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Ensuring the Child's Right to Communication With Both Parents in the Context of Parental Divorce: A Lithuanian Case Study

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Abstract

Reflecting on the Sustainable Development Agenda 2030, which emphasises that progress in sustainable development depends on ensuring prosperity, and in line with the Sustainable Development Goal 3, which aims to promote the well-being of all age groups, including children, this study aims to examine the child's legitimate right to communicate with both parents in the context of divorce and support arrangements. Filling the gaps in previous research, our research problem is focused on analysing the impact on sustainability, the child's emotional well-being and the protection of the child's rights in the situation of parental divorce. Following the emergent approach, an instrumental case study design and a qualitative research strategy were employed using methods such as content analysis of legal documents and semi-structured interviews. The research questions addressed two dimensions of the analysis: the factors contributing to the exercise of the child's right to communicate with the separated parent; and violations of the child's rights where the child's right to communicate with both parents is not properly ensured or not at all ensured. The results of this study reveal that the parent living with the child after the divorce acts contrary to the best interests of the child, denying the child's inherent right to be raised and educated by both parents.

Keywords: child, children's rights, divorce, sustainability, well-being

Introduction

In 2015, the United Nations adopted a new framework of global Sustainable Development Goals (SDGs) to pave the way for sustainable, inclusive and balanced growth, shared prosperity and decent work for all (Transforming Our World: the 2030 Agenda for Sustainable Development, 2015). All countries, developed and developing alike, have a shared responsibility to achieve these SDGs. The 2030 Agenda represents a commitment to eliminate poverty and achieve sustainable development worldwide by 2030, ensuring that no one is left behind. This new agenda consists of 17 goals and 169 defined targets. The document also argues that Europe's greatest asset is its people, and that the well-being of each of its members will be the key to the progress of sustainable develop-

ment. The third Sustainable Development Goal in the 2030 Agenda aims to promote the well-being of all age groups, including children.

Relevance of the research and statement of the research problem. Ensuring the well-being of children has become the top priority for strategic development in many countries, including Lithuania. Lithuania's progress strategy *Lithuania 2030* (Lietuvos pažangos strategija "Lietuva 2030", Valstybės žinios (2012)); aims to promote and integrate ideas aimed at ensuring the well-being of society, the dignity of the country's citizens and the security of the state. National security is the cornerstone of the national prosperity and development processes. It is the only way to ensure the sustainable progress of the country. According to the 2021 Sustainable Development Goals Index (the SDG Index), Lithuania ranks 31st out of 165 countries, falling behind its neighbours (Estonia ranks 10th, Poland – 15th, and Latvia – 22nd) (Sustainable Development Report, 2021). The aim is to ensure that the country's processes leading to progress that affects the public's maturity, awareness and the growth of the country's prosperity contribute to the consolidation of national security interests. Society must have confidence that their rights will be adequately secured and protected, that social tensions will be eased and that a safe environment will be achieved in which everyone can pursue their passions, earn a decent wage, ensure their own and their family's well-being, while contributing to the success of the state. Accordingly, some members of society will require assistance. The *Lithuania 2030* strategy highlights the rights of people suffering from social exclusion and the necessity to assist them with maintaining their dignity and their status as equal members of society, actively participating in social inclusion policies and activities, countering stereotypes and stigmatisation, preserving and enhancing their quality of life, their social well-being, in particular with regard to children, and ensuring equal opportunities for all. One of the objectives of the *Lithuania 2030* strategy is to establish a suitable, supportive and family-friendly environment, which would allow for the family to adequately fulfil its responsibilities, to ensure and maintain the emotional well-being of families and children, and to develop quality services that are accessible to all families with children.

Children are reliant on others – especially their parents – because of their age and developmental needs, their lack of knowledge, skills and experience. To this end, the UN Convention on the Rights of the Child (1989) places a primary duty on parents to realise their children's rights and to establish and ensure the necessary conditions for their welfare. The family is recognised as the best and natural setting for the child's development and well-being, and it is therefore a fundamental right of the child to live in a family and to be raised and educated by their parents. The importance of family as the best environment for the child's growth and development is reinforced through the child's right to have contact with both parents and defined in international instruments such as Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms (1950), Article 24 of the Charter of Fundamental Rights of the European Union (2012), and it must be secured regardless of whether the child's separation from the parents has been authorised by the state or whether the parents have resolved to legally separate, and it can be restricted solely for the sake of the child's best interests.

In 2018, the lowest overall divorce rates in the EU Member States were recorded in Malta (0.7 divorces per 1 000 persons) and Ireland (0.7 as reported in 2017), Slovenia (1.1), Bulgaria, Croatia, and Italy (1.5 for all three), and the highest overall divorce rates were recorded in Latvia and Lithuania (both with 3.1 divorces per 1 000 persons)

(Eurostat, 2020). In 2019, divorce rates were again the highest in Latvia, Lithuania and Luxembourg (all with 3.1 divorces per 1 000 persons) (Eurostat, 2021). According to official data, 19 795 marriages were registered in Lithuania in 2021 (in 2020: 15299; 2019: 19502; 2018: 19734; 2017: 21186), this could be compared to 7 822 divorces in Lithuania in 2021 (in 2020: 7544; 2019: 8643; 2018: 8640; 2017: 8518). In 2021, 6 218 children ended in a single-parent household after divorce (2020: 6118; 2019: 6659; 2018: 6640; 2017: 6529) (Official Statistics of Lithuania, 2022).

