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Addis Ababa University

School of Graduate Studies

Experience and Participation of Children in a Custody Battle: The Case of Kolfe

Keranio First Instance Court

A Thesis Submitted to Addis Ababa University School of Graduate studies in Partial
Fulfillment of the Requirements for the Degree of Master in Social Work

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Abstract

In a country where 45% of first marriages end in divorce within thirty years of marriage, it is undeniably true that many children pass through custody. My exposure to disputing couples' makes me curious to know how their children react on divorce and started searching for related studies. Limited researches have been done on related areas but it is difficult to come across a study that basically depend on the response of children and takes their experience as the main source of the information.

This study tries to assess the feelings, experience and participation of children in a custody process. Nine children above the age of 12, 2 judges, 2 social workers and 5 parents have participated in the study. Both primary and secondary data including interview, observation, forms and report were used in this research. The information was used in a form of narration and development of concepts in this research.

Based on the study I was able to come across interesting findings. Though most children are against divorce and pass through psychological and emotional issues, children of an abusive marriage feel relieved by its actualization. The separation and decision to get a divorce by parents disrupt the relationship a child has with the father and affect the traditional family setting. So their relation with the non custodial parent (father) even yet their time with their mother can be affected as well. They face disagreement with their relatives too. Child participation has been observed in courts but focus is unpaid for maintaining the marriage. Children as a whole are facing different challenges in the process.

Necessary social work services should be given to children and parent. Social work education on child right in light of social work principles and applicable laws should be given to the court social workers and other professionals. The government should also work on policy framework to incorporate the social work service in regional courts too.

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Chapter One

Introduction

Every human creature is entitled to rights for the mere fact of created human. Article 1 of the civil code of Ethiopia declares human beings are the holders of rights as well as obligation from birth to death. These protections even extend to an unborn child when it comes to their rights. That is why children are provided with rights that must be fulfilled as a mandatory obligation on states or as a fulfillment to the extent which they are provided based on the capacity of states or their guardians. Ethiopia is one of the signatory countries to the convention on the right of the child.

Rights are created within the shell of responsibilities to be carried out. Marriage is one of the rights that are granted to humans. The FDRE constitution has also recognized it. Marriage can be formed in a religious, legal and customary setting. Even if it is a union for life marriage can be dissolved on the ground of death, absence of one of the couple, violation of one of the essential conditions of marriage or by divorce. Divorce is pronounced by a court of law in accordance with the legal framework of the country both consensually or by the application of one of the parties alone.

Divorce has its own results. According to the Revised Family Code (RFC) the dissolution of marriage has a monetary effect and effect on the children as was also stated in Fikadu Asefa (2010). Undoubtedly divorce also has an impact on the couples. For example economically divorce has an impact on the economy of spouses. A study by Haregewoin Cherinet and Emebet Mulugeta(2002) shows when divorce occur the woman's income goes down while the man's income goes up exacerbated often time's by children stay with their mothers.

Divorce has an impact on the children who are involved in the process as well. Children who are involved in the dissolving process of marriage in a court of law are subjected to the custody proceeding. Custody is the right of a parent to raise a child in case of divorce, death and absence of one of them. In case of death or absence of one parent the other parent gets the custodial power exclusively while in case of divorce this right is granted by the court of law. Parents as well as children are involved in the court process undertaken to decide the custodial placement. Children who pass through such process has their own thought and experience to be shared among themselves and with the whole world. This research is concerned in assessing the level of participation of the children in the custody process and their relationship with their parents in the decision making process. It also aspires to identify the experiences of children from their personal perspective in relation to the divorce and custody process.

Statement of the problem

In Principle marriage is a life time commitment between a man and a woman to spend their life together as a couple. Marriage can exceptionally be liquefied through death of the spouse, declaration of absence or divorce. Divorce is the legally established system to dissolve a subsisting union.

In light of our laws the effects divorce produce, in general, include pecuniary effect, child custody and child maintenance issues. As Bereket (2012) indicated in his study the effect of marital dissolution goes beyond the individuals who dissolve the marital union since children and other relatives of the couples are the immediate victims who share the potential socio-economic consequences of the divorce (Kumulachew, 2001). Robert, Louis, Jeanne, (2009) continues on enumerating that divorce has a ranging effect on both the spouses as well as their children embracing economic stress, reductions in time with children, conflict between parents, quality and type of parenting and disruptions in relationships with fathers are some of them. Serkalem (2006) on her study conducted on children after the pronouncement of divorce concluded divorce is affecting the healthy growth and functioning of the child's social life and psychology in Ethiopia.

Even if there is lack of an exact figure concerning children who pass through divorce; in Ethiopia where Forty-five percent of first marriages end in divorce (Tilson & Larsen, 2000) significant number of children for sure will be involved in a divorce process. So in a divorce process where children are involved; every decision made by parents and courts of law are essential for the future subsistence of the children.

Decisions made concerning children should involve them. The Convention on the Right of the Child illustrates the right to participation for a child is the right for those who are capable of forming their own views, in accordance with the age and maturity of the

child. Children are therefore entitled to acquire the appropriate information for making any decision.

Achievement to the right of participation for children requires adults to adopt a child-centered attitude, listening to young children and respecting their dignity and their individual points of view. It also requires adults to show patience and creativity by adapting their expectations to a young child's interests, levels of understanding and preferred ways of communicating (UN, 2006).

A research by Mahlet (2007) has indicated in our courts the practice is inclined to, if the child is old enough to express his views, the court may interview the child. Mostly courts interview children above the age of seven as there is a misconception among judges that children above a certain age should be interviewed. But Article 12 of the CRC explains the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting him/her. So children undergoing in a custody process are entitled to be heard with due regard to their capacity and knowledge. Children who are the holder of rights are in a position to face a decisions that are about to change the face of their whole world in the process of divorce as well as in custody. Therefore their view points are crucial if not final in the decision making process thus this research is interested in evaluating the involvement of children within the custody process.

Based on a study conducted by Mahlet (2007) in most cases the courts primarily consider the economic condition of the parent when determining which custodial placement is in the best interest of the child. Even worse some judges require the involvement of children in custodial disputes if and only if the divorcing parents are in the position to agree on the same issue (Nardos, 2008).

Where the number of divorce is high it is evident that many children will be involved in the custody battle. It is possible to come across limited number of researches

conducted on the areas of divorce, child right and custody in Ethiopia. As I examined researches by Nardos, Serkalem, Bereket and Mahelet it was difficult to come across a work which mainly involve and incorporate children's views about the separation and custody issues before the finalization of the process. This makes it difficult if not impossible to clearly show what children has to say about the divorce while it is on the road of completion. So this research tends to further address the realities that are experienced by children who are in the custody process, about the divorce and custody including assessment of their participation in the process. It also looks forward to contribute to fill the knowledge gap on such matters like divorce in the eyes of children. It is the intention of this thesis to collect firsthand information from the children themselves and people around them in order to come up with a valid answer to the following questions:

What are the child's views about the divorce?

What do children experience while they are in a custody battle?

Are children given the chance to be heard in the custody process?

Objectives of the Study

General objective

- To assess what children feel and have to say while they are participating in the custody process

Specific objectives

- To assess what they feel about the divorce
- To assess what they experience during the custody battle
- To identify if children are involved in the decision making process of the custody

Scope of the Study

This research is limited to accessing the experiences of children who are under the age of eighteen and above the age of eleven since children under this age group can easily express themselves. The children who were the focus group of this research were those children whose parents are going through divorce as a result they are involved in the custody procedure of the Federal First Instance Court of Kolfe Keranio Bench. I prefer to work with this age group because performing a study that is inclusive of all the possible age group in the child age map was difficult due to age difference and their level of maturity. So I decided to work with children within the same age group, that is, adolescents. The study area is pondered only to The Federal First Instance Court of Kolfe Keranio Bench, Addis Ababa.

Justification of the Study

- The study is a means for the researcher to assess the conditions of children in the custody process by gathering information on how they are dealing with the process of divorce. This creates the prospect of acknowledging the true reflection of children at the instant. Knowing their true feelings is one way of solving the problems and to help them cope with the challenges and emotions that occurs in association with their experience.
- Children voice has not been a major issue by many studies before. So most studies do not involve children even if they are the concern of the study. In this research children are directly involved as respondents and as the main target group of the study. It aspires to empower children in their decision making process by being participant in their own affairs.
- The result can provide information to the concerned bodies (like courts, families, organizations) to make efficient strategies and decisions regarding children in the process of divorce.
- It can be a source of information for further researcher on similar or related matters

Limitation of the Study

- Children only between twelve and below eighteen were included in the study.
- The number of participants of the research as a target population is small and since the work was only limited to The Federal First Instance of Kolfe Kerania, it cannot be generalized for all children undergoing a custody battle.

Operational Definition

Marriage – is a union of a man and a woman established through civil, religious or customary rituals of a country

Divorce- is the dissolution of marriage through the court of law

Separation- is a decision that a husband and a wife make to live apart while they are still legally married

Child participation- a child right to express his/her own views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child

Child - a person of either sex from age twelve to those who do not attained the full age of eighteen years

Child Custody- the legally established right of parents to take the guardianship of children below the age of 18.

Chapter Two

Review of Literatures

Definition of Family

Family is composed of "interacting persons related by ties of marriage, birth, or adoption, whose central purpose is to create and maintain a common culture which promotes the physical, mental, emotional, and social development of each of its members" (Suzanne et al, 2009). Family is more than the sum of individuals like children and parents. It is the result of their interaction that makes it whole.

