

Committee for Justice, Domestic Abuse and Family Proceedings Bill
Record of Issues Raised by Individuals at Informal Meetings
Informal Meeting 9, 29 September 2020 – Individual K

Present: Linda Dillon MLA, Vice Chairperson
Sinead Bradley MLA,

In attendance: Kathy O'Hanlon, Senior Assistant Clerk
Allison Mealey, Clerical Officer

The Deputy Chairperson, Ms Linda Dillon MLA, and Ms Sinead Bradley MLA met with Ms Individual K via video call to discuss her experience of domestic abuse and the response by justice bodies/agencies and others.

Personal experience of domestic abuse and response by justice agencies and others

Ms Individual K began to leave the abusive relationship 10 years ago and advised that her son and daughter had been removed from her care at that time. This was not because of any concerns about her parenting capabilities, but because the domestic abuse was at the extent that the state believed there was a risk that her children could witness her partner killing or seriously injuring her. Her children were placed into the care of their paternal grandparents. Individual K was granted access to see her daughter once a week for 3 hours and her son once per fortnight for 3 hours because of her inability to keep the children safe, from the witnessing of domestic abuse.

Individual K explained how her ex-partner consistently threatened her that if she ever left him, she would never see her children and so she stayed with him longer to make sure this did not happen. Individual K said that after years of abuse, she learned to protect herself from some things happening to her, such as: making sure that if her ex-partner was drinking, she removed the children from the home so that he got sleep; making the right dinner so there wouldn't be an argument. Despite this, Individual K was told by the courts that she failed to protect her children. She felt this illustrated that they didn't have a proper insight into the direct and indirect threats of harm or how she was actually having to protect her children from witnessing anything. Individual K said that when her children were taken from her, her ex-partner nodded while in a meeting with social services as if to say, 'I told you so.' Individual K was then continuously blamed by her ex partner for her children being removed, often repeating the words noted by social workers, "failed to keep safe, protect"

Individual K believes that the system is facilitating abusers and that there is a responsibility to protect the parents as well as the children. Individual K has felt that, as a victim of all forms of abuse to include physical and sexual violence, a lot of the focus and blame has been put on her and that she was somehow held responsible for her ex partner breaking orders. She had to move 12 times, stayed in a shelter and in Women's Aid which her ex-partner broke into yet she appeared to be held responsible that he knew where she was.

Individual K stated that she felt like she had no voice and that her mental health was declining to the point where she was suicidal. However, this was viewed by the state and

others as another reason for keeping her children in care, as her mental health had deteriorated. Individual K said she felt that she had little help when trying to seek housing and or other support, and any counselling support, courses she got she had to seek out for herself. She felt that the focus of a number of agencies was often on the abuser, as he was placed on the perpetrators program, and many discussed how well he was doing, while Individual K experience the worse abuse while he was on this course, as Individual K knew if she spoke up that her children would never be home, rather than trying to support her to unite, with her children in a safe way.

Post separation impact was never really considered but through her own research, while trying to work out what was happening to her, she discovered that organisations said she was experiencing domestic abuse by proxy, however her own research confirmed in fact it was parental and state alienation, however no one recognised or discussed this.

Individual K advised that she took a criminal case against her ex-partner, after she left the relationship in 2010 but it didn't first go into court until 2013. During this time, her there was no change to the little contact that she was allowed with her children. Individual K stated that she went into family care court every 4-6 weeks to fight for access to her children but the Judge who was dealing with this case decided to keep an open view until the domestic violence case was heard as to whether her children could return to her care and the case was postponed until the outcome was to be heard by the criminal case. Individual K found it hard to believe that a contact order was made in 2013 to say that her contact with her children was sufficient. The final order was made 2016, that contact remained weekly for daughter, fortnightly for son to include contact on birthday, school holidays, 2 weeks after Individual K gave evidence in criminal proceedings to which her ex-partner was sentenced to 9 years in prison for his crimes.

Individual K advised that the sentencing in the domestic violence case wasn't actually heard until 2016 due to evidence gathering, but also because continuous allegations were being made against Individual K by her ex-partner that had to be investigated while the family care proceedings were also running alongside the criminal case. This included drug tests for Individual K and an investigation into an allegation that she broke her daughter's ribs. A judge finally decided that the allegations had to stop as the investigations were proving they were all false, after which her ex-partner was jailed for 9 years and put on the sex offenders register. Individual K pointed out that when allegations were made, contact with her children was either supervised yet nothing was ever done to her ex-partner or his family for making false allegations. The allegations delayed or suspended court from going ahead, until the allegations were investigated. Individual K had sections of her hair cut out, for drug analysis over a 3 month period.

Individual K stated that she had to undertake a parental capacity assessment which was conducted by officials from England to determine whether her own upbringing had an impact on her parenting abilities. The trust was not happy with the report provided by her own team and asked for a further one by someone they appointed. This then delayed the case again.

Individual K said it was determined that there were no issues with her parenting but rather with safety and the children could witness their mother being killed by their father. The court said that all parent, grandparents had to work together with a focus on the grandparents with care of the children being open and communicating with Individual K. Individual K stated that an order was granted but that she had to go back to social workers, solicitors because agreed contact with her children was not happening.

Individual K stated that her son's behaviour had changed. No assessment was done to determine the reasons for his behaviour, instead the focus was put back on the relationship that Individual K had left 6 years previously. Her son had been asking to see his mother and had made some disclosures that he was accused of fabricating. He refused to get into the social worker's car, (the social workers collected the children at the petrol station, as the grandparents do not allow Individual K near their home to collect or return her children) he also then ran away, while with the grandparents and has been in his mother's care since 7th December 2018 with no issues.