A child's well-being depends directly on their relationship with the parents, so having contact with both parents is one of the requirements for the child's welfare. The high divorce rate in Lithuania is a cause for concern regarding the child's right to family ties following the divorce of the parents. Parental rights and responsibilities are expressly regulated in order to exercise the rights of the child. However, the changing family concept and conventional way of life complicate the exercise of parental rights and responsibilities. It is important to identify what factors complicate the divorce process in relation to the exercise of children's rights and what challenges they present for the exercise of children's rights and interests. A detailed analysis of the above issues may provide insight into the link between divorce and the exercise of children's rights when the child's home is with one of the parents and the other parent is granted communication arrangements with the child.

Researchers have explored various approaches related to the concept of sustainability and children's well-being, such as the readiness of guardians to raise children deprived of parental care (Gorina et al., 2020), the development of early childhood education and care services (Kūkoja, 2019), trust-building for children deprived of parental care through sustainable life experiences (Gorina & Šukste, 2019), the well-being of children and youth in schools (Stasulane, 2017), ensuring the well-being of indigenous children and youth by preserving their heritage and connection to their environment while acquiring the necessary skills to succeed in the modern world (Kohl & Hopkins, 2019), designing education around the characteristics of Generation Y and Generation Z learners (Hepper, 2018), and personalising education according to the learner's individual values and needs (Jirgensons & Kapenieks, 2018). These are just a few examples that illustrate the themes of the *Journal of Teacher Education for Sustainability* (JTES) articles in recent years.

It is therefore necessary to properly conceptualise the theoretical and legal background to this study and to address a number of research gaps in the empirical analysis of their relationship and the impact of communication with both parents in the context of divorce on the quality of the relationship and the maintenance of the emotional bond between the parties. In order to demonstrate that the child's right to communicate with their parents is a fundamental requirement for the child's well-being, the child's emotional and physical well-being and the conditions of the legal framework should work together. However, these two dimensions are in many cases at odds. The most common debate in research focuses on the harmonisation of the child's well-being and the legal framework. What is lacking, however, is research on the rationale for the interaction between the desired outcomes. Based on these research gaps, the research problem focuses on analysing the influences related to sustainability, the child's emotional well-being and the protection of the child's rights in the event of parental divorce. The general research question asks: *How is the child's right to communication with both parents ensured during and after divorce?*

The Child's Right to Communicate With Their Parents as a Requirement for the Child's Well-being

McAuley and Rose (2010), building on Bronfenbrenner's 1979 ecological approach to child development, argue that the whole of children's experience contributes to their overall well-being, and that whatever happens in one area of the child's life in terms of their immediate environment – family, friends, school, neighbourhood – influences what happens in other areas of their life. Family is a key factor in shaping a person into a social individual. It is essential for the development of each individual in early childhood and continues to be associated with certain changes and transformations in human mental development and behaviour in the later stages of ontogeny, including adulthood (Rajewska de Mezer, 2020). Parents, therefore, are primarily responsible for the developmental conditions that are conducive to a child's healthy development and the cultivation of their own abilities and self-esteem, which are essential for them to become contributing members of society and to build a sustainable family (Covell et al., 2018).

Divorce undermines the basic assumption that a child is born into a family, grows and develops within that family, and experiences a sense of belonging within the family structure, which includes the child parents' relationship as a unit, as well as the child's relationship with their siblings as part of a large and complex family (Oren & Hadomi, 2020). The very fact of parental divorce changes the concept of family, especially for the child. Divorce constitutes a person's right to end the marital bond and leave the family life. However, if there are underage children in the family, the parents' rights and responsibilities continue, as does their relationship with the child. Naturally, the issue of self-identification with the family emerges in the child's mind – where does the child belong if the family in which they were born and grew up no longer exists? Parents' divorce does not alter the rights and responsibilities of the parents towards the child, nor does it affect the child's right to be raised and educated by their parents. The child's relationship with the parents is a fundamental requirement for the exercise of parental authority and of the child's rights. The child's and the parents' right to mutual communication is therefore a factor in the perception of the family unit after divorce.

Communication between the child and their parents is crucial to family life and cannot be limited or eliminated by changes in the relationship between the parents. This is due to the fact that, from the child's point of view, their family concept continues to include their relationship with both parents. The principle of the child's best interests as the first priority means that it is important for the child to have contact with both parents and that, in exercising their rights and responsibilities, the parents must therefore be guided by the principles of equality and mutual obligation. Given that it is impossible to fully meet the child's needs and interests without communication, this not only ensures the child's right to communication with either parent, but also allows the child to be raised and educated by both parents.

The UN Convention on the Rights of the Child (1989) stipulates that both parents are responsible for the upbringing and parenting of their children, and that communication with both parents is the child's right, which must not be restricted unless such communication is detrimental to the child's interests. The Civil Code of the Republic of Lithuania (2000) establishes the principle of equal parental authority, which provides for equal rights of the father and the mother in respect of the child, regardless of the parents' relationship with each other or the child's home situation with either parent.

There is no doubt that the most suitable environment for a child to grow up and to develop is a family home with both parents living together. However, in the event of divorce, the child's right to see and communicate with the separated parent takes on greater importance. The child's communication with their parents is not only their right, but also a fundamental requirement for the parents to ensure that the child's needs are met, which is essential for the child's development. Divorce often represents a clash between the interests of the parents and the child, since the parents' interest is to divorce as soon as possible, while the child's interest is to preserve the family ties so that they can exercise the right to be raised by both parents (Kairiene, 2012).

Theoretical Background and Methodology of the Research

The aim of the study is to investigate how the child's right to communicate with the separated parent is implemented after the parents' divorce.