Family Functions

Irrespective of their form, families share both a history and a future and experience the life cycle together. The family performs certain functions and has certain responsibilities to and for its members unlike any other social system. Families perform the essential function of attending to the social and educational needs, health and well-being, and mutual care of its members (Dean et al, 2010). It is largely through the family that character is formed, attachments are developed, vital roles are learned and members are socialized for participation in their subculture and the larger society (Dean et al, 2010).

Family stressors

Family stressors can be anything that provokes change or some aspect of change, such as boundaries, structures, goals, roles or values, each of which can result in stress. Stressors have tended to be categorized as either normative (e.g., marriage) or non normative (e.g., an accident) (Dean et al, 2010). Life transitions and separations are in the normal course of family life, people join together including children and adolescents who move toward independence and eventually leave home as young adults. Families deal with

life course transitions, such as death in the family, divorce and separation, and other significant events. There are also many families who experience transitions that exceed and exacerbate those generally associated with the life cycle (Dean et al, 2010). There are other intemperate transitions that families experience that have a profound effect on the family system. For example military and legal induced family separations. Stressors faced by families when a member was called to military duty (Dean et al, 2010).

Marriage

Marriage is the union of a man and a woman committed to one another with the expectation of lasting intimate relationship. A marriage is also indicated as a life time contract between a man and a woman, to live, to share and reproduce. Marriage can be concluded before a public administrator, customarily and religiously.

Article 34(1) 6f of the FDRE Constitution declares that men and women who have attained the marriageable age as defined by law, without any distinction as to race, nation, nationality or religion, have the right to marry and found a family. It also includes the legal sanction to marriage without the free and full consent of the intending spouses. Marriage is the way to the formation of families.

Divorce

Any marriage which ended up in a divorce can be concluded by agreement of the parties or where as other divorces involve disputes. According to Marc(2006) a cooperative divorce is one in which the parties are willing to meet, discuss, and resolve the issues without requiring a court battle which goes hand in hand with the divorce concept of article 76(1) of the revised family Code (which interchangeably used with RFC in this study) that demands court approval. In cooperative divorces, attorneys generally encourage alternative

dispute resolution approaches, facilitate reaching a stipulation, and participate in negotiations when necessary.

An adversarial divorce is one that leads to a legal contest or a court battle and involves assuming opposing positions in court. The adversarial divorce generally occurs when individuals are initially unwilling to enter into a cooperative process or when the cooperative process breaks down (Marc, 2006). As was retrieved from Saline & Ann (2009) the divorce process legally is started by the party who file to the court action. The court will pronounce the judgment based on considering facts as custody of children, parenting time, property settlement, maintenance, and so forth. Whichever the means may be courts need to approve the divorce in our country.

According to the 2012 Gender Statistical Handbook of Ethiopia the percentage distribution of divorce on the overall population of age 10 and above by Marital Status in 2007 is 3.83%; which has been shared by 2.1% for men and 5.6% for female. A study by Tilson & Larsen (2000) on the causes of divorce in Ethiopia shows Forty-five percent of first marriages end in divorce within 30 years. This shows that the divorce rate in Ethiopia high.

Impact of Divorce on Children

The period after the divorce is usually disruptive for the family. In many cases living standard changes and the mother has to find work outside the home, if she is not already employed. Divorce has its own effect on the custodial parent in that the responsibility doubles. Divorce has its own impact on of spring too. Children's reaction to the divorce depends upon age, gender the various personalities involved and the parents' relations with their children. According to child psychologist Lee Salk children senses a deep lose and feel they are suddenly vulnerable to forces beyond their control (Francke & Reese, 1986, as sited in Roberta, 1993). Children might face increased responsibility, less time available to

spend with the parent to receive love and security and lack of two role models of different genders, shows that during and after parental divorce, children often show marked changes in behavior such as acting out, (Roberta, 1993).

Another study done by Hetherington Cox and Cox (1976) as was cited in Roberta, (1993) found children of divorce to be more dependants, aggressive, whiny, demanding, unaffectionate and disobedient in behavior than children from intact families. They were afraid of abandonment; lose of love and bodily harm. School age children responded to divorce with sadness, fear, and feeling of deprivation and some anger. Some children even blame themselves for the breakup. Teenagers unlike younger children feel little sense of blame for the separation of their parents, but they often are pawns for each parent's bid for loyalty (Francke & Reese, 1980 sited in Roberta, 1993).

Divorce can have both negative and positive results. Joan (1994) showed divorce's adversarial effect can be associated to behaviorally externalizing (act- out) behavior such as disobedience, aggression, lack of self control, anti social behavior and juvenile delinquency; psychologically they often feel pressure to grow up faster as a result of their parents' divorce; academically and occupationally they have lower test score, worse school attendance, decreased motivation, are less likely to attend college, graduate or find and keep a steady job (Joan, 1994).

In the contrary there are also positive outcomes for children in divorce, like, children in high conflict intact families score significantly lower on measures of psychological adjustment and self esteem than in divorced families. Some children especially girls develop a very close relationship with their mothers after divorce and divorce can lead to greater social responsibility, competence and empathy in adulthood (Joan, 1994).

Child Custody

In England, prior to the 1900s, custody of children was automatically given to fathers, because it was assumed that they were in a better position to support the children financially, and children were viewed more as property. In the event that a mother gained custody, the father was no longer financially responsible for the support of the children (Marc, 2006).

The Industrial Revolution brought an increasing awareness of the mother's role in caring for her children and gave rise to the tender year's doctrine, which assumed that children, particularly young children, fared better in the mother's care. This resulted in a switch to automatically favoring mothers in custody disputes. The women's movement from the 1960s to the present has called attention to the inequity of custody decision making based solely on the gender of the parent, and focus began to shift to the best interest of the child (Marc, 2006).

Child custody has two forms, that is, one, legal custody which refers to decision making concerning the health, welfare and upbringing of children and two physical custody which refers to the living arrangement and care of the child on a-day-to-day bases. Basically there are two types of child custody:

Sole custody - The parent who is granted the sole legal custody will alone has the right and responsibility to make all the decision affecting the welfare of the child (Joan, 1994). When a sole physical custody is awarded, the child will live with the custodial parent and the non custodial parent will usually have visitation right.

Joint custody - Parents who have joint legal custody will share the rights and responsibilities to make decision regarding the health and welfare of the child. When the parents have joint physical custody, the child will have substantial amount of time with each

parent (Joan, 1994). Shared parental responsibility or physical joint custody is defined as children spending at least 40 per cent of their time with each parent after separation and divorce. It will be argued that this is the most effective means to ensure that children maintain existing attachments with each of their parents (Edward, 2008).

The sole custody approach to child custody falls prey to the following disadvantages: it focus on the competing rights of parents overshadows the responsibilities of parents to address the needs of children; one parent is a clear “winner” and the other a “loser”, it designate a “primary” and a “secondary” parent; and child custody and post-divorce parenting matters are seen as a one-time dispute to be resolved rather than a long-term process that will change and evolve over time (Edward, 2008).

According to Edward (2008) joint custody is needed in the child custody realm in relation to the need of children to maintain meaningful relationships with both parents, beyond the constraints of a “visiting” or “access”. A second reason is the need to promote parental cooperation, to reduce conflict, to shield children from family violence and child abuse. When we look into the situation in our country our legislations seems to support sole custody arrangements. But according to a study by Mahlet Assefa (2007) it is left to the decision maker to grant the type of custody which she or he thinks fit.

In the early 1970s, the Uniform Marriage and Divorce Act (UMDA) was developed and created several factors that may be considered in custody. These factors include: The wishes of the parents regarding custody, the wishes of the child, the interaction and interrelationships of the child with the parents, siblings, and anyone else who significantly affects the child’s adjustment to home, school, and community, the mental and physical health of the parties and other factors that may be deemed relevant to each individual case (Marc, 2006). Article 113(2) of the RFC requires the court to take into account the income,

age, health, and condition of living of the spouses as well as the age and interests of the children.

International, Regional and Local Policy Frameworks

International Policy Framework

To view some of the internationally taken steps the Universal Declaration on Human Right (UDHR) was one of the first documents ratified to insure rights for all human kind. In November 20, 1959 the United Nations General Assembly unanimously adopted a 10-point Declaration on the Rights of the Child. There have been over 80 international legal instruments developed over a 60-year period (conventions, covenants, rules, principles) that in some way address the special status of children. However, no comprehensive instrument specifying the full scope of the rights of children had been contemplated until the drafting process for an international convention concerning children was undertaken (Howard, 2011). That convention was the United Nations Convention on the Right of the child.

The UN Convention on the Right of the Child

The U.N. Convention on the Rights of the Child (CRC) was approved by the United Nations General Assembly on November 20, 1989, exactly 30 years after the adoption of the 1959 Declaration. The CRC is the most comprehensive document on the rights of children. Based purely on the number of substantive rights it sets forth, as distinct from implementation measures, it is the longest U.N. human rights treaty in force and unusual in that it not only addresses the granting and implementation of rights in peacetime, but also the treatment of children in situations of armed conflict.

For the purpose of the CRC, a child is defined as “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier”

(article 1 of the CRC). As was indicated earlier the convention has categorized the rights into four. These are: non-discrimination, best interests of the child, right to survival and development, and respect for the views of the child.

The best interest of the child principle - Article 3(1) of the CRC declares in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. This inclusion of the best interest principle was an acknowledgment of the fact that, in all likelihood, there would be times when certain rights of the child would come into conflict with the rights, prerogatives, and responsibilities of parents or guardians and with those of the state. The language of Article 3 makes a limited claim for the interests of the child in such instances, saying only that they are to be a primary, not a paramount or prevailing, consideration (A. Glenn, 1997).

