

Paul Givan MLA
Chair
Committee for Justice
Room 242, Parliament Buildings
Stormont
Belfast BT4 3XX



Date: 30th September 2020
Re: Domestic Abuse and Family Proceedings Bill

Dear Chair,

Further to the written and oral evidence Barnardo's NI provided to the Committee in June 2020, I am writing to reiterate some key points for further consideration as the Committee enters formal deliberation, to ensure that children are protected and their rights upheld in the Domestic Abuse and Family Proceedings Bill.

We welcome the Bill's recognition of the impact of domestic abuse on children, in particular through the aggravation outlined in Clause 9. However, we remain concerned that Clause 9 does not recognise the extent of harm caused to children. In particular, the condition that "the child saw or heard, or was present during, an incident of behaviour which A directed at B as part of the course of behaviour" does not capture the harmful impact of abuse in the home, regardless of whether a child sees, hears or is present at the time of the abuse. Children can be affected by domestic violence even if they do not witness it happening, as they may see a parent's injuries or feel their distress. This can create an environment of toxic stress, and lead to the child feeling fear, guilt or responsibility to protect. In addition, living with domestic violence may have broader effects on parenting behaviour and capacity, including negative effects on a parent's physical and psychological wellbeing, or not being able to meet the children's physical, emotional or educational needs. Abusive partners may also show poor parenting skills. The child can therefore be negatively impacted by abuse in the home even if they are not witness to the abuse or the direct victim. Exposure to domestic abuse is considered to be an Adverse Childhood Experience (ACE), which can have a [long term impact](#) on the physical and mental health of a child. We urge the Committee to reconsider the wording of Clause 9 to ensure that the full harm done to children exposed to domestic abuse is recognised in the Bill.

We also note the recent discussion in relation to parental responsibility. Whilst we welcome the recognition that children need to be fully protected and the efforts to do this, we are concerned the current proposals create unnecessary legal complexity by attempting to protect one age group under the 1968 legislation, and 16 and 17 year olds within this Bill. We echo the sentiments of other stakeholders that the removal of this exception in Clauses 11 and 17 would afford more consistent and robust protection to all children and young people.

I hope these comments are helpful. If you would like to discuss further, please don't hesitate to contact me or our Assistant Director for Policy, Julia Buchanan.

Yours sincerely,

Michele Janes
Head of Barnardo's NI



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Barnardo's Registered Charity Nos: 216250 and SC037605

542/544 Upper Newtownards Road
Belfast BT4 3HE
Tel: 028 9067 2366

www.barnardos.org.uk