Following the emergent approach, an instrumental case study design and a qualitative research strategy were employed as the most suitable methodology for generating answers to the research question identified in this study. The qualitative research strategy included the following methods: content analysis of legal documents and semi-structured interviews with open-ended questions (Gaižauskaitė & Valavičienė, 2016), which provide valuable insights into the analytical sphere of this social phenomenon.

First, we carried out a qualitative study with semi-structured interviews to assess how the child's right to communicate with both parents is ensured during and after divorce?

The research instrumentation: Research dimensions and the main criteria. The research questions address two themes: *the factors contributing to the exercise of the child's right to communicate with the separated parent*; *and child rights violations where the child's right to communicate with both parents is not adequately ensured or not at all ensured.*

For the instrumental case selection, non-probability purposive sampling was chosen as a sampling strategy. Two possible groups of participants were considered prior to the study: child rights protection professionals and divorced parents with underage children. For the main criteria of selecting respondents for the study, it was decided to approach child rights professionals with at least two years of experience and expertise in dealing with the exercise of the child's right to communicate with the separated parent. The experience of the child protection professionals enables us to rely on their comprehensive knowledge of the issue being studied, as they have analysed a variety of family situations during their minimum two years of experience. They were also selected as unbiased assessors of the situation, without any personal interest in favouring one of the parties, unlike parents who are likely to have a biased view of divorce and children's issues. Primary sources included a semi-structured guided interview (N = 7). The sample size of the study was determined by information saturation – once information became repetitive, there was no need to include new respondents.

The obtained data were analysed using the qualitative content analysis method, which allows the researcher to aggregate large volumes of information, to organise the research data into subcategories and categories according to their content and significance, to investigate certain semantic units in the document's text, and to explore the relationships of various text elements both in relation to one another and to the overall

body of information (Žydžiūnaitė & Sabaliauskas, 2017). The validity of the qualitative data was ensured by using the researcher triangulation approach, applying the principle of independent data analysis by different researchers (Turner & Turner, 2009), whereby the three researchers analysed the content data individually at first and afterwards collectively carried out a systematic and structured presentation and interpretation of the results.

The study complied with the ethical principles of qualitative research, i.e. the participants were informed about the purpose of the study, their concerns were addressed, the anonymity of the participants and the confidentiality of the study data were ensured (e.g. all participants' names were number coded from 1 through 7), and the participants could withdraw from the study at any time, thus ensuring the principle of voluntary participation in the study.

The limitations of the study were related to the fact that the study participants were limited to child protection professionals working on the issues of exercising the child's right to communicate with the separated parent. Although the participants are considered to be unbiased and to have specialised experience in dealing with children's rights issues related to divorce, it may be useful to include parents experiencing problems with the exercise of the child's right to communicate with the separated parent, as well as children experiencing the effects of their parents' divorce on their own lives.

Factors Affecting the Exercise of the Child's Right to Communicate With the Separated Parent

The analysis of the qualitative research data on the factors influencing the exercise of the child's right to communicate with the separated parent resulted in the following categories: the attitude of the parent living with the child towards parental roles after divorce, hostility towards the former spouse (the child's parent), the influence of the parent living with the child on the child's relationship with the other parent, and unresolved issues regarding assets in the divorce.

The following subcategories have been identified in the category *Attitude of the parent living with the child towards parental roles after divorce*: a possessive attitude towards the child, distrust of the other parent, failure to recognise the other parent's role. Participants in the study reported that the possessive attitude of the parent living with the child towards the child makes it more difficult for the child to communicate with the separated parent: *'If the child goes to live with the mother, the mother adopts the attitude that she is virtually the main and only person who can take care of the child, and that she has rights to coordinate the communication opportunities with the father'* (1); *'<...> the parents are completely at odds and they attribute the responsibility for the children to themselves individually'* (4); *'I am the mother, <...> I will not allow the father to have contact with the child <...> this is the nature of possessiveness'* (5); *"<...> the child lives with me, so it's up to me to decide <...> of course I won't give the child to him'* (7); distrust of the other parent in the care of the children: *'The parent living with the child usually feels that the separated parent is not able to ensure the child's best interests in the absence of the other parent. There are notions that the other parent won't take care of the child, will drag them somewhere, won't look after them, won't clothe them, or will give them a cold, or bring them home without a scarf'* (6); and failure to recognise the other parent's role and importance in the life of the child:

'<...> *to make them aware of the importance of the separated parent's relationship with the child*' (1); '<...> *parents forget that the other parent has the right to communicate with the child*' (2); '<...> *the understanding that a child needs both parents. Not realising that the child needs to communicate with both parents*' (3); '<...> *does not understand that both parents have equal rights to the child, which leads to hostility* <...> *you often hear, "why do I have to let them communicate"*' (5); *"the mother who is the one living with the child says* <...> *"Oh, but how can you go to your father's when you have your after-school activities at that time". If the child is young, the mother will breastfeed until just before school*' (7).