Non discrimination principle - The non discrimination principle is set forth under Article 2 of the CRC requiring that all the rights in the CRC be accorded to all children without discrimination (Deirdre, 2000) of any type irrespective of the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment. It is important to note that the principle of non discrimination does not require that all children receive identical treatment in all cases; rather, the implementation of certain rights will vary from child to child because of differences in age, maturity and evolving capacities as quoted in Articles 5 and 12.

The child's right to life, survival and development principle - Article 6 of the CRC protects the right to life, survival and development of the child. The child's inherent right to life set forth in Article 6 of the convention is given additional emphasis and

amplified in the second paragraph of this provision, which places states parties under an obligation "to ensure . . . the survival and development of the child." Here, as with other economic, social, and cultural rights contained in the convention, the obligation is tempered by a qualifying phrase "to the maximum extent possible"(A. Glenn, 1997). So it is up to the states to act on such rights based on their economic capacity.

The child, under the convention, is entitled to the health care necessary for physical survival and also to certain programs, conditions, and opportunities related to the qualitative aspect of survival. To this end, every child, including the disabled, is granted the rights to social security; a standard of living that meets the needs for food, clothing, shelter, rest, leisure, travel and education(A. Glenn, 1997).

The child participation principle - Article 12 of the CRC require state parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. It went on explaining the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative.

It is clearly arguable that children and young people, who wish to do so, should have the opportunity to be directly involved in the decision making process regarding their future care. Applying Article 8 of the CRC require providing them with the opportunity to be heard and the right to be present at case conferences and other meetings where crucial decisions about their future are made (Ursula, 2004). Children participation can be described as seeing children as human beings with dignity and mainstreaming their views in all activities recognizing that children are individuals capable of understanding, making decisions and acting on them (Regional working group on child labor,2003). There are different theories on child participation:

Liberationist theory – holds that children should be afforded the same right as adults. Scholars from this group further argue that the separation of adult and child world is not a natural phenomenon but rather formed by social, historical and cultural factors (Leanne, 2005). In short, the child liberationist's aim is to release the child from the prison it lives in. The child has a very important role in decision-making processes regardless of age since "the rights, privileges, duties, responsibilities of adult citizens should be made available to any young person...who wants to make use of them"(Charlotte, June 2009).

Liberal care theory – proclaims children should not be accorded the same right as adults. They consider children as they are unable to make rational decisions and adult should responsibly choose for children since they did not possess the emotional consistency, cognitive capability or requisite experience that is central to the decision making process. However that should not disallow them from exercising their participation right. Since their capacity is an evolving one, the right also has to be provided with similar manner but that does not mean children are the sole decision makers rather adults while making decisions should give priority to the interest and views of the child. Because children's participation is not something to be allowed rather is their right (Leanne, 2005).

The caretakers' view is that children are not capable of self-determination and therefore they need to be nurtured. Other people, such as children's parents, guardians or people with an administrative or legal function should decide on behalf of the child which leads to the fact that children cannot make autonomous decisions (Charlotte, 2009).

To determine which theory to apply it is important to evaluate competence. Competences are highly dependent on the capabilities of the child in terms of emotion, intellect and physical abilities than age. However, since the competence test is an idea carefully taken into consideration age remains, in principle, an acceptable basis on which to distribute rights in accordance with what is laid down in Article 12(1) of the CRC: "the

views of the child be given due weight in accordance with the age and maturity of the child” (Charlotte, 2009).

Regional Documents on the right of the Child

The African charter on the Right of the Child and the European Convention on the Exercise of Children’s Rights

The African charter on the right and welfare of the child - The protections concerning the right of the child are extended to the regional level. The African Charter on the Rights and Welfare of the Child (ACRWC), the first regional treaty on children’s rights, builds on the 1979 Declaration on the Rights and Welfare of the African Child, but most of its provisions are modeled after those of the CRC. “The main difference lies in the existence of provisions concerning children’s duties [in article 31], in line with the African Human Rights Charter” Article 2 of the ACRWC defined a child as “every human being below the age of 18 years” The Preamble states that “the child occupies a unique and privileged position in the African society” and requires legal protection as well as “particular care with regard to health, physical, mental, moral and social development” (Wendy, 2007). The basic principles of the CRC are incorporated under articles 3, 4(1), 4(2) and 5.

The European convention on the exercise of children’s rights - The European Convention on the Exercise of Children’s Rights (ECECR) which was ratified in 1996 stressing in the Preamble the aim of promoting the rights and “best interests” of children. To that end, it states that children should have the opportunity to exercise their rights, particularly in family proceedings affecting them; they should be provided with relevant information and their views should be given “due weight”; and, “where necessary, ”States as well as parents, should engage in the protection and promotion of those rights and best

interests. The ECECR applies to children who have not reached the age of eighteen, Article 1(1) (Wendy, 2007).

Local Policy Instruments

Legislations ratified and enacted by Ethiopia concerning the right of the child -

Nationally Ethiopia is one of the signatory countries to the CRC. Ethiopia also ratified The African Charter on the Rights and Welfare of the African Child in 2 October 2002 (UN, November 2006). Article 9(4) of the FDRE constitution declares that laws that are adapted by Ethiopia are considered to be part of the national law making the CRC part of the national legislation having at least equal standard with proclamations.

Under the Ethiopian law the word “child” and “minor” are interchangeably used in different legislation. Article 198 of the Civil Code and 215 of the Revised Family Code provides that “a minor is a person of either sex who have not attained the full age of eighteen years.” So any person under the age of 18 is considered to be a minor under the Ethiopian law at least concerning his/her civil activities.

The starting point of childhood is not clearly indicated in the CRC or the African Charter. But the Civil Code of Ethiopia has been extending the right of the child to the unborn child for the purpose of protecting their interest under Article two. Even if Article 1 of the Civil Code stipulates rights and obligations come in to existence starting from birth however, it goes on providing rights exceptionally to a merely conceived child to be considered born whenever his interest so demands under Article 2.

Majority can be attained before the age of eighteen under Ethiopian law at different circumstances. Criminal liability starts at the age of nine according to Article 52 of the Criminal Code. Article 57 even declares that offenders above the age of 15 at the time of the commission of the crime he/she shall be tried under the ordinary provisions of the Code.

Article 7(2) of the Revised Family Code indicates that marriage can be concluded at up to the age of sixteen with the authorization of the Ministry of Justice upon application based on proving serious cause.

The FDRE Constitution has incorporated an article only concerning children. Article 36(1) indicates every child has the right to life, to a name and nationality, to know and be cared for by his or her parents or legal guardians, not to be subject to exploitative practices, neither to be required nor permitted to perform work which may be hazardous or harmful to his or her education, health or well-being; to be free of corporal punishment or cruel and inhumane treatment in schools and other institutions responsible for the care of children. This provision seems to be broad and inclusive of multiple factors concerning the rights of children.

The baseline principles of the CRC are included under the Ethiopian law in different forms. The non discrimination principle of the CRC is included under Art 25 of the FDRE constitution. Article 36(2) of the constitution and other law like the RFC deal with the best interest of the child principle stipulating decisions concerning the child should be made with due attention to the best interest of the child. The best interest principle under the Ethiopia codified laws were widely incorporated across section of views and values like as was discussed above under Art.2and Art.1063 of the Civil Code. The Child's Right to life is protected under Article 14 and Article 36(1)(a) of the FDRE Constitution. Art 29 FDRE Constitution talks about freedom of expression which is somehow related to child participation. But the FDRE Constitution does not stipulate rules as are exactly indicated under Art.12 of CRC concerning child participation.

Ethiopia has also codified The Revised Family to be sited as Proclamation No. 213/2000. This code has incorporated issues concerning filiations, assertion of maternity

and paternity, obligation to supply maintenance, adaption and minors under separate chapters that are more dedicated to addressing issues concerning children.

Dissolution of Marriage and Custody under the Federal Family Law

Article 75 of the revised family code identified the causes of dissolution of marriage to be death of one of the spouses, or declaration of absence by the court of one of the spouses; dissolution order by court due to violation of one of the essential conditions of marriage; or divorce. Article 76 continue on the types of dissolution of marriage by divorce where, that is, (a) when the spouses have agreed to divorce by mutual consent and or (b) the spouses or one of them made a petition, for divorce, to the court.

Art 82 (5) of the Revised Family Code specifies from the time the petition for divorce is brought before it, the court shall forthwith give appropriate order regarding the maintenance of the spouses, the custody and maintenance of their children and the management of their property.

During their marriage parent are guardians and tutors of their minor children according to Art.219 of RFC. Hence the issue of which parent has custody of the child does not arise when the child's parents live together. In the absence of one of either of the parents the remaining parent exercises all the functions exclusively (art. 220(1)). Parental divorce requires rearrangement of parental rights and responsibilities in relation to the children of the marriage. In case of divorce by mutual consent parents decide by agreement regarding the guardian of their children art 221of RFC. In divorce, custodial rights and obligations are usually divided, most often so that one parent has custody and provides the main resident for the child, while the other parent is granted access, or visitation rights. Where circumstances require the court shall take into consideration the interest of children and the condition of the spouse deciding on one of the spouses to leave their common abode when giving an order under Sub-Article (5) of this Article.

Article 113 of the Revised Family Code is exclusively devoted to Custody of Children. Sub Article 1 indicate the court shall, when deciding the dissolution of marriage, also decide as to which spouse shall have custody of the children, care of their education, health, maintenance and the rights of the parents and the children to visit each other. When giving decision under Sub-Article (1), the court shall take into account the income, age, health, and condition of living of the spouses as well as the age and interests of the children. The court may, on application and taking into account the change of circumstances, revise or reverse its decision given under this Article regarding the custody and maintenance of the children. So the custodial decision can at any time be altered.

