

Committee for Justice, Domestic Abuse and Family Proceedings Bill
Record of Issues Raised by Individuals at Informal Meetings
Informal Meeting 6 July 2020 – Individual C

Present: Linda Dillon MLA, Deputy Chairperson
Paul Frew MLA

In attendance: Kathy O'Hanlon, Senior Assistant Clerk
Peter Madine, Assistant Assembly Clerk

The Deputy Chairperson, Ms Linda Dillon MLA, and Mr Paul Frew MLA met with Individual C via video call to discuss his experience of parent alienation and the court system.

Background

Individual C currently has no access to his children of 11 and 16 years. He has been involved with the court system since September 2017. He has been in front of 5 different magistrates with varying outcomes. He has favourable Court Children's Officers Reports and has a report from a therapist concluding that the problems lie with the other parent. The courts did not act on these reports and Individual C is unconvinced that the Bill as it stands will change any of these outcomes in relation to his specific case.

Issues relating to the Bill as introduced

Individual C feels that the Bill reads mostly as a 'cuts, broken bones and bruises Bill' and the psychological element of domestic abuse has not been fully addressed. The Bill quotes physiological fear, alarm and distress but when his children are interviewed they are actually confident and articulate and don't show signs of distress. Individual C believes the children are being heavily influenced or 'coerced' by the other parent and he has reports which show that the children have said word for word the same things the other parent said. The children have been speaking in adult language. He believes that it is often clear that what the child is saying is not what the child wants. One of his son's reason for not wanting to see him was 'because you are loaded and mum is struggling' which, in his view, are not the words of an 11-year-old. The Officer's report said that Individual C's son knowledge of divorce and finances were intricate.

Individual C feels that the bill 'throws out a wide net' but 'you can still leak through the holes'. Parental alienation is a specific issue and needs to be addressed. He admits that it is a complex issue especially when consideration is given to the child's wishes, but he feels that the courts in the past have used the child's wishes to 'take the easy way out'. He feels this Bill does not give enough detail and specific guidance and feels that Judges 'will still be given too much wriggle room' to take the easy decisions. Individual C feels that the Bill does not look at the full psychological picture and consideration needs to be given to the reasons for a child expressing certain wishes instead of just accepting what the child has said, as they may have been led to believe that it is the right thing to say. Individual C feels the Bill doesn't go deep enough in respect of these issues and he expected more.

Individual C also has concerns with some views expressed with regard to the coercive control aspect of the Bill. He is aware that some politicians and others have referred to a parent continually taking the other parent through the court system as a form of coercive control and abuse. However, Individual C said that when a parent is continually being denied access to a child then they have no other option as courts are the only legal means to do that; in those circumstances, while it is not the route that alienated parents may want to take, multiple trips to court may be unavoidable. The parent with residence will then allege coercive control, even though they are the parent causing the problems in the first place.

Where contact has been agreed but not followed through on then this should be investigated. If it is obvious contact hasn't taken place due to interference, then something has to be done. Individual C said that one Judge said he would transfer residence if Individual C wasn't allowed contact with his son, and ordered his ex-partner to stop talking about adult themes in front of her son. The following day, when Individual C was due to have contact with his son, his son refused to go with him "because of what happened yesterday", so his son was aware of what had happened in court despite the instructions that had been given to his mother not to discuss these matters with him. However, when they returned to court two weeks after this incident, the Judge did not grant residency as he had said he would but instead suggested family therapy. The Judge had also said that he put great stock in a Court Officer's Report which was very favourable towards Individual C but ultimately ignored it. The Bill does not stop things like this from happening.

Individual C feels he is unable to have contact with his daughter as she is 16, and the courts won't enforce contact for children of that age.

Is the Domestic Abuse and Family Proceedings Bill the correct place for this issue?

Individual C believes that it is. In his view, this is serious and damaging domestic abuse, and worse still it is also domestic abuse of a child. It is damaging to children as it happens and will continue to affect their mental wellbeing in years to come. This could even evolve into issues with the next generation of their children. Individual C believes that it is an opportunity to tackle these serious issues and that more needs to be done.

Do you think that the issues should be subject to criminal sanctions?

Access to his children is Individual C's primary concern. He doesn't believe there is anything to be gained by the other parent being imprisoned as this would only damage the children even more. However, there must be some form of sanctions as this is a form of domestic abuse and causes serious psychological damage to children.

Summary of issues that need to be addressed

- Parent alienation should be included in the Bill as a specific form of domestic abuse.
- Changing agreed contact arrangements or making contact difficult is coercive control and should not be allowed to happen without justifiable cause.
- Psychological abuse focusing on the present and future mental wellbeing of the child needs to be considered.
- If a child who never has any problem with a parent suddenly says 'I don't want to go with you' and cannot give a reason why this needs to be looked at more closely.

- How Family Courts work needs to be reformed.
- Training and education is important. Every Judge should have the same level of understanding of these issues – at the minute it is random.
- Going back to court time and time again is abusive – proper legislation would limit the number of times alienated parents would need to do this.
- The protracted length of time these cases take damages the children even more.
- The days of access only being allowed one or two days per fortnight are gone; parenting should be 50/50.

From: [REDACTED]

Sent: 28 July 2020 17:13

To: Givan, Paul; O'Hanlon, Kathy

Subject: NI Courts

Dear Paul & Kathy

I had a video link meeting with Justice Committee members Linda Dillon and Paul Frew on 6th July 2020. Part of what I discussed was the delays in court etc. Today I had a First Directions Hearing in Newry FPC sitting in Lisburn. Although today was First Directions I have been in court over the same matter since September 2017. I withdrew from court in January 2020 in order that my children's mother would engage in therapy but she did not do so. I lodged papers in April 2020, further papers stating the urgency of the case at the end of June 2020 and despite all this the result of this was a further adjournment until 6th October. It has been 3 years and 3 months since I saw my daughter. My son I have seen for 90 mins in the last year and 10 months. When are the courts going to open and work effectively rather than "kicking the can down the road?" This is an abuse of parents and their rights to see their children and vice versa.

It is galling to say the least that the High Court is open for business but nothing is happening at lower levels. Every other area of business and life is clamouring to get opening and moving forward whilst the courts remain free to sit on their hands and do nothing. Technology trials are a waste of time at this stage.

Effectively by these delays they are giving the mother free reign to continue psychologically abuse my children without any fear of censure for a further 2-3 months. This is not acceptable.

Regards

Individual C