than a parent because it all just really does seem to be focussed on the mother. The mother, the mother, the mother.” (P9)

Fathers also described how social services treated the mother more favourably, often taking their concerns less seriously or disregarding their voice entirely:

“During the whole process, they were very reluctant to act on anything I had told them about my ex. Yet, my ex made some false allegations against me to social services, and they were very quick to act on that.” (P7)

It was suggested that social services held biases against men due to their previous experiences, having “probably seen some horrible stuff in her time as a health visitor” (P30):

“Certainly, all the social workers that I was on at the wrong end of who just think that domestic abuse doesn’t happen to a man [...] That’s down to people’s unconscious bias. [...] People should look at things dispassionately, evidence-based, don’t prejudge, you know, all that stuff. And that doesn’t seem to happen. Well, certainly not in my experience.” (P10)

Fathers also commented on how favourably mothers were treated in the courtroom compared to fathers:

“I do think there’s a double standard in terms of the way that you are spoken to and engaged with in court. You know, my son’s mum [...] it’s all very empathic towards her. It was very much like, ‘Oh, this is the behaviour of a first time, nervous mum. She just wants to make sure her son is safe’ and all that. Whereas

for me it was, as a dad, as a man, I feel like you navigate such a fine line in the court process between showing interest and looking aggressive" (P18)

Many fathers believed that this reflected antiquated gender norms, particularly the presumption that children are "better off with the mother." This presumption often forced fathers into an adversarial position, where they had to prove they were fit parents while their ex-partners were not held to the same scrutiny.

"I have to prove that I'm a decent dad as opposed to... you almost have to disprove that she's a decent mum." (P9)

This meant that fathers felt at a disadvantage when it came to countering false allegations and negotiating co-parenting arrangements rather than starting on an equal footing:

"It seems swayed to the mother a lot. And yeah, they say it's, it's a starting point of 50/50. I don't know. It didn't feel as though it was at all. It felt as though it was 80/20 in her favour to begin with, and then that's where it ended up at. [...] It just doesn't feel as though fathers are advocated for as much as mothers within the UK law system."

Overall, fathers' experiences were characterised by a process in which they felt they had no control and experienced prejudice, and which was rarely successful in establishing co-parenting arrangements that were in the best interests of their children.

#### Subtheme 2 Incompetent and Gruelling

Regarding the legal setting, a few fathers narrated instances where their solicitors made errors due to their inaccurate knowledge of the law or by incorrectly completing their client's legal aid application, which negatively impacted their court cases:

"The solicitor messed up the paperwork for the legal agency. So, it took me seven months to get legal aid. Seven months because the guy didn't put the information in." (P3)

Fathers also criticised the quality of reports produced by social workers and health visitors, which they described as poor due to them having high workloads and limited experience in assessing family dynamics. Many claimed that these inaccurate reports, once in the system, were rarely corrected yet held significant influence over court rulings and their access to their children.

"So, I go and read the report and I have to say, my daughters would've done a better job than she done. She's talking about one of my daughters when she should have been talking about the other. The names are mixed up and scenarios are mixed up and it's just absolutely horrendous. It's so amateurish." (P14)

Many fathers characterised their experiences with the legal and administrative process as drawn out and exhausting, attributing delays to a lack of judges, inconsistent social workers, and the tactics of ex-partners who acted in bad faith. This often had serious implications as it resulted in lost time between the father and their children:

"Still waiting on family law proceedings, which is horrendous. [...] I haven't seen my children in two and a half years." (P14)

Most fathers remarked specifically on how the court system was hugely taxing in many respects:

"Mentally, it's draining. Physically, it is also draining as well. Financially, it's draining." (P1)

Fathers reported spending significant sums of money on the court process to the point of being ruined in some cases:

“I don’t mind saying that it’s cost well over £100,000, which no one’s got, and absolutely shouldn’t be the case. [...] We went interest-only on the mortgage for a while to be able to pay for this. I’ve had inheritances that have just been wiped out. I’ve had bonuses from work have been wiped out. I’ve had my family giving me money. And at least I’ve got that to fall back on.” (P11)

The financial burden of hiring a solicitor was considered an obstacle to participation and achieving a preferable outcome in court:

“Without money, you’re basically powerless. And without money, I would have had to self-represent from the start to see my daughter. [...] I’m not sure how well it would have went.” (P30)

Fathers also likened the court process to having “a separate job” (P13) given the amount of time and energy it demanded. As well as the investment of time and money, the legal process often came at an emotional cost:

“You’re pouring all of your time into trying to understand the legal system and it’s just so time-consuming.” (P4)

“The breakup was bad. Don’t get me wrong. But what’s actually messed up my mental health is going through this court system” (P1)

“I had never in my life dealt with any court or any anything like this. It was all new to me. And to me, it was all very traumatising.” (P8)

Despite significant investments of time and money, fathers often felt that their efforts were futile, achieving little progress:

“I’ve spent nearly ten grand in court fees only to still be told [...] I’m not allowed to see my son” (P1)

In some cases, the family court was not only described as ineffective but was accused of having “made things worse” (P1):

“How the system operates doesn’t lend itself to solve problems. It seems to exacerbate and elevate minor problems” (P18)

### Subtheme 3 Not Fit for Purpose

Many fathers viewed the family court system as fundamentally flawed, often describing it as “not fit for purpose” (P13) and disconnected from any real sense of justice. Fathers frequently felt as though they had to prove their innocence while their children were taken from them with little recourse:

“I have to prove myself innocent... it’s too easy to have your children taken from you quite unjustly.” (P30)

Fathers often felt that solicitors were primarily motivated by financial gain rather than the best interests of the children. Many believed that solicitors intentionally protracted cases to maximise their billable hours, which in turn exacerbated conflict between the parents:

“They don’t want you to get to an early conclusion... by the time anything’s settled, all the money is already consumed by solicitors.” (P13)

As a result, fathers recalled occasions where solicitors engaged in foul play to win their case or elongate the process by creating more interparental acrimony:

“[Her solicitor] kind of sweet talked me into dropping the safety order. [...] I agreed. I asked her solicitor [...] to drop the criminal proceedings against me. That was agreed. [...] Her solicitor reneged on that deal. It was a verbal deal with me under duress.” (P14)

Although a few fathers were satisfied with the professional involvement in their negotiations, the majority expressed dissatisfaction with the system as a whole, which they felt encouraged or facilitated their ex-partners' abuse:

"The court has handed her all the weapons. [...] The legal system has created utterly perverse incentives against being able to co-parent" (P4)

The system was reported to enact this facilitation in a multitude of ways. Many fathers described the system as facilitating their ex-partner's abuse simply by being blind to it:

"And I do get if somebody makes an allegation, that has to be investigated. But you'd think after the third or fourth, they might start maybe taking things with a little bit of a pinch of salt, maybe? Social work just doesn't see it as a pattern." (P10)

"All this emotional and mental abuse [...] social services are not interested in any of that. They want to see scars. They want to see, you know, blood and all of that before they take any action." (P8)

Part of being blind to abuse is not being aware that it exists, like in this father's observation concerning parental alienation:

"If you go to the police, they don't know it. [...] Schools absolutely don't know anything about it. [...] When it happens, there is nobody to turn to because nobody knows anything about it in a position of power. That's my biggest gripe about this, because it's where do you go from there? You know, you're just seen as somebody who's moaning that they're not seeing their kids. [...] That's how people get away with it." (P11)

Of more concern, there were many cases where the court, social services, and the police had actively ignored evidence of abuse reported to them by fathers:

"[Daughter] came over to us one day [...] and she had bruising on her shoulder from self-inflicted bite marks, which we reported to the social worker [...] And this was then presented as a false allegation by her legal team to the courts, despite the fact we had documentary proof of this, you know, we had photographs [...] And the judge effectively said, I'm sick of the both of you. [...] We had ten months of very demonstrable, hostile behaviour that was very deleterious to my daughter's mental health and my [daughter]'s well-being. And the courts weren't really interested, they just wanted to get it over the line and get it done with." (P16)

"She attacked me and I was holding the little one on my left hip, so I couldn't protect myself. So, I got quite severely damaged on the right-hand side. The neighbours heard the commotion, called the police. Police came and arrested her, took her away, took photographs of my injuries. But then they brought her back to the house in the middle of the night, because they released her without charge, because, they told me the CPS had said the jails were 'too full of looters and rioters.' That's a direct quote." (P10)

An outright dismissal of abuse was exemplified when one father recalled a Cafcass officer "refusing to listen by covering her ears" (P10) while he testified to the severe physical abuse inflicted on him by his ex-partner, who was refusing him access to his children.

