

# **Ethical issues related to the use of court-based samples in family research**

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Real Life Ethics  
Real Life Methods Node Training  
Workshop  
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- Introducing the study
- 'Textbook' ethics
- Contacting the interview sample
- Interview both parents?
- Interview other family members?
- Presence of children
- Linking different types of data

## The study: 'Residence and contact disputes in court'

- Residence order: 'an order settling the arrangements to be made as to the person with whom a child is to live'
- Contact order: 'an order requiring the person with whom a child lives, or is to live, to allow the child to visit or stay with the person named in the order, or for that person and the child otherwise to have contact with each other'
- Funded by the Department for Constitutional Affairs (DCA), 2002-2004
- Smart, May, Wade & Furniss
- What happens at court?
- What impact does going to court have on families?
- Three courts
- Two types of data: court files and face-to-face interviews

## 'Textbook' ethics

- Informed consent
- Avoiding harm
- Confidentiality
- Respect

## Contacting the interview sample

Consent: Whose 'property' are the court files?

- DCA and the courts? The parties themselves?
- Two rounds of access negotiations with the courts
- Agreement: the courts would have no access to interview data, we could not keep any names or addresses on record

## Interviewing both parents?

Harm:  
Creating added complications within families?

- Continuing hostile relationships
- Injunctions
- Painful episode – best left alone

## Interviewing other family members?

### Respecting privacy

- 'None of their business'
- 'They weren't involved'
- 'It would be too painful for them'
- Perhaps also: 'Don't you trust me to tell the truth?'

## Presence of children

Is it ok for the children to be present during interviews concerning their parents' dispute?

- Putting children in a difficult position
- Creating more conflict within families?

## Linking different types of data

Disrespectful? Risking confidentiality?

- Checking veracity of accounts?
- Confidentiality

## To sum up...

- 'Textbook' ethics – clear-cut?
- 'Real life' ethics – complex, 'messy', situational