Chapter Three

Research Method

In this part of the research I will attempt to show steps taken in the process of accomplishing the research. As cited by John (2006) Denzin and Lincoln indicated a qualitative research study things in their natural settings, attempting to make sense of or interpret, phenomena in terms of the meanings people bring to them. Underlying the qualitative research style is the assumption that in order to understand human behavior, a researcher must first understand the meanings that people have of the world around them, because these meanings tend to govern their actions (Matt et al., 2006). The emphasis given by qualitative researchers to their studies therefore involves an examination of the perspectives of the people or groups that are of interest to them – their ideas, attitudes, motives, and intentions (Matt et al., 2006).

I chose qualitative research method to carry out my research because I was interested in finding the reality that children live in while they pass through a divorce process. This idea of mine is more in coherence with qualitative research because it involves an examination of the perspectives of the people or groups that are of interest to them like their ideas, attitudes and motives. So I was interested to know how children feel about the divorce and participate in the court process. Qualitative research was my choice because unlike quantitative research it is more concerned with finding detailed information about a fact than focusing on the quantity of participants. I was also interested in collecting the data from respondents by myself since the number of respondents is limited and facts can be fully explored and articulated. As a whole this is a qualitative research which is determined to assess how children undergoing through custody battle feel about the divorce process.

Qualitative research includes ethnography, grounded theory, phenomenological, case studies and narrative research (John, 2002). This study used a phenomenological study design which describes the meaning for several individuals of their lived experiences of a concept or a phenomenon. Phenomenologists focus on describing what all participants have in common as they experience a phenomenon. So my main focus in this study was to gather information from the true prey children of an active custody process. So children who are adolescents are included in this study because they can describe themselves and are also matured enough to reason out their experience. This description consists of “what” they experienced and “how” they experienced it (John, 2006). I have tried to assess what children feel about their experience and look in to their participation in the custody process.

Sources of Data

I have used primary and secondary data sources. As a primary source of information I used key informant interview, in depth interview and observation of the reactions of participants at the interview and at my stay in the court. The pre-prepared form filled by parents before their engagement with social workers concerning the background of the family and annual report of the social work department were useful sources of information for me as a secondary data source. The main target of the study was children who are experiencing the realities in hot custody within a divorce process. I had conducted an in-depth interview with children who are undergoing a custody battle. I also included interview, as a key informant with parents of participant children, social workers and judges who are placed in the court setting. Parents, judges and social workers, in the lives of children and young people; are the appropriate persons to explain the links between ranges of challenges and difficulties experienced by children in their daily lives as well as the court process because as Carr (2006) indicated interview with significant others helps to have broad understanding of a particular issue concerning children, and this is further helpful for

formulation of implications for intervention. In my stay at the court I was observing respondent children, parents and the setting of the court. My observation and experiences was later used in the write up stage since they were taken as a field note.

Data Collection Instruments

Totally, I personally completed 18 interviews. I prepared four types of interview guides of in-depth interview for the children, for social workers, judges and parents as key informants. All the tools were prepared in English and it was translated during the interview into Amharic. The questionnaire for child participants was reviewed by social workers to secure their beneficence. The participants of the interview were nine children, two judges, two social workers and five parents of participant children. It was difficult to play the two roles of interviewing and note taking so I resorted to using voice recorder so that I can be more attentive to the interview, I was also able to observe their reaction while interviewing. Then I transcribed the interviews in to writing and translate it to English.

All the interviews were conducted at the Kolfe Keranio court site in the office of the Social workers, the offices of judges and at Kolfe Keranio Justice Office from the end of April to the mid of June, 2013G.C. In my study location I was able to observe the setting of the court, rooms prepared for the children, children reaction and so forth which I believe were important for my study. As a method, observation was applied during the fieldwork while making the interviews with the informants and I tried to record what I felt was important on my notebook.

Selection of Participants

In my research children between the ages of twelve and eighteen are the target population. According to the annual report of 2005 E.C by the Social Work department of the Federal First Instance Court, 126 in Lideta, 334 at Arada, 181 at Kolfe, 59 at Akaki and 96 children at Nifas Silk benches had been entertained in relation to custody matters. In case of Kolfe Keranio bench, the raw number of participants in the year 2005 E.C. consisted of

86 boys and 95 girls. That would be a total of 181 but the report is not organized based on their age so this figure includes children at any age. The number of child participants in this study was nine because I was able to reach to the data saturation stage at that level.

I utilized participation in an active divorce process, only in kolfe Keranio area and age as criteria for participation because I believed that children at this age group can better express their feelings. I also used availability of respondents at the research seat. Parent respondents were included in the study as key informant based on the fact that their children were part of the study, the judges and the social workers were selected based on their service duration at the court with the belief that their experience can contribute to their responses since they were working there for a longer time. I assumed they can better explain the situation. The number of parents, judges and social workers was limited to five, two and two respectively because they were interviewed as key informants looking for additional information.

Availability as well as purposive sampling was used in the research because I interviewed respondents who are within the scope of the target population and were available and willing to give the interview for the research. Written consent was secured from one of the parents for the children and all respondents as well before the interviews.

Data analysis

I interviewed respondents using a voice recorder with the view of effectively using the interview time, not to lose any information while writing and also to allow myself be more attentive to the interview as part of my observation activity. The information that I gathered through recording was used for the research as the main data base. The records were transcribed in to writing. Then I incorporated the personal notes I took during the interviews, my observation and the secondary data while transcribing the records. I read

through the transcribed note and try to create sense of the note so that I can form focus area of the report. I gathered the information that is similar in to thematic concepts that is more suitable to present. Then I arranged findings according to themes and topics and draw out key issues being discussed by participants. Some information from respondents was used directly in a form of narration at the write up stage when I consider them as more expressive of the concepts under discussion. While using information I used fake name not to jeopardize confidentiality. In writing this research I presented the facts as honestly as possible to be able to describe the reality as it stand in the finding. On the discussion session findings were forwarded in line with previous studies and common sense then interpretations linkages and relating the findings to previous research, to personal experience and even to common sense opinions was made too. At last conclusion was drawn from the discussed areas which in a way allow me to point out ways forward /implications/ from the study.

Ethical Consideration

I initially received a supportive letter and ethical clearance form from the School of Social Work in Addis Ababa University so that I can be allowed to work in the court. After securing the approval of the first instance court registrar I introduced myself to the social workers at Kolfe Keranio bench briefed my research to them. They asked questions and come to an agreement that I can interview children as long as I get the full consent of the parents. They arranged a place to conduct my interview after they finished their session with the children. I was also able to look in to the form that parents fill.

Before starting any of the interviews, I introduced myself as a social work student form Addis Ababa University who is conducting a study as part of a partial requirement for fulfilling program of Masters Degree in social work. For child respondents I initially asked

at least one of their parents for their permission to conduct the interview. I briefed the identity of children will be kept a secret, the information I get will be confidential, the benefit of conducting the research and that they can withdraw from the interview any time they want and secure the written consent from an appropriate parent. I also ask all respondents their consent to be interviewed. I inform all respondents that I only intend to use the information I get from them for the research. Since my main respondents were children I tried my best to be friendly to them and made them comfortable to talk too. I tried to secure their beneficence in the research I made social workers at the court site to evaluate and comment on the questionnaire. After I get their comment and green light about on it I used it in the research.

Chapter Four

Result, Discussion and Analysis

Result

Demographic and Personal Information of Child Respondents

R. Number	Age	Sex	Religion	Educational Level
1	12	Female	Orthodox	Seven
2	12	Female	Orthodox	Seven
3	12	Female	Muslim	Three
4	14	Female	Orthodox	Eight
5	14	Female	Muslim	Seven
6	15	Male	Orthodox	Nine
7	15	Female	Orthodox	Nine
8	16	Female	Orthodox	Ten
9	17	Male	Orthodox	Nine

Age distribution of child respondents - In my study at the Federal First Instance Court of Kolfe Keranio Bench I was able to communicate with children of 12 years and above excluding 18 years old. These are children whose parents are going through divorce while they are participating in the custody process. I met nine children who were presented at the court with their parents to meet the social workers and conducted a detailed interview. The youngest of the respondents were three girls at the age of twelve and the oldest was a seventeen year old boy.

When we look at the religious distribution of the participant children seven of them are Orthodox Christians and the other two are Muslims. All the participant children of the study are currently attending school. Even if the reason is not known the educational status of participant children ranges from grade three in elementary school to grade ten in secondary school. Every single one of the participant children have siblings whether older, younger or both affiliated by either parent or both of them. From whom three are separated from their full brothers and sisters and two from siblings from one side due to the divorce.

Current living arrangement - All the respondent children are currently living in a rental house with their mothers. Four of them stated that they used to live in a privately owned house before the separation of their parents but starting from when their mothers moved out they are now living in a rental house, where as one of the respondents indicated that they used to have their own house before her parents decision to dissolve the marriage but now they have already sold the house and move to a rental house outside of Addis Ababa. The remaining four are living in a rental house from the very beginning.

Duration of parental separation - Duration of parental separation indicate the time that their parents decide to separate and it vary from nine month to the minimum to three years to the maximum. But this figure does not show the time the divorce process took on rather the time when their parents decide to live independently from each other.

The educational status of parents - When we look at the back ground of the parents of participant children, women clients seemed to be less educated. Educationally the minimum educational standard of women clients is illiteracy while for men it is grade two and the maximum being Diploma and a First Degree for female and male respectively. The average educational status for the mothers of the respondent children is grade four while it is around grade six for men. This research come across the fact that most of the couples who are passing through the study are educationally less prepared.

