

FROM THE MINISTER OF HEALTH



Mr Paul Frew MLA
Chair
Committee for Justice

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Dear 

DOMESTIC ABUSE IN PRIVATE FAMILY LAW PROCEEDINGS

Thank you for your letter of 23 March 2026 and the briefing paper by the Assembly's research and Information Service (RalSe) on Domestic Abuse in Private Family Law Proceedings.

Firstly, may I apologise for not being able to respond to you as requested by 9 April 2026. This has been impacted upon by the Easter holidays.

The RalSe paper provides a comprehensive, albeit not exhaustive, overview of legislation, policy and academic research relating to domestic abuse experienced by adult and child victims/survivors engaged in the family court system. This is timely and is to be welcomed.

The Committee for Justice has asked for my response to the key issues and themes raised in the research paper. I hope it is helpful if I set out my response as follows: -

1. Litigation Abuse

The use of perpetrators of court proceedings as a way of continuing to engage in patterns of abuse and new forms of coercive control of victims/survivors and children and young people has become increasingly recognised by professionals and by court systems.

The guidance from the Lady Chief Justice to the judiciary highlights the need for trauma-informed and child-centred practice within the courts and that the judiciary need to be vigilant to the psychological and /or emotional harm that children may

suffer directly and indirectly, including repetitive court proceedings to decide issues of residence and contact.

The research paper helpfully articulates how victims/survivors can experience financial abuse which places them in a disadvantaged position from the beginning of proceedings but how a non-resident parent may also use repeated litigation to continue to exert control and burden the resident parent with repeated legal costs.

2. 'Parental Alienation' and 'Alienating Behaviours'

The research paper helpfully outlines that the term 'Parental alienation' has been used to describe the manipulation of a child but that the term has no single accepted legal or psychological definition and that many of the studies exploring this subject have methodological flaws affecting their credibility.

It is helpful that the research paper also references the clarification given in the High Court of Justice Family Division by Sir Andrew McFarlane, President of The Family Division, that resulted in courts in England and Wales recognising 'alienating behaviours' by a parent, and the recent emphasis which has been placed on the importance of courts conducting a fact finding exercise to determine issues of domestic abuse, before considering a child's refusal to engage, in cases where there are allegations of abuse and cross allegations of alienating behaviours.

3. 'Pro-Contact' Culture

The paper clarifies a common misconception that there has never been a statutory presumption of parental involvement similar to that contained in Section 1(2A) of the Children Act 1989 (England and Wales) in the Children (Northern Ireland) Order 1995, but a perception still exists locally that the courts will prioritise a child's relationship with both parents, even in situations where there has been a history of domestic abuse.

The paper also helpfully references that the UK Government announced in October 2025 its intention to repeal the statutory presumption of parental involvement contained in the Children Act 1989. On-going work may be required with the judiciary, the courts and professionals who work within the legal system and providing court reports to assist judicial decisions to shift an ingrained cultural perception of a presumption of parental involvement and contact with children in situations where there has been a history of domestic abuse.

4. Children's Participation Rights

It is concerning that several studies referenced in the research paper identified a 'selective approach' to representing children's views in court proceedings and a variety of experiences reported by parents and children with some children reporting that they felt their views had been misrepresented by professionals or excluded from contribution to the decision-making process.

Helpfully, the research highlights the need for children to receive age-appropriate information and to have a clear explanation of how they and their views and opinions should be represented in family court processes.

5. Trauma-Informed Approaches and Practices

I was pleased to see that some of the recent literature describes situations where victims/survivors are reportedly increasingly engaged with judges, legal professionals and social workers and that these professionals have been sensitive to their needs.

The Committee will be aware of the considerable work undertaken by my Department, its arms-length bodies and on a cross-Departmental basis to include Trauma-Informed Approaches in the Programme for Government as part of our priorities for making a real difference to the lives of people here. However, it remains of concern that a perception remains that professionals working within the court system do not fully understand the complex dynamics associated with domestic abuse, particularly coercive and controlling behaviour.

