

Committee for Justice
Domestic Abuse and Family Proceedings Bill – Committee Stage
Record of Discussions with Individuals at Informal Meetings
Informal Meeting 8, 23 September 2020 – Individual J

Members present: Paul Givan MLA, Chairperson

In Attendance: Kathy O’Hanlon, Senior Assistant Clerk
Peter Madine, Assistant Assembly Clerk

Introduction

The Chairperson, Mr Givan MLA, met with Individual J via video call to discuss her experience of domestic abuse and of the response by justice bodies/agencies and others

Background and Experiences of Abuse

Individual J met her son’s father in England at a football match and he came over to Northern Ireland in January; in hindsight she felt pressurised into this. She then fell pregnant but her partner took no interest in the child after he was born and began to control her life. He made her leave the house and only return when he wanted. He convinced Individual J to buy a new car that she paid for but then wasn’t allowed to drive. He took control of the finances and on one occasion went to England and left no money whatsoever for Individual J and her son.

Individual J came home early one day and found a girl in the house. Her ex told Individual J it was his house not hers and that she shouldn’t have come home early. He pushed her and tried to hit her with a crutch and locked her in a room while his girlfriend to allow his girlfriend to leave. He said Individual J could live in the house and his girlfriend could come and go as she pleased.

Individual J described how her ex had called the police on an occasion. When the police heard details from her ex, they suggested to Individual J that he was subjecting her to mental abuse. The police told him to leave the house as he could not force Individual J to move house or live in the way that he wanted her to.

After he left, her ex wanted access to his son, having not wanted anything to do with him before that. Individual J had to buy a second car which left her in debt for 5 years.

Individual J was isolated from her friends and family by her ex partner. He is now trying to do the same to their son e.g. he won't take him to birthday parties if they take place on the same day as he has contact.

Experiences with the justice agencies and other bodies

The police did attend the house on an occasion when he became abusive and they gave Individual J details for Women's Aid and advised her to contact a solicitor. However, her ex has not been prosecuted for domestic abuse.

Most of Individual J's experience of the justice system relates to access and contact orders.

Individual J's ex partner is not in the country legally and has given false details to the police in the past. That case was progressing at the same time as he was seeking access to his son. When Individual J pointed out that his identity was uncertain and he had previously been imprisoned the court said that did not matter and they were two completely separate cases.

Her ex was granted supervised access but his son didn't want to attend and became really distressed at the visits. The Child Court Officer said that Individual J had to get her son there regardless of the state he might be in. Individual J was told that it didn't matter what she did, her ex would see his son. Individual J described one occasion when staff from the Contact Centre prised her son's fingers from the staircase and took him kicking and screaming to see his father.

Individual J reported a number of incidents (e.g. her son being held upside down in the shower by his father). However, her son not wanting to see his father has been blamed on Individual J's anxiety. She asked for other arrangements to be made to take her out of the equation, such as other people taking her son to and from the contact meetings, but was told that it had to be her facilitating the contact as her son needed to see his mother and father talking to each other. She has also been encouraged to get her ex interested in her son's hobbies but he does not want to get involved.

Individual J was asked what she said to her son about the visits with his father. When she replied that she said it was up to her son if he saw his father the judge stated that it was up to the judge, not Individual J or her son. Individual J has been in contempt of court three times when her son did not want to see his father.

Individual J has described her court experiences as awful. Closed courts meant she has often not been fully aware of what is going on in the proceedings. Cross examination with the father in the room made her feel nervous and anxious and unable to give full evidence.

Individual J said she has been made to feel like she is not believed. On one occasion when she was detailing her son's hobbies the judge remarked that he had a lot of hobbies for a five-year-old.

Individual J has also been made to feel that it is her handling of the situation that has led to the problems. When she raises any concerns about what the father has done, she is told to speak to social services but social services don't take her concerns seriously. Different social workers say different things. The Understanding the Needs of Children in Northern Ireland (UNOCINI) that had been provided included many details about her son that were not correct. It also did not include any information from her son's counsellor but instead had information provided by a person who works in the counsellor's office. That person had bribed her son with Pokémon cards after a counselling session when he did not want to leave the office with his father.

Individual J believes that her ex wants contact with his son to help his immigration status. It is also a way in which he can prolong abuse.

Individual J is unsure how her ex is able to continue taking her to court as he would not be able to access legal aid given his status. She herself is not entitled to legal aid so has to meet the costs herself and take time of work for court etc.

Key points/recommendations

- There needs to be more consistency with social workers. They need to know the cases they are working on. They also do not appear to follow up on issues.
- Courts need to take the child's opinions into account rather than focusing on the needs of the father
- There should be better coordination between criminal courts and family courts
- Judges need trained as domestic abuse is not always recognised
- The family court system is used to prolong domestic abuse
- Being able to give best evidence is important and cross examination is made more difficult with the perpetrator in the room

Following the meeting, Individual J forwarded some additional written information which is appended to the note of the meeting.

I forgot to say in the meeting that courts says to go to family mediation, expect you to sit in the room with ex partner even though you were in an abusive relationship.

As you're expected to do as they say, I phoned family mediation they told me I couldn't avail of it as we were still in court proceeding.

From memory you get a couple of sessions free and then you pay for it.

When I spoke to the court officer's manager he said why does his staff not do it as they're trained and could be put in separate rooms.

In one of the family intervention meetings with social workers, one of the social service team said you are really frighten of your ex as she could see my body language but this wasn't taken into account when writing up the report and still expected me to do handovers.

The journey of freedom with woman's aid is recommended and I did it and got a lot from it, you felt you weren't going mad and often wondered why social workers/court officers don't do it as they would learn a lot about from it and to recognise abusive relationships and the effects of child. As I feel it's all text book with social workers and make you feel that you're the problem and it's my anxiety that's making my son not to go with his father and that I was really lucky to have a father that's interested.

When the court officer supervised contact between father and son and I was also presented she spent most of the time talking to me and I felt I was the one getting instigated. one time she looked up to see father and son and she couldn't see them she panicked and went looking for them. When we were all at the table if I spoke I was intervening and if I didn't I was being hostile.

On the first meeting with the child court officer my solicitor told to more or less agree with her as if I didn't she would say I was being hostile.