Income distribution of parents - Looking at the income distribution of parents, the minimum monthly income of the mothers in the study is none and the maximum being one thousand nine hundred sixty eight Birr where as it is four hundred birr per month for the minimum and three thousand four hundred sixty five birr to the maximum for men. Financially also the average monthly income for the mother respondents is 395.43 cents per month and 1637.57 cents per month for fathers. This shows that the average income of respondent fathers is 4.14 times more than the mothers however all of the children who were in the study are living with their mothers.

Children's View towards the Divorce

Reflection of children about the divorce - While assessing the feelings of children towards the divorce their responses vary. Eight of the child respondents said that they were sad that their parents had decided to get a divorce out of which two believed the divorce was inevitable therefore accepted it but are unhappy because it involves losing one parent from their lives. They reported they felt sad, hopeless, inferiority to other kids, loneliness and develop fear of marriage.

But it is possible to come across a situation where a child feels happy that the marriage is ending in a divorce. Her reason for feeling so was that her father has tried to kill her mother at different moments and the last incident that ended up the marriage was an attempt by her father to kill her mother with a knife in the middle of the night. Almaz then proclaimed "you know my parents always used to fight when we live together; my father used to bit my mother, try to end her life, she was suffering. I was thrilled to hear that my parents are getting a divorce since I always ask myself why women would live a married life when they can live alone independently."

Beza said "I am not happy that my parents are getting a divorce but I could not blame my mom since she was in danger of death hence I could not even persuade her to stay with him since I am afraid of what he might do to her if she moves in with him again". Hana explained she is not happy the marriage was ended but was always in agony about her parent's disagreement and worry about what will happen, so Hana said "I was not surprised when I hear they were divorcing."

Children who were against the divorce had developed their own means to end the problem between their parents and to reconcile them. As a solution to stop the divorce different methods were used by respondents. Two respondents said they tried to solve the disagreement by begging their parents to change their mind about the divorce. Emenet said "I am always sad when I think of my parents' divorce so I communicated my father and begged him to reconsider his decision, I even said that it is our fault that they are getting a divorce and ask for his forgiveness hoping he would change his mind but he said, it is already too late to do so and tell me to rather accept the divorce". Gathering mediators (shemagele) in the matter to solve the problem by discussing the point of disagreement was another solution that was attempted. Daniel said "when my parents separate I asked my aunt and some of our neighbors to talk to my parents, they did try to talk to them but failed to make them decide to live together, so they are in the process of pronouncing the divorce, when I grow up, I will bring peace between them and we will live together again."

Based on my observation in the data collection process social workers are only involved in the divorce process to assess the best custodial placement of the child. Even if children are against the divorce social workers are not working to solve the disagreement between the parent and the child or among the couples themselves. Social worker B stated if they encounter couples whom they think have hope to reconcile they informally inform the judges so that the court could provide cooling period than pronouncing the divorce.

Causes of divorce - Divorce can be caused due to multiple factors differing from family to family. The child respondents in this study had their own thoughts about the roots of divorce in their family, based on what they observed in their parents relationship and based on the point of disagreement among their parents when they were together. When asked for their thought of factors that causes the divorce in their household a number of factors were enumerated. The children enumerated lack of financial capacity to maintain the family, the issue of proper handling of money, hot temper, nagging, the existence of a step child in the household, lack of trust among the couples, religious difference among parents, use of alcohol (intoxication), domestic violence, resentment of parents towards each other and lack of good manners were the reasons for the separation of parents in the eyes of the children.

How children were communicated about the divorce - When child respondents were asked about how they found out about the divorce, eight of the children reported that they were aware of the disagreement between their parents. They have witnessed some forms of disagreement, quarrel and domestic violence among parents. These eight respondents were aware of the fact that there were disagreements between their parents and their mothers left home at different occasions. When the mothers moved out for the last time the children thought it was like usual and suspected that they will go back home but realize that the marriage was dissolving and latter found out about the divorce. So the decision of the divorce was rather a surprise for them than expected.

Eight respondents hear their parents, relatives or others talk about the divorce with the exclusion of Kasahun who said he was not aware of the divorce since his parents did not have a fight. According to my data the entire child participants of the study were not properly communicated about the divorce by their parents instead they found out from others or suspected it from situation or when they were called upon by the court for the

evaluation session to decide the custody matter. No child was informed by a parent about the reason why the divorce is actualizing and parents themselves do not properly talk about the cause of their disagreement. As an observation I noticed due to poor communication culture they do not share true feelings concerning the disagreement point. Parents do not have the proper method of communication in their relationship. That also affects their relationship and level of communication with their children.

Experience of Children in a Custody Battle

Divorce has ranging effect on the children psychologically, socially, economically and emotionally. From the responses of children, parents and social workers I was able to come across some of the lived experiences of children on the eyes of the beholders. Socially they are forced to be detached from their parents and siblings as a result they lose their social support system, their role model; their educational supporters and feel that other people are treating them differently after the divorce, they are more burdened with responsibilities, decreased in educational performance, they also face some problems from relatives in relation to the divorce. Psychologically children feel sad, fear, hopeless, lonely and inferior to other children and develop fear for marriage. Hana explained "I feel like my life is half empty because wherever you live somebody is missing therefore your life will never be the same".

Place of residence - No child in the study has been asked at the time of separation to choose where they want to live. They are living where they are now mostly based on the situation their parents separated. Fatuma said "I wanted to live with my dad but cannot as he is out of our house because he cannot afford to raise me and my sister in the first place, furthermore does not have his own place till now". Emenet pronounced "my father is a policeman; he lives in the military camp and goes from place to place all the time on a field

work. Thus it is not right for me to be there with him and is bound to live with my mother". Kasahun utters "I live where my youngest sister lives and she is with my mom so I have to be there and keep an eye on her". Children are living with one parent based on their preference or because circumstances require them too. Six out of nine children are living with their mothers because they prefer too while three are there because of financial problem and work related inconvenience on fathers. Some children change their living area when they feel uncomfortable while living with their parents, as a result four out of nine child respondents has changed their residence because they were unhappy with the way they lived. Out of whom three respondents fled from their former residence because they were uncomfortable living with their fathers.

Relationship of children with parents who lives with them - When asked about their current relationship with the parent that is living with them compared to the time their parents' live together children has responded in different manner. Four children said the time they spend together with the parent they live with did not change due to the separation, three respondents said time spent with this parent has increased because they are free to hang out together. Almaz explained "I am happy that I got to spend more time with my mother now. My father does not like it when we chat so whenever he came home we had to vanish, we were so worried that if he comes he will shout but now they separated, we are free to do what we want together and I feel closer to my mother more than ever". Beza further exclaimed "my father is a dictator so we were afraid to do anything in his presence but now there is no one to fear".

Two of the children believe that the time they spend with their mothers has decreased due to different reasons. Emenet said "my mother was a stay at home mother so she does not go anywhere and we used to have all the time we desire. After my parents separate my mom started working and spends only Sundays at home, my brother is now

living with a relative as a result I am compelled to stay and watch the house alone”.

Kasahun said “after they separated my mother is so busy, she works late at night including Saturdays so it is rare to be with her now.”

Relationship of children with parents who are not living with them - Every case that I come across during the data collection period is a case whereby parents has already been separated and are living independently. Children have been detached from one parent and are living with the other. According to my interview with children, in all cases, there is no proper arrangement to visit the moved out parent. But some children arrange to see their parents in the weekends if possible. However I was also able to meet with three child respondents who do not want to meet their fathers. Almaz said they moved out when her father tried to kill her mother. At first they stayed with a relative and later rented a house. All those times Almaz said, “My father used to follow me around to the school and to my home. If he gets a hold of me, he will ask me about what we do in the house and if he sees me with somebody he will beat me. I was so frustrated and could not focus on my education. At last I went to the director of the school and tell him not to allow my father in the school compound. After that they warned him not to come and he stops coming. I haven’t seen him since then than today. However, we didn’t even greet”.

Whereas other children are really heartbroken to know that they will no longer live with both parents. Kasahun said, with tears in his eyes, “You know what makes me sad the most is not being able to see my dad every day. How can I act equal to my friends when I have no father?” Parents arrange their visitation time as it is convenient for them. No child respondent responded saying the guardian parent has prevented them from visiting the other parent. But the moved out parents are mostly engaged in an activity outside of town, lived in a distant community or the children themselves has to attained school in week days. Thus, it is not possible to visit the other parent every day. According to respondent children,

the time gap children visit the moved out parent range from once in a week to none. But six out of nine children miss the other parent. Iman said "I would love it if we all live together but I wanted my dad to at least come and visit me more often."

All children who participated in this study are currently living with their mothers. Four out of nine respondents start living with their fathers at the moment of separation but moved to their mothers later on. Daniel said "my father has got a job out of town and I move to my mom". Beza said, "When my parents separated it was in the summer. My dad locked the gate of the compound to prevent me from going to my mom. I was forced to stay with him. I used to cook, clean and do all the house works while I was with him. I see my mom only when I go to church. I asked her to take me in but she refused saying "you know I can't feed you so it is better if you stay with your dad". I tried to endure it for a while but I couldn't because whenever I do something wrong he beats me up. At last I fled to my mom looking for her care." The other two children proclaimed that since their parents' separation they have been living with their father but were unhappy so they decided to reunite with their mothers.