6. New Approaches to Improve Experiences

The research paper helpfully identifies other models from which Northern Ireland could derive learning, including the 'Pathfinder Model' (England and Wales) and the 'Lighthouse Model' (Australia) but also articulates the caution sounded by Sir John Gillen that resourcing is a key factor alongside a need for caution when transferring solutions from Great Britain and elsewhere to ensure they are adaptable to Northern Ireland.

The research paper also helpfully references a recent report published by the Children's Rights Centre, Queen's University, Belfast which was commissioned by the Commissioner Designate for Victims of Crime (CDVoC) in Northern Ireland. This report makes a number of recommendations for improving the experiences of those engaged within the family court system locally, including further specialist training on domestic abuse for those working in the system, improved information sharing between criminal and family courts, greater opportunities for children to be heard in family proceedings and further awareness raising of the discretionary legal aid waiver for victims/survivors defending proceedings in Article 8 Children's Order cases.

It is of note that the research paper also helpfully highlights that, in Northern Ireland, there are three Departments with civil or family justice functions and that the CDVoC has established a Family Court Pilot Task and Finish Working Group involving the Department of Justice, Department of Health and the Department of Finance to explore "alternative family law models which adopt a more trauma-informed approach and place children's voices at the centre of the decision-making process"

I am also grateful for your correspondence affording me the opportunity to provide some detail to the Committee for Justice in relation to actions that I and my Department have taken already to address some of the issues identified in the research paper.

The Committee may already be aware that I met with CDVoC on 21 October 2025 in relation to the then ongoing research that informed the Queen's University, Belfast (December 2025) report "*Totally Invisible: The experiences of domestic violence and abuse victims/survivors and children engaging with private law family court processes in Northern Ireland*" and that I was subsequently invited by the CDVoC to make opening remarks at the formal launch of that report.

Subsequently, in response to a request from CDVoC, I have identified officials from the Family and Children's Policy Group (FCPD), the Strategic Planning and Performance Group (SPPG) and the Office of Social Services (OSS) within my Department to participate in a Family Court Pilot Task and Finish Working Group that has been convened by CDVoC.

On 11th November 2025 I met with Ms Sinead McLaughlin, MLA (Foyle), along with two women from her constituency who had direct lived experience of the Family Courts system. Collectively they represented concerns in relation to the role of social services within the family courts system, specifically that reports submitted by social services to Family Courts are not always reflective of the full reality of the circumstances or the voices of those directly affected, especially in cases involving domestic abuse or coercive control.

I wrote on 15th January 2026 to the Chief Executive Officer of the Regulation, Quality and Improvement Authority (RQIA) to ask the RQIA to undertake an urgent review across the five HSC Trusts Children's Court Services of practice in Private Law cases before the Family Courts where domestic abuse has been alleged and/or established and Social Services have had involvement in that context, specifically with regard to child contact issues and related child safeguarding issues.

RQAI have submitted Terms of Reference and a proposed methodology to undertake the requested review with an indicative completion date of 31 August 2026. I look forward to the completion of both these pieces of work which I believe will help further inform our collective knowledge base and our understanding of what needs to be done to bring about improvements in the experiences of those parents, children, young people and families who are engaged in cases before the Family Courts.

Finally, I would like to take this opportunity to remind the Committee that any proposed improvements in our collective policies, approaches and practice will require careful collective consideration of future resourcing issues if these improvements are to be effective.

Such improvements will require a full cross-Departmental costing exercise to ensure that all necessary and desirable change can be delivered efficiently and effectively.

I trust you find this information helpful.

Yours sincerely,



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Minister of Health



**Northern Ireland Assembly
Committee for Justice**

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23 March 2026

Dear Minister

Domestic Abuse in Private Family Law Proceedings

At its meeting on 12 March 2026, the Committee for Justice considered a briefing paper by the Assembly's Research and Information Service (RaISe) on Domestic Abuse in Private Family Law Proceedings. The paper provides an overview of the current academic research and literature relating to domestic abuse experienced by adult and child victims/survivors engaged in the family court system.

The Committee agreed to forward the RaISe paper to you to seek your response to the key issues and themes raised in the research. A copy of the paper is attached.

The Committee has also written to the Minister of Justice and the Minister of Finance to seek their views.

I would be grateful for a response by 9 April 2026.

Yours sincerely



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