The following subcategories have been identified in the category *Hostility towards the former spouse (the child's parent)*: retaliation, manipulation, unwillingness to communicate, using the child as an instrument against each other, being spiteful about issues related to the child. After the divorce, the child's communication with the separated parent is complicated by the continuing hostility, which carries over into communication with the children, issues relating to them, and is manifested in retaliation against each other: '<...> *in retaliation against the former spouse, which causes harm to the children* <...> *retaliation through the child* (1); '<...> *a type of retaliation because, well, he was like that, he betrayed me or whatever* <...> *they must separate their personal interests from the child's right to have a relationship with the other parent*' (2); '*They can only see their own grudges and their desire to hurt the person they divorced*' (4); manipulation through the use of situations involving children: '*They manipulate* <...> *If one parent allows the other parent a day together or a weekend away, they won't pack the child's clothes or the clothes will be dirty* <...> *They leave and don't answer the phone*' (2); '*Sometimes the mother will buy toys, a phone or something else, and she won't allow the child to take them to the father's* <....> *when the child leaves to go to the father's, they are dressed in the poorest clothes and the father is expected to buy everything new*' (4); the unwillingness to communicate: '<...> *they are not able to come to an agreement, to let the child see the other parent and maintain a relationship*' (2); '<...> *to be able to talk to each other at all*' (4); '<...> *unwillingness to communicate with each other, not understanding that the child is being harmed the most*' (5); using the child as an instrument against each other: '<...> *if the parents are rich, they will use the children as weapons*' (2); '<...> *at war with each other using the child as a weapon* <...> *children are used for a purpose*' (3); '*they seek to hurt each other through children*' (4); '*The child is used as a means* <...>' (6); and being spiteful about issues relating to the child: '<...> *parents sometimes come up with such nonsense as demanding that agreements be carried out almost to the second*' (2); '<...> *the child is sick, so I won't give him to you, or you've made the child sick* <...> *parents take advantage of the situation where their home is the child's fixed residence*' (5); '<...> *parents complain that their children's nails are not being trimmed, that the child is constantly sick. For example, the children stay with the father and then come back to the mother, and the mother then complains that the children came back sick with a cold*' (6).

The following subcategories have been identified in the category *The influence of the parent living with the child on the child's relationship with the other parent*: alienating the child against the other parent, preventing the other parent from communicating with the child. The parent who lives with the child has a negative impact on the child's relationship with the other parent by talking poorly about them and by turning the

child against the other parent: *'<...> the parent living with the child turns them against the other parent <...> influences the child and makes the child think that the parent that left is bad'* (1); *'<...> makes the child <...> believe that the other parent is this or that, and then the child forms a very negative attitude towards the other parent'* (2); *'Alienates the child <...>'* (3); *'<...> simply asserts that the other parent is the worst in the world, that they should not have custody over the child at all'* (7); as well as by directly preventing the other parent from communicating with the child or limiting their communication and meetings: *'<...> one parent will maliciously limit communication by various means'* (1); *'They prevent the other parent from meeting and communicating with the child'* (2); *'In most cases, the parent living with the child makes it impossible for the child to meet the other parent, or deliberately prevents the child from doing so'* (3); *'They do not allow and do not want to allow communication'* (4); *'Parents will say: "I won't let them socialise anymore"'* (5); *'The parent living with the child wants to limit the child's contact with the separated parent'* (6); *'Maliciously <...> prevents communication'* (7).

The following subcategories have been identified in the category *Unresolved issues regarding assets in the divorce*: property issues; the impact of establishing the child's residence on the division of assets. The participants in the study said that the child's communication with the separated parent was influenced by the unresolved property issues between the spouses: *'Once the parents' property issues have been resolved <...> the assets, businesses and other property have been divided, once everything is settled <...> those conflicts often resolve and the disagreements often disappear'* (1); *'With regard to assets <...> once someone compromises and the asset division is finally settled, then the conflict is over as well'* (2); *'<...> when property issues are resolved, the issue of communication is also resolved'* (3); *'Property issues also have an impact <...> once the division of assets is settled, the child's communication with the separated parent also becomes easier'* (6); and by the court's deliberation over the question of the child's residence: *'In a divorce, in order to get a larger share of the property, parents will seek to establish the child's residence with them'* (1); *'Property issues are very influential, the more assets there are – the more anger there is, and the children get involved as a matter of course'* (3); *'Children become tools in the division of assets <...> determining the child's residence is the basis for determining who gets the bigger share of the apartment, house, land and so on'* (6).

Violations of Children's Rights Where the Child's Right to Communicate With Both Parents is not Adequately Ensured or not at all Ensured

The aim is to identify the rights of the child that are not adequately protected in cases where the child's right to communicate with the separated parent is not adequately ensured or not at all ensured. The analysis of the qualitative research data resulted in the following categories: the child's right to life, survival and development, the child's right to family ties, and the child's best interests.

The following subcategories have been identified in the category *The child's right to life, survival and development*: emotional tension, instability, a mediatory role for the parents. The participants of the study stated that the child feels emotional tension as a result of the parental conflicts related to the child's communication with the separated parent: *'An adverse emotional environment due to parental tension, despite their separation'* (1); *'The child's mental health and psycho-emotional stress <...> the children suffer*

the most' (3); *'They make their children suffer <...> the child's emotional health is affected'* (4); *'<...> the child's right to be healthy emotionally is violated <...> after spending time with their father, they return frustrated, emotionally broken, psychologically damaged'* (6), the stability in the child's life is not guaranteed: *'The child is manipulated, toyed with, and the child is used and experiences a type of psychological instability, aggression, and anger from the parents <...> Children tend to adapt to one or the other parent'* (2); *'<...> when the parents separate, the child has to change schools, friends, and home'* (3); *'The child spends two weeks with one parent and two weeks with the other <...> The child must have an emotionally secure environment and a place to call their own – their home with their things, not a life out of a suitcase'* (5); the children are forced into a mediatory role between their parents to provide information on aspects of their parents' lives: *'Parents are constantly asking: "You've been to see him, how is he, what friends is he meeting, what does he talk about"'* (2); *'<...> when the child goes to another parent, they are always asking what their mother or father is up to, whether anyone is coming over'* (7).