The relationship of children with their siblings – all respondent children in this study have siblings from both parents or/and from one parent side only. Respondents who have younger siblings are responsible to take care of them. They look after them, wash their body, help them in their study, etc. Children in the study also had indicated that they have been separated from their siblings from all the respondents three are separated from their full brothers and sisters and two from siblings from one side due to the divorce. Hana said "when my parents separated, my mom moved out with three of my siblings and me and my two siblings stayed with my father. I used to see my sisters and brother in school but it does not feel like before and there is a gap, when I start living with my mother again, it took me a while to easily communicate and hang out with them." Separations from siblings are caused

by moving to foreign countries to support family; living with the other parent or with relatives and so forth.

From all the child respondents three have siblings from the paternal line. They all explained the relationship with such parties is limited because they do not visit each other. Gelila further explained “when I was living with my father I have a half brother that used to bit and ridicule me all the time and I just hate him.” But Almaz explained she lives with her half sister from her maternal line and that this sister is the one who maintain the family from the income she gets as a waitress.

The relationship of children with their relatives – all child participants of the study had relationship with their relatives. Child participants have better relation with the relatives of the parent that they live with. But they also face challenges too. Relatives of one parent blame and insult the other parent in front of the child; they also insult and bit the child. Emenet said “my mother’s relatives always talk about my father and blame him for the divorce which bothers me so much, at times I try to defend him and ended up arguing with them, at last I decided to keep quiet when they talk”. Beza indicated that her aunt from the paternal line used to live with her father and blame her for everything, she threaten her that if she decides to go to her mother her father will curse her and will make her life miserable. She exactly put it this way “the curse of the mother pass through breast feeding but if your father curse you there is no way to escape”. Gelila further explained that they used to insult her because of her mother and even get bitten up for everything. According to the response of children the relationship that they have with the relatives of the parent that is not living with them is loose.

Child participation

Children are clients in courts which entertain family matters like custody, juvenile justice system as child offenders and child victim bench as child victims. The court has created a setting that is more or less suitable for the children to participate in, which are equipped with toys, a sit in front of the client and social worker.

According to judge 1 and 2 before the involvement of social workers in the court system, while deciding a custody matter courts mostly gave the children to the mothers thinking that the mother is best suited to the job of raising children. Some judges also prevent children from participating in the process. But now every child in a custody process will be part of it.

Based on my observation and responses of social workers and judges currently every child who is involved in a custody process will be part of the hearing process by contacting with the social worker. Even children who cannot talk are required to be seen by the social workers for the sake of observing their physical well being in a way allowing them to participate. Children are sent to the social workers whether they are in a disputable custody battle where both parents are interested to raise the kids or in a consensual divorce where parents agree which parent should have the custody of the child and come to get the approval of the court to do so legally.

What initiated for the inclusion of children in custody of a consensual marriage to the fact of visiting social workers was an incident at Lideta. A couple filed for a consensual divorce and the court has approved it without the involvement of the children in that marriage. Later on the kids found the court decision in their house drawer and come looking for the judge who approved the divorce asking her name, they asked about the divorce and insisted that the court should reconsider the decision that was already made.

After that incident it was believed that children should at least be aware of the fact that their parents are getting a divorce. Incidents also show that approving the claim of the couples as they stand may jeopardize the best interest of the child. Social worker A explained 'you know the problem of a consensual divorce is that mostly parents concentrate on arranging the situation in a way that is comfortable for them to execute than to the children. So they mostly divide children among themselves. In effect every child who is part of the custody battle is required to participate in the process to see if they are placed in the best situation there will be under the circumstances of the family. This is so because it was found important to see whether the arrangement parents have for children is in the best interest of the child and is maximizing their benefit.'

Children have been participating in the court process of the divorce with the help of social workers. The role of the social workers in the court system concerning custody, is to allow the best interest of the child be executed consequentially make the voice of children heard in a clear manner. All the respondent children have been heard through social workers. They were asked questions in a friendly manner, are observed even if they cannot talk and go to courts only when demanded by the judges. From participant children only two had attended the court and spoke with the judge concerning their residential placement. Courts call upon children in their bench only when the parents involved in the custody process complains about the service of the social worker. For those children who can express themselves their view about their preferential residency is asked and taken in to consideration by social workers when the decision is made. Such views are not final conclusions rather a critical input to reach at the proper decision.

Since the involvement of social workers this job of determining the best interest of the child and custody issue are mainly left to them, they evaluate the situation and provide the court with their professional comment concerning the issue, on which the court make the

final decision. According to social worker B what is taken in to consideration in deciding the best interest of the child are attachment to parents, availability of parents, willingness to raise the child, their personality, financial capacity, domestic violence, living adjustment, child preference, addiction of parents and other related factors.

Parents had expressed different opinions concerning the participation of children in the custody process. According to the response from two social workers parents have two different views about children participating in the process. Some parents are totally against the involvement of children in the custody process especially when the children are not aware of the divorce and they want to keep it that way, they often tell their children the parent that has left their home is out of town for work or so. Others are parents who think that their children are aware of their abuse when they were in the marriage believes if the children comes to the court they will testify their abuse too, these parents are mostly eager to bring the kids. In the process of data collection the response of parents was mixed. Three parents were ok about the participation of children while the remaining two were really uncomfortable for involving their kids in the process. Kasahun's mother said "what is the use of filing for a consensual divorce if my children are forced to come to the court? Do you know what it will do to them? I feel sorry for them; I was planning to get over it with them not knowing". But given that it is the order of the court parents bring the children to the session with social workers.

Social workers in the court system use different methods to gather information about children. They ask questions to the children themselves indirectly, from parents through direct interview and questionnaire, through observation and field visitation if necessary. The questionnaire incorporate questions on the back ground information about the family, where the children are at the moment, what they do together with their children, how is the parent

raising the child, if the other parent is helping, what is their relationship with the children, if there is any addiction and other related questions are included in it.

At the time of discussion with the parent's information about the above mentioned issues are asked from different perspectives. Observation on the child appearance, their well being, the way they talk, they act and their energy for things is evaluated. If there is a doubt about the information gathered from the interview, if it was impossible to get sufficient information as needed for decision or if parents insist on it, the social workers make visits to the living areas of children, to their schools, police stations in case of abuse, hospitals and any other place; observe the situations and collect data from neighbors, teachers, professionals and friends. According to the social workers while conducting conversation with children the social workers use different techniques. They play together with the children, discuss about things that they like and when they relax questions will be posed indirectly about the issues that need to be asked. Children are participating in the decision making process within the court system. All the child respondents confirmed that participating and being heard in the custody process was a very good experience.

Discussion and Analysis

From the experience of children it was feasible to say that most of the divorces are not thought thoroughly and had not been decided based on discussion rather are the results of an immediate cause to breakup. Incited by an incident, one parent moves out of the house. Then parents decide to get a divorce without informing the children, causing them to face the facts rather bare than given some moment to accept and deal with the reality. As Marc (2006) indicated parents should be totally honest with older teenage children as to

why the marriage failed. Hence they realize divorce is not generally applicable to all relationships and that they can be able to sustain their own meaningful relationships. The participants of the study are children who are at the teenage stage of their life and deserve to get proper information about the decision for divorce from their parents. Hiding facts from children concerning the divorce may lead to confusion and doubt on them.

Based on my finding it is apparent that lack of open discussion and free communication between children and parents is the reflection of life in most respondent families of this study. Parents are not aware of their child's feelings and all the respondent children are not told about the divorce. Rachel (2009) argues providing children with access to information and allowing them to participate translates into more respectful listening of children's wishes, needs, and interests. The finding shows a totally different approach by most parents which might make children lose their self confidence, limit their ability to express their views and ban their right to be heard in issues concerning them.

Children who are in a divorce process are prompt to experience in many different ways about the situation they are in. Children face psychological as well as emotional problems. It was possible to get the reflection of feeling of sadness, hopelessness, feeling inferior to other kids, loneliness and stress. Others feel unhappy about the ongoing process but did not dare to oppose it because they are aware of the disagreement among parents. Eight of the child respondents said that they were sad that their parents had decided to get a divorce. According to child psychologist Lee Salk children sense a deep loss and feel they are suddenly vulnerable to forces beyond their control (Francke & Reese, 1986, as cited in Roberta, 1993). A study by Olaniyi & Orok (2009) explains anger, disbelief, shock and confusion are common reactions that are experienced by children of divorce. This study shows results that go in line with this concept because it was inevitable to avoid feeling lonely since they lack the love of their fathers, fear of not seeing one or two parents, fear of

becoming homeless, feel hopeless, develop self doubt and feel inferior to other kids. The separations of parents can be a painful experience to children at any age but based on my observation the social workers in the divorce process work only on custody issues neglecting the basic concern of preserving the marriage. This is mostly against the wishes of the children who are more interested in living in an intact family than choosing a parent to live with alone. The court neglected the need to intervene on the children who face difficulty of accepting the divorce as well.

It is also possible to come across a situation where a child feels happy that the marriage is ending in a divorce. Olaniyi & Orok, (2009) indicated children can react positively and feel relieved that their parents are finally separated. Joan (1994) further explained children in high conflict intact families score significantly lower on measures of psychological adjustment and self esteem than in divorced families. Based on these comments and my finding it can be inferred for children of an abusive marriage, divorce can be relieve to their worries and feel at peace on its actualization.

Dean et al., (2010) explained divorce is one of the family stressors that can disrupt the normal functioning of a family. So maintaining the marriage is a way of maintaining the status quo of the family, the way the child lives and preserving the community at large. Divorce is contributing significantly to changes in nature of traditional family. Families as nucleus of the society are less and less capable of passing down values which shape the society (Olaniyi & Orok, 2009). Divorce therefore is affecting the nuclear/traditional family structure which in effect affects the normal family life pattern and asks for developing a new family structure. In effect children are forced to adjust to the new life style and experience which might be stressful to them.

