

La Dolce Vita Project response to The Justice Committee Domestic Abuse and Family Proceedings Bill

Introduction:

La Dolce Vita Project held a number of focus groups in regards to The Justice Committee Domestic And Family Proceedings Bill. La Dolce Vita Project and the parents involved, believe it is important that their voices are heard (identified parent/child issues noted below):

- i) The direct correlation between domestic abuse and parental alienation was not being identified among professionals.
- ii). Parental alienation strategies, impact and links to ACE's was failing to be recognised in children.
- ii). Lack of understanding among professionals on the emotional and psychological impact on those involved in Private and Public Law matters.
- iv). Fear among clients of losing their children, to their abuser or to the system (placed in care) due to indirect and direct threats of harm, using the children as weapons.
- v). No recognition from Government on the emotional and psychological harm on children.
- vi). Parents left feeling, confused not understood, victimised before, during and after Private and Public Law matters.
- vii). Parents believe consequences for those who make false allegations to cause harm would prevent additional harm.

Judge Barney Mc Elholm "consequences would potentially make those who make false allegations, re-think their actions".

Additional feedback was received (noted below) via client feedback forms, poll questions, research.

Parents wished for their voices to be heard.

Acknowledgment required from Department of Justice and Department of Health, on the impact on their children's emotional and psychological well-being.

Accountability for all those involved.

False allegations are the norm.

Extensive waiting times for cases to be heard.

Lack of enforcement of family contact orders.

Unless perpetrator convicted of a crime, family court “don’t want to know”.

Interim orders extended multiple times.

System is riddled with avoidable delays at every stage e.g.: legal aid.

Barriers to reporting domestic abuse incidents out of fear of losing their children.

Perpetrators seek custody to continue control of victims, and children and often did not show for court listed dates.

Extensive waiting times for professional reports to be completed.

Professionals involved show no understanding of parental alienation.

Professionals involved not qualified to identify parental alienation.

Misconception of parental alienation.

Those involved in Family law matters expressed the experience as “traumatizing”.

Additional review is required to include protection of children from emotional and psychological harm.

La Dolce Vita Project note from those we spoke to, that there is a need:

(i) to protect children from further harm **caused by parental alienation**, domestic abuse

(ii) to **promote and repair family relations** where possible

(iii) to **prioritise and improve each child’s psychological well-being**.

iv) **Legislation for the protection of children** from the emotional and psychological harm caused by parental alienation.

v). **Legislate sanctions** to deter the making of false allegations and the provision of protection from false allegations.

In response to the Justice Committee Domestic and Family Proceedings bill La Dolce Vita project note:

1. **Offence of domestic abuse**: consideration to include:

i) applies while living in or post separation.

2. **What amounts to abusive behaviours**: consideration to include:

i) Isolating of children from family members

ii) breach of family contact orders, which is determined at time of assessment as an intentional behaviour, to purposely delay court proceedings, causing psychological and emotional harm on parent, child, grandparent, caregiver.

iii) child, parent child relational distress.

2/4: **What amounts to abusive behaviours and meaning of behaviour**: consideration to:

i) acknowledge in the bill identifying parental alienation as an abusive behaviour causing potential or actual harm to a child, parent, grandparent, caregiver.

E.g: **“The wilful attempt by one parent to take control of a child and intentionally eliminate the role and responsibility of the other parent, or family member resulting in traumatic separation or loss.**

Brendan Mc Guigan CBE, Chief inspector of Criminal Justice: “I now understand that Parental Alienation is an extension and consequence of domestic violence.

I can now see how parental alienation occurs most often after any criminal proceedings have concluded and therefore the consequences are not well

understood by those working within criminal justice system. I do believe we have a lot to learn from others experiences". (8th August 2018).

4. **Meaning of behaviour:** consideration to include in conduct relating to the person's ability to "DO NOT HARM:

- i) protect child from ongoing parental conflict and litigation e.g." consistent criticizing of other parent". Denying of the parent's value to the child. Informing child of court related matters. Denigration of the other parent in the presence of child and others.
- ii) promote the stability, attachment and security of the child's relationship with parent/family members, the right of the child to have meaningful relationships with all.
- iii) false allegations, counter allegations that intentionally distract from the child's welfare.

9. **Aggravation where relevant child is involved:** consideration to include:

- i) parent, grandparent, caregiver, inability to respect the integrity of the child.
e.g. permission to show love to other parent, communicate with other parent.
 - ii) interference with parental time: access resistance, breaching of contact arrangements and court orders.
 - iv) undermining of the child' ability to focus on being a child. E.g. ingrained conflict patterns identified in child.
 - v) Indirect and direct threats of harm "you will not see your child again if you leave me".
 - vi) Causing of financial hardship
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