Despite this dismissal of fathers' submitted evidence against the mothers, the system has been reported to endorse the false allegations of mothers against the father without evidence or verification:

"I've been accused of doing things which I've never done. I've gone to police, they've written it off, they say that nothing's happened. However, she can take

that into a family court and it can still be upheld. [...] I haven't done anything, but because she's made the allegation against me, they've taken that as truth and that's now affected how I see my son." (P1)

"She spread all sorts of rumours and lies and all these organisations listened to her. They didn't think of doing their own research and just going double-checking it." (P6)

Fathers commented on "the easiness with which the system in place can be used by women who want to secure maximum contact with their children" through false allegations because the system is not "set up to actually say, you know, these allegations are nonsense" (P23):

"Every allegation that was made against me is flagged as a genuine allegation. There's no, there's nothing there to flag those up as false." (P16)

This is further seen where professional authorities fail to sanction ex-partners who abuse the legal and administrative systems by falsifying testimony or breaching court orders:

"I'm certainly getting held responsible for things I've not done. So why my ex-partner can't be held responsible for the damage she's caused [...] There's no culpability for people just slinging mud, and just making up stories" (P24)

As a result, "bad faith actors" (P16) are incentivised to continue abusing the system because it is a strategy that brings success without any cost or punishment from professionals with the authority to prohibit this behaviour:

"There's no backstop that stops the other parent that doesn't want to facilitate that contact. There's nothing that will actually make them do that. It's not how the law is supposed to work." (P13)

It is not only the fathers who suffer as a consequence but also the children who lose time with a parent and the legal system as a whole, which continues to be burdened and delayed unnecessarily by the ex-partner's abuse of the system:

"And at the end of it you can be missing out on your child's life for years and no one ever faces the consequences of that." (P1)

"I lost a year of my daughter's life from the court process simply because no one could tell the mum to get her act together." (P16)

Furthermore, not only was the system facilitating the ex-partner's abuse, but professional authorities were also contributing to the re-traumatisation of fathers who had suffered abuse. In the courtroom, this occurred when a couple of fathers were tasked with "cross-examining my own abuser" (P3):

"Having to cross-examine my ex, I couldn't do it. [...] I had to leave the court and go and just melt down in the toilet for a while. And when I went, eventually went back in after about 20 minutes [...] I told the judge, 'Look, I cannot do this'. He said: 'Oh just do your best'. [...] I just, I could not. It was just not happening. There's something called Practice Direction 12J apparently. And that wasn't followed." (P10)

Several fathers recalled encounters with the police that "probably traumatised me even more" (P27) because they were dismissed when reporting their abuse experiences:

"I eventually was encouraged to report the sexual abuse to the police. [...] So, I went along and I'd been assured in advance that it was going to be trained officers, I'd be treated with respect. [...] And finally she [...] said: 'It says here and she handcuffed you and squeezed your testicles. Well, you must have enjoyed

it or you'd have reported it sooner.' And at that point, I just I couldn't say anything else. I was just speechless. And I left." (P10)

Fathers often felt as though they were treated as criminals or "the guilty party" without evidence, leading to a deep sense of powerlessness:

"I was guilty in everyone's eyes." (P21)

Fathers also felt unable to refute this demonised image as they "didn't have a voice in any of that process" (P14), for example, to Cafcass officers or court judges:

"I have not been heard. My statement wasn't read and the court hasn't heard me. They've only heard her. So, in a court of law, would someone go to jail on the prosecutor's evidence and no defence?" (P21)

As a result, fathers felt abandoned by the system and resigned to an unfair process that seemed designed to disadvantage them:

"I've come to the stage of kind of acceptance of where I am. I can't change anything. I can't change anything in the court. I can't change nothing. Like all this stuff that's coming at me, I just can't stop it." (P14)

Furthermore, the lack of transparency and poor communication from authorities, such as social services and the police, compounded fathers' frustrations, often leaving them without updates on their cases.

When fathers did manage to make contact, these services were described as "extremely hostile [and] extremely rude" (P16):

"She was quite hostile to me as well. [...] She was like, 'Well what do you want me to do? Wave a magic wand and fix it?'" (P16)

Fathers in this study were thus evidently critical of the professional services, including the family courts, that were involved in their cases. The biases described in theme one persisted and compounded processes that were already draining and perceived as unfair.

#### 4. Discussion

This study continued the holistic exploration of fathers' experiences of family breakdown that was started in previous work (Hine et al. 2025), with a specific focus on their experiences of establishing co-parenting arrangements and family court. The findings demonstrate that these processes are frequently deeply frustrating to men, and that there is evidence of prejudice and barriers to productive co-parenting.