Demo et al., (1988) indicated departure from the nuclear family norms is problematic for the child's development, especially for adolescents, because it is a crucial

stage in the developmental process of the child. Therefore parents should be keen to the behavioral and other changes on their children. However, based on the responses from parents, they think the child is only unhappy about the divorce but do not notice the changes on their children. Parents are expected to be attentive to the psychological as well as emotional changes that are observed on the children so that they can help them adjust to the occurring changes. Lack of proper communication in the family pattern can be a factor to this. This is noticed in the fact that the parents are not aware of the feelings of their children and also children are not told the reason causing the divorce. Open discussion is not seen in the families based on the reflection of the child respondents in this study. This might make the situation harder for children because they cannot easily tell their feelings and also parents cannot be able to know about the true color of their child, cannot be there when they are needed most and cannot act on adjusting their problems.

Child respondents' enumerated difference in religion, hot temper, the existence of a step child, lack of trust, intoxication, resentment towards each other, lack of good manners, extra as the cause for the divorce socially. Lack of financial ability to maintain the family and handling of money were reasons of economic nature. Francke & Reese (1980) as cited in Roberta (1993) explained teenagers unlike younger children feel little sense of blame for the separation of their parents. None of the child respondents neither present themselves as the cause for the divorce nor do blame themselves for it. This might be due to their ability to reason out and look at the situation critically.

During and after parental divorce children faced less time available to spend with the parent to receive love and security (Roberta, 1993). Serkalem (2006) showed more divorced women responded they spent less time with their children than married one. Based on what is stated by Roberta (1993) and the finding of this study it is possible to see parents who took care of children after separation, might be forced to generate more income to maintain

the family. This result is supported by Haregewoin and Emebet (2002) who stated when divorce occur the woman's income goes down exacerbated often time's by children stay with their mothers. Mothers in this case, work extra hours because they are responsible for the necessary expense of raising kids. Thus time spent with this parent is minimized consequently children feel they lost the attachment they have with that parent. This might create a misunderstanding with children whom has already given up one parent. Decreased contact with the parent they live with can make them more sad, unwanted and depressed.

The result of the study also showed three out of nine respondents (all girls) feel their relationship with their mothers has increased after the separation due to the nonexistence of their father. They indicated that they have a closer view of their mothers and can talk about anything. Roberta (1993) has forwarded some kids especially girls develop a very close relationship with their mothers after divorce. It also allows girls to feel more attachment with their mothers because they spend more time together than before. Based on the comments I got from child respondents it is possible to see that parental separation may result in a stronger bond among a parent and child that lives together as well.

Serkalem (2006) and Robert et al. (2009) concluded divorce disrupts one of the child's most important relationships, with that of his/her father. They are deprived of love, care and support of their non-custodial parent. This research clearly indicated time spent with fathers is highly depreciated. This makes children sad since losing a loved one is hard to handle however children from an abusive marriage are prone to accept the detachment because of the peace they get as result of the separation.

Child participants are living with the parent they are living with currently based mostly on their preference or other external factors which forced them to stay there. Children who had less attachment with one parent may choose to be with the other parent. The results show children of an abusive parent in this study are determined not to live with

such parent and also miss such parent less than the other kids. All respondent children are now living with their mothers in a rental house. Based on the results of my finding five of the respondents had a private house and were not living in a rental house. All of them had changed their residential placement after the separation. This change can be a major change to the children asking for change in their family as well as change in their neighborhood. Missing or lose contact with a parent, siblings, relatives and their community and friends can be so much to take at a time.

Parents are the creators of personal character and role models in the lives of their children so losing one parent in the years of childhood is a big deal. The relationship that children had with their fathers and time spent together has decreased as a result of the parental separation. Attributable to lack of proper arrangement of visitation by parents, work, etc they are not getting to see their fathers in a regular manner. Reduced contact with their fathers has greater effect especially on male respondents whom are bound to learn gender roles from their fathers. As Olaniyi & Orok (2009) indicated the loss of fathers meant boys had no same sex parent with who to identify or from whom to learn valuable lessons on their gender roles. The social learning theory also emphasizes the importance of role models, focusing on parents as the initial and primary reinforcers of child behavior. The presence of the same-sex parent is assumed to be crucial in order for the child to learn appropriate sex-typed behavior (Demo et al., 1988). But this study shows this gap in lack of a role model experienced by male respondents might be reflected in the adult life of boys.

Child respondents have siblings from both line or from one line only. All the respondents are living with their mothers. But due to the divorce children has been departed from each other. Those who live together seemed to be closer. But the finding suggests that half brothers or sisters from the paternal line are distant from them. This can mainly be due to the fact they are not living and are already being detached from the father.

The relationship of child respondents extends to the relatives of their parents. According to the response of most children the relationship that they have with the relatives of the parent that is not living with them is loose. Children in a divorce process have limited access to relatives from paternal line. Their relation from the maternal line is stronger. But the children are facing problems from their relatives in a different manner. They have been through disagreements from relatives, in fact, they are being abused verbally, emotionally and physically. This finding is not supported by another research, but it is my strong believe that the traditional view of our community about divorce and single parented children can be the cause to such events. Single parenting and divorce are discouraged by the community hence the value people accord to such persons might be problematic even though the child is also the first victim of the divorce. This seems to be the case why child respondents tend not to talk about the divorce to avoid being categorized by others.

As Mahlet Assefa (2007) indicated courts interview children above the age of seven. So children under the age of seven mostly were not involved in the custody process at all; even worse some judges require the involvement of children (of any age) in custodial disputes if and only if the divorcing parents allow it as Nardos Nikodimos (2008) proclaimed. Consequently child participation was restricted by factors that are not in the control of the child. As a result the child right to participate was up to adults to be executed. Child participation is inextricably linked with social inclusion and it allows providing the most direct enunciation of the needs of the children (Rachel, 2009). So the exclusion of a child can swallow the voice of the child to state his views and concerns about his future. Ronda (2002) strengthened this idea by stating excluding children may be more damaging to children than permitting young person to participate in a process that has life-long ramifications for them. So allowing children to participate in the divorce process is a good move by the court to directly seek the responses of the children in the divorce and make it

part of the decision it grant. So the current approach of the court is encouraged since it allowed children to be heard on how they feel about the divorce and know their preference in the situation.

Prior to the involvement of social workers in the custody process, it was up to the courts to find out the views of the child concerning the custodial preference of placement. Lack of professionals made it hard for children to freely participate and express their true feeling about their circumstances. So even if they participate it is doubtful that their real thought can be drawn. Luckily now a child at any age and in any situation is participating in the custody process. All the respondent children believed that they needed to be heard in the whole divorce as well as custody process and are satisfied that their voice has been heard by courts. A better picture of their life can be drawn in a more child friendly system where mostly children only contact social workers.

The participation of social workers in the custody process has provided children with the liberty to express themselves, unlike before, and in depth evaluation of the living, educational, other conditions of children are made, children are given time to participate and reflect on the custody matter as a result both children and parents are more relaxed and free to express their views with the social workers than the court. This fact of participation as Rachel (2009) explained can contribute to stronger child parent communication; enhance their sense of self-esteem, improve sense of responsibility and regain mastery and control over the time post-separation and/or divorce. Child respondents are therefore given a better chance to be heard and participate in the custodial process of assigning the custodial parent who can be in charge of their physical well being as well as their proper upbringing.

According to a study by Mahlet Assefa (2007) in most custody cases courts were more focused on identifying the best interest of the child through securing the financial

demand of the children with prioritizing the financial strength of the parent when determining which custodial placement is better for the child. But now attachment is given priority followed by their interest in where they want to stay and life style. Attachment is given priority than finance since the emotional well being of children is more important. Respect for the views of the child in deciding the how much weight to give to a child's view in a particular matter, the twin criteria of age and maturity is considered as well. Here the liberal care participation theory is applied to reach at the best decision. Social workers use the views of children in accordance with their age and maturity since child's preference is one of the factors that ought to be considered when making a custodial determination. So the comments of children are evaluated in light of their maturity, age and satisfactory reason for his/ her preference as they can simply be manipulated by things. But as Rachel (2009) explored children can be manipulated by one parent or the other to take sides during a disputed custody, may not express their true feelings, may be disappointed to discover their views are not heard, may tell each parent what s/he wants to hear, etc. So even if allowing children to participate in the divorce process is helpful, its actualization needs proper follow up and support from adults.

Chapter Five

Conclusion and Social Work Implication

Conclusion and Some Highlights

Divorce is one of the causes for the ending of marriage. Couples are the main players of a divorce however children can be involved if the marriage produced siblings in its existence, which will lead to custody. Custody is the process by which courts decide, based on the best interest of the child, where the child should be placed and who serves as the custodial parent. Children of divorcing parents are participating in the evaluation process of courts for best custodial arrangements.

The reaction of children toward divorce varies based on their personal experience. Divorce is not a welcomed decision mostly by children who believe living with both parents is better, and is not ready to let go of a parent yet. As a result majority of the respondent children act totally against the divorce and try to save the marriage to the best of their capacity. Those who believe their parents are not match made in heaven dislike the divorce but accept it. This shows that children greatly desire to stay in an intact family than a broken one. The need to adjust anew in a new life style, environment and missing a parent can be too much to take in at a time. The normal sense of family life is essential for the emotional well being of a child in a country like Ethiopia where traditional values are given a higher value in the community. So maintaining the family can be the best way to maintain the statuesque.