The following subcategories have been identified in the category *The child's right to family ties*: restricted contact with one parent, restricted contact with relatives. When the child's right to communicate with one of the parents is not adequately ensured, the child is deprived of communication with their father or mother: *'Interfering with communication, preventing the parent from fulfilling their parental role in the child's upbringing <...> Usually, there is a lack of a male presence in the child's parenting <...> with regards to their formal and informal education'* (1); *'<...> does not communicate with the father'* (7); the child is deprived of contact with relatives: *'Restricted contact with relatives, aunts, uncles and the extended family of that parent'* (1); *'There is a kind of war between the relatives <...> one side restricts the other side's communication'* (2); *'Restricted contact with relatives, because if one parent is denied contact, this tends to restrict the child's relationship with that side of the family'* (3); *'Communication with grandparents, aunts and other relatives is often compromised'* (4); *'<…> the child's communication with other relatives is impacted negatively'* (5); *'<...> parents interfere with the child's communication with the grandparents'* (6); *'The child doesn't know their relatives on the father's side'* (7).

The following subcategories have been identified in the category *The child's best interests*: the child is excluded from decisions concerning the child, parents' influence on the child's opinions. The child is excluded from decisions concerning the child: *'<...> parents select the schools of their choice, even though they should do so together'* (4); *'The child is ignored, not heard, and personal interests are at the centre <...> of decision-making'* (5); parents' influence on the child's opinions: *'Children tend to say what their parents have taught them, and they are generally prejudiced. They usually don't express their own views, but rather what their parents want to hear'* (3); *'However, during the divorce, the child still forms an opinion based on both sides <...> and that opinion is always influenced by their parents'* (4) *'<...> the child is instructed to say this or that. There have been cases where the child says one thing and the parent shows recordings made on that date, and it's clear that the child is having a good time <...> when the child is young, the parent tells them what to say'* (5); *'The child's opinion <...> is influenced by the parents a lot'* (7).

Conclusions and Scientific Discussion

The study has revealed the factors contributing to the exercise of the child's right to communicate with the separated parent. It should be noted that although the research question has been formulated to be neutral, i.e. it does not ask to identify positive or negative contributing factors, the participants in the study – the child rights protection professionals – highlighted the negative contributing factors. One of the factors identified is the attitude of the father or mother living with the child towards their parental roles after the divorce, which manifest in a possessive attitude towards the child, distrust of the other parent, and the failure to recognise the role of the other parent. Evidence shows that the parent living with the child after the divorce acts contrary to the best interests of the child by denying the child's inherent right to be raised and educated by both parents. The parent living with the child has a duty to facilitate the child's communication with the separated parent, but this possessive and hostile attitude not only makes it difficult to ensure the rights of the child, while failing to recognise the importance of the other parent in the child's life, but also undermines the principles of parental equality and mutual obligation. Although the law is sufficiently clear in defining parental rights and obligations, their implementation is affected by the human factor, whereby the parents fail to grasp the content of the principle of equal parental authority and the advantages for the child resulting from its effective exercise. In contemporary society, the application of the principles of equal and binding parental authority is complicated above all by the fact that parental authority is often centred on the mother, even within complete families. Divorce exacerbates this problem, as the children's residence is usually established with the mother (Raday, 2019). While the best interests of the child are central to the exercise of parental authority, this does not undermine the fact that parental authority is still mandatory and that both parents have equal rights to exercise their authority (Yaffe, 2013; Auckland & Goold, 2019).

Another aspect that has emerged is the influence of the parent living with the child on the child's relationship with the separated parent, which manifests itself in the form of alienating the child against the other parent and preventing them from communicating. The parent living with the child is in a better position to establish and maintain a relationship with them, primarily due to objective reasons, i.e. the parent living with the child usually spends more time with them and therefore has a greater influence over the child. The child, in turn, feels more dependent on the decisions of the parent with whom they live and is therefore more easily influenced by that parent. These circumstances are conducive to all of the negative aspects discussed above in relation to the possessive attitude towards the child and negativity towards the other parent displayed by the parent living with the child. However, establishing the child's residence with one of the parents should not affect the principles of equal parental authority and the binding nature and exercise thereof. In other words, it should not shift the balance of authority in favour of the parent who lives with the child and confer greater privileges in the decision-making process concerning the child. The implementation of the principles of equal and binding parental authority influences the degree of democracy in the family and the child's opportunities for socialisation. Where parents implement the principle of equal parental authority, the family environment can be described as more democratic than where parental authority is consolidated in the hands of one parent. Indeed, it is

the children of families characterised as democratic that are better socialised and more able to integrate into society (Lazar et al., 2009).

The open hostility towards the former spouse (the child's parent), manifested by retaliation in matters relating to the children, manipulation through the exploitation of the children, or even involving the children in the conflict, is an indication that the relationship between the child's parents has not been resolved and has spilled over into the parenting domain. Another feature of the parents' relationship is their inability and unwillingness to communicate or even spiteful behaviour in dealing with matters relating to the children. This suggests that the parents are incapable of exercising their functions and that their decisions regarding the children are guided by their own interests rather than the interests of their children. The children of divorced parents have a different quality of life depending on the perceived conflict between the parents (Orgilés & Samper, 2011), and the upsetting experience of parental divorce has an impact on the parents' relationship with each other, which in turn affects the children (Grant, 2016).