Theme 1 exposed the difficulties fathers faced in engaging with their ex-partners to establish productive co-parenting arrangements. Fathers were clear that they wanted to try and create these plans and processes without going to court but were frequently unsuccessful. This was in part due to the negative and sometimes abusive tactics utilised by the mother (see Hine et al. 2025) that specifically sought to block these arrangements as a further form of control and abuse (Bates and Hine 2023). Importantly, fathers reported how their experiences were shaped by a 'power imbalance' in favour of the mother, and that was fuelled and underpinned by negative stereotypes about men and fathers that devalued their role in their children's lives (Bates and Hine 2023). As in our previous paper, this included stereotypes that 'invisibilised' their experiences of violence and coercion, as is often the case with male victims (Dim and Lysova 2022; Hine 2019; Scott-Storey et al. 2022).

Theme 2 demonstrated why so many men were fearful of the court system, as wholly inadequate processes failed to advance their case or protect their role in their children's lives. Reflecting previous work (Braver and Griffin 2000; Lehr and MacMillan 2001; Philip et al. 2020; Treloar 2019), fathers spoke of errors, delays, and prejudices that underpinned gruelling and ineffective procedures. Many fathers were explicit again in detailing how

mothers were 'favoured' within courts and that their voices as men and fathers were simply ignored, even when detailing serious risks to both themselves and their children (Bates and Hine 2023; Hine and Bates 2024). Such a gender bias resulting from stereotypical views of gender can be detrimental to one's access to justice, regardless of their gender.

The implications of this work relate to two distinct stages of the FBSD process: the immediate aftermath and longer-term legal processes. Concerning the former, and as discussed in the introduction, it is evident that greater support is required at the point of breakdown and in the period that immediately follows to ensure that parents can have productive conversations about co-parenting even when facing an emotionally challenging life event. The evidence in support of co-parenting arrangements, where available, is increasingly positive (Steinbach 2019). However, at present, far too few mechanisms exist to support parents in achieving these types of arrangements. One potential recommendation is the development of a technological solution (e.g., an app) that might provide a platform for parents to communicate safely. Examples of this already exist in some countries (e.g., OurFamilyWizard in the US). However, these appear to work best for low-conflict families. We argue here that such resources need to build mechanisms to assess the risk of harm, as well as emotional readiness to engage in successful co-parenting, so that higher-conflict couples can engage productively with these apps. An example of this type of approach is the SeparatingBetter app in the UK, which is currently still in development.

In relation to the latter, there are significant changes required to ensure that the family court system is both efficient and effective in ensuring fair processes. Indeed, one of the key factors enabling this would be enacting the above recommendation to provide more support immediately post-separation, which would result in 'demand reduction' within the family court system. Then, for those who will inevitably need court processes (i.e., due to a high level of conflict), the system can operate more efficiently. Beyond this, education is also needed for legal professionals on the influence of stereotypes on their deliberation of these cases and to upskill relevant members on current understandings of family systems theory, attachment theory, the importance of fathers, the benefits of co-parenting for children (where the risk of harm is low), and how to appropriately speak with children so that their voices are heard and their best interests are maintained during FBSD. Moreover, FBSD is likely a traumatic experience for all family members involved. Therefore, family justice professionals would also benefit from training regarding trauma and trauma-informed practices to better support and work with their clients. Such training would help to ensure that cases are heard rapidly, fairly, and supportively.

As outlined in Hine et al. (2025), there are several important limitations to recognise when interpreting the results of this study, including the use of a self-selecting sample and a sequential recruitment process from survey to interview. However, an additional limitation specific to this manuscript concerns participant reporting of court experiences and processes. We only spoke with fathers in this study, as was its focus. However, in any court process, there are two parties, and it is impossible to determine the veracity of the experiences described by the men in this study by, for example, cross-referencing these with either official documentation or opposing testimony. Moreover, it is frequently the case in court proceedings that multiple versions of the truth are provided, rendering the above methods of attempting to determine the objective truth futile. Future research might seek to interview members of a family unit to triangulate their experiences, but for this study, we must place faith in the participants to have told the truth (or at least their version of it).

## 5. Conclusions

Fathers, like many separated parents, face significant challenges in the aftermath of family breakdown, separation, and divorce (FBSD), particularly when navigating co-parenting arrangements and the family court system. The findings from this study highlight how gender stereotypes, systemic biases, and practical barriers exacerbate fathers' struggles, often leaving them disadvantaged in co-parenting negotiations. These experiences underline the urgent need for tailored support for fathers post-separation, with a focus on reducing bias and improving the fairness of legal and social service interventions in FBSD cases. Addressing these issues is crucial for ensuring better outcomes for fathers and their children.

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