Based on the finding of this study all the children in the custody process were not properly informed about their parents' decision to get a divorce. Children at any age have the right to get information on issues and decisions concerning them. Participants of this study are children who are more matured to understand reality. But parents are not considerate of their right to get proper information. Therefore children are not properly

informed about the divorce and made to know and accept the fact. So the sudden divorce is difficult for children to simply deal with immediately.

Furthermore parents are not aware of the social, emotional and psychological changes that are observed on their children caused by divorce. They are heartbroken on the process of the divorce but parents are not alert to the changes on their children caused by the divorce. Though they are unhappy about it interestingly children in this study do not blame themselves for the divorce as they are matured enough to be aware of the reasons for the divorce or at least has suspicion over it. But parents need to be more attentive to the change on children and professional service of social work shall be accorded to children to help them deal with and accept the divorce.

The living arrangements of children are made based mainly on the acts of parents as well as the preferences of children. Children in this study are all currently living with their mothers. Some has started the journey of living with a single parent by living with their fathers but ended up living with their mothers. Respondents indicated that their fathers were not comfortable to be around. They were corporally punished, insulted and even confined to stay there by their fathers or relatives. Children whose fathers are harsh prefer to live with their mothers because they want to avoid the disagreement. Further children in an abusive marriage are also inclined to be happy by the divorce. Due to their bad experience children of an abusive marriage where parents are tortured, are concerned about the well being of their mothers and feel at peace by the divorce than the marriage. So parental behavior has its own implication on how children feel about the divorce.

Children are social beings who need to be cared for. Every child is entitled to know and be cared by a parent. Participants in my study are children who have spent years with both parents. But time spent with their fathers has deceased or even ended after the

separation. Children are the impersonators of their parents. Socialization is their way to built character so children need their parents to learn about gender roles. Especially fathers are the nearest teachers of manly acts for boys and not being around them all the time can create a gap in their life. Father should devote time and spend it with their kids so that the child can feel wanted and also learn his social role.

Parents who are responsible for raising the child are more responsible for the expense of child support. Therefore they are obliged to work more and make enough money to maintain the family. As a result time spent with this parent is compromised. So the need to generate more income results in decrease of time spent with children. The other scenario is when the time spent with the mother increase. Some fathers are strict in their rules and are feared by their children, thus the time children spent with their mothers was limited. The separation of parents gives children the chance to grow closer to their mothers freely. The results of this study had signified the time that children spent with their mother can increase and decrease in line with the circumstance.

Relationships of children with relatives of the father become extinct as of the separation of their parents since they live with the other parent but their relations with relatives of the mother are better. Unfortunately they face challenge from relatives by unpleasant things about their parents in which they could not defend because it would create a great deal of disagreement with their relatives. They have also experienced blame and harassment from them. This is because of the miss conception within relatives about separating the divorce from the children, so the children face challenges for something that they are not responsible for. Attention should be given on educating the community on accepting and dealing with children of divorce.

Child participation is better served in the court process. Children at any age are participating in a custody process. Presenting before the normal courts and choosing their preferential placement was also difficult. But now they are assessed by professional social workers who are trained to deal with them. They are at liberty to express their views about the whole custody issue in a relaxed environment. Detailed information about their living condition and life is collected from different sources including them, to make sure that their interest is accomplished to the maximum. A better picture of their life is drawn in a more child friendly system weighting their age and maturity.

Social Work Implication

Social work education - Children in the Federal First Instance Court system are privilege to the services of professional social workers. Federal Courts in Dire Dawa and Addis Ababa are exploring the professional knowledge and skills of social workers. According to the comments of participant children the involvement of social workers made them believe that they have a say in the matter and that their participation in the court process is secured. So the school of Social work in partnership with other stakeholders, including courts, should work on educating social work students at different levels, about child right, in light of social work principles and laws that are applicable to children. Deliberate on working with the Federal Court to empower them with the knowledge and skills of social work, providing professional assistance to the court, and expanding knowledge base of the profession educationally is an important point. The school should also work on devising educational programs for other professionals in to the court to be equipped with the expertise of the profession and inject more social workers who can work in the court systems.

Social Work Research - This study was executed on children who are still on the court process for the divorce and the effects of the divorce are not finalized yet. They are not over the effects and experiences caused by the divorce. So other researchers can use this study as a bench mark and make further studies concerning the long term effect of divorce on children who were participants of this study to evaluate further the changes that they experience after the conclusion of divorce. It can also be used to see the progresses and changes observed on the kids in prolonged period.

This research is limited to participants within certain age group who were participating in the divorce process at Kolfe Keranio bench only. A wide ranging study can be done incorporating wider participants within all age range, at all benches. The impact of divorce on all parties affected by the divorce including parents, siblings, relatives and the community can be incorporated as part of further researches in the area, to enrich the concept and develop more detailed information.

The involvement of social workers on custody issues is limited to the Federal Courts of Dire Dawa and Addis Ababa. A comparative study can be conducted on courts that work with and without the involvement of social workers in custody.

Policy - Social workers are professionals who are interested in maximizing the benefits of human kind. One of the roles of social workers is to advocate for policy makers to be aware of areas that are sensitive and needs further attention. Children in a custody battle are children who are affected by the divorce the most. They are prompt to social, psychological, economic and emotional problems. The federal courts are trying to support children at least to be heard in the process of custody battle. The involvement of social workers in the custody battle is making children more comfortable to be part of the court process and the court decision is based on a professional comment concerning the interest of

the child but social workers are involved only in the federal courts. Regional states are not using social workers in their works yet. So a national policy should be developed that will allow to create social work division in the court systems of regional states to accommodate the best interest and participation right of children. Provision of services rendered by the courts should also extend to mediating and counseling parents to maintain their marriage and be better parents to their children. Applying a holistic social work service should be the main focus of policy makers to preserve the marriage and the community in a way.

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Annex

Consent Form

The purpose of this research is to assess the condition of children who are participating in a divorce process in general and to identify the experience, participation and feelings of children in it in particular. Information I get will be kept confidential and be used for this research only. In addition, note that all the collected data will be kept only in the hands of the researcher. I hereby request you to be open and honest while responding so that the research could succeed and achieve the intended goal. Finally, dear respondent I appreciate your cooperation and willingness in the name of Addis Ababa University Graduate School of Social Work, thank you.

NOTE - For parents who allow their children to be part in this interview, I assure that the researcher will be careful for their feeling.

Signature _____ Date: _____

Questionnaire to child participants

- Age----- Religion-----
- Sex----- Educational status-----
- Where do they learn -----, private----- public----- government-----
- When did your parents separate? -----
- Who is the bread winner of the family? -----
- What is his educational status? -----
- What about your mother's occupation and educational status? -----
- Do you have any siblings? -----
- Where do they live? -----
- If you are living separately what do you feel about the separation? -----
- In what kind of house do you live before the separation? -----
- What about know? -----

Please answer these questions in detail.

What do you feel about the separation/ the divorce?

- How did you find out your parents were separating?
- What was it like to find out about the divorce/ what do you feel? What was your reaction?
- What do you think cause the divorce?
- What is your stance on the divorce and why?
- Did you face any challenge due of the divorce?
- What do you think is the impact of the divorce on you?

Before the separation what was your relationship with the parent you living with?

- Who are you living with currently?
- How much time do you spend together now compared to before separation? Why?
- What kind of change have you observed on him? Emotional, financial,

- Are you with him because you choose to be? Why/ why not?

Before the separation what was your relationship with the parent that is not living with you know?

- In what time gap do you get to see him?
- Do you like the arrangement?
- How many time do you spent together know compare to then?

Where you given the chance to participate in the decision making process?

- In what kind of matters do you think you should have a say concerning yourself and the family?
- In what way are you participating in the custody process?
- Were you asked about your thought concerning the place where you wanted to live?
- Do you think you should have a say on the whole matter (the divorce and custody issues)?
- Do you think you are heard well in the custody process?
- Were you happy with the way things were arranged in the court process?

About what they see on themselves after the separation

- How is your school performance after the separation?
- Who help you in your home works?
- What do you gain/ loose in the divorce? Why?
- What new responsibilities do you have in the household?

Miscellaneous questions

- Have you discussed about the divorce with other persons than your family? Why/why not?
- What is your relationship with relatives from both directions?
- What is your coping mechanism?

Questionnaire for parents

Age----- Sex-----

Educational status-----

Housing -----, private----- rental ----- government---

The child is currently - with you----- with the other spouse-----

Occupation----- Income per month-----

Please answer these questions in detail.

1. Do you think children has the right to participate in the decision making process?
2. How do you inform them about the divorce?
3. How did they react when they hear about the divorce?
4. Have you observed any change in the child after the divorce?
5. If the child is with you, do you allow him/her to visit his/her father/mother? Why and how?
6. If the child is not living with you when do you visit him/her?
7. What do you do at your visitation time?

Questionnaire for Social workers

1. What is the attitude of parents about your involvement?
2. How do you gather information about the child?
3. In what way do you allow the children to participate and express their views in the custody process?
4. What criteria do you use to address/evaluate/ the best interest of the child?
5. What method do you use to evaluate the situation of the child?
6. In what way do you consider their views? How do you use it in your recommendation?
7. What kind of behaviors do you observe on the children?
8. What is the attitude of parents towards child participation?
9. What kind of process do you and the courts use for the children to participate?

Questionnaire for Judges

1. How do you decide on custody issues before the involvement of social workers?
2. In what matters do you mostly involve children in the custody process?
3. When do you say that the court is friendly for kids?
4. What do you consider in deciding on the custody issues (on who should be the custodian parent)
5. Which issues do you give priority in deciding custody battle?
6. Do you talk to every child whose case comes to the court?
7. How do you weight the views of the children?