Meeting held November 2018 with the WHSCT - Individual K said that she has been offered help to try to help her understand that the reason her children were in the long time care of her abuser's parents was because of the decisions which she had made 10 years previously. The courts ruled that her children would have further emotional and psychological harm if moved due to the length of time they have been in the care of their were no change to her contact was permitted and the long term plan was to remain with the grandparents. Individual K pointed out that it was after this meeting with social services, that her son ran away because he felt that no one was listening to him. Her son voiced many times he wanted to stay over with his mum.

Individual K's son has only seen his sister, her daughter, 4 times last year, and this year 7. During Covid 19 the grandparents allowed video and phone contact, however once started to visit again phone and video stopped. She has offered to buy a phone for her daughter to keep in contact but the grandparents do not want her to have a phone. Her daughter had instead secretly contacted her via her friends' phones, during the times she was not going to see her mum, and social services was saying it was because it was her wishes and feelings not to see Individual K, not the ascertained feelings she expressed wishes. Individual K stated that she has repeatedly asked for an investigation into why her ex-partner's parents have an inability to co-parent with her as set out by the orders. There are no consequences for their actions. Individual K told that her ex-partner's family continue to make allegations, most recent that Individual K had dropped my son off at a place in town, to beat someone up, she believes they have tried to defame her and tell parts of her personal story on social media sites of her charity.

Individual K also described how her son and daughter's relationship is not being supported because her son is living with her. Individual K described that due to the short time that she has been allowed with her children over the years, they have missed out on many family events together, such as weddings and birthday parties, which interferes with family bonding opportunities. Individual K said that her son has been diagnosed with Sensory Processing Disorder due to the experiences that he had gone through in his life and she feels that the impact of everything on her children is often overlooked. Individual K told how she has seen a big change for the better in her son since he has come to live with her and since she has been able to get him help in the form of therapy. Individual K expressed frustration that opportunities to help her son were missed while he was in the care of his paternal grandparents and for the duration of the court cases. Individual K feels that the services which are in place to help and protect her children, failed to protect them and they have suffered psychologically and emotionally.

Individual K believe that co-parenting need to be clearly demonstrated. She is willing to sit in a room with the person who abused her for many years alongside his parents also if it would mean that things would be better for her children. However, Individual K states that she is aware that mediation will not work in all cases and that support is required. Individual K described that courts need to look at the family dynamics and the support within the family

and ruling it as family contact and not just parental contact as this can also prevent false allegations being brought forward as there are witnesses to the contact, if other family members are involved in the support of contact.

Individual K described how, due to the number of times she has applied to the court for contact, an order has now been made against her section 79,14m to prevent her from making any further applications to court . She now has to wait every 6 months for social workers to make a decisions regarding contact and it never changes because of what her daughter says. Individual K believes that this is because of the harm that has been done due to the length of time this case has been ongoing. She is fearful of intergenerational harm and what the longer term impact on her daughter and son might be.

Individual K stated that she feels she doesn't fit into society as she is a mother and a grandmother but she does not have her children because of an abusive relationship that she has been out of for 10 years. Individual K does not understand why the state is still involved after this time with no reunification with her children.

Individual K described how she feels like she is living in a state of constant grief over their situation and at not being able to be there for her children as a mother should.

Summary of key points/recommendations

- Parental alienation is a form of domestic abuse. The Bill will be a missed opportunity if denial of contact isn't included as perpetrators will continue to use it to prolong abuse.
- There should be repercussions for those whose intention it is to purposefully delay family court cases through making false allegations. The could possibly be captured in what amounts to abusive behaviour in the Bill.
- No consideration is given to the impact that allegations are having on the child.
- Early intervention to support children will help children in the longer term (e.g. pilot scheme "My Family Matters")
- Delays in court hearings affection relationship between parent and child.
- Post separation abuse needs to be considered. This includes isolation and control, intimidation, indirect and direct threats of harm, to include the threat of not seeing your children. There also needs to be more thorough examination of all circumstances in a case and how the system is being manipulated to cause further abuse and harm to victims and children.
- Where children are concerned, all those responsible for their care must be able to clearly demonstrate effective co parenting. They should be able to show they are capable of parenting, including not influencing the child's views, and there should be good communication between all parties.
- Courts should look at the family dynamics and the support within the family and rule on family contact and not just parental contact.
- If a parent demonstrates the ability to care for a child then they should be allowed contact with their child.
- Further harm is done to children and to the relationships between parents and children by the length of time it takes for assessments to be done. Impact on the child should be of paramount concern.
- Children have their own voice. Their views and needs must be considered. Children's expressed wishes and feelings need to be ascertained.

- Emotional and psychological stress on the children is often overlooked by courts and other agencies involved as they are told by guardians that the children are ok and are taken their word for that (expressed wishes are not ascertained)
- The reasons why children are saying certain things or behaving in a certain way should be investigated.
- Victims will need time and support to recover.

Comments by Deputy Chairperson and Ms Bradley

- There that defining abusive behaviours too prescriptively may mean that some behaviours are missed
- Manipulation and character assassination is a concern and it is hoped that this will be captured by the Bill.
- The reasonableness test will important in determining abusive behaviour
- Would be concerned at the unintended consequences of adding parental alienation to the Bill.
- Have had to deal with cases where the parent with custody has been advise they will lose custody of the child(ren) if they don't have contact with the other parent, despite the child not wanting to go due to things that have happened to them.
- There are so many angles to these cases and ways in which the system is manipulated and abused that it would be impossible to legislate. They may be better dealt with through policy.
- Early intervention in contact cases needs to be considered.
- Training and education for everyone involved in dealing with domestic abuse cases will be of great importance to the success of the Bill. This also includes a victim's legal representative.

The Deputy Chairperson advised that Committee may wish to pick up a number of the key issues raised today outside of its consideration of the legislation.