Another area that affects the child's communication with their parents is the settlement of assets in the divorce, including dividing the assets between the spouses and determining the child's residence in relation to the asset division. This factor is only relevant during the period of the legal divorce proceedings, which can sometimes take several years. For a child who is rapidly developing, several years constitute a significant period of time, which makes this aspect of the analysis particularly pertinent. One of the reasons why the division of the parents' assets affects the child's communication with their parents is that the property interests are prioritised over the child's interests. Parents do not recognise the fact that the child's development is very rapid and requires constant attention and focus with regard to decisions relating to the needs of the child. The child is not in a position to wait for the parents to resolve their property issues. When the parents' attention is directed to other matters – in this case financial matters – the child's interests are compromised due to little attention that is paid to understanding them. To add to the issue, the child's interests are constantly changing as they are growing up. As Thompson (1994) argues, divorcing parents should not only think about how to divide their assets, but also about how to resolve their non-financial ties, which continue to exist even after divorce.

Another issue that has surfaced in the course of the study is the question of the child's residence. In the event of a divorce involving underage children, the court must, inter alia, decide on the child's place of residence. Pursuant to the laws of the Republic of Lithuania, following the dissolution of the marriage, the child's residence must be established with one of the parents, and the other parent must accordingly be ordered to pay child maintenance and be granted communication arrangements with the child. The question of the child's residence also affects the settlement of assets. Although both spouses are presumed to have equal shares of the matrimonial property, the parent who shares residence with the child may be awarded a larger share of assets by the court. This situation leads to the child becoming an instrument in the matrimonial property settlement. As a result, the property interests of the parents and the child's interest in having a relationship with both parents are in conflict and, as stated by the participants in the study, the financial interests of the parents tend to dominate.

The study highlighted violations of children's rights resulting from inadequate or non-existent protection of the child's right to communicate with both parents. One of

the rights violated is the child's right to life, survival and development. This right is defined in Article 6 of the UN Convention on the Rights of the Child (1989), which states that the child shall have the fullest opportunity for survival and development. This right is considered to be a principle due to its universal application, as the development of the child is one of the main factors determining their well-being. The study shows that the right to development is not adequately ensured because of the tensions experienced by children, not only due to parental inadequacies in communication with their children, but also due to the divorce-related changes in the usual manner, place and substance of communication with their parents. When parents are separated, the child becomes an indirect intermediary between them. According to the study, despite their reluctance to communicate with each other on matters relating to their children, parents continue to take an interest in each other's lives and use the child as a means of communication, forcing them to keep the parents informed of the details of the other's life. Furthermore, communication with parents does not guarantee stability for the child. In addition, it is difficult for the child to communicate with their parents, school and home changes also lead to social shifts in the child's immediate environment, complicating or even disrupting relationships with friends, neighbours and teachers. The findings are supported by the research of other authors. Although parental rights and responsibilities for children remain unchanged after divorce, the nature of them does tend to change. Parents are often unable to completely satisfy the child's emotional needs and to share parenting responsibilities (Kiral, 2019), and have to dedicate more time to this task. In a two-parent family, responsibilities can be shared, while separated parents have to allocate more of their 'human resources' to their children (Thompson, 1994). Divorce is one of the most painful experiences a child can go through (Žiobiene, 2013) and it causes children damage that is multifaceted and often permanent (Thompson, 1994; Cultural Sociology of Divorce: An Encyclopedia, 2013; Owusu-Bempah, 2014).

The study found that the child's right to family ties is not adequately or not at all ensured after divorce. The child is unable to communicate with the separated parent, or this communication is made difficult. Parental divorce has an impact on children's well-being, life opportunities and intergenerational relationships, with the frequency of contact between divorced parents and their children being significantly lower than between married parents and their children (Albertini & Garriga, 2011). Even when one parent lives separately, the child's relationship with both parents must be ensured, albeit with communication arrangements being defined in such cases. Establishing communication arrangements is necessary both to ensure the child's interest in having a relationship with the separated parent and to ensure the right of the separated parent to see their child and their obligation to raise and educate the child. Therefore, a change in the relationship between the child's parents should not affect the child's relationship with their parents. Unfortunately, it often does. Restricting the child's right to communicate with both parents or with one of the parents violates the principles of equal and binding parental authority, which restricts the separated parent's right to raise and educate their child and their responsibility to care for that child.

It has been found that children are deprived of contact with their relatives, e.g., their grandparents, aunts, uncles, and other people emotionally connected to the children. This not only violates the child's right to family ties, but also affects the child's emotional state, which in turn affects the exercise of their other rights. At the same time, restricting the child's right to family ties also violates the rights of persons who are emotionally

involved with the child to have a relationship with them. However, in terms of exercising the individual's right to family ties, this right cannot stand in isolation – the ties that are formed between family members not only underpin the family's history and worldview, but are also crucial for resolving any difficulties (Goldenberg, Goldenberg, 2012).

