



Written evidence from FNF Both Parents Matter Cymru (Charity No. 1134723) in relation to the Domestic Abuse Bill

Overview of Charity

Our charity registered since 2009 campaigns for the right of the child to have a relationship with both their parents post-divorce or separation.

We are a registered charity set up to help separated parents keep in contact with their children because we believe that both parents matter. We believe that every child should grow up knowing that they are loved and wanted by both their parents.

We know that research shows that children thrive better if both their parents play a meaningful role in the children's lives .

We provide emotional and practical support at face to face meetings as well as FREE one to one legal advice from volunteer solicitors at our support meetings. We produce research and briefings to try to improve outcomes for children and families struggling with parental separation.

Executive Summary

This submission shall focus uniquely on supporting amendment 8 (proposed by Philip Davies and Bob Stewart) as below:-

Clause 1, page 2, line 4 at the end insert

(4a) 'Psychological, emotional or other abuse' includes but is not limited to

- I. Parental alienation.
- II. False allegations of domestic abuse by A against B.
- III. A deliberately preventing B having contact with their child or children for no good reason.

In so doing, the evidence will focus uniquely on the negative affects the above have on children rather than either parent.

However, in passing, it is important to reiterate that the adult service users of the charity who request its support due to being directly or indirectly impacted by the above practices are both male and female.

1. Parental Alienation

1. This is recognised by Cafcass, as **‘when a child’s resistance or hostility towards one parent is not justified and is the result of psychological manipulation by the other parent’**
2. In July 2016, Sarah Parsons, Principal Social Worker and Assistant Director of Cafcass, stated that *‘parental alienation is responsible for around 80% of the most intransigent cases that come before the family courts’*. (Whitcombe, Sue, Male psychology Conference 2017) Parental alienation, therefore, is likely to be a feature in a minimum of 9,000 family proceeding applications per annum involving more than 18,000 children.
3. We know of no case brought by the CPS under s66 of the Serious Crimes Act 2015 in relation to Parental Alienation despite that piece of legislation criminalising the psychological abuse of children. Therefore, this practice which is very harmful for children (see below) needs to be included in this legislation.
4. The diagnostic condition 'child affected by parental relationship distress (CAPRD)' is introduced into the Diagnostic and Statistical Manual (DSM-5) published by the American Psychological Association. It has been argued that Parental Alienation is an example of CAPRD. (Bernet, Wamboldt, & Narrow, 2016; Lorås, 2018).
5. **Importantly, Cafcass acknowledge on their website that ‘Both men and women can demonstrate alienating behaviours’** This is not a gender-specific practice.
6. A survey of self-reported childhood experiences of three hundred and sixty-one adults in Italy found that 42.1% of participants reported acts of parental alienation by their mothers, and 54.3% reported acts of parental alienation by their fathers. (Marchetti, Daniela 2018).
7. A retrospective study of adults found that independent of damage of a child's relationship with the other parent, perceived experiences with parental alienation during childhood correlate in adulthood with lower

self-sufficiency, lower self-esteem, higher rates of major depressive disorder, and insecure attachment styles. Baker, Amy J. L.; Ben-Ami, Naomi (October 2011) See also Hughes, 2018, Bangor University

8. The Association of Family and Conciliation Courts in 2010, 98% of the 300 respondents agreed with the question, "Do you think that some children are manipulated by one parent to irrationally and unjustifiably reject the other parent?".
9. Growing number of mental health professionals argue that severe parental alienation should be established as a form of emotional abuse and domestic violence (Harman, Jennifer J.; Kruk, Edward; Hines, Denise A. December 2018).

2.False Allegations

1. These are damaging to children as they are often denied contact with a loving parent while these are being investigated. This causes considerable emotional harm to the child.
2. Research from Professor Tommy Mackay (University of Strathclyde 2014) has demonstrated that more than 70% of allegations of abuse are false.
3. Our charity has obtained figures from the Ministry of Justice that shows that almost half (49.2%) of s8 applications contain some form of allegation of harm. Woefully inadequate data recording systems within MoJ fail to provide any measure for the number of cases where Findings of Fact have been made and subsequently what percentage have been 'Found' based on the civil burden of proof.
4. There is no acknowledgment of the fact that those who are accused of domestic abuse are generally NOT convicted perpetrators, because if they were convicted there would almost certainly be no need for the fact finding hearing.
5. The Crime Survey for England & Wales indicates that 5.9% of women and 3.0% of men experienced domestic abuse from their partner "in the last year" In contrast, about 50% of private family law cases (overwhelmingly for child contact arrangements) involve allegations of domestic abuse. (Ministry of Justice Research Team, 2017) This immediately raises a concern that a significant proportion of allegations of domestic abuse made in the family courts might be false.