The child's best interests constitute another right that is not ensured. This right must always be exercised – the best interests of the child must be taken into account in any decision concerning the child, and this requires the child to be involved in the decision making. The child has the right to participate in decisions that directly affect them and to express their views freely and without pressure. Children can influence their own well-being by participating in, and contributing to, decisions that make a significant difference in their lives. The exercise of these two rights – the child's best interests and the right to participation – are related, so that failure to ensure one results in failure to ensure the other. Parents have thus been found to have failed to involve the child in decisions concerning them, to consult the child, and they tend to influence the child's opinion. It can also be argued that all the findings of the study discussed above also indicate that parents do not always take into account the best interests of the child when making decisions concerning their communication with both parents. This presents a situation where priority should always be given to the child's best interests – while equal parental authority is extremely important, the best interests of the child are even more critical (Kitterød & Lidén, 2020). The parents' divorce should only mark the end of their marital partnership – not the end of parenthood. Parenthood is not dissolved by divorce, but its nature does change. It is entirely dependent on the parents as to what kind of parenting will take place following divorce. If parents, in the face of conflict and confrontation, do not forget that their actions and decisions in the context of the divorce affect the well-being of their children, both now and in the future, they are more likely to preserve their parenting relationship. Their child's best interests should serve as the guiding principle that tells the parents which decision is the right one to make.

Scientific Implication of the Analysis and Concluding Remarks

When formulating the key – Concluding Remarks, the authors of this paper transform a new theoretical matrix of the social phenomenon, i.e. besides the two conceptual components (family sustainability and child welfare), they introduce the third dimension – pedagogical aspect.

This conceptual solution of the authors encompasses a broader and deeper understanding of the phenomenon being analysed and demonstrates a holistic approach based on the interaction of the three components: sustainability, welfare, and pedagogical perspective.

All three factors positively affect the welfare of the child or individual family and decision making as well as ensuring the sustainability of the entire society, i.e. implementing the multi-layered aspect of sustainability policy development.

In line with the document (the 2030 Agenda for Sustainable Development), which stresses that progress on sustainable development will depend on prosperity, and in line with Sustainable Development Goal 3, which aims to promote the well-being of society, the role of pedagogy should be justified and its high importance should be clarified. It means that connections between different parts of societies, between the individual and the community, between human societies and natural ecosystems can be explained in the context of pedagogical perspective.

Even more, the authors of this article confirm Marouli's ideas (2021, p.13) that "in these times of crisis, globalisation and urgency, when humanity needs a clearer and bolder vision for the future, pedagogy should today involve the learning community in building a new philosophy of life."

To demonstrate the instrumental value of this conceptual framework, we suggest, in addition to the two conceptual components, to add a third dimension – pedagogical perspective. The added value of our conceptual discussion is addressing sustainability issues and problem solving in the society and teacher education for sustainability in a broader perspective. Following Burns et al. (2015), it can be noted that fostering leadership development is also a key element of sustainability education.

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References

Albertini, M., & Garriga, A. (2011). The effect of divorce on parent-child contacts. *European Societies*, *13*(2), 257–278. https://doi-org.skaitykla.mruni.eu/10.1080/14616696.2010.483002

Auckland, C., & Imogen Goold, I. (2019). Parental rights, best interests and significant harms. Who should have the final say over a child's medical care? *Cambridge Law Journal*, *78*, 287–323. https://doi.org/10.1017/S0008197319000382

Burns, H., Diamond-Vaught, H., & Bauman, C. (2015). Leadership for sustainability: Theoretical foundations and pedagogical practices that foster change. *International Journal of Leadership Studies*, *9*(1), 130–144. https://www.regent.edu/acad/global/publications/ijls/new/vol9iss1/IJLSvol9iss1.pdf

Charter of Fundamental Rights of the European Union. (2012). https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT

Civil Code of the Republic of Lithuania. (2000). *Valstybės žinios*, 2000-09-06, No. 74-2262, current version 2022-06-01 – 2022-06-30.

Convention for the Protection of Human Rights and Fundamental Freedoms. (1950). https://treaties.un.org/doc/Publication/UNTS/Volume%20213/volume-213-I-2889-English.pdf

Convention on the Rights of the Child. (1989). https://www.ohchr.org/en/professionalinterest/pages/crc.aspx

Covell, K., Howe, R. B., & Blokhuis, J. C. (2018). *The challenge of children's rights for Canada*. Wilfrid Laurier University Press.

Cultural sociology of divorce: An encyclopedia. (2013). (R. E. Emery (Ed.). SAGE Publications, Inc. https://sk.sagepub.com/reference/cultural-sociology-of-divorce

Eurostat. (2020). *EU crude divorce rate on the rise*. https://ec.europa.eu/eurostat/en/web/products-eurostat-news/-/ddn-20200710-1

Eurostat. (2021). *Marriage and divorce statistics*. https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Marriage_and_divorce_statistics#Fewer_marriages.2C_more_divorces

Gaižauskaitė, I., & Valavičienė, N. (2016). *Socialinių tyrimų metodai: Kokybinis interviu* [Social research methods: Qualitative interviewing]. MRU.

Gorina, M., Ivanova, O., & Kravale-Paulina, M. (2020). Foster parents' readiness for the implementation of foster family pedagogy. *Journal of Teacher Education for Sustainability*, *22*(2), 26–39. https://doi.org/10.2478/jtes-2020-0014

Goldenberg, H., & Goldenberg, I. (2012). *Family therapy: An overview*. Cengage Learning, Inc.

Gorina, M., & Šukste, N. (2019). Trust in the acquisition of life experience of children left without parental care. *Journal of Teacher Education for Sustainability*, *21*(1), 76–87. https://doi.org/10.2478/jtes-2019-0006

Grant, S. (2016). *Divorce: Risk factors, patterns and impact on children's well-being*. Nova Science Publishers, Inc.

Hepper, J. (2018). The influence of generation and experiencing daily routines on educator's training. *Journal of Teacher Education for Sustainability*, *20*(2), 89–100. https://doi.org/10.2478/jtes-2018-0017

Jirgensons, M., & Kapenieks, J. (2018). Blockchain and the future of digital learning credential assessment and management. *Journal of Teacher Education for Sustainability, 20*(1), 145–156. https://doi.org/10.2478/jtes-2018-0009

Kairienė, B. (2012). Vaiko teisinis statusas: Ágyvendinimo problemos [Legal status of the child: Implementation issues]. *Socialiniu Mokslų Studijos* [Social Science Studies], *4*(4), 1443–1455. https://web-p-ebscohost-com.skaitykla.mruni.eu/ehost/pdfviewer/pdfviewer?vid=21&sid=9f437e31-6d58-4fe8-96b7-8a574318041d%40redis

Kitterød, R. H., & Lidén, H. (2021). Children in dualresidence arrangements: Exploring discourses of fairness and children's best interest in Norway. *Children* & *Society, 35*(4), 549–562. https://doi.org/10.1111/chso.12424

Kiral, B. (2019). The rights and responsibilities of parents according to the views of teachers. *Asian Journal of Education and Training*, *5*(1), 121–133. https://files.eric.ed.gov/fulltext/EJ1204672.pdf

Kohl, K., & Hopkins, C. A. (2019). ESD for all: Learnings from the #IndigenousESD global research. *Journal of Teacher Education for Sustainability*, *21*(2), 105–120. https://doi.org/10.2478/jtes-2019-0020

Kūkoja, K. (2019). The effect of early childhood education and care services in Latvia. *Journal of Teacher Education for Sustainability*, *21*(2), 17–26. https://doi.org/10.2478/jtes-2019-0014

Lazar, A., Guttmann, J., & Abas, L. (2009). Parental authority in divorced families. *Journal of Divorce* & *Remarriage*, *50*(5), 356–368. https://doi.org/10.1080/10502550902766514

Lietuvos pažangos strategija "Lietuva 2030". (2012). *Valstybės žinios* [Lithuania's Progress Strategy "Lithuania 2030". *State news*], 2012-05-30, No. 61-3050.

Marouli, C. (2021). Sustainability education for the future? Challenges and implications for education and pedagogy in the 21st century. *Sustainability*, *13*, 2901. https://doi.org/10.3390/su13052901

McAuley, C., & Rose, W. (2010). *Child well-being: Understanding children's lives*. Jessica Kingsley Publishers.

Official statistics of Lithuania. (2022). *Number of children aged 0–17 who after divorce stayed with one of the parents*. https://osp.stat.gov.lt/statistiniu-rodikliu-analize?hash=8be2fb73-57c2-464d-8737-17e5f85aaa56#/

Oren, D., & Hadomi, E. (2020). Let's talk divorce – An innovative way of dealing with the long-term effects of divorce through parent-child relationships. *Journal of Divorce & Remarriage*, *61*(2), 148–167. https://doi-org.skaitykla.mruni.eu/10.1080/10502556.2019.1679593

Orgilés, M., & Samper, M. A. D. (2011). Impact of divorce on quality of life in children aged 8–12 years in the province of Alicante (Spain). *Gaceta Sanitaria*, *25*(6), 490–494. https://doi-org.skaitykla.mruni.eu/10.1016/j.gaceta.2011.05.013

Owusu-Bempah, K. (2014). *Children and separation: Socio-genealogical connectedness perspective*. Routledge.

Raday, F. (2019). *Gender equality and women's rights in the context of child custody and maintenance: An international and comparative analysis.* UN Women Discussion Paper Series No. 30. UN Women. https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2019/Gender-equality-and-womens-rights-in-the-context-of-child-custody-and-child-maintenance-en.pdf

Rajewska de Mezer, J. (2020). The place of family mediation as a form of aupport and protection of children's rights in social assistance activities. *Czech & Slovak Social Work / Sociální Práce / Sociálna Práca*, *20*(4), 87–102. https://web-p-ebscohost-com.skaitykla.mruni.eu/ehost/pdfviewer/pdfviewer?vid=10&sid=9f437e31-6d58-4fe8-96b7-8a574318041d%40redis

Stasulane, A. (2017). Factors determining children and young people's well-being at school. *Journal of Teacher Education for Sustainability*, *19*(2), 165–179. https://doi.org/10.1515/jtes-2017-0021

Sustainable Development Report. (2021). *The SDG Index and Dashboards*. https://dashboards.sdgindex.org/chapters/part-2-the-sdg-index-and-dashboards#2-1-the-2021-sdg-index

Thompson, R. A. (1994). The role of the father after divorce. *The future of children*, *4*(1), 210–235. https://doi.org/10.2307/1602485

Transforming our world: The 2030 Agenda for Sustainable Development. (2015). https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E

Turner, P., & Turner, S. (2009). Triangulation in practice. *Virtual Reality*, *13*, 171–181. https://doi.org/10.1007/s10055-009-0117-2

Yaffe, Y. (2013). "Parental authority": What do we know about the construct? *International Journal of Educational Research and Development*, *2*(9), 211–219.

Žiobienė, E. (2013). (Ne)tinkamas tėvų valdžios ágyvendinimas: Teisinio vertinimo ypatumai [(Im)proper implementation of pariental authority: Features of legal assesment]. In E. Tamošiūnienė & I. Kudinavičiūtė-Michailovienė (Eds.), *Šeimos bylų nagrinėjimo ir teismo sprendimų vykdymo ypatumai* (pp. 186–212). Mykolo Romerio universitetas.

Žydžiūnaitė, V., & Sabaliauskas, S. (2017). *Kokybiniai tyrimai, principai ir metodai* [Qualitative research, principles and methods]. Vaga.

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