6. This high level of false allegations arises because of the significant advantage it affords to the accuser with no significant risk if the falsity is exposed. Perversion of the course of justice only exists in theory in the family courts and we are not currently aware of anyone being sanctioned for making a false allegation of domestic abuse under this law. Hence making false allegations explicitly recognised as a form of abuse is proposed because it will act as a deterrent which currently does not exist.
7. There is a general presumption of guilt in the present system of Non-Molestation Orders (NMO) The proposed Domestic Abuse Protection Orders (DAPO) which will replace them will not change this. It is entirely possible for someone to obtain a DAPN (Domestic Abuse Protection Notice) and then a DAPO simply on the basis of allegations.
8. The dangers of poorly judged Non Molestation Orders granted to individuals to seek to obtain an advantage in subsequent family proceedings have already been addressed by the outgoing President of the Family Division Sir James Munby in guidance he issued in 2017 on the granting of Without Notice Orders¹
9. This can lead to the child being physically separated from their parent for an average of 6 months (and often far longer) until a fact-finding hearing.
10. If allegations are eventually proven to be groundless on the balance of probability following a fact-finding hearing the damage has already been done to the relationship of the children to the accused parent.
11. The President of the Family Division Sir Andrew McFarlane has also expressed concern, citing a case in which a parent was subject to a continuing non-molestation injunction preventing their children from having contact with that parent for a period of years.

"That injunction had been based upon the untested and contested factual allegations which were never tried," he said.

"Until the factual context is clarified and determined by the court, the arrangements for the children cannot move on and develop in a way

¹ Guidance issued by Sir James Munby, President of the Family Division on 18 January 2017.
<https://www.judiciary.uk/publications/practice-guidance-family-court-duration-of-ex-parte-without-notice-orders/>

which reflects the risk or lack of risk, arising from the facts as they are found to be," he added.

3.Preventing contact unjustifiably

1. A consensus of scientific research now concurs that children of any age have adverse outcomes the more they are deprived of a relationship with a separated parent (Nielsen, Warshak et al 2014)²
- 2.The denial of contact with a parent is causally related to a range of adverse outcomes for children, many of which persist into adulthood. (Mental Illness – Welsh Adverse Childhood Experience (ACE) and Resilience Study)
3. 70% of young offenders come from families where contact with one parent is denied (Youth Justice Board, 2002).
4. Edward Kruk, writing in Psychology today in 2012 noted that
 - Children consistently report feeling abandoned when they are denied contact with one parent, struggling with their emotions and episodic bouts of self-loathing.
 - Children denied contact with one parent children have more difficulties with social adjustment, and are more likely to report problems with friendships, and manifest behaviour problems.
 - **Truancy and poor academic performance:** Children denied contact with one parent have more trouble academically, scoring poorly on tests of reading, mathematics, and thinking skills; are more likely to play truant from school, more likely to be excluded from school, more likely to leave school at age 16, and less likely to attain academic and professional qualifications in adulthood.
 - **Promiscuity and [teen pregnancy](#):** Children denied contact with one parent are more likely to experience problems with sexual health, including a greater likelihood of having intercourse before the age of 16,

² Nielsen, Linda Joint Versus Sole Physical Custody: Children's Outcomes Independent of Parent–Child Relationships, Income, and Conflict in 60 Studies Cited in 2018, Journal of Divorce and Remarriage.
<https://static1.squarespace.com/static/5154a075e4b08f050dc20996/t/5ae74a1f88251bd2b30f7317/1525107248150/2+Nielsen+60+studies+JDR+.pdf> (see page 2 'Abstract')

foregoing contraception during first intercourse, becoming teenage parents, and contracting sexually transmitted infection;

- **Drug and [alcohol abuse](#):** Children denied contact with one parent are more likely to smoke, drink alcohol, and abuse drugs in [childhood](#) and adulthood.
- **Homelessness:** 90 per cent of runaway children have an absent parent
- **Exploitation and abuse:** Children denied contact with one parent are at greater risk of suffering physical, emotional, and [sexual abuse](#), being five times more likely to have experienced physical abuse and emotional maltreatment, with a one hundred times higher risk of fatal abuse; a recent study reported that pre-schoolers not living with both of their biological parents are 40 times more likely to be sexually abused.
- **Physical health problems:** Children denied contact with one parent report significantly more psychosomatic health symptoms and illness such as acute and [chronic pain](#), asthma, headaches, and stomach aches.
- **Mental health disorders:** Children denied contact with one parent are consistently overrepresented on a wide range of mental health problems, particularly [anxiety](#), [depression](#), and [suicide](#).
- **Life chances:** As adults, children denied contact with a parent are more likely to experience unemployment, have low incomes, remain on social assistance, and experience homelessness.
- **Future relationships:** Children with absent parents tend to enter partnerships earlier, are more likely to divorce or dissolve their cohabiting unions, and are more likely to have children outside [marriage](#) or outside any partnership.
- **Mortality:** Children denied contact with one parent are more likely to die as children, and live an average of four years less over the life span.

5. Importantly, according to the definition of abuse by the charity Women's Aid 'taking the children away' is defined by them as abuse under the category 'Pressure Tactics' see <https://www.womensaid.org.uk/information-support/what-is-domestic-abuse/recognising-domestic-abuse/> As with Parental Alienation, both men and women can be perpetrators of this practice.



6. We must also remember the adverse albeit indirect effect on female members (grandmothers, aunties, step-mothers etc.) of the child's wider family who are related to the parent who has been denied contact (or alienated)

Conclusion

Although each one has been examined separately, all the practices above have the effect of unfairly denying a child of a relationship with a loving parent. Some of these practices can be committed in isolation of the other two. More often there is a degree of overlap between all three. What is important is to maintain that this is extremely detrimental to their emotional, psychological, social and academic outcomes of the child. These practices are not exclusive to one gender or another. Both the perpetrator and the victim can be male or female. We therefore, for the sake of the children of our service users urge the committee to support the three proposed amendments to the bill as itemised in the summary.

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